

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-260**

RESOLUTION APPROVING THE THIRD AMENDMENT TO THE AGREEMENT WITH PROPERTY SPECIALISTS, INC. (DBA CPSI), NOW KNOWN AS INTERWEST CONSULTING GROUP, INC., FOR ADDITIONAL RIGHT OF WAY SERVICES FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY - PHASE 1 PROJECT IN THE AMOUNT OF \$246,160, PLUS \$24,616 FOR ADDITIONAL SERVICES (IF NEEDED), FROM \$3,252,137 TO A NEW TOTAL AMOUNT OF \$3,522,913, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE THIRD AMENDMENT

WHEREAS, the purpose of the Project is to improve regional and interregional circulation, relieve traffic congestion along existing State Route 132, and enhance safety and operations for the existing and proposed transportation network, and

WHEREAS, on August 8, 2017, by Resolution No. 2017-314, the City Council approved an Agreement with Property Specialists, Inc., (dba CPSI) to perform right of way consultant services for the State Route 132 West Freeway/Expressway - Phase 1 Project (Project) in a total amount of \$808,500, and

WHEREAS, on February 27, 2018, by Resolution No. 2018-84, the City Council approved a First Amendment to the CPSI agreement to increase the contract by \$864,687, plus \$86,500 for additional services, for a total contract amount of \$1,759,687, and

WHEREAS, on November 27, 2018, by Resolution No. 2018-528, the City Council approved a Second Amendment to the CPSI agreement to increase the contract by \$1,356,773, plus \$135,677 for additional services, for a total contract amount of \$3,252,137, and

WHEREAS, on May 10, 2019, CPSI was acquired by Interwest Consulting Group, Inc. (Interwest), and

WHEREAS, as the Project has progressed into the construction phase, additional work has been identified that is required to complete activities that were deferred from the environmental document to construction, and

WHEREAS, an extension of previously acquired temporary construction easements is required for some properties as well as completion of some complicated business relocation cases, and

WHEREAS these additional resources are typical for large highway projects, and

WHEREAS, these additional needs are described by task as follows:

1. Real Estate Project Management
2. Project Initiation, Planning & Coordination
3. Community Outreach
4. Appraisal Services
5. Appraisal Review Services
6. Acquisition/Negotiation Services
7. Escrow Coordination Services
8. Construction Management Support
9. Environmental Services – Subsurface Investigation

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Third Amendment to Agreement with Property Specialists, Inc. (dba CPSI), now known as Interwest Consulting Group, Inc., for additional right of way services for the State Route 132 West Freeway/Expressway - Phase 1 Project in the amount of \$246,160, plus \$24,616 for additional services (if needed), from \$3,252,137 to a new total amount of \$3,522,913.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute the Third Amendment to the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-261**

RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR VINTAGE SQUARE SUBDIVISION, LOCATED NORTH OF THE VINTAGE FAIR MALL, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER'S OFFICE, AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUARY PERIODS

WHEREAS, the developer, Modesto Roselle, LLC, a California limited liability company ("SUBDIVIDER"), is the subdivider of a tract of land consisting of 8.87 acres being subdivided into 73 residential lots and 3 Landscaping lots situated in the City of Modesto, known as the VINTAGE SQUARE SUBDIVISION ("SUBDIVISION"), and

WHEREAS, the City Engineer has verified that all required PUBLIC IMPROVEMENTS for this project have been satisfactorily completed and all inspection fees have been paid, and

WHEREAS, City crews will assume maintenance responsibilities upon acceptance of the PUBLIC IMPROVEMENTS, which includes the water main, sanitary sewer main, storm drainage facilities, landscape and irrigation, street trees, sidewalk and ADA ramps, streets (with the exception of two roundabouts on Vintage Drive), curbs and gutters, and street lights, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Faithful Performance Bond in the amount of \$1,576,373 for VINTAGE SQUARE SUBDIVISION, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Payment Bond in the amount of \$788,637 for VINTAGE UNIT ONE SUBDIVISION, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Warranty Bond in the amount of \$157,637 for VINTAGE UNIT ONE SUBDIVISION, and

WHEREAS, the developer has requested that the improvements be accepted and the securities be released, and

WHEREAS, the City Engineer has indicated that it would be in order for the City Council to accept said PUBLIC IMPROVEMENTS as complete and has certified that the work covered has been satisfactorily completed.

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

1. The said PUBLIC IMPROVEMENTS constructed by the SUBDIVIDER are hereby accepted, and the City Clerk is hereby authorized to file a Notice of Completion.
2. The City Clerk is hereby authorized to release the Subdivision Faithful Performance Bond in the amount of \$3,551,416 for VINTAGE UNIT ONE SUBDIVISION, upon recordation of the Notice of Completion.
3. The City Clerk is hereby authorized to release the Payment Bond in the amount of \$1,775,708 for VINTAGE UNIT ONE SUBDIVISION, sixty (60) days after recordation of the Notice of Completion, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the Warranty Bond in the amount of \$355,141.60 for VINTAGE UNIT ONE SUBDIVISION one year

and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-262**

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR DOCUMENT STORAGE SERVICES TO PACIFIC STORAGE COMPANY, STOCKTON, CA FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED COST OF \$55,000 AND A TOTAL AMOUNT NOT TO EXCEED \$275,000 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto is required to maintain various City documents based on the Records Retention Policy established under each department, and

WHEREAS, due to limited space within our onsite work locations the City utilizes an offsite storage facility to maintain record storage, retention, and retrieval in order to meet these requirements for all City departments, and

WHEREAS, as of March 2020, all City departments had approximately 5,000 boxes that currently are retained in the offsite storage with our current vendor, Pacific Storage Company, and

WHEREAS, the City of Modesto issued its Request for Bid (No. 1920-65) for document storage services, and

WHEREAS, on May 26, 2020, bids were formally opened in the City Clerk's office; Pacific Storage Company, Stockton, CA, was the only bid received and was deemed a responsive and responsible bidder, and

WHEREAS, based upon the review of the one bid the City staff is recommending to award the agreement to Pacific Storage Company, Stockton, CA, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to follow formal bid procedures and RFB No. 1920-65 conforms with this MMC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and agreement for document storage services to Pacific Storage Company, Stockton, CA for a two (2) year agreement with three (3) one-year extension options, for an annual estimated cost of \$55,000 and a total amount not to exceed \$275,000 over five years.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-263**

**RESOLUTION ESTABLISHING THE APPROPRIATION LIMIT FOR THE
FISCAL YEAR 2020-2021 ANNUAL BUDGET; AND AUTHORIZING THE
DIRECTOR OF FINANCE OR HER DESIGNEE TO TAKE THE NECESSARY
STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, Proposition IV of the California State Constitution requires the City to establish an appropriation limit calculation each fiscal year, and

WHEREAS, Article XIII B of the California Constitution specifies that appropriations made by state and local governments may increase annually by a factor comprised of the change in population combined with either the change in California per capita personal income or the change in the local assessment roll due to local nonresidential construction, and

WHEREAS, the staff has been consistently using the change in population within the city limit of Modesto and change in California per capita personal income every year when calculating the appropriation limit, and

WHEREAS, the appropriation limit calculated for Fiscal Year 2020-21 is \$491,651,797, and

WHEREAS, this calculation was made available for public viewing at least fifteen days prior to the Council meeting. A copy of Schedule A and the calculation detail is on file at the City of Modesto Finance Department.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that the appropriation limit for fiscal year 2020-2021, including the price and population factors to be used in the calculation, is hereby established as shown on Schedule A, **attached** hereto, and made a part hereof.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

SCHEDULE A

**FISCAL YEAR 2020-2021
PROPOSITION 4
APPROPRIATION LIMIT CALCULATION**

FY 2019-20 Appropriation Limit \$469,267,726

Adjustment Factors

Per Capita Personal Income Change	3.73%
Population Change (Modesto)	1.00%
Per Capita converted to a ratio	1.0373
Population converted to a ratio	1.0100

Calculation of factor for FY 2020-2021 1.0477

Adjustment \$22,384,071

FY 2020-2021 Appropriation Limit \$491,651,797

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-264**

RESOLUTION ACCEPTING THE 2019 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$145,293 FOR THE PURCHASE OF ADDITIONAL LICENSE PLATE READER (LPR) EQUIPMENT AND PORTABLE OBSERVATION DEVICE (POD) CAMERAS AND ASSOCIATED SYSTEM COMPONENTS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS

WHEREAS, the Police Department was awarded a grant in partnership with the Stanislaus County Sheriff's department in the sum of \$145,293 from the Department of Justice for the purchase of additional License Plate Readers and Portable Observation Device cameras and the associated system components; and

WHEREAS, the Modesto Police Department has sought to reduce the number of crimes and vehicle thefts by implementing an effective License Plate Readers and Portable Observation Device cameras program with modern crime fighting technology; and

WHEREAS, acceptance of said \$145,293 grant will assist the department in best utilizing License Plate Readers technology as part of its commitment to intelligence-led policing; and

WHEREAS, the term of this grant will be through September 30, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the 2019 Edward Byrne Justice Assistant Grant in the amount of \$145,293 from the Department of Justice.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-265**

**RESOLUTION AMENDING THE FISCAL YEAR 2019-2020 MULTI-YEAR
PROJECT BUDGET TO APPROPRIATE REVENUE AND EXPENSES IN THE
AMOUNT OF \$136,575 RELATED TO THE 2019 EDWARD BYRNE
MEMORIAL JUSTICE ASSISTANCE GRANT; AND AUTHORIZING THE
CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS
OF THIS RESOLUTION**

WHEREAS, the Police Department acquired a grant award in the amount of \$136,575 from the Department of Justice for the purchase of additional License Plate Readers, Portable Observation Device cameras, and associated systems components, and

WHEREAS, there is no local match required for this grant, and

WHEREAS, certain budgetary adjustments are necessary to account for the programming of revenues and offsetting expenses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2019-2020 Multi-Year Project Budget by \$136,575 to the revenue and expense budget of the 2019 BJAG Project, 101264.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-266**

**RESOLUTION ACCEPTING THE 2020 BUREAU OF JUSTICE ASSISTANCE
CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM IN
THE AMOUNT OF \$468,128; AND AUTHORIZING THE CITY MANAGER, OR
HIS DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTATION**

WHEREAS, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization (WHO) on March 11, 2020; and

WHEREAS, Stanislaus County announced its first two cases of COVID-19 on March 11, 2020. On March 17, 2020, the City of Modesto closed all public counters and restricted public access to City facilities, including the Police Department which closed its lobby except for required appointments and vehicle releases; and

WHEREAS, the Bureau of Justice Assistance started soliciting applications for funding under the Coronavirus Emergency Supplemental Funding (CESF) Program in March of 2020. The CESF Program is providing funding to assist states, local units of government, and tribes in preventing, preparing for, and responding to the coronavirus; and

WHEREAS, the Police Department received approval from the City Council to apply for the CESF Program on May 12, 2020; and

WHEREAS, on May 29, 2020, the Modesto Police Department was notified that they were awarded the grant in the sum of \$468,128 from the Bureau of Justice Assistance for targeted operations to reduce crime and the purchase of technology to assist in limiting person-to-person contact; and

WHEREAS, the term of this grant will be through January 31, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the 2020 Coronavirus Emergency Supplemental Funding Program in the amount of \$468,128 from the Bureau of Justice.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-267**

RESOLUTION AMENDING THE FISCAL YEAR 2019-2020 MULTI-YEAR PROJECT BUDGET TO APPROPRIATE REVENUE AND EXPENSES IN THE AMOUNT OF \$468,128 RELATED TO THE 2020 BUREAU OF JUSTICE ASSISTANCE CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the Police Department acquired a grant award in the amount of \$468,128 from the Bureau of Justice for targeted operations to reduce crime and the purchase of technology to assist in limiting person-to-person contact, and

WHEREAS, there is no local match required for this grant, and

WHEREAS, certain budgetary adjustments are necessary to account for the programming of revenues and offsetting expenses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2019-2020 Multi-Year Project Budget by \$468,128 to the revenue and expense budget of the 2020 BJAG COVID19 Funding, 101263.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-268**

RESOLUTION ACCEPTING THE GRANT AWARD FOR FEDERAL FISCAL YEAR 2020 CARES ACT TRANSIT FUNDS IN THE AMOUNT OF \$15,120,442, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AND FILE ALL NECESSARY DOCUMENTS

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

WHEREAS, the U.S. Department of Transportation's Federal Transit Administration (FTA) announced a total of \$25 billion in federal funding allocations to help the nation's public transportation systems respond to the Coronavirus Disease 2019 (COVID-19), and

WHEREAS, funding is provided through the Coronavirus Aid, Relief, and Economic Security (CARES) Act, signed by President Donald J. Trump on March 27, 2020, and

WHEREAS, funding will be provided at a 100 percent federal share, with no local match required, and will be available to support capital, operating, and other expenses generally eligible under those programs to prevent, prepare for, and respond to COVID-19, and

WHEREAS, funds available under the CARES Act are available for all operating activities that occur on or after January 20, 2020, and

WHEREAS, this grant award will reimburse the City of Modesto for operating costs to maintain transit service during and after the coronavirus public health emergency, including the purchase of personal protective equipment, and paying the

operations personnel to transfer to cleaning and maintenance duties due to reductions in service, and

WHEREAS, Modesto was allocated funding in the amount of \$15,120,442 in the CARES Act funds for allowable expenses to operate the public transportation system in Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the grant award for Federal Fiscal Year 2020 CARES Act transit funds in the amount of \$15,120,442.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-269**

**RESOLUTION APPROVING THE MODESTO AREA EXPRESS
DISADVANTAGED BUSINESS ENTERPRISE GOAL FOR FEDERAL TRANSIT
ADMINISTRATION FUNDED PURCHASES FOR THE PERIOD STARTING
OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2023, AND AUTHORIZING
THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE, AND FILE ALL
THE NECESSARY DOCUMENTS**

WHEREAS, the Department of Transportation's (DOT) Disadvantaged Business Enterprise (DBE) Program seeks to ensure nondiscrimination in the award and administration of DOT assisted contracts in the Department's highway, transit, and airport financial assistance programs, and

WHEREAS, the purpose of the DBE goal-setting process is to level the playing field so that DBEs can compete fairly for DOT assisted contracts, and

WHEREAS, the Federal Transit Administration (FTA) Office of Civil Rights is responsible for monitoring FTA recipients DBE programs and ensuring their compliance with DOT's DBE regulations found at 49 CFR Part 26, and

WHEREAS, in the last three federal fiscal years, the DBE participation was 0.0%, and

WHEREAS, as a condition of receiving federal financial assistance, the City signed an assurance that it will comply with FTA's DBE requirements, and

WHEREAS, in accordance with Title 49 CFR Part 26 provisions, participation by DBE's in US DOT Programs is a requirement by the City and is required to develop and submit a triennial DBE goal for its FTA assisted purchases, and

WHEREAS, the City is proposing a 0.0% because there are not many DBEs in this area for maintenance related items such as bus parts, service equipment, uniform

services, cleaning products, fare box parts, safety equipment, landscaping service, tires, and repairs.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Modesto Area Express Disadvantaged Business Enterprise goal for Federal Transit Administration funded purchases for the period starting October 1, 2021 through September 30, 2023 and authorizing.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute, and file all the necessary documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None


ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-270**

RESOLUTION AUTHORIZING AN INCREASE OF THE DIRECTOR OF UTILITIES AUTHORITY TO ISSUE CHANGE ORDERS ON THE 2017-2018 SANITARY SEWER COLLECTION SYSTEM REPLACEMENT PROJECT FROM 15 PERCENT (\$103,694) TO 43 PERCENT (\$297,257) OF THE ORIGINAL CONSTRUCTION CONTRACT PRICE OF \$691,296 WITH ROLFE CONSTRUCTION, INC., OF ATWATER, CA FOR A TOTAL NOT TO EXCEED AMOUNT OF \$988,553

WHEREAS, on November 5, 2019, by Resolution No. 2019-496, Council awarded a construction contract to Rolfe Construction, Inc. of Atwater, CA in an amount not to exceed \$691,296 for the 2017-2018 Sanitary Sewer Collection System Replacement Project, and

WHEREAS, the original amount authorized to the Director of Utilities to issue change orders was 15 percent (\$103,694) of the contract amount of \$691,296, and

WHEREAS, a change order policy is utilized for each construction contract awarded by the City, and

WHEREAS, if after the contract is executed, a change in the original scope of work is determined necessary by staff, the policy authorized the Director to approve a change order up to a cumulative amount of the original contract, and

WHEREAS, in most cases, the budgeted amount set by the policy and specific requests by resolution are typically sufficient, however, as it relates to the 2017-2018 Sanitary Sewer Collection System Replacement Project, anticipated change order costs will exceed the authority allowed by policy, and

WHEREAS, the 2017-2018 Sanitary Sewer Collection System Replacement project is part of an annual sewer replacement program to construct sewer collection system replacements in various locations within the City, and

WHEREAS, upon award of the project and during the course of construction, staff identified the need to replace the existing 24-inch diameter sewer trunk line located on Jefferson Street at the Corporation Yard, in order to facilitate the Bus Fleet Maintenance Facility Heavy Bay and Bus Maintenance Facility Parts Storage project, and

WHEREAS, the new building additions for the Bus Fleet Maintenance Facility Heavy Bay and Bus Maintenance Facility Parts Storage will be constructed above the existing sewer trunk line, therefore, the additional scope of work included the installation of 80 lineal feet of steel casing to protect the existing sewer trunk line under the new building, as well as installation of a 307 lineal feet of new 24-inch diameter trunk line, and

WHEREAS, additional change order work not included in the original bid is needed to be added to the project to allow completion of the project, and

WHEREAS, it is imperative that these sewer improvements and change order be processed prior to the construction activities of the Bus Fleet Maintenance Facility Heavy Bay and Bus Maintenance Facility Parts Storage to avoid any project delays and additional costs.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase in Director's Authority to issue change orders for the 017-2018 Sanitary Sewer Collection System Replacement Project from 15 percent (\$103,694) to 43 percent (\$297,257).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

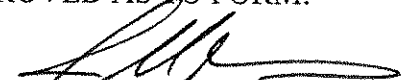
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-271**

RESOLUTION APPROVING AN AMENDED PRE-QUALIFIED CONSULTANT LIST FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM PROJECTS FOR A PERIOD OF ONE YEAR, WITH TWO (2) ONE-YEAR EXTENSIONS AT THE WRITTEN APPROVAL OF THE DIRECTOR OF UTILITIES

WHEREAS, the Construction Administration group for the City of Modesto is housed within the Utilities Department, and is responsible for construction management and inspection services for nearly all capital projects over \$50,000, emergency projects, and inspection of all encroachment permits issued by the City, and

WHEREAS, from time to time, project workload and permit workload requires more resources than the City has available internally, and

WHEREAS, retaining a pre-qualified list with consultants allows the Utilities Department to have accelerated access to specific construction management and inspection services, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, which is in compliance with State of California Government Code, Sections 4526-4529, staff solicited and formally advertised a Request for Qualifications (RFQ) through PlanetBids website, and

WHEREAS, staff received Statements of Qualifications (SOQs) and Proposals from sixteen firms, one of which were considered local firms, and

WHEREAS, after careful review of the qualifications it was determined that each of the firms exhibited unique strengths in the different fields of construction

management, but only the top five most qualified firms were selected to be placed on the prequalified list, and

WHEREAS, these firms are NV5, Inc., West Yost and Associates, TRC Companies, HDR Inc., and Dewberry, and

WHEREAS, on April 28, 2020, Council, by Resolution No. 2020-201, approved a Pre-qualified Consultant List for Construction Management and Inspection Services which included NV5, Inc., West Yost and Associates, TRC Companies, and HDR Inc., but inadvertently excluded Dewberry, and

WHEREAS, considering Dewberry of Rancho Cordova was selected to be included in the Pre-qualified Consultant List for Construction Management and Inspection Services, staff is therefore recommending approval of an amended prequalified list to include Dewberry of Rancho Cordova, and

WHEREAS, the amended pre-qualified list will include NV5, Inc., West Yost and Associates, TRC Companies, HDR Inc., and Dewberry, and

WHEREAS, when construction management and inspection are required for a particular project, an RFP with a specific scope of work will be issued to either all or select firms from the List, depending on the strengths of the firm and the needs of the project, and

WHEREAS, following proposal evaluation, interviews may be conducted to select the most qualified firm, and

WHEREAS, an agreement for construction management and inspection services will then be presented to City Council for approval, if the total amount of the agreement exceeds \$50,000, and

WHEREAS, the Prequalified Consultant List will be active for one year from the date of Council approval, after which the List may be extended via two additional one-year extensions at the written approval of the Director of Utilities, and

WHEREAS, in the event the firms listed are deemed to lack experience or expertise for specific projects, the City may recruit other consultants for individual projects and not be restricted to only using the approved List, and

WHEREAS, the Director will have the authority to request a separate solicitation process and add more firms to this list of pre-qualified firms through a formal selection procedure per Administrative Directive 3.1.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amended Pre-qualified Consultant List for Construction Management and Inspection Services for various Capital Improvement Projects for a period of one year, with two additional one-year extensions at the written approval of the Director of Utilities.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-272**

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH RED INC ARCHITECTS (FORMERLY PIRES, LIPOMI & NAVARRO ARCHITECTS), MODESTO, CA, FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR THE MODESTO TRANSIT CENTER IMPROVEMENTS PROJECT IN THE AMOUNT OF \$43,800, FOR THE IDENTIFIED SCOPE OF SERVICES, FOR AN AMENDED TOTAL NOT TO EXCEED AMOUNT OF \$194,302, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO THE AGREEMENT

WHEREAS, Utilities Engineering, together with other consultants, will be preparing the design of the Modesto Transit Center Improvements Project, and

WHEREAS, to complete the design of the Modesto Transit Center Improvements, architectural and engineering design support is needed, and

WHEREAS, on February 14, 2018, Utilities Engineering issued a Request for Proposals (RFP) for architectural and engineering services for the Modesto Transit Center Improvements Project and two proposals (the third firm was nonresponsive) were received and reviewed by staff, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement, However, staff proceeded through a RFP process pursuant to Administrative Directive 3.1, and

WHEREAS, on June 5, 2018, Resolution No. 2018-206 Council approved an agreement with Pires, Lipomi & Navarro (PLN) Architects for the Modesto Transit Center Improvements Project in the amount of \$136,820 and \$13,682 in additional services if deemed necessary, and

WHEREAS, in 2020, PLN Architects transitioned its partners and changed the name of the firm to Red INC Architects, and

WHEREAS, during the design process, changes to the original scope of work arose due to City staff request, public comments and historic review, and

WHEREAS, the total estimated cost for the additional architectural and engineering services is \$43,800.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the first amendment to the agreement with RED, Inc. (formerly Pires, Lipomi & Navarro Architects), Modesto, CA, for architectural and engineering services for the Modesto Transit Center Improvements Project in the amount of \$43,800, for an amended total not to exceed amount of \$194,302.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-273**

RESOLUTION APPROVING THE FISCAL YEAR 2020-2021 DIAGRAM AND ASSESSMENT, AND ORDERING THE LEVY AND COLLECTION OF CHARGES WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6

WHEREAS, on April 14, 2020, by Resolution No. 2020-94, Council declared its intent to levy charges or assessments for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6 under the provisions of the California Streets and Highways Code Sections 22500 through 22679, more commonly known as the Landscape and Lighting Act of 1972, and

WHEREAS, the charges against the real property are not levied with regard to property values but rather by the allocated cost shown within the Annual Engineer's Report, and

WHEREAS, the City of Modesto has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996. The City of Modesto has further determined the charges are in compliance with all laws pertaining to the levy of such charges.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby orders the levy and collection of such charges within City of Modesto Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6 for Fiscal Year 2020-2021, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that a certified copy of this resolution and **attached** documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such charges on the 2020-2021 County Tax Roll, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that the diagram of said assessment district, which is **attached** hereto, and amount of levy thereon is hereby confirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

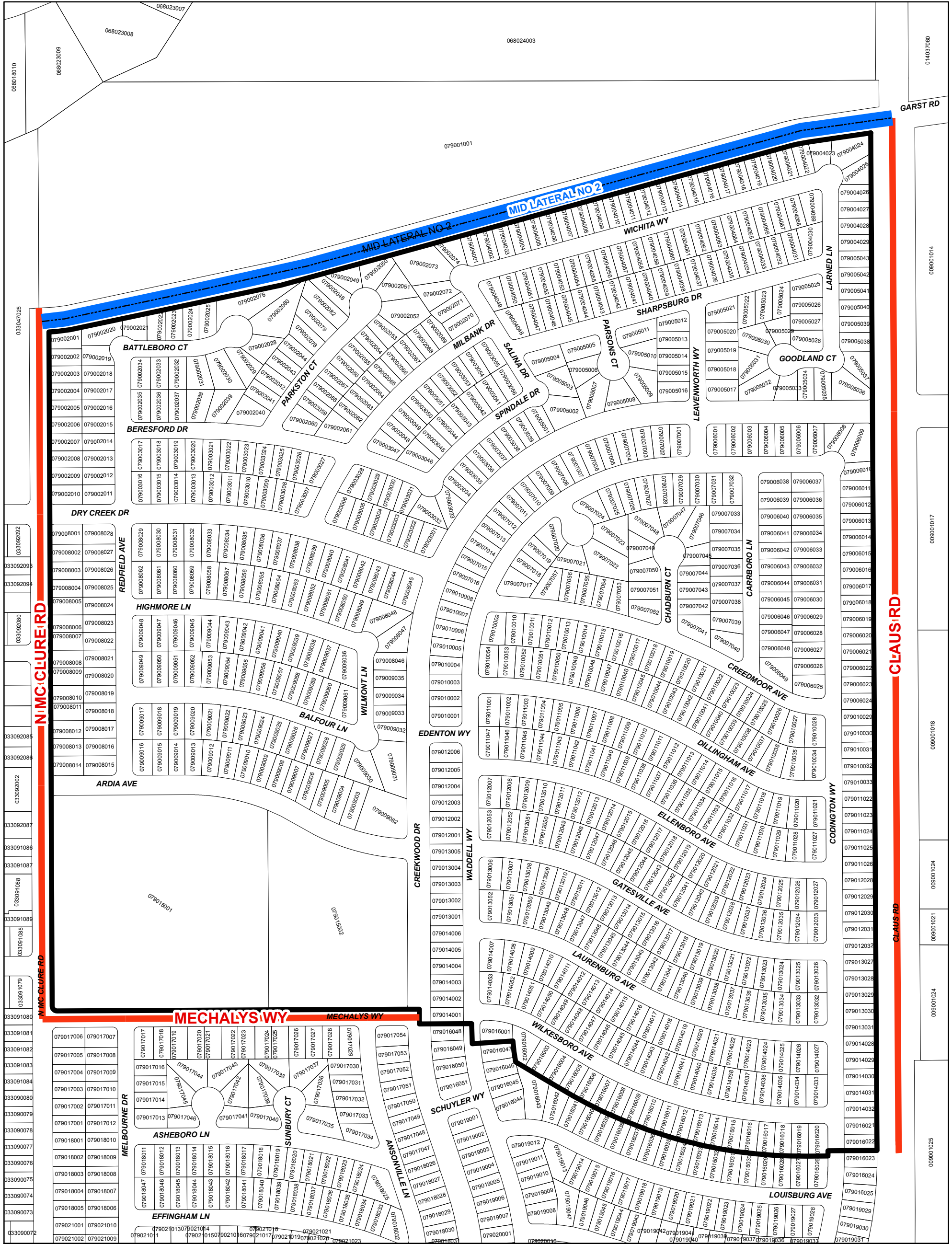
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

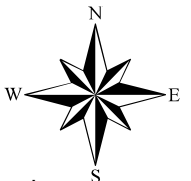
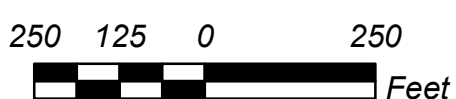
BY: 
JOSE M. SANCHEZ, City Attorney



Assessment District Diagram

Landscape Maintenance Assessment District No. 1

(Dry Creek Meadows Subdivisions No. 1 - 6)



Date: 1/22/2020



**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-274**

RESOLUTION APPROVING THE FISCAL YEAR 2020-2021 DIAGRAM AND ASSESSMENT, AND ORDERING THE LEVY AND COLLECTION OF CHARGES WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION AND YOSEMITE MEADOWS SUBDIVISION UNITS 1 & 2

WHEREAS, on April 14, 2020, , by Resolution No. 2020-175, Council declared its intent to levy charges or assessments for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivisions, and Yosemite Meadows Subdivision Units 1 and 2 under the provisions of California Streets and Highways Code Sections 22500 through 22679, more commonly known as the Landscape and Lighting Act of 1972, and

WHEREAS, the charges against the real property are not levied with regard to property values but rather by allocated cost reports prepared by the Engineer of Work, and

WHEREAS, the City of Modesto has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996, and

WHEREAS, the City of Modesto has further determined the charges are in compliance with all laws pertaining to the levy of such charges, and

WHEREAS, on June 23, 2020 a public hearing was held.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby orders the levy and collection of such charges within City of Modesto

Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivisions, and Yosemite Meadows Subdivision Units 1 and 2 for Fiscal Year 2020-2021, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that a certified copy of this resolution and **attached** documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such charges on the 2020-21 County Tax Roll, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that the diagram of said assessment district, which is **attached** hereto, and amount of levy thereon is hereby confirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 2020, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

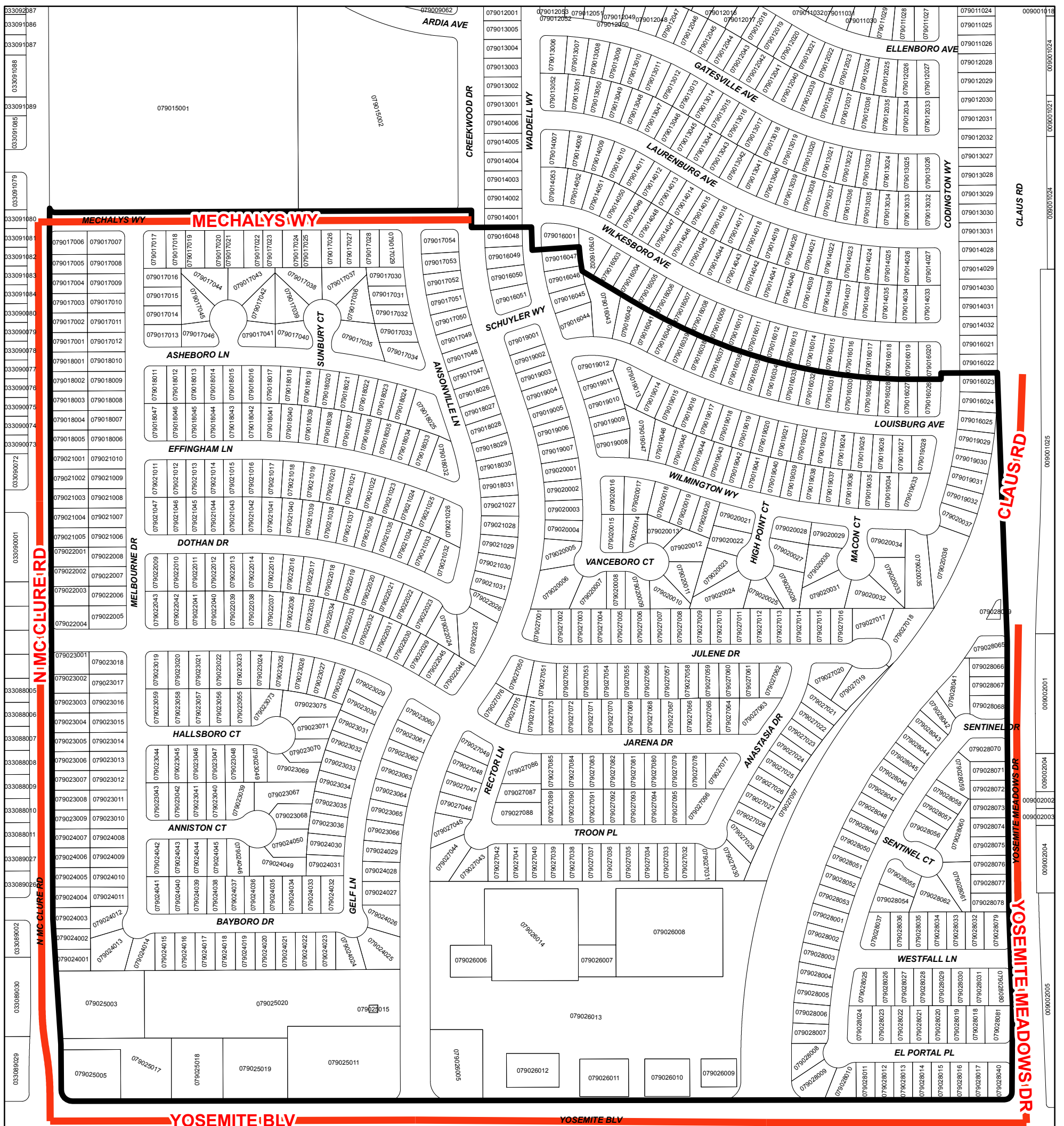
ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney



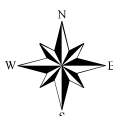
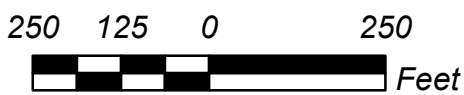
Assessment District Diagram

Landscape Maintenance Assessment District No. 2

(Dry Creek Meadows Subdivisions No. 7 - 10)

(Creekwood Meadows Subdivision)

(Yosemite Meadows Units No. 1 & 2)



Date: 1/22/2020



MODESTO
CALIFORNIA

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-275**

RESOLUTION APPROVING THE FISCAL YEAR 2020-2021 DIAGRAM AND ASSESSMENT, AND ORDERING THE LEVY AND COLLECTION OF CHARGES WITHIN THE SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT

WHEREAS, on April 14, 2020, by Resolution No. 2020-173, Council declared its intent to levy charges or assessments for the purpose of administering the maintenance of seventy-seven 200-watt high pressure sodium street lights in the Shackelford Landscape and Lighting District under the provisions of California Streets and Highways Code Sections 22500 through 22679, more commonly known as the Landscape and Lighting Act of 1972, and

WHEREAS, the charges against the real property are not levied with regard to property values but rather by allocated cost reports prepared by the Engineer of Work, and

WHEREAS, a public hearing was held on June 23, 2020, and

WHEREAS, the City of Modesto has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996. The City of Modesto has further determined the charges are in compliance with all laws pertaining to the levy of such charges.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it orders the levy and collection of such charges within City of Modesto Shackelford Landscape and Lighting District for Fiscal Year 2020-2021, and in each subsequent fiscal year in which the charges may validly be levied; that a certified copy of this resolution

and **attached** documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such charges on the 2020-21 County Tax Roll, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that the diagram of said assessment district, **attached** hereto, and amount of levy thereon is hereby confirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None


ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

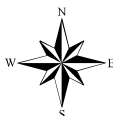
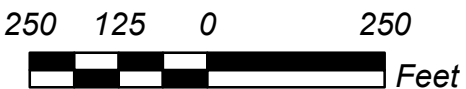
BY:


JOSE M. SANCHEZ, City Attorney



Assessment District Diagram

Shackelford Landscape and Lighting District



Date: 1/22/2020



MODESTO
CALIFORNIA

**CITY OF MODESTO REDEVELOPMENT SUCCESSOR AGENCY
RESOLUTION NO. 01-2020**

**RESOLUTION APPROVING THE DECLARATION OF THE
REDEVELOPMENT SUCCESSOR AGENCY DECLARING AGENCY-OWNED
PROPERTY OF THE APPROXIMATE 1.5 ACRE SURFACE PARKING LOT
ADJACENT TO THE MODESTO CENTRE PLAZA AT THE CORNER OF 11TH
AND K STREETS (APN 105-048-011) AS SURPLUS LAND AND DIRECTING
THE EXECUTIVE DIRECTOR TO FOLLOW THE PROCEDURES SET FORTH
IN THE SURPLUS LAND ACT FOR THE SALE OF SURPLUS LAND**

WHEREAS, the City of Modesto Redevelopment Successor Agency (the "Successor Agency") owns the parking lot adjacent to the Modesto Centre Plaza at the corner of 11th and K Streets known as APN 105-048-011 (the "Parking Lot"); and

WHEREAS, the Successor Agency desires to sell approximately 1.5 acres of the Parking Lot (the "Property"); and

WHEREAS, the California State Legislature enacted AB 1486 effective January 1, 2020 which includes former redevelopment agency properties in the California Surplus Land Act (Gov. Code 54220, et seq.) (the "Act"); and

WHEREAS, Successor Agency desires to have the Property declared surplus in compliance with the Act.

NOW THEREFORE, BE IT RESOLVED by the Agency members of the City of Modesto Redevelopment Successor Agency as follows:

1. The Successor Agency hereby finds and declares that the Property is no longer necessary for the Successor Agency's use and is therefore surplus land as defined in Gov. Code section 54221.
2. The Successor Agency hereby authorizes the Executive Director to send written notices of availability that the Property is for sale, to negotiate the terms of a proposed sale of the Property, and to otherwise follow the procedures of the Act.
3. Any proposed agreement for the sale of the Property shall be subject to the approval of the Agency.

4. The declaration of the Property as surplus is exempt from environmental review under the California Environmental Quality Act ("CEQA").
5. This Resolution shall take effect immediately upon its adoption by the Successor Agency, and the Secretary of the Board shall attest to and certify the vote adopting this Resolution.

The foregoing resolution was introduced at a scheduled meeting of the City of Modesto Redevelopment Successor Agency held on the 23rd day of June, 2020, by Agency member Kenoyer, who moved for its adoption, which motion being duly seconded by Agency Member Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency Member: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Chairperson Brandvold

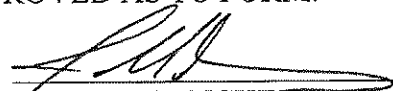
NOES: Agency Member: None

ABSENT: Agency Member: None

ATTEST: 
STEPHANIE LOPEZ, Agency Secretary

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, Agency Counsel

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-276**

**RESOLUTION APPROVING PAYMENT OF VARIOUS EQUIPMENT
MAINTENANCE AGREEMENTS FOR FISCAL YEAR 2020-2021 WITH
MULTIPLE EQUIPMENT MANUFACTURERS FOR ALL CITY
DEPARTMENTS, FOR AN ANNUAL COST NOT TO EXCEED \$499,091; AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE
EQUIPMENT MAINTENANCE AGREEMENTS ASSOCIATED WITH THE
ITEMS IN EXHIBIT B – FISCAL YEAR 2020-2021 EQUIPMENT
MAINTENANCE AGREEMENTS (MORE THAN \$50,000)**

WHEREAS, the City purchases office and operational equipment through the purchasing bidding process based on the requirements of the City of Modesto Municipal Code Title 8 Chapter 3, and

WHEREAS, as part of the bidding process for the office equipment, for purchases such as copiers, the City has frequently selected a local vendor to provide maintenance service due to the quick turnaround in service that can be provided with a local vendor compared to a vendor located outside of the Modesto area, and

WHEREAS, as part of preparation of the annual fiscal year budget, the annual costs for this maintenance service has been historically approved by Council through the annual budget adoption process, and

WHEREAS, the Finance Department and Information Technology Department will bring an item to Council every fiscal year to provide transparency for all maintenance agreements being utilized by City Departments; The Purchasing Division will continue to evaluate the cost-effective use of these maintenance agreements especially as the equipment ages over the depreciated life of the asset, and

WHEREAS, **Exhibit A** is an itemized list of the equipment maintenance agreements being utilized by City departments for agreements less than \$50,000 under the City Manager's approval authority, and

WHEREAS, **Exhibit B** provides the itemized equipment maintenance agreements utilized by the City departments greater than \$50,000 requiring authorization by City Council, and

WHEREAS, per MMC Section 8-3.204(c), the Purchasing Manager, in his or her discretion, may determine that calling for bids on a competitive basis as set forth in Modesto Municipal Code section 8-3.203 is undesirable due to exigent circumstances, and

WHEREAS, per MMC 8-3.204(d) states that where the Purchasing Manager, in his or her discretion, determines that a process other than the formal proposal procedure set forth in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality, the purchase may be exempt from the formal bid process.

NOW, THEREFORE, BE IT RESOLVED by the Council of City of Modesto that it hereby authorizes the approving of payment for various equipment maintenance agreements for Fiscal Year 2020-2021 with multiple equipment manufacturers for all City Departments.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the equipment maintenance agreements for an estimated annual cost of \$499,091.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 30th day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

Exhibit A - Fiscal Year 2020-2021 Equipment Maintenance Less than \$50,000

Vendor/Contractor Name	Business Purpose of Equipment	Proposed - FY 20-21 Maintenance Cost	Funding Source
3SI SECURITY SYSTEMS	Investigatory Tool	\$ 1,568	General Fund
ACTION TARGET, INC.	Target shooting system at the Tactical Training Center	\$ 4,955	General Fund
AIR WEST FILTRATION / BENZ AIR	Station Facilities	\$ 24,200	General Fund
AIRGAS	Life saving equipment	\$ 1,210	General Fund
AMERICAN BARCODE AND RFID	Annual Services Agreement for Employee Badge and Barcode Machine	\$ 1,143	General Fund
ARC	Plotter is used to print large size maps of job sites, etc	\$ 825	General Fund
ARC	Copier/Printer/Scanner	\$ 2,490	Water Fund
ARC	Printing of Maps for Planning division	\$ 2,541	General Fund
ASAP TECHNICAL SOLUTIONS	Copy documents for program use in camps, business, after school programs, etc.	\$ 1,144	General Fund
BARTON OVERHEAD	Station facility	\$ 37,400	General Fund
BMI IMAGING	Fujitsu scanner is used by Records to scan and store electronic records for storage.	\$ 1,573	General Fund
BOSS BUSINESS SYSTEMS	Copier for Jennings WWTP - Training Center	\$ 1,780	Wastewater Fund
CALLYO	Investigatory Tool	\$ 3,200	General Fund
CAREDING	Department Copier/Printer/Scanner	\$ 7,214	General Fund
CAREDING	Copier Maintenance	\$ 4,230	Transit
CUMMINS	Currency Counter - detect counterfeit	\$ 650	Water Fund
CUMMINS	Currency Counter - detect counterfeit	\$ 700	Water Fund
CUMMINS	Currency Counter - detect counterfeit	\$ 700	Water Fund
CUMMINS	Currency Counter - detect counterfeit	\$ 650	Water Fund
VIS of Minnesota (CYBERNETIC)	Tape Library Backup/Utility Billing System	\$ 4,400	Water Fund
DELTA WIRELESS	Radio Communications equipment	\$ 33,000	General Fund
EXCEL FITNESS	Fitness equipment	\$ 1,271	General Fund
FARO TECHNOLOGIES	Annual Calibration and Certification of 3-D Laser Scanner to Diagram traffic collisions and homicide scenes	\$ 5,400	General Fund
FIRE SERVICE SPECIFICATION & SUPPLY	Life saving equipment	\$ 3,812	General Fund
FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, elliptical machines, stationary bike, cable cross over	\$ 303	General Fund
FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, elliptical machines, stationary bike, cable cross over	\$ 303	General Fund
FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, elliptical machines, stationary bike, cable cross over	\$ 303	General Fund
FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, elliptical machines, stationary bike, cable cross over	\$ 303	General Fund
FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, elliptical machines, stationary bike, cable cross over	\$ 303	General Fund
FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, elliptical machines, stationary bike, cable cross over	\$ 303	General Fund
FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, elliptical machines, stationary bike, cable cross over	\$ 303	General Fund
FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, elliptical machines, stationary bike, cable cross over	\$ 303	General Fund
FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, elliptical machines, stationary bike, cable cross over	\$ 303	General Fund
FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, elliptical machines, stationary bike, cable cross over	\$ 303	General Fund
FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, elliptical machines, stationary bike, cable cross over	\$ 303	General Fund
FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, elliptical machines, stationary bike, cable cross over	\$ 303	General Fund
HOT TANK SUPPLY	Parts cleaner for fire fighting equipment	\$ 3,812	General Fund
MO-CAL OFFICE SOLUTIONS	Printer	\$ 1,906	Wastewater Fund
KODAK ALARIS		\$ 1,906	General Fund
LEHR/STOMMEL	Annual Maintenance for LPR systems	\$ 36,300	General Fund
LUCAS BUSINESS SYSTEMS	Scan documents, limited color copy use	\$ 508	General Fund
LUCAS BUSINESS SYSTEMS	Copier for Sutter WWTP - Building 3 - Maintenance	\$ 500	Wastewater Fund
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities	\$ 508	General Fund
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities	\$ 3,812	Capital Improvement Fund
LUCAS BUSINESS SYSTEMS	Printer	\$ 2,056	Building Services
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities	\$ 150	General Fund
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities	\$ 2,552	Center Plaza
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities	\$ 300	General Fund
MANSCI INC.	Mansci Lab Equipment Extended Warrant	\$ 6,600	Wastewater Fund

Exhibit A - Fiscal Year 2020-2021 Equipment Maintenance Less than \$50,000

Vendor/Contractor Name	Business Purpose of Equipment	Proposed - FY 20-21 Maintenance Cost	Funding Source
MO-CAL OFFICE SOLUTIONS	Copy documents for City Manager, Council and Auditor's office	\$ 4,500	General Fund
MO-CAL OFFICE SOLUTIONS	Copier for Jennings WWTP - Administration	\$ 2,790	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Copier for Sutter WWTP - Building 1 - Administration	\$ 4,295	Wastewater Fund
RAY MORGAN CO.	Copier is used to make copies, scan, fax	\$ 5,668	Water Fund
MO-CAL OFFICE SOLUTIONS	Printing for day-to-day work activities	\$ 636	Housing Development Fund
MO-CAL OFFICE SOLUTIONS	Printing for day-to-day work activities	\$ 636	Community Facilities Districts
MO-CAL OFFICE SOLUTIONS	Printing for day-to-day work activities	\$ 636	Community Facilities Districts
MO-CAL OFFICE SOLUTIONS	Printing for day-to-day work activities	\$ 636	General Fund
MO-CAL OFFICE SOLUTIONS	Printing for day-to-day work activities	\$ 1,418	Capital Improvement Fund
MO-CAL OFFICE SOLUTIONS	Printing for day-to-day work activities	\$ 508	General Fund
MO-CAL OFFICE SOLUTIONS	Printing for day-to-day work activities	\$ 222	General Fund
MO-CAL OFFICE SOLUTIONS	Printing for day-to-day work activities	\$ 222	General Fund
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner	\$ 9,529	General Fund
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner	\$ 2,158	Forestry
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner	\$ 1,469	Surface Transportation Fund
MO-CAL OFFICE SOLUTIONS	Printer/Copier/Scanner	\$ 2,541	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Printer/Copier/Scanner	\$ 2,541	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Copier Maintenance	\$ 908	General Fund
MO-CAL OFFICE SOLUTIONS	Copier for Sutter WWTP - Building 2 - Collections	\$ 5,000	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Printing and making copies for in-house programs and public on an as needed basis	\$ 6,200	General Fund
NEC CORPORATION OF AMERICA	Automated Fingerprint Identification System - fingerprinting	\$ 9,104	General Fund
NEO POST	Mail Room Postage & Label Machine	\$ 11,010	General Fund
OPEX	Envelope Opener - opens mixed sized envelopes	\$ 530	Water Fund
PHYSIO CONTROL	Life saving equipment	\$ 16,500	General Fund
PUNTES TECHNOLOGIES	Check folding machine	\$ 1,210	General Fund
QPCS	Stationary LPR Service Warranties	\$ 1,271	General Fund
RAY MORGAN CO.	Large Format Printer/Scanner	\$ 3,812	Wastewater Fund
RAY MORGAN CO.	Copier is used to make copies	\$ 500	Water Fund
RAY MORGAN CO.	Copier is used to make copies	\$ 3,630	Water Fund
RAY MORGAN CO.	Copier for Building Safety and Neighborhood Preservation	\$ 2,820	General Fund
RAY MORGAN CO.	Copier for Sutter WWTP - Environmental Services	\$ 3,098	Wastewater Fund
RICOH USA	Printing for day-to-day work activities	\$ 2,937	General Fund
SCANNER ONE	Check Scanner - uploads to RemitPlus for Electronic check file to bank	\$ 700	Water Fund
SCANTRON	Scantron Reader for Recruitment Tests	\$ 484	General Fund
SEAL ANALYTICAL	Seal Lab Equipment Service Contract	\$ 7,845	Wastewater Fund
SMILE BUSINESS PRODUCTS INC	Day to day copy purposes, parts, labor, staples, maintenance and support ending 4/21/21-501 N Jefferson site	\$ 1,441	General Fund
SPECIAL SERVICES GROUP LLC	Investigatory Tool	\$ 7,986	General Fund
SSD SYSTEMS	Alarm service	\$ 1,906	General Fund
THE RADAR SHOP	Annual Calibration and Certification and repair of Radar and Lidar Guns for mitigating traffic safety.	\$ 3,812	General Fund
SMILE BUSINESS PRODUCTS INC	Purchasing Copier	\$ 900	General Fund
RAY MORGAN CO.	Copier for Customer Service - Finance	\$ 1,112	Water Fund
OPEX	Mail Opener & sorter	\$ 3,000	Water Fund
TRANE	MCP Fountain Maintenance - Annual	\$ 3,440	Center Plaza
	TOTAL	\$ 351,557	

Vendor/Contractor Name	Business Purpose of Equipment	Proposed - FY 20-21 Maintenance Cost	Funding Source
AMERICAN CHILLER CO.	Heating and Cooling of the Modesto Centre Plaza for its events and patrons	\$ 75,000.00	Centre Plaza
AXON ENTERPRISE, INC.	Axon Interview Room	\$ 4,900.00	SLESF Funds
ZOOM IMAGING	Printing for day-to-day work activities	\$ 6,130.00	General Fund
ZOOM IMAGING	Printing for day-to-day work activities	\$ 6,254.00	General Fund
ZOOM IMAGING	To print agendas for Council Meetings, and to make copies of various items.	\$ 1,779.00	General Fund
ZOOM IMAGING	Accounting Copier	\$ 845.00	General Fund
ZOOM IMAGING	Purchasing Copier	\$ 1,452.00	General Fund
ZOOM IMAGING	Copier/Printer/Scanner	\$ 3,388.00	General Fund
ZOOM IMAGING	Department Copier	\$ 847.00	General Fund
ZOOM IMAGING	Copier, Fax, Scanner	\$ 3,000.00	Information Technology
ZOOM IMAGING	Copier, Fax, Scanner	\$ 1,242.00	General Fund
ZOOM IMAGING	Copier, Fax, Scanner	\$ 3,630.00	General Fund
ZOOM IMAGING	Copier, Fax, Scanner	\$ 1,210.00	General Fund
ZOOM IMAGING	Copier, Fax, Scanner	\$ 2,209.00	General Fund
ZOOM IMAGING	Copier, Fax, Scanner	\$ 2,178.00	General Fund
ZOOM IMAGING	Copier, Fax, Scanner	\$ 3,814.00	General Fund
ZOOM IMAGING	Copier, Fax, Scanner	\$ 4,598.00	General Fund
ZOOM IMAGING	Copier, Fax, Scanner	\$ 5,808.00	General Fund
ZOOM IMAGING	Copier, Fax, Scanner	\$ 5,808.00	General Fund
ZOOM IMAGING	Printing and making copies for in-house programs and public on an as needed basis	\$ 725.00	General Fund
ZOOM IMAGING	Copier for day-to-day	\$ 910.00	Airport Fund
ZOOM IMAGING	Copier for day-to-day	\$ 711.00	Surface Transportation Fund
ZOOM IMAGING	Copier for day-to-day	\$ 1,061.00	Fleet Fund
ZOOM IMAGING	Copier for day-to-day	\$ 879.00	General Fund
ZOOM IMAGING	Printer/Copier	\$ 1,906.00	Capital Improvement Fund
ZOOM IMAGING	Printing and making copies for in-house programs and public on an as needed basis	\$ 6,050.00	General Fund
ZOOM IMAGING	Copier for Sutter WWTP - Building 2 - Collections Crewleaders	\$ 1,200.00	Wastewater Fund

TOTAL \$ 147,534.00

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-277**

RESOLUTION APPROVING THE PAYMENT OF HARDWARE AND SOFTWARE MAINTENANCE SUPPORT AGREEMENTS FOR FISCAL YEAR 2020-2021 FOR AN ESTIMATED ANNUAL COST NOT TO EXCEED \$4,408,199, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE ROUTINE RENEWAL AGREEMENTS ASSOCIATED WITH EXHIBIT B

WHEREAS, the City has an ongoing need for maintenance/support agreements for hardware and software assets utilized by the City of Modesto, and

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

WHEREAS, staff requests the approval for payment of invoices presented for Fiscal Year 2020–2021 for an estimated annual cost not to exceed \$4,408,199.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves payment for invoices for various hardware and software maintenance/support agreements from software companies for Fiscal Year 2020-2021 for an estimated annual cost not to exceed \$4,408,199, as stated in the **Exhibit A** and **Exhibit B, attached** hereto and incorporated herein.

BE IT FURTHER RESOLVED, that the City Manager or his designee is hereby authorized to execute routine hardware and software maintenance support renewal agreements for the agreements stated in **Exhibit B**, for Fiscal Year 2020-2021, and in forms approved by the City Attorney.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 30th day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-21 (Under \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
1	LexisNexis Risk: Skip Tracing	SkipTracing Services (Collection Process)	LexisNexis	Finance	0100/4100	06/01/18	06/01/21	\$5,225
2	NetFile Paperless Form 700 Suite	E-filing system for the 700 form. Manages tasks, forms, and filing. Completely web-based with a portal for public viewing.	NetFile	City Clerk	Fund 0100 - General Fund	09/06/19	09/06/20	\$5,390
3	NextRequest	Public Records Management software.	NextRequest	City Clerk	Fund 0100 - General Fund	09/01/19	08/31/20	\$8,470
4	Prezi Plus	Prezi - online presentation software.	Prezi	City Manager	Fund 0100 - General Fund	09/13/19	09/13/20	\$251
5	CoStar	Commercial Real Estate Information	CoStar	Community & Economic Dev.	Fund 0100 - General Fund	03/31/19	03/31/20	\$5,868
6	Cube Base & Voyager	Traffic predictive modeling software	Bentley Systems	Community & Economic Dev.	Fund 0100 - General Fund	04/01/19	03/31/20	\$3,069
7	Tidemark Web Portal	Custom web portal developed in MyEclipse10 to offer online over-the-counter building permits to be issued. Interfaces with Tidemark permit system. Used by CED Building Safety staff.	Genetec	Community & Economic Dev.	Fund 0100 - General Fund	03/01/20	03/01/21	\$72

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-21 (Under \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
8	Software	If you need powerful barcode label printing software to meet the most complex labeling requirements, the Software Label Manager (LLM) is the industry standard. With Software's label management software, you can create any type of barcode label required to meet ever-evolving customer and regulatory needs across your supply chain.	Software	Finance	Fund 0100 - General Fund	07/01/20	06/30/21	\$461
9	NIGP Consulting	NIGP 5-Digit Commodity Code License Renewal	Periscope Holdings	Finance	Fund 0100 - General Fund	06/01/20	05/31/21	\$666
10	Planet Bids	Bid Management Software	Planet Bids	Finance	Fund 0100 - General Fund	06/13/20	06/12/21	\$9,033
11	T2 Parking Citations	Cloud system for T2 Parking Citation processing and appeals. Online payment portal. Managed by Finance/Customer Service staff.	T2 Systems	Finance	Fund 0100 - General Fund	12/01/20	11/30/21	\$27,940
12	CrewSense	Fire Crew call back scheduling / hiring system	Crewsense	Fire	Fund 0100 - General Fund	07/01/20	06/30/21	\$10,901
13	SitStat	SitStat - emergency operations situational awareness platform and resource alerting system	PSOMAS	Fire	Fund 0100 - General Fund	10/01/19	09/30/20	\$31,973
14	Target Solutions	Online Training System	Target Solutions	Fire	Fund 0100 - General Fund	11/15/19	11/14/20	\$24,200
15	Zoll Fire RMS & ePCR	Modesto Fire Department's Fire Records Management System and Electronic Patient Care Record	Zoll	Fire	Fund 0100 - General Fund	04/09/19	04/08/20	\$33,000

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-21 (Under \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
16	Scantron	Scanner hardware support for HR	Scantron Corporation	Human Resources	Fund 0100 - General Fund	06/25/19	06/24/20	\$400
17	Maintenance Connection CMMS - PRND	Accurent Maintenance Connection	Accruent/Maintenance Connection	Parks & Recreation	Fund 0100 - General Fund	06/02/20	06/01/21	\$5,046
18	PerfectMind	Perfect Mind, Recreation Software, used for Facility Rentals and Program Registrations	PerfectMind	Parks & Recreation	Fund 0100 - General Fund	06/27/20	06/26/21	\$14,567
19	Amped Software	Annual software license for forensic image and video processing software	Amped Software USA Inc	Police	Fund 0100 - General Fund	08/12/19	05/13/21	\$6,930
20	Genetec VMS	Genetec Subscription Annual Renewal for Server Federation and Cameras and Client Software - Total of 130 Cameras for MPD	Best Communication Networks	Police	Fund 0100 - General Fund		09/30/20	\$22,000
21	Macquisition	Blacklight Subscription Renewal; MacQuisition License Subscription Renewal. High Tech Crimes Unit Investigatory tool. - both products from BlackBag Technologies	Black Bag Technologies	Police	Fund 0100 - General Fund	08/30/19	08/30/20	\$1,518
22	MediaStar Digital Signage - Police	Server used to display CadCalls application developed by Chris Fox at PD	Cabletime	Police	Fund 0100 - General Fund	02/01/17	10/24/20	\$2,263
23	Crimemapping.com	Public Facing police incident map for citizens to view. Also for Annual renewal of End User License & Software Support Agreement for CrimeMapping software. Crime Analyst crime mapping tool.	CentralSquare Technologies, Inc./Tritech Software Systems	Police	Fund 0100 - General Fund	01/01/19	12/31/20	\$3,850

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-21 (Under \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
24	Blue Team	Blue Team Annual Maintenance including all software upgrades, associated materials and technical support via phone and e-mail	CI Technologies	Police	Fund 0100 - General Fund	08/01/19	07/31/20	\$1,650
25	IAProfessional & BlueTeam Suite	Internal affairs case management and Officer in-field use of force reporting.	CI-Technologies	Police	Fund 0100 - General Fund	08/01/19	07/31/20	\$2,970
26	CopWare: Legal Sourcebook, California Codes, and Mobile App	California Peace Officers Legal Sourcebook Site License for 201-300 Sworn Officers. Provides sworn personnel with an on-line resource for accessing this information. California Peace Officers Legal Sourcebook and California Codes Mobile App License for 201-300 Sworn Officers. Provides sworn personnel with an app to connect to this resource on their cell phones. CopWare California Codes Site License for 201-300 Sworn Officers, Provides sworn personnel with an online resource for accessing California law enforcement codes.	CopWare	Police	Fund 0100 - General Fund	07/01/20	06/30/21	\$5,610
27	Crash Data Recorder	Annual Software Subscription to Crash Data Recorder (CDR). This is utilized by the Traffic Unit for imaging Air Bag Control Modulators in the event of a fatal accident.	Crash Data Group, Inc.	Police	Fund 0100 - General Fund	08/22/19	08/22/20	\$1,210

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-21 (Under \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
28	Critical Reach	Critical Reach APBnet Bulletin Service. Annual Fee for use of software, servers, network bandwidth & user support	Critical Reach	Police	Fund 0100 - General Fund	01/01/20	12/31/20	\$1,650
29	Ecite Software	Ecite Software Annual Maintenance	Crossroads	Police	Fund 0100 - General Fund	01/01/20	12/31/20	\$2,750
30	ESRI - ArcGIS 10.6 (PD)	It is a powerful GIS authoring, editing, and geoprocessing application that allows you to create beautiful maps, edit and manage spatial data, and perform the full spectrum of analyses needed to turn your raw data into valuable information. Annual Licensing for ArcGIS Geo-Event Server (Windows) Up to four cores	CyberTech	Police	Fund 0100 - General Fund	02/14/20	02/13/21	\$49,500
31	Deepnet Dualshield	Deepnet Dualshield Software licensing and annual support services - 325 licenses. Dual factor authentication of key fobs in use by MPD personnel when signing on to the MDC's.	Deepnet Securities	Police	Fund 0100 - General Fund	08/27/19	08/26/20	\$5,500
32	ADFS for SmartJustice (mpd)	ADFS Smart Justice Digital Certificate Annual Maintenance	DigiCert, Inc.	Police	Fund 0100 - General Fund		11/13/20	\$1,650
33	Digital Networks Group (Video Wall)	Renewal of Digital Networks Group Annual Software Maintenance and Support. Video wall Software in the RTCC enables the output of video wall content via IP.	Digital Networks Group	Police	Fund 0100 - General Fund		12/27/20	\$2,750

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-21 (Under \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
34	Crime Free Easy Tracking	Dynamic Design - Multi User Internal WEB Easy Tracking Software and Annual Subscription Renewal. Used to track crime free housing inspections and number and details of each complex.	Dynamic Design Software	Police	Fund 0100 - General Fund	03/01/19	03/01/21	\$440
35	FARO SCENE	3D Scene Maintenance Software Licensing and Maintenance Agreement for the Faro Technologies Laser Scanner. This software is used to capture and process datapoints into diagrams and is used by both Traffic Officers for collision scenes and ISD Detectives and ID Techs for homicide scenes.	Faro Technologies	Police	Fund 0100 - General Fund	07/01/18	06/30/21	\$6,050
36	Forensic Explorer	By GetData Forensics Company. High Tech Crimes Unit investigatory tool.	Getdata Forensics USA	Police	Fund 0100 - General Fund	09/01/19	08/31/20	\$550
37	Cellebrite Premium iPhone	iPhone crackging technology	Cellebrite	Police	Fund 0100 - General Fund		05/06/21	\$22,000

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-21 (Under \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
38	GO ANYWHERE MFT 5.4.4 (PD)	Managed File Transfer software used to manage data from various databases and servers both internal and external to City. Project execution can be automated and triggered by various methods. Used to help centralize data file transfers. Useful in creating workflows between systems. All activity is audited. MPD uses GoAnywhere to transfer Payroll data from InTime (Scheduling & Payroll) to Oracle.	HelpSystems	Police	Fund 0100 - General Fund	07/01/20	06/30/21	\$1,650
39	OnBase PDF Framework		Hyland	Police	Fund 0100 - General Fund	05/01/20	04/30/21	\$4,400
40	OnBase	OnBase is used by MPD as our Enterprise Content Management System (ECM). Scanned images of Police Reports and post-mandated training related documents are stored in OnBase. OnBase Annual Maintenance and Support for LocalGovernment Web Server. OnBase Local Government Workflow ConcurrentClient SL (20 count) and Annual Maintenance onWorkflow Licenses.	Hyland Software	Police	Fund 0100 - General Fund	05/01/20	04/30/21	\$27,500

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-21 (Under \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
41	Analyst's Notebook	Analyst's Notebook Concurrent User Annual Software Subscription and Support Renewal. Proprietary Software tool utilized by MPD Crime Analysts.	IBM	Police	Fund 0100 - General Fund		10/31/20	\$1,650
42	Imageware	Annual Software and Hardware Maintenance LE Renewal for Imageware. Imageware is a software and hardware system utilized in creating police department employee ID badges.	Imageware	Police	Fund 0100 - General Fund	07/01/20	06/30/21	\$10,120
43	InTime Scheduling & Timekeeping	InTime is used by the MPD to build the departments complex 24/7 patrol calendar. This includes rotating shifts, shift bidding by seniority, minimum staffing management, and outside work agreement management. Although InTime is a full Scheduling, Payroll, and HRMS system. Annual Maintenance for InTime Solutions Software. Scheduling and payroll system for MPD allows for electronic capture and transfer of data to City's Oracle Payroll system.	InTime Solutions	Police	Fund 0100 - General Fund	08/01/19	07/31/20	\$38,500
44	IP2	Annual location license	IP2	Police	Fund 0100 - General Fund	11/25/19	11/24/20	\$880
45	COPLogic DORS	COPLogic DORS Annual Maintenance. On-line reporting system allowing citizens to file police reports online.	LexisNexis	Police	Fund 0100 - General Fund	05/01/20	04/30/21	\$18,700

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-21 (Under \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
46	Magnet IEF	SMS Magnet IEF; SMS Magnet IEF Triage Module; SMS Magnet IEF Module Mobile Artifacts; SMS Magnet IEF Module Business Applications. Investigatory tool.	Magnet Forensics	Police	Fund 0100 - General Fund	01/01/19	12/31/20	\$5,060
47	Netmotion Software	Mobility application for 127 devices and 1 additional server police module	Mobile Wireless	Police	Fund 0100 - General Fund	04/01/20	03/31/22	\$16,500
48	NEC AFIS	Renewal of Annual Maintenance and Support for the NEC AFIS (Automated Fingerprint Identification System) used by the Police Department to take and send fingerprints to DOJ as part of background process for new applicants.	NEC Corporation of America	Police	Fund 0100 - General Fund	12/26/19	12/25/20	\$8,800
49	WaveStore VMS	Two (2) WaveStore Video Management, Software Premium Licenses and Annual Maintenance and Support. Used by MPD Pod camera digital data management - RTCC.	QPCS	Police	Fund 0100 - General Fund	07/01/20	06/30/21	\$220
50	Cradle Point for POD Cameras	Renewal of 14 licenses for the cradle point for POD Cameras and Armadillo	QPCS	Police	Fund 0100 - General Fund		08/31/20	\$1,650
51	PLX	Annual renewal of annual maintenance and support services for Collection Maintenance Premium & Analytical Maintenance. Investigatory tools used by PD	Penlink	Police	Fund 0100 - General Fund	01/01/20	12/31/20	\$33,000

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-21 (Under \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
52	Covert Track Service	Annual Maintenance for GPS Trackers for Investigations	Special Services Group LLC	Police	Fund 0100 - General Fund	02/18/20	02/17/21	\$8,800
53	Message On Hold System	Message On Hold System for MPD	Spectrio	Police	Fund 0100 - General Fund		03/31/20	\$605
54	CLEAR Search	CLEAR Search Software utilized by Crime Analysts as an investigatory tool.	Thomson-Reuters	Police	Fund 0100 - General Fund	Monthly Subscription	Monthly Subscription	\$4,400
55	TMS-ME	TMS-SE is a law-enforcement specific LMS that MPD uses to keep track of the POST-mandated training that officers complete.	Training Innovations, Inc.	Police	Fund 0100 - General Fund	07/01/20	06/30/21	\$2,035
56	TLOxp TransUnion	TLO Annual Fees Subscription to database. Utilized by Crime Analysts as an investigatory tool.	Trans Union Risk and Data Solutions	Police	Fund 0100 - General Fund	Monthly Subscription	Monthly Subscription	\$3,300
57	Vigilent	Software maintenance for ALPRs	Vigilent	Police	Fund 0100 - General Fund	02/14/20	02/13/21	\$49,500
58	WAVR-21	Threat assessment tool license	WAVR-21 - WTS Inc	Police	Fund 0100 - General Fund	05/01/20	04/30/21	\$1,100
59	X-Ways Forensics	Forensics investigatory tool. (2 user BYOD licenses)	X-Ways Software Technology	Police	Fund 0100 - General Fund	03/09/20	03/09/21	\$2,750

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-21 (Under \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
60	Critical Response Group	The 911eye Software as a Service (SaaS) is designed for emergency communications centers allowing them to stream live mobile device video, deliver digital photographs, and display Global Positioning System (GPS) location data from the mobile device connected to the SaaS. Allowing first responders to engage the service and receive information enhancing their ability to safely and effectively respond to the needs of the community. 911eye is a cloud-based SaaS solution via Microsoft's Azure Government service	Critical Response Group	Police	Fund 0100 - General Fund	04/01/20	06/30/21	\$10,450
61	ZoomGrants	ZoomGrants - Online Grant RFP and processing management	Grant Analysis.com, LLC DBA	Community & Economic Dev.	Fund 1130 - CDBG Administration	03/09/19	03/09/21	\$2,750
62	StreetSaver		Metropolitan Transportation	Community & Economic Dev.	Fund 1130 - CDBG Administration	03/01/19	02/28/20	\$3,850
63	Star*Net Pro	STAR*NET Pro (Annual Maintenance Subscription)	MicroSurvey	Utilities	Fund 1130 - CDBG Administration	06/30/20	06/29/21	\$545

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-21 (Under \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
64	CassWorks	Cass Works is an integrated software package for the maintenance management needs of municipal infrastructure systems and equipment based facilities. The modules are designed for the capture, storage, analysis, reporting and distribution of information related to all physical assets that require maintenance. Examples of Cass Works used by the City include: a) work orders for street and sidewalk repair, b) service or maintenance requested and completed to City trees, c) service request to asses water leaks, track any repairs along with associated parts, equipment, and labor required, and d) monitoring hydrants and installs of water mains.	RJN	Public Works	Fund 1700 - Surface Transportation Fund	05/01/20	04/30/21	\$5,478
65	iPacs	Application used to manage industrial waste control (pretreatment) program and environmental compliance.	EnfoTech	Public Works	Fund 1700 - Surface Transportation Fund			\$14,007
66	Automated Parking System		Amano McGann Inc	Public Works	Fund 4000 - Parking	01/01/20	12/31/20	\$4,828

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-21 (Under \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
67	Express / WebView	Enterprise Content Management software that manages documents related to Customer Services. Primarily stores Utility Bills and related reports. WebView is web based interface to retrieve documents. Various types of documents can be archived. Ability to distribute documents via email, etc. Converts spool files on the IBM iSeries to PDF format. Captures PDF, Excel Files, scanned images. Apply retention times of documents stores and can archive documents to tape based on user policies.	S4i Systems	Finance	Fund 4100 - Water Fund	07/01/20	06/30/21	\$3,762

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-21 (Under \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
68	GO ANYWHERE MFT (City)	<p>GoAnywhere MFT - \$5060 Managed File Transfer software used to manage data from various databases and servers both internal and external to City. Project execution can be automated and triggered by various methods. Used to help centralize data file transfers. Useful in creating workflows between systems. All activity is audited.</p> <p>Other available modules: Secure email : Send encrypted email to inside/outside contacts. Can control how long message is available or how many times it is downloaded before it is no longer available. Can integrate with Microsoft Outlook. Web client available too.</p> <p>Secure Forms: HTTPS encrypted web forms. Currently used by Customer Services to provide a sign up form for utility customers and provide encrypted communication with customer to secure confidential</p>	HelpSystems	Finance	Fund 4100 - Water Fund	07/01/20	06/30/21	\$9,468
69	RASWIN	Point of Sale Cash Receipting System	Quadrant	Finance	Fund 4100 - Water Fund	01/01/21	12/31/21	\$3,960
70	Remit Plus	Check scanning application to send check payments to bank	Jack Henry & Associates, Inc.	Finance	Fund 4100 - Water Fund	07/01/20	06/30/21	\$6,710

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-21 (Under \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
71	Payflow Pro	Payment gateway for online payments for Parking Citations and payment gateway for IVR phone payments for Utility Billing	PayPal	Finance	Fund 4100 - Water Fund	07/01/20	06/30/21	\$16,830
72	Adobe Reader X	Maintenance for design/production of utility bill inserts, mailers, notices, etc	Adobe	Finance	Fund 4100 - Water Fund	03/05/20	03/04/21	\$732
73	Badger Meter	Meter Reading system used by Water Depart and used with Naviline Utility Billing.	National Meter	Utilities	Fund 4100 - Water Fund			\$13,200
74	Enercalc SE Cloud		Enercalc	Utilities	Fund 4100 - Water Fund			\$501
75	InfoSWMM	Hydraulic Sewer Model	Innovyze	Utilities	Fund 4100 - Water Fund	06/15/20	06/14/21	\$5,049
76	InfoWater	Hydraulic Water Model	Innovyze	Utilities	Fund 4100 - Water Fund	06/15/20	06/14/21	\$6,072
77	infraMap	Utilized by the Water Department to perform valve turning. Disconnected use for Work Orders, Inspections, Isolation Traces, One-Click Reporting, Redlining and Data Collection. Directly control and record data from all Wachs automated valve equipment.	iWater	Utilities	Fund 4100 - Water Fund	11/01/19	10/31/20	\$8,250
78	Keppure	support (used for WIN-911) - water and wastewater	Rexel	Utilities	Fund 4100 - Water Fund	02/07/19	02/06/20	\$265
79	MediaStar Digital Signage - Utilities	Application used to schedule, acquire and store video media. Electronic bulletin board used at the Corp Yard	Cabletime	Utilities	Fund 4100 - Water Fund			\$2,277

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-21 (Under \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
80	XC2 Backflow Prevention	Water Back-flow Prevention system for Inspections administration for the Water Backflow pipes and meter information.	Swift Comply	Utilities	Fund 4100 - Water Fund	02/01/20	01/31/23	\$6,765
81	Lucity	Lucity provides asset and maintenance management software solutions. The Lucity suite offers you a comprehensive solution for Work Management. The Work modules allow you to establish your work flow, track customer requests, create work orders, establish a preventative maintenance plan, set priorities, provide timetables, track system rehabilitation, and perform budget forecasting. Lucity - GIS CMMS - manage and maintain assets and coordinate tracking of sewer calls and maintenance	Lucity	Utilities	Fund 4100 - Water Fund Fund 4210 - Wastewater Fund 4480 - Stormwater Fund	04/05/18	04/04/19	\$46,228
82	itPipes	Software for CCTV	IT Pipes	Utilities	Fund 4210 - Wastewater	02/01/20	01/31/21	\$2,970
83	Surpass Software LLC	Surpass Software for Library	Surpass	Utilities	Fund 4210 - Wastewater	05/01/20	04/30/21	\$550
84	Zeno Track	Membrane Monitoring for Phase I. This is just a one year renewal till WIMS is in place we will not need.	Suez	Utilities	Fund 4210 - Wastewater	02/20/19	02/19/24	\$6,335
85	Rockwell TechConnect - HMI	Rockwell Factory Talk SE View, Studio 5000, RS Logix Support	Rockwell	Utilities	Fund 4210 - Wastewater	07/19/19	07/20/21	\$4,472

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-21 (Under \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
86	Rockwell TechConnect - AssetCentre	Rocwell Factory Talk AssetCenter - PLC Asset Management Subscription License and Support	Rockwell	Utilities	Fund 4210 - Wastewater	05/14/19	05/13/21	\$3,743
87	Maintenance Connection CMMS	Utilities - \$7065 PRND - \$3800 Public Works - \$3800 Public Works x2 - \$2376 Annual Tech Support Renewal \$1123 Total \$18,164	Maintenance Connection	Utilities	Fund 4210 - Wastewater Fund 4480 - Stormwater Fund	04/24/18	04/23/22	\$6,176
88	Modesto Area Express video surveillance system	This system provides the on-board video surveillance system for the MAX and MAX Mobility fleet.	Angeltrax	Public Works	Fund 4540 - Transit	09/03/19	09/02/24	\$5,280
89	ConCentRICs Pervasive	Convention Center Resource Information and Control System (ConCentRICs) - Event Registration System	R I C CORP	Parks & Recreation	Fund 4700- Cultural Services Administration	07/01/20	06/30/21	\$6,085

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-21 (Under \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
90	WasteWORKS/ WasteWIZARD	<p>Waste Works and Waste Wizard are an integrated software package for our customer+truck+material weigh scale and remote kiosks. The modules are designed for the capture of inbound and outbound customer/vehicle/material/weight data, analysis and reporting.</p> <p>Waste Works service/maintenance software agreement - \$800</p> <p>Waste Wizard service/maintenance software agreement - \$800</p> <p>Annual Total: \$1,600 - NG</p>	Carolina Software	Public Works	Fund 4890 - Compost Fund	07/01/20	06/30/21	\$1,760
91	AutoCAD		DLT	Information Technology	Fund 5230 - Information Technology	08/17/19	08/16/20	\$38,155
92	Baracuda Spam Filter	Email Security Gateway; Email Filtering/ Serial #BAR-SF-430845	Hula Networks	Information Technology	Fund 5230 - Information Technology	09/18/19	09/17/22	\$9,757
93	Commvault	Comcell ID F8D9E	SHI International	Information Technology	Fund 5230 - Information Technology	06/05/20	06/07/21	\$27,633
94	Digicert	Standard SSL for www.modestoareaexpress.com	Digicert	Information Technology	Fund 5230 - Information Technology	02/18/18	02/17/21	\$461
95	Digicert	Standard SSL for modestopd.com	Digicert	Information Technology	Fund 5230 - Information Technology	01/18/18	03/17/21	\$461

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-21 (Under \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
96	Digicert	Wildcared SSL *.modestopd.com	Digicert	Information Technology	Fund 5230 - Information Technology	11/29/17	11/28/20	\$1,568
97	Digicert	Wildcard SSL *.modestogov.com	Digicert	Information Technology	Fund 5230 - Information Technology	12/21/16	12/20/20	\$1,568
98	Digicert	Standard SSL gis.modestogov.com	Digicert	Information Technology	Fund 5230 - Information Technology	08/10/16	08/09/20	\$461
99	Digicert	Standard SSL sit.stat.modestofire.com	Digicert	Information Technology	Fund 5230 - Information Technology	06/22/16	06/21/21	\$461
100	Discovery Attender	2 licenses for Software tool for Public Records Requests, Subpoena's, and etc.	Sherpa	Information Technology	Fund 5230 - Information Technology	03/04/20	03/03/21	\$984
101	Docusign		Docusign	Information Technology	Fund 5230 - Information Technology	11/29/19	11/29/20	\$24,593
102	ERP Project Costing	Support# 5163867	Oracle	Information Technology	Fund 5230 - Information Technology	06/02/20	06/01/21	\$6,271
103	ESCAL Institute of Advanced Technologies, Inc.	Training - End User and Other	SANS Institute	Information Technology	Fund 5230 - Information Technology	07/01/19	07/01/20	\$5,984
104	ESRI - ArcGIS 10.6	It is a powerful GIS authoring, editing, and geoprocessing application that allows you to create beautiful maps, edit and manage spatial data, and perform the full spectrum of analyses needed to turn your raw data into valuable information.+ ESRI - GIS for new work order system (Lucity) \$26,400	ESRI	Information Technology	Fund 5230 - Information Technology	05/31/20	05/30/21	\$36,245

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-21 (Under \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
105	Hyland - SaaS Fees (Video Hosting)		Hyland	Information Technology	Fund 5230 - Information Technology	11/01/19	10/31/20	\$9,900
106	IBM iSeries Support	IBM Power 720 Hardware Maintenance for 8202, Model E4D, Serial Number 7DF1T; IBM 7042 HMC Hardware Maintenance for 7042, Model CR4, Serial Number B3B4B, TS3100 Tape Library HW Hardware Maintenance for 3573, Model L2U, Serial Number 78G7067; Software maintenance for IBM for 8202, Model E4D, Serial Number 7DF1T; Software maintenance for web query for 9408, Model M25, Serial Number 95EB2; MCP Remote Support for 7042, Model CR4, Serial Number B3B4B; Software Maintenance for Web Query - STDM	SPS Var LLC	Information Technology	Fund 5230 - Information Technology	09/07/19	09/06/20	\$17,529
107	IVR & IVR Remote Desktop	Phone IVR system used by Finance/Customer Services (Utilities) and CED/Building Safety to allow citizens to phone in and pay utility bill or schedule permit inspections, etc.	Selectron	Information Technology	Fund 5230 - Information Technology	11/01/19	10/31/20	\$43,929

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-21 (Under \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
108	Kaspersky Antivirus	Kaspersky AntiVirus Software	PCM-G	Information Technology	Fund 5230 - Information Technology	01/28/20	01/27/21	\$6,831
109	Kemp Load Balancer		PCM-G	Information Technology	Fund 5230 - Information Technology	12/04/19	12/03/20	\$2,200
110	Liebert Uninterruptible Power Supply (UPS)	Liebert Uninterruptable Power Supply (UPS)	Vertiv	Information Technology	Fund 5230 - Information Technology	09/01/17	08/31/20	\$14,321
111	Manage Engine Password Manager Pro	Manage Engine Password Manager Pro: 10 licenes	Allied Network Solutions	Information Technology	Fund 5230 - Information Technology	05/19/20	05/18/21	\$1,293
112	ManageEngine Desktop		Allied Network Solutions	Information Technology	Fund 5230 - Information Technology	05/03/20	05/02/21	\$10,978
113	McAfee Virus Scan Suite	Endpoint threat protection:Anti-malware COM/MPD: 1450 Grant Number 11971371-NAI	PCMG	Information Technology	Fund 5230 - Information Technology	06/04/20	06/03/21	\$13,558
114	Meraki	Mobile Device Management System Full Version	Telcion	Information Technology	Fund 5230 - Information Technology	09/06/19	09/05/20	\$15,180
115	Nessus	Vulnerability Scanner: 10 licenses	SHI International	Information Technology	Fund 5230 - Information Technology	09/18/19	10/06/20	\$2,063
116	Netmotion	11NMX25: NetMotion Maintenance for 100 devices, Analytics Module, NAC Module,	Mobile Wireless, LLC	Information Technology	Fund 5230 - Information Technology	01/17/20	01/16/21	\$6,712

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-21 (Under \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
117	NetMotion Mobility	NetMotion Software two-year premium maintenance for two mobility XE Server SW Licenses for mobile devices 127 MDC's and 1 additional server Police Module. Allows for network communications with the MDC units installed in police vehicles. \$13,948	NetMotion	Information Technology	Fund 5230 - Information Technology	04/16/20	01/16/21	\$9,150
118	Planview PPM Pro	City-wide project and software portfolio management system.	Planview	Information Technology	Fund 5230 - Information Technology	12/01/19	11/30/20	\$10,422
119	Public Stuff	GoModesto application used by the public on mobile devices to submit issues/requests to the city. GoModesto! is an intuitive, multi-lingual, on-the-go reporting tool allowing residents of Modesto to report issues like street flooding, light outages, illegal dumping, tagging, vandalism, broken playground equipment, or more along with progress notifications until the job is done!	Accela	Information Technology	Fund 5230 - Information Technology	11/16/18	11/15/19	\$26,596
120	Register.com	modestosistercities.com	Register.com	Information Technology	Fund 5230 - Information Technology	05/29/19	05/28/28	\$456
121	Register.com	modestogov.com	Register.com	Information Technology	Fund 5230 - Information Technology	08/24/19	08/23/20	\$456

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-21 (Under \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
122	Register.com	modestopd.com	Register.com	Information Technology	Fund 5230 - Information Technology	09/22/19	09/23/28	\$456
123	Register.com	cityofmodesto.org	Register.com	Information Technology	Fund 5230 - Information Technology	02/12/11	01/21/21	\$456
124	Register.com	ciudaddemodesto.com	Register.com	Information Technology	Fund 5230 - Information Technology	02/12/11	02/11/21	\$456
125	Register.com	ciudaddemodesto.net	Register.com	Information Technology	Fund 5230 - Information Technology	02/12/11	02/11/21	\$456
126	Register.com	ciudaddemodesto.org	Register.com	Information Technology	Fund 5230 - Information Technology	02/12/11	02/11/21	\$456
127	Register.com	modestoyouth.org	Register.com	Information Technology	Fund 5230 - Information Technology	02/26/11	02/25/21	\$456
128	Register.com	choosmodesto.com	Register.com	Information Technology	Fund 5230 - Information Technology	04/12/11	04/11/21	\$456
129	Register.com	stancsoc.com	Register.com	Information Technology	Fund 5230 - Information Technology	04/13/11	04/12/21	\$456
130	Register.com	modestocruiseroute.com	Register.com	Information Technology	Fund 5230 - Information Technology	04/19/11	04/18/21	\$456
131	Register.com	modestograffiticruiseroute.com	Register.com	Information Technology	Fund 5230 - Information Technology	04/19/11	04/18/21	\$456
132	Register.com	partnersinpaint.org	Register.com	Information Technology	Fund 5230 - Information Technology	05/14/11	05/13/21	\$456
133	Register.com	businfo.org	Register.com	Information Technology	Fund 5230 - Information Technology	05/15/11	05/14/21	\$456

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-21 (Under \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
134	Register.com	colormodesto.com	Register.com	Information Technology	Fund 5230 - Information Technology	05/15/11	05/14/21	\$456
135	Register.com	modestoca.us	Register.com	Information Technology	Fund 5230 - Information Technology	05/21/11	05/20/21	\$456
136	Register.com	modestocalifornia.us	Register.com	Information Technology	Fund 5230 - Information Technology	05/21/11	05/20/21	\$456
137	Register.com	centreplaza.com	register.com	Information Technology	Fund 5230 - Information Technology	07/18/11	07/17/20	\$456
138	Register.com	modestorda.com	Register.com	Information Technology	Fund 5230 - Information Technology	07/29/11	07/28/20	\$456
139	Register.com	modestorda.net	Register.com	Information Technology	Fund 5230 - Information Technology	07/29/11	07/28/20	\$456
140	Register.com	modestorda.org	Register.com	Information Technology	Fund 5230 - Information Technology	07/29/11	07/28/20	\$456
141	Register.com	modestopolice.com	Register.com	Information Technology	Fund 5230 - Information Technology	08/17/11	08/16/20	\$456
142	Register.com	partnersinpaint.net	Register.com	Information Technology	Fund 5230 - Information Technology	09/25/11	09/24/20	\$456
143	Register.com	turlockgba.org	Register.com	Information Technology	Fund 5230 - Information Technology	10/20/11	10/19/20	\$456
144	Register.com	usamodesto.com	Register.com	Information Technology	Fund 5230 - Information Technology	11/01/11	10/31/20	\$456
145	Register.com	nvr-recycledwater.com	Register.com	Information Technology	Fund 5230 - Information Technology	12/01/11	11/30/20	\$456

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-21 (Under \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
146	Register.com	nvr-recycledwater.org	Register.com	Information Technology	Fund 5230 - Information Technology	12/01/11	11/30/20	\$456
147	Register.com	investinmodesto.com	Register.com	Information Technology	Fund 5230 - Information Technology	03/10/12	03/10/21	\$456
148	Register.com	modestofire.com	Register.com	Information Technology	Fund 5230 - Information Technology	03/25/12	03/24/21	\$456
149	Register.com	eaststanirwm.org	Register.com	Information Technology	Fund 5230 - Information Technology	07/09/12	07/08/21	\$456
150	Register.com	modairport.com	Register.com	Information Technology	Fund 5230 - Information Technology	08/07/12	08/06/21	\$456
151	Register.com	modestoareaexpress.com	Register.com	Information Technology	Fund 5230 - Information Technology	08/22/12	08/21/21	\$456
152	Register.com	modesto.org	Register.com	Information Technology	Fund 5230 - Information Technology	09/13/12	09/12/21	\$456
153	Register.com	golfmodesto.com	Register.com	Information Technology	Fund 5230 - Information Technology	10/24/12	10/23/21	\$456
154	Register.com	strgba.org	Register.com	Information Technology	Fund 5230 - Information Technology	05/17/13	05/16/22	\$456
155	Register.com	stancrimetips.com	Register.com	Information Technology	Fund 5230 - Information Technology	12/03/13	12/03/22	\$456
156	Register.com	stancrimetips.org	Register.com	Information Technology	Fund 5230 - Information Technology	12/04/13	12/03/22	\$456
157	Register.com	modestocares.com	Register.com	Information Technology	Fund 5230 - Information Technology	01/24/19	01/23/28	\$456

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-21 (Under \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
158	Register.com	modestoceresfire.org	Register.com	Information Technology	Fund 5230 - Information Technology	09/26/19	09/25/28	\$456
159	SIRE DMS (Agenda Plus-Old)	SIRE DMS is used by the City of Modesto for Agenda Management (AgendaPlus and Agenda To To) as well as ECM.	Hyland Software	Information Technology	Fund 5230 - Information Technology	05/01/20	04/30/21	\$12,809
160	Snare Enterprise Agents	Windows log collection for remote syslog/SIEM	Prophecy Americas	Information Technology	Fund 5230 - Information Technology	04/06/18	04/07/23	\$673
161	Tableau		Tableau	Information Technology	Fund 5230 - Information Technology	05/27/20	05/18/21	\$1,293

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-21 (Under \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
162	Toad for Oracle	<p>You're taking on more database responsibilities than ever before. Growing demands for shorter release cycles coupled with declining resources put critical databases and applications at risk. What if you could use a single toolset to modernize your Oracle database operations, build high quality applications faster, reduce risk and save money?</p> <p>Whether your Oracle database is on premises or in the cloud, Toad® for Oracle, gives you a best practices approach to database development, simplifying your workflow and improving code function and quality which also helps to support a DevOps approach. On the production side, you can automate administration tasks and take a proactive approach to database management, which includes performance diagnostics, optimization and risk mitigation.</p>	DLT	Information Technology	Fund 5230 - Information Technology	04/30/20	04/30/21	\$6,075
163	Vertex Payroll Tax Q Series	Online resource to download tax files for integration into Oracle HRMS for payroll processing.	Vertex	Information Technology	Fund 5230 - Information Technology	09/01/19	08/31/20	\$10,058

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-21 (Under \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
164	Hyland (OnBase)		Hyland	Information Technology	Fund 5230 - Information Technology	10/29/19	11/28/20	\$39,600
165	ManageEngine Service Desk	Helpdesk ticket system in the cloud	SHI	Information Technology	Fund 5230 - Information Technology	05/01/20	4/31/21	\$12,117
166	Adobe Creative Cloud and InDesign Subscription	Adobe Creative Cloud is a set of applications and services from Adobe Systems that gives subscribers access to a collection of software used for graphic design, video editing, web development, photography, along with a set of mobile applications and also some optional cloud services.	PCMG	Information Technology	Fund 5230 - Information Technology	07/01/20	06/30/21	\$11,267
167	Civic Plus - City Website	Web Hosted Web Site	Civic Plus	Information Technology	Fund 5230 - Information Technology	10/01/19	09/30/20	\$34,209
168	PINS Advantage	Electronic Insurance Certificate Management System	PINS Advantage	Human Resources	Fund 5310 - Insurance Administration	10/30/19	10/24/22	\$10,890
169	FA Suite Applications		AssetWorks	Public Works	Fund 5409 - Fleet	12/01/19	11/30/20	\$41,150

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-21 (Under \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
170	Maintenance Connection CMMS - Public Works	<p>Maintenance Connection - Annual Technical Support Renewal, including hosting, software maintenance, technical support, and upgrades.</p> <p>Annual Maintenance cost based on Public Works: Annual Technical Support - Renewal - \$1,358.53 Public Works: Hosting - Secure Database services x2 - \$2,874.96 Public Works: Total - \$4,233.49</p>	Maintenance Connection	Public Works	Fund 5800 - Building Services	07/01/20	06/30/21	\$4,657
Total								\$1,325,687

**Exhibit B - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-2021 (Over \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
1	HDL Prime	Business license application	HDL Companies	Finance	Fund 0100 - General Fund	08/01/17	07/31/21	\$21,842
2	NeoGov	Electronic Recruitment and Onboarding System	NeoGov	Human Resources	Fund 0100 - General Fund	02/15/19	02/14/21	\$36,841
3	NeoGov	Performance Management	NeoGov	Human Resources	Fund 0100 - General Fund	10/23/19	02/14/21	\$31,148
4	Officer Safety Plan	Officer Safety Plan - Evidence.com licensing	Axon Enterprise	Police	Fund 0100 - General Fund	08/31/19	08/30/21	\$337,700
5	Cellbright UFED Support and Cloud Analyzer	Cell phone digital forensic tool UFED UPC Ultimate X3 & UFED Cloud Analyzer and Premium Annual License Renewal	Cellebrite	Police	Fund 0100 - General Fund	10/01/19	09/30/20	\$104,500
6	Inform RMS and IQ Search	Police Field Reporting and Records Management System. Renewal of IQ Search (251-500) Users One Year Subscription. MPD's Records Management System Licensing	CentralSquare Technologies, Inc./Tritech Software Systems	Police	Fund 0100 - General Fund	06/04/18	06/03/19	\$104,500
7	CAD/Mobile System (at Stanislaus Regional 9-11)	CAD System Maintenance MPD share of 911 Communications Center - Billed by County	CentralSquare Technologies, Inc./Tritech Software Systems	Police	Fund 0100 - General Fund		04/30/21	\$73,700

**Exhibit B - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-2021 (Over \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
8	GeoShield	GeoShield is a data integration and visualization platform, built on top of ESRI ArcGIS. GeoShield provides a map-based dashboard where Calls for Service, Records Management Incidents, Probationers, Police vehicle locations, cameras, and license plate readers are aggregated and displayed on an interactive map. GeoShield also contains full Crime Analysis tools that MPD is looking into replacing CrimeView with. GeoShield & Esri both paid through CyberTech	CyberTech	Police	Fund 0100 - General Fund	02/14/20	02/13/21	\$59,400

**Exhibit B - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-2021 (Over \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
9	Coplink 4.9.1	COPLINK is a mutli-agency data sharing platform. Modesto PD and Stanislaus County Sheriff's Office currently pay 50% each for the system that is housed at MPD. MPD, the Sheriffs's Office, and the PD's of Oakdale, Ceres, and Turlock all have access. From the LENS (modesto) node, any of these agenices can query against any other participating agency for persons, plates, locations, and document numbers. Annual renewal of Proprietary COPLINK Software licensing and Data Source Integration Maintenance with Forensic Logic. MPD will front costs and invoice Sheriff's Department for 50% of costs.	ForensicLogic	Police	Fund 0100 - General Fund	04/01/19	03/31/21	\$220,000
10	Lexipol LE	Annual renewal of Lexipol LE Policy Manual Update Subscription; LE Procedures Manual On-Line; LE Management Services. Utilized by MPD to provide online version of Policy Manual, policy manual updates; electronic signature tracking for disbursal to staff and training bulletins.	Lexipol	Police	Fund 0100 - General Fund	10/01/18	09/30/20	\$41,800

**Exhibit B - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-2021 (Over \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
11	Naviline Suite	Naviline utility billing application includes Naviline Cash Receipts, Navline CIS, Naviline Land Management, Naviline Accounts Receivable, Naviline Mobile Service Orders, Naviline ICIS VR Credit Card interface, Naviline CIS Voice Response Interface, Naviline Document Management Services (DMS), Naviline CIS Work Orders, Fusion maintenance for online bill pay portal for AR and Utility Billing (\$6,930)	CentralSquare	Finance	Fund 0100 - General Fund Fund 4100 - Water Fund			\$97,173
12	E-Builder	e-Builder, Inc. Program Management Information System (Enterprise Capital Program license) unlimited licenses	e-Builder, Inc.	Utilities	Fund 1300 - Engineering Design	07/01/20	06/30/21	\$103,714
13	Customer Information System	Naviline utility billing application includes Naviline Cash Receipts, Navline CIS, Naviline Land Management, Naviline Accounts Receivable, Naviline Mobile Service Orders, Naviline ICIS VR Credit Card interface, Naviline CIS Voice Response Interface, Naviline Document Management Services (DMS), Naviline CIS Work Orders, Fusion maintenance for online bill pay portal for AR and Utility Billing (\$6,930)	CentralSquare (Formerly Superion)	Finance	Fund 4100 - Water Fund Fund 0100 - General Fund	07/01/20	06/30/21	\$101,200

**Exhibit B - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-2021 (Over \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
14	HSQ - Phone Support	HSQ (SCADA)- CMMS manage and maintain regulatory process data	HSQ	Utilities	Fund 4100 - Water Fund Fund 4210 - Wastewater	11/01/16	10/31/20	\$49,514
15	ESRI - Water, Wastewater and Stormwater	ESRI - GIS for new work order system (Lucity)	ESRI	Utilities	Fund 4100 - Water Fund Fund 4210 - Wastewater Fund 4480 - Storm Drainage	08/17/19	08/16/20	\$72,600
16	LabWorks	Laboratory Information Management System (LIMS) for Wastewater and Water	Labworks	Utilities	Fund 4210 - Wastewater	08/01/18	07/31/21	\$18,401
17	MAX Mobility Dispatching and Bus Tracking	This software provides dispatching and real-time bus tracking for the MAX Mobility ADA partransit system. The program also includes the Ecolane app that is available to riders to track their bus	Ecolane	Public Works	Fund 4520 - Bus Service Fund – DAR	12/10/19	12/09/24	\$53,558

**Exhibit B - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-2021 (Over \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
18	Modesto Area Express (MAX) Dispatching and Bus Tracking	This software provides dispatching and real-time bus tracking for the MAX fixed route system. The program also includes the following: 1. The myStop app that is available to the public to track their bus 2. The General Transit Feed Specification (GTFS), which enables the MAX system to be on several apps including Google Maps and Apple Maps. It includes both static and real-time GTFS feeds. 3. Public wi-fi 4. The cellular connection for the video surveillance system.	Avail Technologies	Public Works	Fund 4540 - Transit Maintenance	04/18/18	04/18/21	\$132,000
19	Transit Route Planning and Scheduling	The software provides the tool to plan, analyze and schedule fixed routes. It also provides a scheduling tool that identifies blocks, run cuts, rosters and route schedules.	Remix Software	Public Works	Fund 4540 - Transit Maintenance	11/01/18	10/31/21	\$60,500
20	Barracuda Message Archiver	Appliance that stores an archive of Exchange data: Model 650 Cloud Serial Number BAR-MA-585697	KIS	Information Technology	Fund 5230 - Information Technology	02/18/16	02/17/21	\$26,399
21	CGI Advantage Performance Budgeting (PB)		CGI	Information Technology	Fund 5230 - Information Technology	04/01/20	03/31/21	\$112,200
22	Compellent - SAN	SAN in server closet @ TSP	Dell	Information Technology	Fund 5230 - Information Technology	05/01/20	04/30/21	\$50,145
23	Forcepoint Security Software	Triton AP-Web: 1200 seats total	MicroAge	Information Technology	Fund 5230 - Information Technology	02/16/17	12/18/20	\$20,651

**Exhibit B - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-2021 (Over \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
24	Microsoft Enterprise Agreement		Microsoft	Information Technology	Fund 5230 - Information Technology	05/01/20	04/30/23	\$638,000
25	NEC 9300 SW		DTC	Information Technology	Fund 5230 - Information Technology	12/11/18	12/28/23	\$32,030
26	Oracle Database	Support# 2344161	Oracle	Information Technology	Fund 5230 - Information Technology	06/01/20	05/31/21	\$134,677
27	Oracle E-Business Suite (COSMO)	City-wide ERP application for Finance and HR processes. Support# 4105695	Oracle	Information Technology	Fund 5230 - Information Technology	06/01/20	05/31/21	\$260,704
28	Oracle Financials #1	Support# 5729309	Oracle	Information Technology	Fund 5230 - Information Technology	11/21/19	11/20/20	\$4,801
29	Oracle Financials #2	Support# 18679065	Oracle	Information Technology	Fund 5230 - Information Technology	08/09/19	08/08/20	\$12,061
30	Oracle Financials Expansion	Oracle Financials Expansion	Oracle	Information Technology	Fund 5230 - Information Technology	04/17/20	04/18/20	\$21,436
31	Oracle Human Resources #1	Support# 5109761	Oracle	Information Technology	Fund 5230 - Information Technology	07/01/20	06/30/21	\$8,298
32	Oracle Human Resources #2	Support# 5896965	Oracle	Information Technology	Fund 5230 - Information Technology	07/01/20	06/30/21	\$7,821
33	Oracle Human Resources #3	Support# 6853126	Oracle	Information Technology	Fund 5230 - Information Technology	08/03/19	08/02/20	\$7,372
34	Oracle Supply Chain Management	Support# 5137117	Oracle	Information Technology	Fund 5230 - Information Technology	07/01/20	06/30/21	\$1,869
35	Oracle Tuning Pack	Support# 5721756	Oracle	Information Technology	Fund 5230 - Information Technology	11/16/19	11/15/20	\$2,919

**Exhibit B - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2020-2021 (Over \$50,000)**

	Title	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 20-21 Maintenance Amount Due
36	Siteimprove	Website quality assurance and ADA (American Disabilities Act) compliance	Siteimprove	Information Technology	Fund 5230 - Information Technology	12/05/18	12/04/21	\$21,038
	Total							\$3,082,512

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-278**

**RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL
YEAR 2020-21 AS ADOPTED IN THE OPERATING BUDGET.**

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on June 25, 2019, as part of the Annual Budget of the City of Modesto for Fiscal Year 2019-2020, and

WHEREAS, classification studies are conducted to ensure that a classification system is equitable and consistent within an organization and that positions are correctly classified, and

WHEREAS, per Personnel Administrative Order 2.2-87-12, a classification study may be conducted in response to a reclassification request, to develop/revise a classification specification, or to assist in a reorganization, and

WHEREAS, by Resolution No. 2018-506 adopted on November 13, 2018, the Council approved an agreement between the City of Modesto and Ralph Andersen and Associates, to conduct a classification study and compensation study of all positions within the City, and

WHEREAS, a review of the City of Modesto's classification plan has been conducted by Ralph Andersen and Associates, and staff has made recommendations to the City Manager for revising said plan, and

WHEREAS, said recommendations have been reviewed by the City Manager, and the City Manager has recommended adoption of a new classification plan based on the classification study prepared by Ralph Andersen and Associates, and negotiated by

Human Resources Department staff with the impacted employee associations representing City employees, and

WHEREAS, position changes will be effective the pay period in which July 1, 2020 falls, (Pay Period beginning June 23, 2020), and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation and the Fiscal Year 2020-21 Operating Budget for various departments as follows:

1. Reallocate one (1) Administrative Office Assistant III Confidential to one (1) Deputy City Clerk in the City Clerk/s Office Division (05010) of the City Clerk's Office, and reclassify incumbent appropriately.
2. Reallocate one (1) Building Inspector II to one (1) Plans Examiner in the Building Safety Division (14210) of the Community and Economic Development Department, and reclassify incumbent appropriately.
3. Reallocate one (1) Account Technician to one (1) Account Technician II in the Accounting Division (12110) of the Finance Department, and reclassify incumbent appropriately.
4. Reallocate one (1) Account Technician (Confidential) to one (1) Account Technician II (Confidential) in the Accounting Division (12110) of the Finance Department, and reclassify incumbent appropriately.
5. Reallocate one (1) Account Technician to one (1) Account Technician II in the Accounts Receivable Division (12115) of the Finance Department, and reclassify incumbent appropriately.

6. Reallocate one (1) Customer Services Manager to one (1) Revenue Collections and Compliance Manager in the Licensing Division (12430) of the Finance Department, and reclassify incumbent appropriately.
7. Reallocate one (1) Customer Services Account Technician to one (1) Account Technician II in the Licensing Division (12430) of the Finance Department, and reclassify incumbent appropriately.
8. Reallocate one (1) Senior Customer Services Account Clerk to one (1) Senior Account Clerk in the Licensing Division (12430) of the Finance Department, and reclassify incumbent appropriately.
9. Reallocate four (4) Customer Services Account Clerk II to four (4) Account Clerk II positions in the Licensing Division (12430) of the Finance Department, and reclassify incumbents appropriately.
10. Reallocate one (1) Senior Customer Services Account Clerk to one (1) Senior Account Clerk in the Citation Services Division (12450) of the Finance Department, and reclassify incumbent appropriately.
11. Reallocate one (1) Senior Customer Services Account Clerk to one (1) Senior Account Clerk in the Cashiering Division (12460) of the Finance Department, and reclassify incumbent appropriately.
12. Reallocate one (1) Customer Services Account Technician to one (1) Account Technician II in the Cashiering Division (12460) of the Finance Department, and reclassify incumbent appropriately.

13. Reallocate four (4) Customer Services Account Clerk II to four (4) Account Clerk II positions in the Cashiering Division (12460) of the Finance Department, and reclassify incumbents appropriately.
14. Reallocate one (1) Customer Services Manager to one (1) Revenue Collections and Compliance Manager in the Utilities and Collections Division (12470) of the Finance Department, and reclassify incumbent appropriately.
15. Reallocate two (2) Customer Services Account Technician to two (2) Account Technician II positions in the Utilities and Collections Division (12470) of the Finance Department, and reclassify incumbents appropriately.
16. Reallocate two (2) Senior Customer Services Account Clerk to two (2) Senior Account Clerk positions in the Utilities and Collections Division (12470) of the Finance Department, and reclassify incumbents appropriately.
17. Reallocate eight (8) Customer Services Account Clerk II to eight (8) Account Clerk II positions in the Utilities and Collections Division (12470) of the Finance Department, and reclassify incumbents appropriately.
18. Reallocate one (1) Administrative Office Assistant III Confidential to one (1) Human Resources Assistant in the Administration Division (17210) of the Human Resources Department, and reclassify incumbent appropriately.

19. Reallocate two (2) Administrative Services Technician II Confidential to two (2) Human Resources Technicians II in the Administration Division (17210) of the Human Resources Department, and reclassify incumbents appropriately.
20. Reallocate one (1) Senior Administrative Office Assistant (Confidential) to one (1) Safety Specialist in the Risk Management Division (17310) of the Human Resources Department, and reclassify incumbent appropriately.
21. Reallocate one (1) Senior Administrative Office Assistant (Confidential) to one (1) Senior Human Resources Assistant in the Administration Division (17210) of the Human Resources Department, and reclassify incumbent appropriately.
22. Reallocate one (1) Employee Relations Coordinator to one (1) Employee Relations Officer in the Administration Division (17210) of the Human Resources Department, and reclassify incumbent appropriately.
23. Reallocate one (1) Office Supervisor – Personnel to one (1) Office Supervisor Confidential in the Administration Division (17210) of the Human Resources Department.
24. Reallocate one (1) Senior Systems Engineer to one (1) Principal Systems Engineer in the Network/Data Center Division (17710) of the Information Technology Department, and reclassify incumbent appropriately.
25. Reallocate one (1) Principal Information Technology Administrator to one (1) IT Security Officer in the Network/Data Center Division (17710) of

the Information Technology Department, and reclassify incumbent appropriately.

26. Reallocate one (1) Police Clerk II Confidential to one (1) Police Support Specialist II Confidential in the Administration Division (19110) of the Police Department, and reclassify incumbent appropriately.
27. Reallocate three (3) Police Clerk II to three (3) Police Support Specialist II positions in the Investigative Services Division (19220) of the Police Department, and reclassify incumbents appropriately.
28. Reallocate one (1) Police Clerk II to Administrative Office Assistant III in the Investigative Services Division (19220) of the Police Department.
29. Reallocate twenty four (24) Police Clerk II (1 job share 2 @ 50%) to twenty four (24) Police Support Specialist II positions (1 job share 2 @ 50%) in the Records and Support Division (19420) of the Police Department, and reclassify incumbents appropriately.
30. Reallocate one (1) Office Supervisor to one (1) Administrative Analyst II in the Administration Division (31010) of the Parks, Recreation and Neighborhoods Department, and reclassify incumbent appropriately.
31. Reallocate one (1) Exhibits Coordinator to one (1) one Events Coordinator in the Historical Properties Division (34110) of the Parks Recreation and Neighborhoods Department, and reclassify incumbent appropriately.
32. Reallocate one (1) Administrative Office Assistant III to one (1) Senior Administrative Office Assistant in the Operations Services Administration

Division (35220) of the Parks Recreation and Neighborhoods Department, and reclassify incumbent appropriately.

33. Reallocate one (1) Events Coordinator to one (1) Senior Events Coordinator in the Cultural Services Administration Division (34200) of the Parks Recreation and Neighborhoods Department, and reclassify incumbent appropriately.
34. Reallocate eight (8) Heavy Equipment Mechanic to eight (8) Heavy Equipment Mechanic II positions in the Transit Maintenance Division (53244) of the Public Works Department, and reclassify incumbents appropriately.
35. Reallocate one (1) Heavy Equipment Mechanic to one (1) Heavy Equipment Mechanic II in the Fleet Vehicle & Equipment Maintenance Division (53255) of the Public Works Department, and reclassify incumbent appropriately.
36. Reallocate eleven (11) Equipment Mechanic to eleven (11) Heavy Equipment Mechanic II positions in the Fleet Vehicle & Equipment Maintenance Division (53255) of the Public Works Department, and reclassify incumbents appropriately.
37. Reallocate one (1) Building Maintenance Technician to one (1) Building Maintenance Specialist in the Building Maintenance Division (52120) of the Public Works Department, and reclassify incumbent appropriately.
38. Reallocate three (3) Equipment Mechanic Crewleader to three (3) Heavy Equipment Mechanic Crewleader positions in the Fleet Vehicle &

Equipment Maintenance Division (53255) of the Public Works Department, and reclassify incumbents appropriately.

39. Reallocate seven (7) Electrician Traffic & Building to seven (7) Electrician II - Traffic & Building positions in the Electrical Division (53540) of the Public Works Department, and reclassify incumbents appropriately.
40. Reallocate fifteen (15) Equipment Operator to fifteen (15) Equipment Operator II positions in the Street Maintenance Division (53130) of the Public Works Department, and reclassify incumbents appropriately.
41. Reallocate four (4) Equipment Operator to four (4) Equipment Operator II positions in the Curbs, Gutter, and Sidewalks Division (53142) of the Public Works Department, and reclassify incumbents appropriately.
42. Reallocate six (6) Equipment Operator to six (6) Equipment Operator II positions in the Street Sweeping Division (53150) of the Public Works Department, and reclassify incumbents appropriately.
43. Reallocate eight (8) Equipment Operator to eight (8) Equipment Operator II positions in the Green Waste Collection (Pruned Refuse) Division (56020) of the Public Works Department, and reclassify incumbents appropriately.
44. Reallocate three (3) Equipment Operator to three (3) Equipment Operator II positions in the Compost Operations Division (56030) of the Public Works Department, and reclassify incumbents appropriately.

45. Reallocate two (2) Equipment Operator to two (2) Equipment Operator II positions in the Community Forestry Division (56040) of the Public Works Department, and reclassify incumbents appropriately.
46. Reallocate eleven (11) Tree Trimmer to eleven (11) Tree Trimmer II positions in the Community Forestry Division (56040) of the Public Works Department, and reclassify incumbents appropriately.
47. Reallocate one (1) Senior Administrative Office Assistant to one (1) Water Resources Analyst in the Laboratory Services Division (44112) of the Utilities Department, and reclassify incumbent appropriately.
48. Reallocate one (1) Maintenance Planning Technician to one (1) Plant Maintenance Planner in the Wastewater Operations Administration Division (44310) of the Utilities Department, and reclassify incumbent appropriately.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 30th day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-279**

**RESOLUTION ADOPTING A NEW CLASSIFICATION PLAN FOR THE
CITY OF MODESTO AND RESCINDING RESOLUTION 2019-307**

WHEREAS, Section 2-5.06 of the Modesto Municipal Code provides that the City Council shall adopt, by resolution, personnel rules governing the preparation, installation, revision and maintenance of a position classification plan covering all appointive positions in the City service, and

WHEREAS, Rule 2.1 of the City of Modesto Personnel Rules, provides that the City Manager shall ascertain the duties and responsibilities of all positions in the City service, except positions filled by appointees of the City Council, and prepare a classification plan for such positions, and

WHEREAS, a Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 2019-307 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, by Resolution No. 2018-506 adopted on November 13, 2018, the Council approved an agreement between the City of Modesto and Ralph Andersen and Associates, to conduct a classification study and compensation study of all positions within the City, and

WHEREAS, a review of the City of Modesto's classification plan has been conducted by Ralph Andersen and Associates, and staff has made recommendations to the City Manager for revising said plan, and

WHEREAS, said recommendations have been reviewed by the City Manager, and the City Manager has recommended adoption of a new classification plan based on the

classification study prepared by Ralph Andersen and Associates, and negotiated by Human Resources Department staff with the impacted employee associations representing City employees, and

WHEREAS, the new classification plan includes classifications studied by Ralph Andersen and Associates, as well as classifications which were not included in the study, and said Classification Plan is on file in the Human Resources Department of the City of Modesto, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that the classification plan or revisions thereto shall be effective upon adoption by resolution of the City Council.

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

1. ADOPTION OF PLAN. The classification plan consisting of the titles and job specifications on file in the Human Resources Department is hereby adopted by reference as the Classification Plan of the City of Modesto, effective June 23, 2020. A list of classification titles entitled “Alphabetical Listing of Classification in City Service,” as shown on the **attached Exhibit “A,”** which is hereby made a part of this resolution by reference, is hereby approved and made part of the Classification Plan of the City of Modesto. Any previous classifications not referenced herein **Exhibit “A,”** are deemed deleted from the Classification Plan.

2. THE CLASSIFICATION PLAN. The classification plan shall consist of the titles and job specifications identified in the foregoing section, and all subsequent

amendments approved in accordance with the Modesto Municipal Code and Personnel Rules. The titles and specifications shall be interpreted and used as follows:

- (A) The classification title shall be used in all official records of the City and for all classification and payroll purposes.
- (B) The definition of a classification is a general description of the work and includes a brief, concise definition of the primary responsibilities assigned to positions in the classification.
- (C) The essential and marginal function statements are illustrations of duties commonly performed in positions allocated to the classification. The inclusion of a task does not necessarily require each employee whose position is allocated to the classification to perform that duty; nor does the exclusion of any task, related to the duties of any such employee, release him/her from responsibility for performing that duty when assigned.
- (D) Statements of distinguishing characteristics, where used, are merely for further explanation of the differences between classifications.
- (E) Minimum qualifications and desirable qualifications indicate the training, experience, knowledge, skills, abilities, physical and mental requirements and working conditions which are indicative of the classification. The statements of experience and training are to be interpreted as general standards, and a reasonably equivalent combination may be accepted by the Director of Human Resources for admitting candidates to examinations. Minimum requirements may vary from these standards when, in the judgment of the Director of Human Resources, it is in the City's interest. In addition to standards specifically stated,

general requirements of integrity, good judgment, good moral character, as well as requirements generally imposed by law, such as the possession of a valid driver's license, where required, are considered to be a part of any or all specifications.

3. ALLOCATION OF POSITIONS. Upon the effective date hereof, or as soon thereafter as practicable, the City Manager shall allocate each position for which he is the appointing authority to one of the classifications established by this resolution.

4. QUALIFICATIONS OF EMPLOYEES. An employee whose position is allocated to a different classification in accordance with this new classification plan is deemed to have met minimum requirements for appointment to the classification to which his/her position is allocated and shall be granted probationary or regular status in the new classification, based on the employee's current status. For classifications identified as "flexibly staffed," placement of the employee within the series will be based on job duties and minimum qualifications.

5. TITLES IN RECORDS. The title of existing eligible lists and other appropriate records of the City shall be amended to conform to the new classification plan and allocation of positions.

6. AMENDMENT. This Classification Plan may be amended as provided in the Personnel Rules.

7. REPEALS. Resolution No. 2019-307 and all amendments thereto are hereby rescinded, effective June 23, 2020.

8. EFFECTIVE DATE. This Resolution shall become effective the pay period in which July 1, 2020 falls, (Pay Period beginning June 23, 2020).

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 30th day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

CITY OF MODESTO
 ALPHABETICAL LISTING OF CLASSIFICATIONS IN CITY SERVICE
2020-2021
 Effective June 23, 2020

Range No.	Title of Classification	Range No.	Title of Classification
110	Account Clerk I	454	Assistant City Engineer
410	Account Clerk I (Confidential)	436	Assistant Engineer
114	Account Clerk II	429	Assistant Planner
414	Account Clerk II (Confidential)	433	Assistant Surveyor
446	Accounting Manager	435	Assistant Transportation Planner
120	Account Technician I	443	Associate Civil/Traffic Engineer
124	Account Technician II	440	Associate Engineer
420	Account Technician I (Confidential)	440	Associate Land Surveyor
424	Account Technician II (Confidential)	434	Associate Planner
429	Administrative Analyst I	439	Associate Transportation Planner
433	Administrative Analyst II	441	Auditor I
107	Administrative Office Assistant I	442	Auditor II
111	Administrative Office Assistant II	2451	Budget Manager
411	Administrative Office Assistant II (Confidential)	444	Building Inspection Supervisor
115	Administrative Office Assistant III	128	Building Inspector I
415	Administrative Office Assistant III (Confidential)	132	Building Inspector II
441	Administrative Services Officer	132	Building Maintenance Specialist
122	Administrative Services Technician I	126	Building Maintenance Technician
423	Administrative Services Technician I (Confidential)	444	Building Safety Program Coordinator
126	Administrative Services Technician II	437	Business Analyst
427	Administrative Services Technician II (Confidential)	424	Buyer
131	Airport Maintenance Crewleader	426	Central Stores Supervisor
125	Airport Maintenance Worker	442	Centre Plaza Manager
445	Airport Manager	454	Chief Building Official
429	Animal Control Supervisor	1424	Chief Information Officer
120	Assistant Buyer	1532	Chief of Police
449	Assistant Chief Building Official	1434	City Attorney
1632	Assistant Chief of Police	1421	City Auditor
2462	Assistant City Attorney	1415	City Clerk
431	Assistant City Clerk	460	City Engineer

Range No.	Title of Classification	Range No.	Title of Classification
1438	City Manager	1424	Director of Finance
121	Code Enforcement Officer I – NPU	1424	Director of Human Resources
125	Code Enforcement Officer II – NPU	1424	Director of Parks, Recreation and Neighborhoods
444	Community and Media Relations Officer	1425	Director of Public Works
451	Community Development Manager	1429	Director of Utilities
124	Community Development Program Specialist I	450	Economic Development Manager
128	Community Development Program Specialist II	439	Economic Development Marketing Specialist
434	Compost Facility Supervisor	118	Electrical and Instrumentation Technician Trainee
442	Construction Inspection Supervisor	131	Electrical and Instrumentation Technician
132	Construction Inspector	437	Electrical Supervisor
128	Cross Connection Specialist	439	Electrical Supervisor - Utilities
437	Cultural Services Program Manager	117	Electrician Assistant I
104	Custodian I	121	Electrician Assistant II
108	Custodian II	124	Electrician Assistant III
111	Custodian Crewleader	135	Electrician Crewleader
423	Custodian Supervisor	127	Electrician I - Traffic and Buildings
437	Customer Services Supervisor	131	Electrician II - Traffic and Buildings
2444	Deputy City Attorney I	437	Emergency Medical Services Coordinator
2448	Deputy City Attorney II	426	Employee Benefits Coordinator
2452	Deputy City Attorney III	2439	Employee Benefits Manager
422	Deputy City Clerk	2441	Employee Relations Officer
1429	Deputy City Manager	127	Engineering Assistant I
2452	Deputy Director of Community and Economic Dev.	131	Engineering Assistant II
2452	Deputy Director of Cultural & Enterprise Services	123	Engineering Assistant Trainee
2452	Deputy Director of Finance	459	Engineering Division Manager
2452	Deputy Director of Human Resources	106	Engineering Intern
2452	Deputy Director of Public Works-Operations	135	Engineering Project Coordinator
2452	Deputy Director of Recreation & Neighborhoods	127	Environmental Compliance Inspector I
446	Deputy Fire Marshal	131	Environmental Compliance Inspector II
123	Development Services Technician I	122	Environmental Compliance Technician
126	Development Services Technician II	446	Environmental Regulatory Compliance Manager
1426	Director of Community & Economic Development	440	Environmental Services Supervisor

Range No.	Title of Classification	Range No.	Title of Classification
2431	Equal Opportunity Analyst/Paralegal	119	Fleet Procurement Technician
127	Equipment Mechanic	120	Groundskeeper
131	Equipment Mechanic Crewleader	128	Head Groundskeeper
120	Equipment Operator I	123	Heavy Equipment Mechanic I
124	Equipment Operator II	127	Heavy Equipment Mechanic II
114	Equipment Service Technician	131	Heavy Equipment Mechanic Crewleader
433	Events Coordinator	426	HMIS Program Coordinator
423	Executive Assistant	422	HMIS Technician
2423	Executive Assistant	126	Housing Financial Specialist
2428	Executive Assistant to the City Council	441	Housing and Urban Development Supervisor
2428	Executive Assistant to the City Manager	126	Housing Rehabilitation Specialist I
111	Exhibits Coordinator	130	Housing Rehabilitation Specialist II
445	Facilities Manager	436	Housing Rehabilitation Supervisor
428	Financial Analyst I	430	Human Resources Analyst I
432	Financial Analyst II	434	Human Resources Analyst II
436	Financial Analyst III	415	Human Resources Assistant
819	Fire Battalion Chief – 112 Hour	2447	Human Resources Manager
1819	Fire Battalion Chief – 80 Hour	423	Human Resources Technician I
219	Fire Captain – 112 Hour	427	Human Resources Technician II
719	Fire Captain – 80 Hour / Special Assignment	451	Information Technology Manager
1729	Fire Chief	443	Information Technology Security Officer
524	Fire Division Chief	441	Infrastructure Financing Program Supervisor
213	Fire Engineer – 112 Hour	448	Integrated Waste Program Manager
713	Fire Engineer – 80 Hour	440	Integrated Waste Specialist
126	Fire Equipment Mechanic	432	Junior Engineer
209	Fire Fighter – 112 Hour	122	Laboratory Analyst I
709	Fire Fighter – 80 Hour	126	Laboratory Analyst II
905	Fire Fighter Trainee – 80 Hour	131	Laboratory Analyst III
205	Fire Fighter Trainee – 112 Hour	442	Laboratory Supervisor
1127	Fire Prevention Inspector I	420	Legal Secretary I
1131	Fire Prevention Inspector II	424	Legal Secretary II
447	Fleet Manager	2428	Legal Services Administrator

Range No.	Title of Classification	Range No.	Title of Classification
116	Maintenance Worker I	1103	Police Cadet I
120	Maintenance Worker II	1107	Police Cadet II
437	Management Analyst	1627	Police Captain
440	Materials Management Superintendent/City Arborist	441	Police Civilian Manager
126	Multimedia Designer	433	Police Civilian Supervisor
432	Neighborhood Preservation Supervisor	1117	Police Community Service Officer I
427	Office Supervisor	1121	Police Community Service Officer II
2427	Office Supervisor - Confidential	603	Police Corporal
132	Operations Crewleader	1126	Police Crime and Intelligence Analyst I
451	Operations Manager	1130	Police Crime and Intelligence Analyst II
435	Operations Supervisor	313	Police Detective
438	Organizational Development Coordinator	1117	Police Evidence and Property Technician I
2428	Paralegal	1121	Police Evidence and Property Technician II
431	Parking Adjudication Program Coordinator	1123	Police Identification Technician I
124	Parking Services Crewleader	1127	Police Identification Technician II
431	Parking Services Supervisor	619	Police Lieutenant
125	Parks Maintenance Crewleader	309	Police Officer
125	Parks Maintenance Mechanic	1122	Police Officer Recruit
444	Parks Planning and Development Manager	305	Police Officer Trainee
436	Parks Project Coordinator	431	Police Range and Training Center Coordinator
452	Parks Recreation & Neighborhoods Operations Manager	611	Police Sergeant
451	Planning Manager	1110	Police Support Specialist I
134	Plans Examiner	1114	Police Support Specialist II
134	Plant Maintenance Planner	414	Police Support Specialist II (Confidential)
444	Plant Maintenance Superintendent	1123	Police Technician
439	Plant Maintenance Supervisor	447	Principal Planner
128	Plant Mechanic I	443	Principal Systems Engineer
131	Plant Mechanic II	119	Production Technician
119	Plant Mechanic Trainee	438	Property Agent
1117	Police Animal Control Officer I	440	Public Safety Business Services Analyst
1121	Police Animal Control Officer II	436	Public Safety Information Coordinator
		443	Purchasing Manager

Range No.	Title of Classification	Range No.	Title of Classification
448	Recreation and Neighborhoods Services Manager	439	Senior Planner
124	Recreation Coordinator	135	Senior Plant Mechanic
444	Recreation Program Manager	439	Senior Software Analyst
434	Recreation Supervisor	118	Senior Storeskeeper
434	Recycling Program Coordinator	439	Senior Systems Engineer
443	Revenue Collections and Compliance Manager	429	Senior Systems Technician
439	Risk and Loss Control Coordinator	443	Senior Transportation Planner
2447	Risk Manager	134	Senior Utilities Plant Operator
441	Safety Officer	132	Senior Utilities Services Worker
427	Safety Specialist	432	Senior Workers' Compensation Claims Examiner
118	Senior Account Clerk	431	Software Analyst I
119	Senior Administrative Office Assistant	435	Software Analyst II
419	Senior Administrative Office Assistant (Conf)	124	Solid Waste Enforcement Officer
2434	Senior Auditor	440	Solid Waste Enforcement Supervisor
136	Senior Building Inspector	114	Storeskeeper
441	Senior Business Analyst	447	Streets Manager
430	Senior Buyer	136	Survey Party Chief
450	Senior Civil Engineer	431	Systems Engineer I
438	Senior Community Development Program Specialist	435	Systems Engineer II
136	Senior Construction Inspector	421	Systems Technician I
436	Senior Crime and Intelligence Analyst	425	Systems Technician II
2456	Senior Deputy City Attorney	427	Technology Solutions Analyst I
134	Senior Environmental Compliance Inspector	431	Technology Solutions Analyst II
128	Senior Equipment Operator	452	Traffic Engineer
437	Senior Events Coordinator	447	Traffic Operations Engineer
440	Senior Financial Analyst	127	Traffic Operations Technician
129	Senior Fire Equipment Mechanic	131	Traffic Striping Crewleader
1135	Senior Fire Prevention Inspector	437	Transit Analyst
439	Senior Human Resources Analyst	448	Transit Manager
419	Senior Human Resources Assistant	118	Tree Trimmer I
445	Senior Land Surveyor	122	Tree Trimmer II
428	Senior Legal Secretary	126	Tree Trimmer Crewleader

Range No.	Title of Classification	Range No.	Title of Classification
441	Utilities Plant Operations Supervisor		
127	Utilities Plant Operator I		
130	Utilities Plant Operator II		
123	Utilities Plant Operator Trainee		
441	Utilities Services Supervisor		
120	Utilities Services Worker I		
124	Utilities Services Worker II		
128	Utilities Services Worker III		
429	Utility Dispatch Supervisor		
450	Wastewater Collections Systems Manager		
124	Water Conservation Specialist		
126	Water Meter Technician		
450	Water Quality Control Plant Manager		
121	Water Resource Specialist		
433	Water Resources Analyst		
444	Water Superintendent		
450	Water Systems Manager		
437	Weed and Seed Program Coordinator		
127	Welder/Fabricator		
420	Workers' Compensation Claims Assistant		
423	Workers' Compensation Claims Examiner I		
428	Workers' Compensation Claims Examiner II		
		TOTALS:	14 – Executive Management; 323 - Other
			<u>Total: 337</u>

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-280**

RESOLUTION APPROVING THE ADOPTION OF THE FISCAL YEAR 2020-21 ANNUAL AND MULTI-YEAR OPERATING BUDGETS AND THE 2020-21 CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF MODESTO AND THE RELATED INTER-FUND TRANSFERS

WHEREAS, pursuant to the Charter of the City of Modesto, the City Manager presented the preliminary Draft Operating Budget and Capital Improvement Program for the 2020-2021 Fiscal Year to the Finance Committee at workshops held on May 18 and May 19, 2020, and

WHEREAS, the Finance Committee reviewed the preliminary Draft Operating and Multi-Year Operating Budgets and the Capital Improvement Program in a series of televised public workshops on May 18 and May 19, 2020, and at a joint Planning Commission/Finance Committee meeting held on May 18, 2020, and

WHEREAS, the Finance Committee recommended the City Manager's preliminary Draft Operating and Multi-Year Budgets to the full City Council for consideration, and

WHEREAS, the Finance Committee recommended the proposed Capital Improvement Program budget to the full City Council for consideration, and

WHEREAS, in accordance with the City Charter, a duly noticed public hearing was scheduled on June 30, 2020 during which the City Council considered the recommendations of the Finance Committee relating to the preliminary Draft Operating and Multi-year budgets and the Capital Improvement Program, and

WHEREAS, prior to any discussion of the CIP budgets and prior to the final adoption, the City Council by separate motion considered each CIP project that could be

the source of a potential conflict of interest to one or more members of the City Council without the participation of those members, and

WHEREAS, the adoption of the Final Proposed Budget for FY 2020-21 includes the proposed Operating Budget, Multi-Year operating budget, Capital Improvement Program budget, approved adjustments, approved addendums, transfers in and out, adoption of budget controls and financial policies, and

WHEREAS, the effective date of the adopted budget for FY 2020-21 shall be July 1, 2020, and

WHEREAS, copies of the Final Proposed Operating and Multi-year budgets and the Capital Improvement Program 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 it hereby approves the adoption of the Final Proposed Operating Budget, Multi-Year Budget, and Capital Improvement Program Budget for Fiscal Year 2020-21 inclusive of the Mayor's Final Budget Modifications, adjustments, and addendums to be in effect July 1, 2020.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 30th day of June, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: Madrigal

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-281**

**RESOLUTION APPROVING THE BUDGET PRINCIPLES, POLICY ON
GENERAL FUND RESERVES FOR FY 2020-21, AND THE OPERATING
BUDGET POLICY AS OUTLINED IN THE FISCAL YEAR 2020-21 FINAL
PROPOSED BUDGET**

WHEREAS, each year the City Council's Finance Committee makes recommendations regarding the upcoming Fiscal Year Operating Budget and Capital Improvement Program and Budget Principles, and

WHEREAS, in the development of the FY 2020-2021 Operating Budget, the Finance Committee reviewed and recommended for City Council consideration the **attached** Proposed Budget, Policy on General Fund Reserves for FY 2020-21, Budget Principles, and Operating Budget Policy.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Final Proposed Budget, the Budget Principles, and Operating Budget Policy as shown in **Attachment 6** and **Exhibit 3**, which are incorporated by reference herein.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 30th day of June, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: Madrigal

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

Recommended Budget Principles

1. Annually Adopt a Structurally Balanced Budget

A structurally balanced budget means on-going revenues and on-going expenditures are in balance with on-going revenues meeting or exceeding expenditures during the same time period. If a structural imbalance occurs, a plan must be developed and implemented to bring the budget back into balance.

2. Use of One-Time Resources

Once brought into balance, one-time revenues (excess reserves about reasonable risk calculations, revenue spikes, prior year budget savings, sale of property, etc) shall not be used for current or new on-going operating costs. Examples of appropriate uses of one-time revenues include early retirement of debt, capital expenditures without significant operating or maintenance costs, and other non-reoccurring expenditures.

3. Budget Revisions

New programs, services, or staffing requests are considered in light of the Council's priorities and shall include a spending offset at the time of the request so that the request has a net-zero impact on the budget.

4. Reserves

All City funds must maintain an adequate reserve level and/or ending fund balance as determined annually as appropriate for each fund. For the General Fund, the contingency reserve amount, which is a flat \$7 million, shall be maintained. Any use of the General Fund contingency reserve will require a majority vote of the Council.

5. Debt Issuance

Long-term General Fund debt will not be incurred to support on-going operating costs (other than debt service) unless such issuance achieves net operating cost savings and such savings can be independently verified. All General Fund debt issuances shall identify a method of repayment or have a dedicated revenue source.

6. Employee Compensation

Recognizing that employees are the City's major resource, negotiations for employee compensation shall focus on the total compensation costs (e.g. increases in salary, steps, and benefit costs) while considering the City's fiscal condition, revenue growth, and changes in the cost of living.

7. Capital Improvement Projects

Capital Improvement Projects shall not proceed for projects with annual operating and maintenance costs in the General Fund without City Council certification that funding will be available in the applicable year of the cost impact. Certification shall demonstrate that the entire cost of the project, including operating and maintenance costs, will not require a decrease in the City's core services.

8. Fees and Charges

The development of fees and fee increases shall be utilized where appropriate to assure fee program costs are fully recovered by fee revenue.

9. Grants

Staff will seek out, apply for, and effectively administer grants that address the City's priorities, policy objectives, and provide an overall positive benefit to the City. Before a grant is pursued, staff shall provide a detailed fiscal analysis addressing both the immediate and long-term costs and benefits of the grant. With the exception of pilot projects, one-time grant revenues shall not be used to begin or support the costs of on-going programs.

10. General Plan

The General Plan is the primary long-term fiscal planning tool. Recommendations to create new development capacity beyond the existing General Plan shall be analyzed to ensure that capital improvements and operating/maintenance costs are within the City's financial capabilities.

11. Performance Measurement

All requests for funding shall include performance measure data so funding requests can be reviewed and approved in light of anticipated service level outcomes.

Fiscal Year 2020-21
Proposed Operating Budget Addendum

- 1) Amend the budget for various departments to implement the agreed upon FY 2020-21 furloughs for MPOA, MPNSA, MCMA, and Unrepresented employees. Due to time constraints, the departmental budgets were not reduced on a line item basis but will be via this addendum.

- 2) Amend the budget and position allocation for FY 2020-21 to remove the elimination of the Building Inspector I position in Community & Economic Development Department and replace this reduction with savings from the elimination of the Senior Administrative Office Assistant (Confidential) position in the Fire Department. The cost savings associated with the Building Inspector I position are equal to \$93,390 and the replacement savings from the Senior Administrative Office Assistant (Confidential) are \$70,953. The remaining savings for the difference of \$22,437 will come from the additional reductions listed below in the Community & Economic Development Department:

Fund - Cost Center - Account	Account Name	Amount
0100-14110-53020	Conference Expense	\$ (3,500)
0100-14810-52170	PC Software and Supplies	\$ (5,920)
0100-14180-53175	Advertising	\$ (4,500)
0100-14210-52010	Office Supplies	\$ (4,217)
0100-14210-52301	Computer Equipment <\$5,000	\$ (5,300)
	Total Reductions	\$ (23,437)

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-282**

**RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL
YEAR 2020-21 AS ADOPTED IN THE OPERATING BUDGET**

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on June 25, 2019, as part of the Annual Budget of the City of Modesto for Fiscal Year 2019-2020, and

WHEREAS, classification studies are conducted to ensure that a classification system is equitable and consistent within an organization and that positions are correctly classified, and

WHEREAS, per Personnel Administrative Order 2.2-87-12, a classification study may be conducted in response to a reclassification request, to develop/revise a classification specification, or to assist in a reorganization, and

WHEREAS, classification studies were conducted by Human Resources to determine appropriate classification, and

WHEREAS, position changes will be effective the pay period in which July 1, 2020 falls (Pay Period beginning June 23, 2020), or as noted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation and the Fiscal Year 2020-21 Operating Budget for various departments as follows:

1. Eliminate one (1) Legal Secretary II in the City Attorney's Office Division (04010) of the City Attorney's Office.
2. Eliminate one (1) Senior Deputy City Attorney in the City Attorney's Office Division (04010) of the City Attorney's Office.

3. Freeze one (1) Associate Planner in the Planning Division (14410) of the Community and Economic Development Department for six (6) months.
4. Eliminate one (1) Senior Transportation Planner in the Planning Division (14410) of the Community and Economic Development Department.
(Effective 7/21/20)
5. Eliminate one (1) Building Safety Program Coordinator in the Building Safety Division (14210) of the Community and Economic Development Department.
6. Eliminate one (1) Building Inspector II in the Building Safety Division (14210) of the Community and Economic Development Department.
(Effective 7/21/20)
7. Eliminate one (1) Senior Administrative Office Assistant III (Confidential) in the Building Safety Division (14210) of the Community and Economic Development Department.
8. Eliminate one (1) Code Enforcement Officer II - NPU in the Neighborhood Preservation Division (14220) of the Community and Economic Development Department. (Effective 7/21/20)
9. Transfer one (1) Senior Civil Engineer in the Land Development Engineering Division (14310) to the Transportation Engineering & Design Division (14610) of the Community and Economic Development Department.
10. Eliminate one (1) Account Clerk II in the Accounting Division (12110) of the Finance Department.

11. Eliminate one (1) Financial Analyst II in the Accounting Division (12110) of the Finance Department.
12. Eliminate one (1) Account Clerk II in the Accounts Receivable Division (12115) of the Finance Department.
13. Transfer one (1) Assistant Buyer in the Purchasing Division (12510) to the Central Stores Division (12530) of the Finance Department.
14. Freeze one (1) Deputy Fire Marshall in the Fire Prevention Division (18510) of the Fire Department for one (1) year.
15. Eliminate one (1) Administrative Office Assistant III (Confidential) of the Administration and Officers Division (18110) of the Fire Department.
16. Eliminate one (1) Emergency Medical Services Coordinator in the Administration and Officers Division (18110) of the Administration and Officers Division (18110) of the Fire Department.
17. Eliminate five (5) Fire Engineer positions in the Suppression Division (18210) of the Fire Department.
18. Eliminate two (2) Fire Fighter positions in the Suppression Division (18210) of the Fire Department.
19. Reallocate one (1) Risk and Loss Control Coordinator to one (1) Risk Analyst I/II in the Risk Management Division (17310) of the Human Resources Department. (Effective 7/21/20)
20. Eliminate one (1) Administrative Office Assistant III (Confidential) in the Administration Division (17210) of the Human Resources Department. (Effective 7/21/20)

21. Freeze one (1) Human Resources Manager in the Administration Division (17210) of the Human Resources Department for four (4) months.
22. Eliminate one (1) Technology Solutions Analyst II in the Administration Division (17410) of the Information Technology Department. (Effective 7/21/20)
23. Eliminate two (2) Senior Systems Technicians in the Network/Data Center Division (17710) of the Information Technology Department.
24. Freeze one (1) Cultural Services Program Manager in the Historical Properties Division (34110) of the Parks, Recreation and Neighborhoods Department for one (1) year.
25. Eliminate one (1) Executive Assistant in the Administration Division (31010) of the Parks, Recreation and Neighborhoods Department. (Effective 7/21/20)
26. Eliminate one (1) Administrative Office Assistant III in the Guest Services Division (33040) of the Parks, Recreation and Neighborhoods Department.
27. Eliminate one (1) Events Coordinator in the Convention & Visitor's Bureau Division (34300) of the Parks, Recreation and Neighborhoods Department.
28. Eliminate one (1) Administrative Office Assistant III in the Convention & Visitor's Bureau Division (34300) of the Parks, Recreation and Neighborhoods Department.

29. Eliminate one (1) Parks Maintenance Mechanic in the Operations Services Administration Division (35220) of the Parks, Recreation and Neighborhoods Department. (Effective 07/21/20)
30. Eliminate one (1) Maintenance Worker I/II in the Operations Services Administration Division (35220) of the Parks, Recreation and Neighborhoods Department.
31. Eliminate twenty-four (24) Police Officer positions in the Field Operations Division (19320) of the Police Department.
32. Eliminate three (3) Police Detective positions in the Investigative Services Division (19220) of the Police Department.
33. Eliminate one (1) Police Lieutenant position in the Field Operations Division (19320) of the Police Department.
34. Eliminate one (1) Police Lieutenant position in the Investigative Services Division (19220) of the Police Department. (Effective 12/1/20)
35. Eliminate one (1) Police Sergeant position in the Traffic Safety Program Division (19330) of the Police Department. (Effective 12/1/20)
36. Eliminate one (1) Police Sergeant position in the Field Operations Division (19320) of the Police Department. (Effective 1/1/21)
37. Eliminate one (1) Administrative Office Assistant III (Confidential) position in the Field Operations Division (19320) of the Police Department.

38. Eliminate one (1) Police Range and Training Coordinator position in the Tactical Training Center Division (19430) of the Police Department.
(Effective 8/1/20)
39. Eliminate one (1) Police Animal Control Officer II position in the Animal Control Division (19450) of the Police Department.
40. Eliminate one (1) Police Identification Technician II in the Investigative Services Division (19220) of the Police Department.
41. Reallocate one (1) Building Maintenance Technician position in the Building Services Division (19490) to one (1) Police Civilian Supervisor in the Building Services Division of the Police Department.
42. Allocate five (5) Police Cadet II positions in the Investigative Services Division (19220) of the Police Department.
43. Allocate five (5) Police Community Service Officer II positions in the Field Operations Division (19320) of the Police Department.
44. Freeze one (1) Administrative Office Assistant III (Confidential) in the Administration Division (51015) of the Public Works Department for one (1) year.
45. Freeze two (2) Equipment Operator positions in the Street Maintenance Division (53130) of the Public Works Department for one (1) year.
46. Freeze one (1) Traffic Engineer in the Traffic Engineering Division (53510) of the Public Works Department for nine (9) months.
47. Freeze one (1) Electrician Traffic & Buildings from the Electrical Division (53540) of the Public Works Department for one (1) year.

48. Freeze one (1) Equipment Mechanic in the Fleet Vehicle and Equipment Maintenance Division (53255) of the Public Works Department for one (1) year.
49. Freeze one (1) Airport Maintenance Crewleader in the Airport Services Division (53312) of the Public Works Department for seven (7) months.
50. Freeze one (1) Equipment Operator in the Green Waste Collection (Pruned Refuse) Division (56020) of the Public Works Department for one (1) year.
51. Freeze one (1) Operations Crewleader in the Community Forestry Division (56040) of the Public Works Department for one (1) year.
52. Freeze one (1) Administrative Office Assistant III in the Building Administration Division (52110) of the Public Works Department for one (1) year.
53. Allocate and Freeze one (1) Parking Enforcement Officer in the Parking Services Division (53250) of the Public Works Department for one (1) year.
54. Retitle one (1) Water Systems Manager to one (1) Water Division Manager in the Water Services Administration Division (45010) of the Utilities Department.
55. Retitle one (1) Environmental Regulatory Compliance Manager to one (1) Environmental Regulatory Compliance Superintendent in the Lab and Environmental Services Admin Division (44110) in the Utilities Department.

56. Retitle one (1) Wastewater Collections System Manager to one (1) Wastewater Collections System Superintendent in the Wastewater Collections Administration Division (44210) of the Utilities Department.
57. Eliminate one (1) Engineering Intern in the Water Resources Engineering Division (43060) of the Utilities Department.
58. Reallocate one (1) Water Quality Control Plant Manager to one (1) Wastewater Division Manager in the Wastewater Operations Administration Division (44310) of the Utilities Department.
59. Reallocate one (1) Senior Utilities Plant Operator to one (1) Water Quality Control Superintendent - Chief Plant Operator in the Wastewater Plant Operations Division (44312) of the Utilities Department.
60. Reallocate one (1) Senior Administrative Office Assistant (Confidential) to one (1) Utility Dispatch Supervisor in the Wastewater Services Administration Division (44010) of the Utilities Department.
61. Eliminate one (1) Engineering Intern in the Wastewater Engineering Design Division (42026) of the Utilities Department.
62. Eliminate one (1) Plant Mechanic Trainee in the Jennings Plant Maintenance Division (44314) of the Utilities Department.
63. Allocate one (1) Survey Party Chief in the Construction Administration Division (42020) of the Utilities Department.
64. Allocate one (1) Construction Inspector in the Construction Administration Division (42020) of the Utilities Department.

65. Eliminate one (1) Construction Inspection Supervisor in the Construction Administration Division (42020) in the Utilities Department.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 30th day of June, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: Madrigal

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-283**

RESOLUTION AMENDING THE CLASSIFICATION PLAN FOR THE CITY OF MODESTO TO CREATE THE CLASSIFICATIONS OF PARKING ENFORCEMENT OFFICER, WASTEWATER DIVISION MANAGER AND WATER QUALITY CONTROL PLANT SUPERINTENDENT – CHIEF PLANT OPERATOR; AND TO AMEND THE CLASSIFICATIONS OF RISK AND LOSS CONTROL COORDINATOR TO RISK ANALYST I/II, AND WATER SYSTEMS MANAGER TO WATER DIVISION MANAGER

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 2019-307 pursuant to Rule 2.2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

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

1. CLASSIFICATION PLAN AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to create the classifications of Parking Enforcement Officer at salary range 108, Wastewater Division Manager at salary range 452, and Water Quality Control Superintendent – Chief Plant Operator at salary range 446; and to amend the classifications of Risk and Loss Control Coordinator to Risk Analyst I/II at salary ranges 429/433 respectively, and Water Systems Manager to Water Division Manager at salary range 452.

2. EFFECTIVE DATE. This Resolution shall become effective the pay period in which July 1, 2020 falls, (Pay Period beginning June 23, 2020).

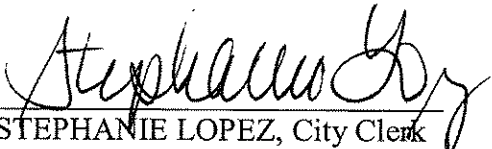
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 30th day of June, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: Madrigal

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-284**

**RESOLUTION AUTHORIZING THE CITY TO APPROVE AN EARLY
RETIREMENT INCENTIVE PACKAGE TO ELIGIBLE EMPLOYEES; AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN
IMPLEMENTATION DOCUMENTS**

WHEREAS, the City has projected a budget shortfall for Fiscal Year 2020-21 as a result of the economic downturn, and

WHEREAS, in order to address the budget shortfall, and in an effort to reduce the number of employees impacted due to budget reductions, the City desires to offer eligible employees an Early Retirement Incentive, and

Whereas, full-time regular employees in the miscellaneous, non-safety bargaining units of Modesto City Employees Association, Modesto Confidential Management Association and Modesto Police and Fire Non-Sworn Association who, as of July 20, 2020, are at least 50 years of age with at least five (5) years of regular service with the City and are eligible for retirement, are eligible for the Early Retirement Incentive Program, as authorized by the City Manager.

WHEREAS, 15 positions are determined eligible for this incentive. In addition, the cost for these incentives is \$150,000 total while the anticipated savings is \$623,689.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City to approve the Retirement Incentive Program for these eligible employees upon retirement, as outlined in **Exhibit 4**, entitled, "City of Modesto Retirement Incentive Program."

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to sign implementation documents.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 30th day of June, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: Madrigal

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney



MEMORANDUM

DATE: June 3, 2020

TO: All Eligible Employees

FROM: Christina Alger, Director of Human Resources

RE: EARLY RETIREMENT INCENTIVE PLAN – Fiscal Year 2020/2021

PURPOSE

The City of Modesto is confronted with serious fiscal constraints and is undertaking organizational reviews to optimize the efficiency of operational functions. One response to these challenges is the adoption of the Early Retirement Incentive Plan (ERIP) for qualified employees. The following information outlines the description, purpose, and eligibility requirements.

POLICY

The ERIP is a one-time opportunity for eligible employees to apply for separation and enter retirement at an earlier date than might otherwise have been planned. ERIP participants will be required to sign a Separation Agreement that contains a release of all employment rights and claims, described later in this document. Following voluntary separation from the City of Modesto, ERIP participants will receive the benefits provided by this plan, which will either include a lump sum payment, or contribution to a Retiree Health Savings Account.

Participation in the ERIP is completely voluntary. Applicants may revoke their application at any time up to seven (7) days after signing the Separation Agreement. Eligible employees who decline to participate or who revoke an application to participate will not be treated any differently than any other similarly situated employee.

Applications for the ERIP will be accepted for a limited period of time, starting June 3, 2020, and ending at 5:00 p.m. on June 24, 2020.

Separations under the ERIP are to be effective on or before July 20, 2020, with a retirement date no later than July 21, 2020, except as allowed by circumstances described later in this document.



This Program is meant to achieve the following objectives:

1. Reduce salary and benefit costs in anticipation of fiscal challenges.
2. Redirect positions to focus on priorities, changing needs or strategic objectives.
3. Achieve cost savings and organizational efficiencies.

Requests to participate in this Program will be reviewed on a case-by-case basis. The program may not be open to all departments. Determinations of compliance with the conditions and requirements of this Program, and approval of any request made under this Program, are subject to the review and approval of the Department Director and City Manager.

Additional information, including the ERIP application form, a Separation Agreement, and Frequently Asked Questions can be obtained at the following website: [Early Retirement Incentive Program](#)

ELIGIBILITY

Full-time regular employees in MCEA, MCMA, and MPNSA bargaining units at the City of Modesto are eligible to apply for the ERIP if, as of **July 20, 2020**, the employee is at least **50 years of age** with at least **five (5) years** of regular service with the City and eligible for retirement.

Employees must be in a Full-Time position having completed the Separation Program Application and have not submitted notice of resignation or retirement prior to the voluntary separation program offer.

Employees not eligible for this Program include:

1. Essential employees or positions identified within departments that are in critical or hard-to-fill positions, with critical knowledge or skills, or are needed to maintain minimum staffing levels;
2. Executive Management and Safety employees;
3. Probationary employees;
4. Limited-Term;
5. Part-Time employees;
6. Extra-Help/Seasonal employees;
7. Retired Annuitants;
8. Employees who have already provided written notice of separation or retirement;
9. Employees that are being involuntarily separated by the City.



This Program is not an entitlement or benefit, but rather is intended to supplement the range of budget management options available to the City. Applications will be evaluated on a case-by-case basis by their respective department to determine the impact and the ability to achieve long-term savings. Approval determination of an application will be conducted on a case-by-case basis.

SEPARATION DATE

To participate in the ERIP, an eligible employee who has applied for and received final approval to participate in the ERIP must sign a Separation Agreement that releases the City of Modesto from all employment rights and claims, and must agree to separate from the City of Modesto on one of the following dates:

1. **July 20, 2020**, is the intended separation date for most ERIP participants.
 - i. **\$10,000 incentive**
2. **September 29, 2020**, is an alternative separation date that ERIP participants may designate when it is clearly in the best interest of the City of Modesto.
 - i. **\$2,500 incentive**
3. **December 22, 2020**, is an alternative separation date that ERIP participants may designate when it is clearly in the best interest of the City of Modesto.
 - i. **\$1,000 incentive**

The above three separation dates are the only separation dates available under the ERIP. Under no circumstances will an ERIP separation date be extended beyond **December 22, 2020**. Regardless of separation date, the ERIP application must be submitted by 5:00 p.m. on June 24, 2020.

SEPARATION INCENTIVE BENEFIT OPTIONS

The City shall offer two (2) separation incentive benefit options from which the ERIP participant may elect:

1. Lump sum payment of \$10,000, \$2,500, or \$1,000 based on separation date; or
2. Contribution to a Retirement Health Savings Account of \$10,000, \$2,500, or \$1,000 based on separation date; or

The City shall either provide a lump sum payment to the ERIP participant or contribute the amount to a **Retirement Health Savings Account (RHS)** on behalf of the ERIP participant. The City will credit the applicable lump sum amount to the ERIP participant's direct deposit account or RHS during the month following the ERIP participant's separation date.



The ERIP participant can use the RHS account to reimburse medical expenses within the meaning of Section 213(d) of the Internal Revenue Code on behalf of the participant, his or her spouse, and his or her eligible dependents. Examples of medical expenses that qualify for RHS reimbursement:

- After-tax medical insurance premiums (COBRA and retiree premiums)
- Deductibles and copayments not covered by another medical plan
- Dental and vision care expenses not cover by another plan
- Eyeglasses
- Prescription drugs
- Preventive care
- Medicare Part B and D premiums

Additional details about this RHS feature are available at [ICMA-RC](#) and for a complete list of qualified medical expenses that qualify for reimbursement refer to IRS Publication 502, "Medical and Dental Expenses."

The Internal Revenue Service (IRS) does not allow the use of RHS funds for expenses associated with a domestic partner, unless the partner qualifies as a dependent under IRS regulations.

The IRS does not allow RHS accounts to be transferred to any other individual, except in the event of the participant's death. If the participant dies after separating from the City, but before the date that funds are used, the RHS account can be used by the participant's spouse to reimburse medical expenses within the meaning of Section 213(d) of the Internal Revenue Code, as described above. If there is no spouse at the time of the participant's death, the RHS account can be used by an IRS qualified dependent. (Changing the name on the RHS account to a spouse or dependent is not automatic, and the surviving spouse or dependent will need to contact the City's RHS third party administrator to initiate the process.) If there is no spouse or dependent at the time of the participant's death, any balance in the RHS account will be forfeited back to the City.

RHS accounts will be administered by ICMA-RC, P.O. Box 96220, Washington, DC 20090-6220

All other applicable collectively bargained retirement benefits for which the ERIP participant is eligible shall be granted.



ERIP APPLICATION PROCEDURE

Eligible employees shall be provided a copy of this Plan, which includes a Separation Agreement, on or before **Wednesday, June 3, 2020**.

The application period for the ERIP begins on June 3, 2020 and ends on June 24, 2020. Applications submitted later than 5:00 p.m. on June 24, 2020, will not be considered.

To apply for the ERIP, an eligible employee must complete and submit an application form located at [Early Retirement Incentive Program](#). When the application form is submitted, the applicant is indicating a desire to voluntarily separate from the City of Modesto in exchange for one of the ERIP separation incentive benefits.

Applicants may revoke their application at any time up to seven (7) days after signing the Separation Agreement. To revoke or withdraw an ERIP application, the applicant may send a notice of revocation to the City Manager. On the eighth (8th) day after signing the Separation Agreement, the ERIP application is irrevocable.

As indicated above, separations under the ERIP will be effective July 20, 2020 or earlier, with a retirement date of July 21, 2020, September 29 with a retirement date of September 30, or December 22 with a retirement date of December 23, except as otherwise provided under the Plan.

The City of Modesto would like to allow up to 20 employees to participate in the ERIP as possible. ERIP applications will be reviewed based on the following criteria:

- 1) How the employee's separation and the department's subsequent actions will meet City objectives including eliminating the position or achieving substantial savings to cover the cost of the separation
- 2) The position's funding source

Following a review period during the beginning of July 2020, applicants will be notified when their application has been approved. Upon approved, applicants will be provided a Separation Agreement to sign.

REQUIRED APPROVALS

The City's Human Resources Department will first review the ERIP application to confirm the employee's eligibility to participate. ERIP applications require the following approvals:



The Department Director reviews the application. If the Department Director approves the application, then he or she is responsible for providing a statement demonstrating how the ERIP separation will meet the above institutional objectives, including a statement explaining how any planned replacement will also meet those objectives.

Final approval of the ERIP application is required by the City Manager. Participation in the ERIP is not a right.

Council approval of the program will still be required. The package with full releases will be presented to Council on July 7th for final ratification.

SUBSEQUENT EMPLOYMENT

An ERIP participant cannot be reemployed by the City in a retired annuitant position for six (6) months following his or her separation date.

PAYMENTS MADE IN ERROR

Retirement Health Savings Account contributions made by mistake of fact or paid contrary to the terms of the ERIP plan shall be returned to the City by the separated employee.

REPRESENTATIONS CONTRARY TO THE ERIP

No employee, director, executive, or agent of the City has the authority to alter, vary or modify the terms of the ERIP, except by means of an authorized written amendment to the ERIP on file with the Director of Human Resources. No verbal or written representations contrary to the terms of the ERIP and any amendments shall be binding upon the City of Modesto.

AMENDMENT AND TERMINATION

The City reserves the right to amend or terminate the ERIP at any time. Notwithstanding the foregoing, no amendment of ERIP may reduce ERIP payments or other considerations once an ERIP Separation Agreement is fully executed.

NONDISCRIMINATION STATEMENT

The City of Modesto will not engage in discrimination against any person because of age, color, disability, ethnicity, gender, gender identity, genetic information, marital status, national origin, race, religion, sexual orientation, or veteran status, and will



comply with all federal and state nondiscrimination, equal employment laws and regulation.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-285**

RESOLUTION APPROVING A LETTER OF AGREEMENT AMENDING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MODESTO AND THE MODESTO CONFIDENTIAL AND MANAGEMENT ASSOCIATION (MCMA) FOR THE TERM OF JULY 1, 2019 TO JUNE 30, 2023 TO ADD FURLOUGH LANGUAGE; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE AGREEMENT

WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto Confidential and Management Association (MCMA) for a term of July 1, 2019 through on June 30, 2023 was approved by Resolution No. 2019-530 on November 26, 2019, and

WHEREAS, the City is seeking concessions as part of the effort to balance the City budget and address the City's budget shortfall, and

WHEREAS, representatives of the CITY and the MCMA have met and conferred in good faith and have reached agreement on mandatory furlough language for a Letter of Agreement (LOA) which, upon execution, shall be **attached** hereto and made a part hereof, and

WHEREAS, the LOA provides as follows:

The City and MCMA have agreed to implement 96 hours of furloughs to be taken off between July 1, 2020 and June 30, 2021, as follows:

1. Effective the pay period beginning July 7, 2020, and for a total of 24 pay periods, each eligible member of this bargaining unit shall have 4 (four) unpaid furlough hours deducted from his/her paycheck. This will be accomplished by the employee reporting this deduction in each of the 24 pay periods. Non-general fund employees' deductions go to UAL payment by making additional direct

payments (ADP). Record of the direct deposit to the UAL shall be provided with the other reports provided to MCMA on a per pay period basis.

2. On the pay period beginning July 7, 2020 the City shall create for each eligible member a furlough bank of 96 hours. Between July 7, 2020 and June 7, 2021, the Department Director shall ensure that all members exhaust all hours in the furlough bank in a manner that does not result in an increase in overtime cost due to the vacancy left by the furloughed employee.

3. Employees may elect an increase of voluntary furlough bank of 48 hours to be added to their 96 hours of furlough bank Between July 7, 2020 and June 7, 2021, the Department Director shall ensure all members exhaust the voluntary furlough bank of the 48 hours. Effective July 7, 2020 for a total of 24 pay periods, each eligible member of this bargaining unit should have 2 (two) additional unpaid furlough hours deducted from his/her paycheck for a total of 6 (six) unpaid furlough hours.

4. Overtime Exempt members of this bargaining unit shall record furlough hours on their timesheets only at the time the furlough hours are actually taken as time off. Overtime Exempt employees shall not work more than forty (40) hours during any workweek within which they take furlough hours.

5. During this designated furlough deduction period through July 7, 2020 through June 7, 2021, the City will continue to report each employee's full base pay rate to CalPERS each pay period.

6. Employees who regularly work a reduced work schedule will have the 4 (four) hour furlough requirement reduced in proportion to their reduced work schedule.
7. The parties agree that the City has the sole discretion to assign overtime and that the City shall not allow members of this bargaining unit to require the City to backfill with overtime to cover furlough hours in order to avoid actual reduction of pay by any employee.
8. If during the mid-year budget review process the City revises its revenue estimates to project that annual revenues for Fiscal Year 20/21 are anticipated to exceed \$147,000,000 and or the City receives funding through a federal package that assists in recovering revenue losses, furloughs will be reviewed and ceased or reduced accordingly. Should such action occur, employees shall only be allowed to utilize furlough hours in proportion to the duration of time that the furlough program was in place, and all additional hours shall be forfeited. City shall cease the furlough payroll deductions identified in this Letter of Agreement effective the pay period following such a determination. The parties agree to review revenues at least quarterly.
9. Should an employee exhaust furlough leave and separate from the City before earning such leave in proportion with the amount of time the employee worked during the furlough period, the employee will be responsible for reimbursing the City. Should an employee leave the City before using furlough leave earned in proportion with the amount of time the employee worked during the furlough period, the City will not reimburse the employee for unused

balances. Should an employee use leaves and the City cease the furlough due to circumstances in #8 above, the employee will not be reimbursed for using such leave.

CONTINUATION OF REMAINING PROVISIONS. Except as provided above, the remaining provisions of the July 1, 2019 through June 30, 2023 MOU between the CITY and MCMA shall continue.

WHEREAS, the Council considered this matter at its meeting of June 30, 2020,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Letter of Agreement between the City of Modesto and the Modesto Confidential and Management Association, adding furlough language which covers a term from July 1, 2019 through June 30, 2023, and upon execution of same, a copy of the LOA will be on file in the office of the City Clerk.

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

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 30th day of June, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: Madrigal

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

Letter of Agreement

Between

City of Modesto

And

Modesto Confidential & Management Association (MCMA)


The City of Modesto and Modesto Confidential & Management Association (MCMA) have met and conferred and have agreed to the following regarding Furloughs:

Furloughs

The City and MCMA have agreed to implement 96 hours of furloughs to be taken off between July 1, 2020 and June 30, 2021, as follows:

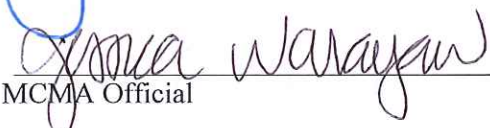
1. Effective the pay period beginning July 7, 2020, and for a total of 24 pay periods, each eligible member of this bargaining unit shall have 4 (four) unpaid furlough hours deducted from his/her paycheck. This will be accomplished by the employee reporting this deduction in each of the 24 pay periods. Non-general fund employees' deductions go to UAL payment by making additional direct payments (ADP). Record of the direct deposit to the UAL shall be provided with the other reports provided to MCMA on a per pay period basis.
2. On the pay period beginning July 7, 2020 the City shall create for each eligible member a furlough bank of 96 hours. Between July 7, 2020 and June 7, 2021, the Department Director shall ensure that all members exhaust all hours in the furlough bank in a manner that does not result in an increase in overtime cost due to the vacancy left by the furloughed employee.
3. Employees may elect an increase of voluntary furlough bank of 48 hours to be added to their 96 hours of furlough bank for a total of 144 furlough bank hours. Between July 7, 2020 and June 7, 2021, the Department Director shall ensure all members exhaust the voluntary furlough bank of the 48 hours. Effective July 7, 2020 for a total of 24 pay periods, each eligible member of this bargaining unit should have 2 (two) additional unpaid furlough hours deducted from his/her paycheck for a total of 6 (six) unpaid furlough hours.
4. Overtime Exempt members of this bargaining unit shall record furlough hours on their timesheets only at the time the furlough hours are actually taken as time off. Overtime Exempt employees shall not work more than forty (40) hours during any workweek within which they take furlough hours.

5. During this designated furlough deduction period through July 7, 2020 through June 7, 2021, the City will continue to report each employee's full base pay rate to CalPERS each pay period.
6. Employees who regularly work a reduced work schedule will have the 4 (four) hour furlough requirement reduced in proportion to their reduced work schedule.
7. The parties agree that the City has the sole discretion to assign overtime and that the City shall not allow members of this bargaining unit to require the City to backfill with overtime to cover furlough hours in order to avoid actual reduction of pay by any employee. However, both parties understand that there may be occasions when overtime would be needed to mitigate emergency situations and such situations will be authorized by the Department Director or City Manager.
8. If during the mid-year budget review process the City revises its revenue estimates to project that annual revenues for Fiscal Year 20/21 are anticipated to exceed \$147,000,000, and/or the City receives funding through a federal package that assists in recovering revenue losses, furloughs will be reviewed and ceased or reduced accordingly. Should such action occur, employees shall only be allowed to utilize furlough hours in proportion to the duration of time that the furlough program was in place, and all additional hours shall be forfeited. City shall cease the furlough payroll deductions identified in this Letter of Agreement effective the pay period following such a determination. The parties agree to review revenues and expenses at least quarterly.
9. Should an employee exhaust furlough leave and separate from the City before earning such leave in proportion with the amount of time the employee worked during the furlough period, the employee will be responsible for reimbursing the City. Should an employee leave the City before using furlough leave earned in proportion with the amount of time the employee worked during the furlough period, the City will not reimburse the employee for unused balances. Should an employee use leaves and the City cease the furlough due to circumstances in #8 above, the employee will not be reimbursed for using such leave.



MCMA Official

6/26/2020
Dated




MCMA Official

6/26/20
Dated

MCMA Official

Dated



For the City of Modesto



Dated

For the City of Modesto

Dated

For the City of Modesto

Dated

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-286**

RESOLUTION APPROVING A LETTER OF AGREEMENT AMENDING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MODESTO AND THE MODESTO POLICE AND FIRE NON SWORN ASSOCIATION (MPNSA) FOR THE TERM OF JULY 1, 2019 TO JUNE 30, 2023 TO ADD FURLOUGH LANGUAGE; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE AGREEMENT

WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto Police and Fire Non Sworn Association (MPNSA) for a term of July 1, 2019 through on June 30, 2023 was approved by Resolution No. 2019-473 on October 22, 2019, and

WHEREAS, the City is seeking concessions as part of the effort to balance the City budget and address the City's budget shortfall, and

WHEREAS, representatives of the CITY and the MPNSA have met and conferred in good faith and have reached agreement on mandatory furlough language for a Letter of Agreement (LOA) which, upon execution, shall be **attached** hereto and made a part hereof, and

WHEREAS, the LOA provides as follows:

The City and MPNSA have agreed to implement 96 hours of furloughs to be taken off between July 7, 2020 and June 7, 2021, as follows:

1. Effective the pay period beginning July 7, 2020, and for a total of 24 pay periods, each eligible member of this bargaining unit shall have 4 (four) unpaid furlough hours deducted from his/her paycheck. This will be accomplished by the employee reporting this deduction in each of the 24 pay periods. Employees authorize such deductions.

2. On the pay period beginning July 7, 2020 the City shall create for each eligible member a furlough bank of 96 hours. Between July 7, 2020 and June 7, 2021, the Department Director shall ensure that all members exhaust all hours in the furlough bank in a manner that does not result in an increase in overtime cost due to the vacancy left by the furloughed employee.
3. Overtime Exempt members of this bargaining unit shall record furlough hours on their timesheets only at the time the furlough hours are actually taken as time off. Overtime Exempt employees shall not work more than forty (40) hours during any workweek within which they take furlough hours.
4. During this designated furlough deduction period between July 7, 2020 through June 7, 2021, the City will continue to report each employee's full base pay rate to CalPERS each pay period.
5. Employees who regularly work a reduced work schedule will have the 4 (four) hour furlough requirement reduced in proportion to their reduced work schedule.
6. The parties agree that the City has the sole discretion to assign overtime and that the City shall not allow members of this bargaining unit to require the City to backfill with overtime to cover furlough hours in order to avoid actual reduction of pay by any employee.
7. If the City receives funding through a federal package that assists in recovering revenue losses, furloughs will be reviewed and ceased or reduced accordingly. Should such action occur, employees shall only be allowed to utilize furlough hours in proportion to the duration of time that the furlough program was

in place, and all additional hours shall be forfeited. City shall cease the furlough payroll deductions identified in this Letter of Agreement effective the pay period following such a determination.

8. Should an employee exhaust furlough leave and separate from the City before earning such leave in proportion with the amount of time the employee worked during the furlough period, the employee will be responsible for reimbursing the City. Should an employee leave the City before using furlough leave earned in proportion with the amount of time the employee worked during the furlough period, the City will not reimburse the employee for unused balances. Should an employee use leaves and the City cease the furlough due to circumstances in #7 above, the employee will not be reimbursed for using such leave.

CONTINUATION OF REMAINING PROVISIONS. Except as provided above, the remaining provisions of the July 1, 2019 through June 30, 2023 MOU between the CITY and MPNSA shall continue.

WHEREAS, the Council considered this matter at its meeting of June 30, 2020,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Letter of Agreement between the City of Modesto and the Modesto Police and Fire Non Sworn Association (MPNSA), adding Furlough language which covers a term from July 1, 2019 through June 30, 2023, and upon execution of same, a copy of the LOA will be on file in the office of the City Clerk.

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

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 30th day of June, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: Madrigal

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

Letter of Agreement
Between
City of Modesto
And
Modesto Police Non-Sworn Association

The City of Modesto and MPNSA have met and conferred and have agreed to the following regarding Furloughs:

Furloughs

The City and MPNSA have agreed to implement 96 hours of furloughs to be taken off between July 7, 2020 and June 7, 2021, as follows:

1. Effective the pay period beginning July 7, 2020, and for a total of 24 pay periods, each eligible member of this bargaining unit shall have 4 (four) unpaid furlough hours deducted from his/her paycheck. This will be accomplished by the employee reporting this deduction in each of the 24 pay periods. Employees authorize such deductions.
2. On the pay period beginning July 7, 2020 the City shall create for each eligible member a furlough bank of 96 hours. Between July 7, 2020 and June 7, 2021, the Department Director shall ensure that all members exhaust all hours in the furlough bank in a manner that does not result in an increase in overtime cost due to the vacancy left by the furloughed employee.
3. Overtime Exempt members of this bargaining unit shall record furlough hours on their timesheets only at the time the furlough hours are actually taken as time off. Overtime Exempt employees shall not work more than forty (40) hours during any workweek within which they take furlough hours.
4. During this designated furlough deduction period between July 7, 2020 through June 7, 2021, the City will continue to report each employee's full base pay rate to CalPERS each pay period.
5. Employees who regularly work a reduced work schedule will have the 4 (four) hour furlough requirement reduced in proportion to their reduced work schedule.
6. The parties agree that the City has the sole discretion to assign overtime and that the City shall not allow members of this bargaining unit to require the City to backfill with overtime to cover furlough hours in order to avoid actual reduction of pay by any employee.

7. If the City receives funding through a federal package that assists in recovering revenue losses, furloughs will be reviewed and ceased or reduced accordingly. Should such action occur, employees shall only be allowed to utilize furlough hours in proportion to the duration of time that the furlough program was in place, and all additional hours shall be forfeited. City shall cease the furlough payroll deductions identified in this Letter of Agreement effective the pay period following such a determination.

8. Should an employee exhaust furlough leave and separate from the City before earning such leave in proportion with the amount of time the employee worked during the furlough period, the employee will be responsible for reimbursing the City. Should an employee leave the City before using furlough leave earned in proportion with the amount of time the employee worked during the furlough period, the City will not reimburse the employee for unused balances. Should an employee use leaves and the City cease the furlough due to circumstances in #7 above, the employee will not be reimbursed for using such leave.

a. miller
 MPNSA Official

6-25-2020
 Dated

Shannon Sandobal
 MPNSA Official

6/24/2020
 Dated

[Signature]
 MPNSA Official

6-24-2020
 Dated

[Signature]
 For the City of Modesto

6-25-20
 Dated

[Signature]
 For the City of Modesto

6/25/2020
 Dated

 For the City of Modesto

 Dated

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-287**

RESOLUTION APPROVING A LETTER OF AGREEMENT AMENDING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MODESTO AND THE MODESTO POLICE OFFICERS ASSOCIATION (MPOA) FOR THE TERM OF JULY 1, 2019 TO JUNE 30, 2023 TO ADD FURLOUGH LANGUAGE; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE AGREEMENT

WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto Police Officers Association (MPOA) for a term of July 1, 2019 through on June 30, 2023 was approved by Resolution No. 2019-313 on June 26, 2019, and

WHEREAS, the City is seeking concessions as part of the effort to balance the City budget and address the City's budget shortfall, and

WHEREAS, representatives of the CITY and the MPOA have met and conferred and have agreed to the following regarding furloughs contingent upon the Council budget adoption that reduces the Modesto Police Departments full-time sworn allocations from 240 FTE to 210 FTE, and

WHEREAS, the CITY and MPOA have reached agreement on language for a Letter of Agreement (LOA) which, upon execution, shall be **attached** hereto and made a part hereof, and

WHEREAS, the LOA provides as follows:

The City and MPOA have agreed to implement 96 hours of furloughs to be taken off between July 1, 2020 and December 31, 2021, as follows:

1. Effective the pay period beginning July 7, 2020, and for a total of 24 pay periods, each eligible member of this bargaining unit shall have 4 (four) unpaid

furlough hours deducted from his/her paycheck. This will be accomplished by the employee reporting this deduction in each of the 24 pay periods. Employees retiring prior to December 31, 2020 will be exempt from payroll deductions, nor receive a furlough bank, provided retirement notice is given before July 3, 2020.

2. On the pay period beginning July 7, 2020 the City shall create for each eligible member a furlough bank of 96 hours. Between July 7, 2020 and December 31, 2021, the Department Director shall ensure that all members exhaust all hours in the furlough bank in a manner that does not result in an increase in overtime cost due to the vacancy left by the furloughed employee. Furloughs will be scheduled in the same manner as vacation and should not cause an increase in overtime.

3. Overtime Exempt members of this bargaining unit shall record furlough hours on their timesheets only at the time the furlough hours are actually taken as time off.

4. During this designated furlough deduction period through July 7, 2020 through June 7, 2021, the City will continue to report each employee's full base pay rate to CalPERS each pay period.

5. Employees who regularly work a reduced work schedule will have the 4 (four) hour furlough requirement reduced in proportion to their reduced work schedule.

6. The parties agree that the City has the sole discretion to assign overtime and that members of this bargaining unit will not require the City to backfill with overtime to cover furlough hours in order to avoid actual reduction of pay by any

employee. However, both parties understand that there may be occasions when overtime would be needed to cover back furlough hours to ensure minimums are maintained at proper levels.

7. If the City revises its revenue estimates and/or receives funding through a federal package that are anticipated to equal or exceed \$147,000,000 for Fiscal Year 20/21, furloughs will be reviewed and ceased or reduced accordingly. Should such action occur, employees shall only be allowed to utilize furlough hours in proportion to the duration of time that the furlough program was in place, and all additional hours shall be forfeited. City shall cease the furlough payroll deductions identified in this Letter of Agreement effective the pay period following such a determination.

8. Should an employee exhaust furlough leave and separate from the City before earning such leave in proportion with the amount of time the employee worked during the furlough period, the employee will be responsible for reimbursing the City. An employee that separates from the City should attempt to utilize unused furlough bank prior to separation as the employee will not be reimbursed for unused hours. Should an employee use leaves and the City cease the furlough due to circumstances in #7 above, the employee will not be reimbursed for using such leave.

9. During this designated furlough deduction period between July 7, 2020 through June 7, 2021, the 1.5% payroll deduction for additional contribution to CalPERS as identified in Section 4 of the MOU shall be temporarily suspended. Upon conclusion of the furlough period, including if the furlough period

terminates early consistent with Paragraph 7 above, the 1.5% furlough deduction shall resume as detailed in the agreement.

10. During this designated furlough usage period identified in Section 2 above, the vacation accrual cap in Section 16 of the MOU shall be temporarily suspended during that time. It is incumbent upon the employees to still utilize their vacation balances and employees will be required to have their accruals under the cap by October 1, 2022. Any additional extension is at the discretion of the Department Head and City Manager.

11. All other sections of the MOU will remain in effect.

WHEREAS, the Council considered this matter at its meeting of June 30, 2020,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Letter of Agreement between the City of Modesto and the Modesto Police Officers Association, adding furlough language which covers a term from July 1, 2019 through June 30, 2023, and upon execution of same, a copy of the LOA will be on file in the office of the City Clerk.

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

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 30th day of June, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: Madrigal

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

Letter of Agreement

Between

City of Modesto

And

Modesto Police Officers Association

The City of Modesto and Modesto Police Officers Association (MPOA) have met and conferred and have agreed to the following regarding Furloughs contingent upon the Council budget adoption that reduces the Modesto Police Departments full-time sworn allocations from 240 FTE to 210 FTE:

Furloughs

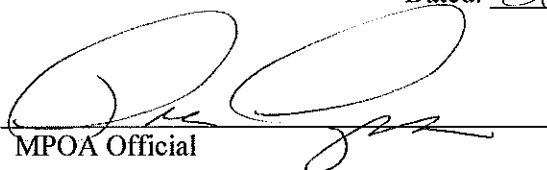
The City and MPOA have agreed to implement 96 hours of furloughs to be taken off between July 1, 2020 and December 31, 2021, as follows:

1. Effective the pay period beginning July 7, 2020, and for a total of 24 pay periods, each eligible member of this bargaining unit shall have 4 (four) unpaid furlough hours deducted from his/her paycheck. This will be accomplished by the employee reporting this deduction in each of the 24 pay periods. Employees retiring prior to December 31, 2020 will be exempt from the payroll deductions, nor receive a furlough bank, provided retirement notice is given before July 3, 2020.
2. On the pay period beginning July 7, 2020 the City shall create for each eligible member a furlough bank of 96 hours. Between July 7, 2020 and December 31, 2021, the Department Director will ensure that all members exhaust all hours in the furlough bank in a manner that does not result in an increase in overtime cost due to the vacancy left by the furloughed employee. Furloughs will be scheduled in the same manner as vacation and should not cause an increase in overtime.
3. Overtime Exempt members of this bargaining unit shall record furlough hours on their timesheets only at the time the furlough hours are actually taken as time off.
4. During this designated furlough deduction period through July 7, 2020 through June 7, 2021, the City will continue to report each employee's full base pay rate to CalPERS each pay period.
5. Employees who regularly work a reduced work schedule will have the 4 (four) hour furlough requirement reduced in proportion to their reduced work schedule.
6. The parties agree that the City has the sole discretion to assign overtime and that members of this bargaining unit will not require the City to backfill with overtime to cover furlough hours in order to avoid actual reduction of pay by any employee. However, both parties understand that there may

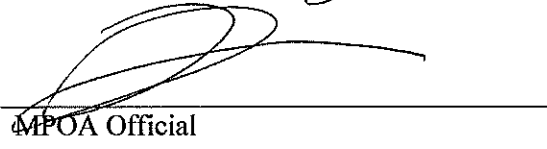
occasions when overtime would be needed to cover back furlough hours to ensure minimums are maintained at the proper levels.

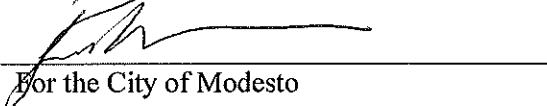
7. If the City revises its revenue estimates and/or receives funding through a federal package that are anticipated to equal or exceed \$147,000,000 for Fiscal Year 20/21 , furloughs will be reviewed and ceased or reduced accordingly. Should such action occur, employees shall only be allowed to utilize furlough hours in proportion to the duration of time that the furlough program was in place, and all additional hours shall be forfeited. City shall cease the furlough payroll deductions identified in this Letter of Agreement effective the pay period following such a determination.
8. Should an employee exhaust furlough leave and separate from the City before earning such leave in proportion with the amount of time the employee worked during the furlough period, the employee will be responsible for reimbursing the City. An employee that separates from the City should attempt to utilize unused furlough back prior to separation as the employee will not be reimbursed for unused hours. Should an employee use leaves and the City cease the furlough due to circumstances in #7 above, the employee will not be reimbursed for using such leave.
9. During this designated furlough deduction period between July 7, 2020 through June 7, 2021, the 1.5% payroll deduction for additional contribution to CalPERS as identified in Section 4 of the MOU shall be temporarily suspended. Upon conclusion of the furlough period, including if the furlough period terminates early consistent with Paragraph 7 above, the 1.5% furlough deduction shall resume as detailed in the agreement.
10. During this designated furlough usage period identified in Section 2 above, the vacation accrual cap in Section 16 of the MOU shall be temporarily suspended during that period of time. It is incumbent upon the employees to still utilize their vacation balances and employees will be required to have their accruals under the cap by October 1, 2022. Any additional extension is at the discretion of the Department Head and City Manager.
11. All other section of the MOU will remain in effect.

Dated: 06/25/20


MPOA Official


For the City of Modesto


MPOA Official


For the City of Modesto

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-288**

RESOLUTION APPROVING CHANGES TO BENEFIT OFFERINGS FOR UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING CHARTER OFFICERS AND EXECUTIVES, BY IMPLEMENTING UNPAID FURLOUGHS IN FISCAL YEAR 2020-2021 CONSISTENT WITH THOSE IN REPRESENTED UNITS AND RESCINDING RESOLUTION NO. 2019-532 AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE CHANGES

WHEREAS, on November 26, 2019, by Resolution No 2019-233, Council approved salary and benefit changes to Unrepresented Management and Confidential employees, including Charter Officers and Executives, and

WHEREAS, the City has historically implemented terms and conditions of employment for Unrepresented Management consistent with the terms and conditions of employment covering employees in represented bargaining units, and

WHEREAS, the City is seeking employee concessions as part of the effort to balance the City budget, and

WHEREAS, Unrepresented employees and Charter Officers have further agreed to take 96 hours of unpaid furloughs.

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

SECTION 1. PROBATIONARY PERIOD.

All original and promotional appointments to positions in the Classified Service shall be tentative and subject to a probationary period of one year from the date of appointment to the position. The purpose of the probationary period is to train, observe and evaluate the employee on conduct, performance, attitude,

adaptability and job knowledge.

Time spent on any leave of absence, or time during which an employee is unable to perform the full range of duties due to injury or illness, whether or not job-related, shall not be considered as part of any probationary period, and such time will be added to the probationary period. Any further extension of probation will only be upon mutual agreement. During the probationary period an employee may be released at any time without right of appeal. Written notice of release shall be furnished to the probationer. An employee released during or at the conclusion of probation following a promotion, shall be reinstated to the position previously held, at the former salary step, except if the reasons for release are cause for dismissal.

SECTION 2. COMPENSATORY TIME OFF CAP.

Management and Confidential employees who are overtime-eligible shall be paid quarterly for all CTO over their established cap. For employees hired on or after December 6, 2005, the CTO cap shall be 100 hours. For employees hired before December 6, 2005, the cap shall be 160 hours.

SECTION 3. HOLIDAY CAP.

Holiday time for unrepresented non-sworn employees may be accrued up to a maximum of 40 hours. When the employee reaches the 40-hour maximum, additional holiday time shall be compensated in cash at straight time rates on a quarterly basis.

SECTION 4. MANAGEMENT LEAVE.

Commencing January 1, 2012, management employees in exempt regular positions shall be advanced 80 hours of Management Leave (Fire Battalion Chiefs

on a 56-hour schedule shall be advanced 112 hours) January of each calendar year to be taken at the discretion of the employee and upon approval of City Manager, or designee, and shall be prorated for less than full-time employees. Management Leave will be forfeited if not used by the last pay period ending in December. An exempt employee hired after Management Leave has been advanced shall be eligible for a pro-rated portion of Leave. In the event of separation from City employment of any person who has taken Management Leave prior to the time all of said leave is earned, the employee shall be required to make full restitution to the City for that portion of leave taken but remaining unearned on the date of termination of employment. Employees separating from City service will be paid for earned Management Leave credit.

SECTION 5. MANAGEMENT LEAVE ANNUAL CASHOUT.

The maximum number of hours available for cash out each December shall be 40 hours annually for Management employees. All employees may cash out Management Leave once annually during the pay period in which December 1 falls.

Effective December 2007, the maximum annual cash out shall be 80 hours for Executives and Charter Officers, and 60 hours for Assistant Police Chief, Police Captains, Fire Battalion Chiefs, Fire Division Chiefs, Deputy Directors, Assistant City Attorney and Deputy City Attorney I/II/III/Senior. For Fire Battalion Chiefs on a 56-hour schedule, the maximum cash out shall be 84 hours.

SECTION 6. MEDICAL LEAVES OF ABSENCE.

Effective December 6, 2005, employees requesting an Authorized Medical Leave of Absence without pay, due to a medical incapacity to perform the duties

of their position, must provide written medical verification of a long-term disability, illness or injury.

SECTION 7. CATASTROPHIC LEAVE.

Effective December 6, 2005, employees requesting Catastrophic Leave donations must provide a written medical verification of long-term illness or injury, or verification of a family member's illness or injury.

SECTION 8. NEGATIVE VACATION.

Effective March 7, 2006, use of negative vacation will be permitted only for extenuating circumstances and will require the approval of the City Manager, or designee.

SECTION 9. LEAVE CASHOUTS FOR SWORN FIRE MANAGEMENT EMPLOYEES.

Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Division Chief and Fire Chief working a 40-hour schedule shall be afforded the opportunity to cash out up to 61 hours of vacation leave per calendar year (at straight time rates) and up to 88 hours of holiday leave per calendar year (at time and one-half), effective July 1, 2003. Employees in the classification of Fire Battalion Chief working a 56-hour schedule shall be afforded the opportunity to cash out up to 72 hours of vacation leave per calendar year (at straight time rates) effective June 20, 2000, and up to 132 hours of holiday leave per calendar year (at time and one-half). Holiday leave may not be carried over year- to-year regardless of the schedule worked.

SECTION 10. SICK LEAVE.

Non-sworn employees hired on or before December 31, 2010 shall have all

accrued sick time transferred to a grandfathered sick leave bank effective the pay period ending October 22, 2012. Sworn employees hired on or before December 31, 2010 shall have all accrued sick time transferred to a grandfathered sick leave bank effective pay period ending August 25, 2014. For employees hired on or before December 31, 2010 and who promoted to an unrepresented management classification, employee's grandfathered accrued balance and regular sick accrued balance shall follow the employee. Employees who promote from MCFFA shall have their sick leave balance as of promotion date split between grandfathered sick leave and regular sick leave as follows:

- Grandfathered sick bank - Eligible for sick leave balance on the books as of September 8, 2015, reduced by hours previously converted to Deferred Compensation, and up to the amount of hours in employee's sick leave bank upon promotion.
- Regular sick bank -remaining sick leave balance as of promotion date not grandfathered When taking sick leave, employees with grandfathered sick leave banks shall utilize new sick leave accrued hours prior to utilizing hours from the grandfathered bank. For the term of this contract, the Incentive Program allows employees to deposit the value of twenty-four (24) hours of regular sick leave (36 hours for employees in the classification of Fire Battalion Chief working a 56-hour schedule) into a Health Savings Account (HSA) or Flexible Spending Account (FSA), if eligible. If not eligible, employees may elect to deposit into a Deferred Compensation Account. Amount is deposited at the first pay period in December annually. To be eligible, members must meet the following requirements: Must

have a balance of no less than 240 hours of regular sick leave (360 hours for employees in the classification of Fire Battalion Chief working a 56-hour schedule) for the calendar year. Sick leave usage for the calendar year must not exceed three days based on work schedule at time of usage (36 hours for employees in the classification of Fire Battalion Chief working a 56-hour schedule).

SECTION 11. SICK LEAVE CASHOUT FOR SWORN FIRE MANAGEMENT EMPLOYEES.

Sworn Fire management employees who leave City service in good standing (other than retirement) after five (5) years of continuous service, shall be paid the first twenty-two hundred (2,200) hours of their current unused grandfathered sick leave, reduced by hours previously converted to Deferred Compensation, as follows: (1) Ninety (90%) percent of sick leave hours as of the date of the employee's initial promotion to a management classification shall be paid out at the current regular rate of pay (top step) for Fire Captain, and (2) In addition, twenty-five (25%) percent of the remaining sick leave hours accrued after promotion to a management classification shall be paid out at the employee's then current regular rate of pay. Sworn Police Management employees may deposit the value of twenty-four (24) hours of regular sick leave into a Health Savings Account (HSA) or Flexible Spending Account (FSA), if eligible. If not eligible, employees may elect to deposit into a Deferred Compensation Account. Amount is deposited at the first pay period in December annually. To be eligible, members must have a balance of no less than 240 hours of regular sick leave for the calendar year and sick leave usage for the calendar year must not exceed three

days based on work schedule at time of usage.

SECTION 12. PROMOTION.

Employees promoted on or after November 17, 2015, prior to an employee's promotion to an unrepresented management classification, all compensatory time off (CTO) and grandfathered compensatory time off (GCTO) shall be compensated in cash at the employee's then current regular rate of pay.

SECTION 13. MASTERS DEGREE INCENTIVE PAY.

Effective November 26, 2019, employees who possess a Master's Degree or Juris Doctor from an accredited institution, shall be granted two- and one-half percent (2.5%) Masters Pay, subject to criteria as established by the City. Effective June 25, 2019, for Unrepresented Sworn Police employees who possess a Master's Degree or who have obtained their certificate from either Command College or the Federal Bureau of Investigations National Academy shall be granted four percent (4.0%) Masters Pay.

SECTION 14. REGISTRATION AND CERTIFICATION FEES.

Effective July 1, 2003, when an employee is required by the City to obtain or renew a certificate, license or registration in order to carry out their assigned duties, except a California Class C Driver's License, the City will pay the fee for the actual certificate, license or registration, (and exam fee, if any).

SECTION 15. VEHICLE ALLOWANCE.

Per Resolution No. 2001-271 effective July 1, 2001, the vehicle allowance for Executives and Charter Officers who receive an allowance, shall be \$400/month, and the City Manager is authorized to grant Deputy Directors either

an assigned City vehicle or a vehicle allowance in the amount of \$300/month. The City Manager is also authorized to grant selected Management employees a vehicle allowance of \$100-\$200/month based on Department Director recommendation and an annual justification relating to extensive use of a personal vehicle while conducting City business. Effective May 27, 2008, per Resolution 2008-305, the vehicle allowance for Charter Officers is increased to a maximum of \$500/month.

SECTION 16. UNIFORM ALLOWANCES.

Uniform allowances for unrepresented Management and Confidential employees who are required to wear a uniform, are as follows:

<u>Positions</u>	<u>Effective Date</u>	<u>Allowance</u>
Sworn Police	February 1, 2015	\$101.67
Sworn Fire Management	April 16, 2019	\$105.00

SECTION 17. POST CERTIFICATION PAY.

Effective September 6, 2016, Police Captains who provide evidence that they have received a Supervisory POST Certificate shall be eligible for one and eight tenths percent (1.8%) certification pay. Effective March 7, 2017, the same shall be eligible for an additional two percent (2.0%) certification pay for a total of ten percent (10%). Effective September 6, 2016, Police Captains who provide evidence that they have received a Management POST Certificate shall be eligible for two and three tenths percent (2.3%) certification pay. Effective December 27, 2016, Management POST Certificate pay shall be eight percent (8.0%). Effective March 7, 2017, Management POST Certificate pay shall be ten percent (10%).

Effective September 6, 2016, Police Chief shall be eligible for five percent (5.0%) Executive POST pay. Effective January 10, 2016, Police Chief shall be eligible for an additional five percent (5.0%) Executive POST pay, for a total of ten percent (10%). These amounts are not cumulative and Captains receiving Management POST pay shall not also receive Supervisory POST pay. The maximum allowable POST pay is ten percent (10.0%).

SECTION 18. BONUS PAY FOR UNREPRESENTED POLICE MANAGEMENT.

City shall pay one thousand dollars (\$1,000) to Sworn Police Management as a retention bonus to be paid out in the second pay period of November each year for the term of the contract.

SECTION 19. HAZARDOUS MATERIALS CERTIFICATION PAY.

Effective July 1, 2003, one (1) Fire Department Battalion Chief or Division Chief shall be authorized five percent (5%) Haz Mat Pay, when certified as a Hazardous Materials Specialist and assigned to administer the City of Modesto's participation in the Regional Hazardous Materials Response Team. This pay replaced the annual Haz Mat Stipend.

SECTION 20. ALS PARAMEDIC PAY.

Effective July 14, 2015, one (1) Fire Department Battalion Chief or Division Chief shall be authorized six percent (10%) ALS Paramedic pay, when assigned to the ALS Paramedic Program and have the required California State Paramedic License and all additional local required ALS certifications.

SECTION 21. FIRE CHIEF OFFICER SHIFT STIPEND.

Effective December 2, 2014, Fire Battalion Chiefs and Fire Division Chiefs

assigned to work extra shifts in order to maintain a consistent staffing of two (2) Battalion Chiefs to the extent possible, may receive a stipend of one thousand five hundred dollars (\$1,500) per 24-hour shift. Criteria for assignment to extra shifts with the stipend shall be at the discretion of the Fire Chief, who shall also determine when staffing at the level of one Battalion Chief is acceptable. The Fire Chief shall annually determine the maximum number of assignments available for stipend, subject to funds budgeted and the needs of the City. As FLSA Exempt management employees, Fire Battalion Chiefs and Fire Division Chiefs may be required to work both emergency and non-emergency assignments without additional compensation.

SECTION 22. MUTUAL AID ASSIGNMENT.

Sworn Fire Management employees in the classification of Fire Battalion Chief and Fire Division Chief shall receive a stipend when assigned to fill Strike Team and Task Force Leader assignments. Fire Battalion Chiefs assigned as Strike Team or Task Force Leader or Strike Team or Task Force Leader Trainee shall receive a stipend of \$1500 for a 24-hour period. Fire Division Chiefs assigned as Strike Team or Task Force Leader or Strike Team or Task Force Leader Trainee shall receive a stipend of \$1500 for a 24-hour period subject to the following conditions:

1. The assignment results from a request through the California Office of Emergency Services.
2. The assignment is subject to reimbursement through the "Cooperative Agreement for Local Government Fire Suppression."
3. Regularly scheduled work hours are not included and partial

periods are pro-rated to the nearest hour.

The City Manager is authorized to adjust the stipend amount, from time to time, consistent with increases in overall Fire Management salaries and reimbursement rates.

SECTION 23. DEFERRED COMPENSATION 457 PLAN.

The CITY shall continue to provide access to a 457 deferred compensation program authorized by the City Council for the voluntary participation of City employees. In addition, the CITY shall match on behalf of a participating employee in a regular position, one and one-half percent (1.5%) of an employee's regular rate of pay on a bi-weekly basis; provided, the employee is contributing at least one and one-half percent (1.5%). For such employees who have been continuously employed by the CITY for nine (9) or more years, the CITY shall contribute two and one-half percent (2.5%); provided the employee is contributing at least two and one-half percent (2.5%). Effective January 1, 2006, this increase in the City's contribution shall be effective with the first pay period to begin in the month following completion of nine (9) years of service, provided that the employee has completed any required documents.

SECTION 24. DEFERRED COMPENSATION 401 (a) MONEY PURCHASE PLANS.

The 401(a) Money Purchase Plans shall provide for a City-paid contribution and equal mandatory employee contribution, effective January 1, 2006, of 5% for Charter Officers, 3% for Executives other than Charter Officers, and 2% for all other unrepresented Management and Confidential employees.

SECTION 25. HEALTH, DENTAL AND VISION BENEFITS.

The City's contribution to health, dental and vision benefits for Unrepresented Management and Confidential employees, including Charter Officers and Executives, shall be a three-tier system as follows and the City contribution (excluding opt out) shall increase by two (2) percent annually as follows:

	Beginning July 1, 2019	2020	2021	2022	2023*
Opt-out of City Medical Coverage	\$525.00	\$525.00	\$525.00	\$525.00	\$525.00
Employee only	\$622.00	\$634.00	\$648.00	\$660.00	\$673.00
Employee plus 1	\$1112.00	\$1134.00	\$1157.00	\$1180.00	\$1,204.00
Employee plus family	\$1572.00	\$1603.00	\$1635.00	\$1668.00	\$1,701.00

*2023 rates apply only to Unrepresented Non-Sworn Management and Confidential employees, including Charter Officers and Executives.

The City shall deposit into the employee's deferred compensation account any balance remaining from the above listed contributions not needed to pay for the employee's health, dental or vision premiums. Effective July 22, 2008, for employees enrolled in the City- sponsored High Deductible Health Plan, any balance of said contributions shall be directed to the employee's Health Savings Account. Only in the event that an employee does not qualify for enrollment into a Health Savings Account, the City shall deposit any balance of the above contribution not needed to pay for the employee's combined premium into the employee's deferred compensation account.

Effective July 26, 2005, the City's contribution toward unrepresented employees with Family coverage shall not exceed the actual premium amount for

the lowest cost health (HMO Plan), dental and vision plans offered by the City, regardless of the health plan selected by the employee or the contribution amounts listed above.

SECTION 26. DOMESTIC PARTNERS.

Benefits applicable to spouses shall be extended to registered domestic partners, as required by law.

SECTION 27. RETIREE HEALTH INSURANCE.

Employees who retire prior to December 31, 2015, may elect on a one-time basis at retirement to purchase health, dental and vision insurance under a City-authorized plan and are responsible for all cost.

Non-sworn employees hired on or before December 31, 2010 and who retire from the City prior to October 23, 2012 after five (5) years of continuous service in good standing may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused grandfathered sick leave applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the CITY at the rate of eight (8) hours equals one month of contribution. Said insurance contribution shall be provided in an amount up to that contributed to active employees subject to changes in the median priced health HMO plan for active employees, as needed to cover the cost of retiree health, dental and vision premium.

Non-sworn employees hired on or before December 31, 2010 and who retire from the City between October 23, 2012 and December 31, 2014, after five (5) years of continuous service in good standing may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused grandfathered sick leave

applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the CITY at the rate of eight (8) hours equals one month of contribution. Said insurance contribution shall be provided as needed to cover the cost of retiree health, dental and vision premiums up to a monthly rate of \$621 for retiree without dependents and up to \$1,100 for retirees with dependent coverage.

Sworn employees hired on or before December 31, 2010 and who retire from the City prior to January 1, 2015, after five (5) years of continuous service in good standing may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused grandfathered sick leave applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the CITY at a rate of eight (8) hours equals one month of contribution (employees promoted on or after December 30, 2014 into a Fire

Unrepresented position on a 56-hour schedule, shall have hours at retirement applied at a rate of twelve (12) hours equals one month of contribution). Said insurance shall be provided in an amount up to that contributed to active employees subject to changes in the median priced health HMO plan for active employees, as needed to cover the cost of retiree health, dental and vision premium.

For all Non-Sworn and Sworn employees hired on or before December 31, 2010 who retire from the City on or after January 1, 2015, the City will no longer offer retiree medical plans through City's group plans effective December 31, 2015, however, retirees may elect on a one-time basis at retirement the option to purchase and maintain City's dental and vision plans at retiree's cost. For these

employees who retire after five (5) continuous years of service in good standing may, on a one time basis, have ninety (90%) percent of their unused grandfathered sick leave converted to the City sponsored defined contribution retiree medical benefit plan at the rate of eight (8) hours equals one month of contribution (Fire Unrepresented position on a 56-hour schedule, shall have hours at retirement applied at a rate of twelve (12) hours equals one month of contribution) to purchase medical insurance. For each eight hours (or twelve hours) converted to the retiree medical program, the recipient shall be provided a monthly contribution under one of the following schedules:

<u>Non-Medicare Eligible Recipient</u>	<u>Medicare Eligible Recipient</u>
Retiree Only = \$500	Retiree Only = \$250
Retiree +1 Dep = \$1,000	Retiree +1 Dep = \$500
Retiree + Family = \$1,000	Retiree + Family = \$500

Combined contributions for Retirees
 1 Non-Medicare + 1 Medicare coverage = \$750

Retiree only contribution for eligible recipients is allowable regardless of where the retiree acquires authorized and legitimate medical insurance coverage (i.e. through State Exchange, through individual insurance company, through a current employer, or through spouse employer). Retiree shall not be eligible to receive a contribution for dependent, spouse, or registered domestic partner under the Retiree + 1 or Retiree + Family levels if retiree's dependent, spouse, or registered domestic partner has medical insurance coverage through their current employer, is covered under Retiree's current employer, or if Retiree does not

purchase individual insurance for dependent. Upon retirement only, the City shall transfer contributions based on eligibility above into the City's sponsored Retiree Health Reimbursement Arrangement (HRA) for the individual. Employees will not be eligible for these contributions should they separate from City service prior to retirement.

Contributions to eligible retirees will be made as follows: Upon Retirement - initial contributions will be made for the months following loss of coverage with City through either December 31st or June 30th, whichever date is earlier. Contributions will be deposited no later than 30 days after retirement date.

Ongoing Contribution -a semi-annual years' worth of contributions will be made on a semi- annual basis no later than Jan 31st (for months January -June) and July 31st (for months July - December) until exhaustion of sick leave conversion. To receive the semi-annual contribution, the retiree must provide the City with proof and cost of coverage by December 15th each year to receive a contribution for the following calendar year.

Failure to provide proof of coverage will result in the retiree losing a City contribution for that calendar year; however, if the retiree provides proof of coverage before June 15th, the retiree will be eligible for the July contribution. Lose of contribution will not result in a reduction to the number of months the retiree is eligible to receive contributions in the future. If retiree has a status change during any calendar year that would change the monthly contribution, such as a marriage, divorce, death, birth, spouse or dependent loss of coverage, the City will reconcile the new amount the retiree is eligible for with the following semi-annual contribution. The change in status is presumed effective the 1st of the

month following the month when the retiree provided notice to the City of the change in status. For example, if the retiree's status changes from retiree only to retiree + 1 on November 15, the City will provide an additional \$500 along with the total semi-annual contribution for the following calendar year to compensate the retiree for the change in status for the month of December in the previous calendar year. If the retiree's change in status results in monies owed to the City, the City will recoup the amount owed by deducting it from the following semi-annual contribution. However, in the event of a death of the retiree receiving a contribution for the retiree only level during the calendar year in which the contribution was already received, any remaining months of contribution will be deleted for subsequent calendar years, but the City will not endeavor to seek payments already made for the months following the retiree's death. In the event of the death of retiree participating in the contribution program, surviving qualified spouse will be eligible to receive a contribution for the following calendar year if the retiree would have been eligible to receive a contribution. If eligible, the contribution will be consistent with the eligibility criteria set above and continue until the exhaustion of the deceased retiree's sick leave bank, upon the death of the surviving spouse, upon the spouse and/or dependents coverage for other insurance through an employer, or upon voluntarily election to not continue with the contribution program.

For employees hired on or before December 31, 2010, the City shall contribute to a Defined Contribution retiree medical benefit plan for each eligible employee in the form of a deposit into a Health Reimbursement Arrangement (HRA). For non-sworn employees, effective July 2, 2013, the City shall contribute

\$25.00 per month. For sworn employees, effective August 26, 2014 the City shall contribute \$25.00 per month. For a full-time employee, this equates to a maximum of \$300 per year. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month. Beginning January 1, 2015, the defined City contribution for non-sworn and sworn employees shall increase annually through January 1, 2019, by an additional \$10 per year, per employee each January. The defined City contribution shall be a maximum contribution of \$75 per month by January 2019. For all employees regardless of date of hire by January 1, 2019, the City will increase the City contribution to the City HRA by an additional ten dollars (\$10.00) monthly per employee effective January 1, 2017; followed by an additional increase of ten dollars (\$10.00) monthly per employee effective January 1, 2018; and followed by an additional increase of ten dollars (\$10.00) monthly per employee effective January 1, 2019. The contribution effective January 1, 2019 will be \$100.

For all unrepresented employees (sworn and non-sworn) hired on or after January 1, 2011, the City shall contribute to a Defined Contribution retiree medical benefit plan for each eligible employee in the form of a deposit into a Health Reimbursement Arrangement (HRA) account. An employee is eligible to receive a City HRA contribution upon completion of two full years. If an employee separates employment before meeting eligibility requirement, the employee shall receive no benefit. On the first pay period following completion of two full years of continuous City service, the CITY shall deposit \$2,400 into an HRA account established in the employee's name. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-

rated lump sum contribution based on hours worked. After the initial contribution is made, the City shall contribute \$100 per month for each eligible full-time employee.

Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month. Employees hired on or after January 1, 2011 and subject to this defined contribution plan shall not be eligible for any sick leave conversion towards retiree medical premiums of any sort. The City's contribution under this section represents the entire contribution towards employee retiree medical.

SECTION 28. PAYCHECK ADVICES.

All employees who are on direct deposit will no longer be receiving hard-copy pay advices for. Employees will now be able to utilize the Employee self-service tool available via Oracle under the CoM

Employee Self Service responsibility to view their pay advices including their annual W- 2s. Employees have the option to elect to be paid via direct deposit or a debit card. Pay advices will be available anytime during payday Friday and payslips can be printed utilizing city computer workstation.

SECTION 29. EDUCATIONAL INCENTIVE PAY.

Effective July 1, 2018, Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Division Chief and Fire Chief shall be eligible for Educational Incentive Pay for designated certifications or degrees as follows:

- 1) Fire Science/Fire Officer 1 %
- 2) AA/AS 2%

3) BA/BS 3.5%

Qualifying certificates and degrees:

1) Fire Science or Fire Technology certificate from a community college accredited by the Western Association of Schools and Colleges OR completion of Fire Officer Certification from the Office of the California State Fire Marshal.

2) Associates Degree in Fire Science, Fire Technology, or a related field, OR a Bachelor's Degree in Fire Science, Fire Management, Public Safety Administration or a related field. Fire Chief reserves the right to determine qualifying degrees.

Education incentives are not stackable or cumulative. Employees receive pay for the highest certification or degree earned.

SECTION 30. LONGEVITY INCENTIVE PAY.

Effective July 1, 2018, Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Division Chief and Fire Chief shall be eligible for Longevity Incentive Pay for the following years of service:

- 1) 10 years of service 1.5%
- 2) 15 years of service 3%
- 3) 20 years of service 4%

Longevity incentives are not stackable or cumulative. Employees receive pay for the highest years of service for which they qualify.

SECTION 31. UNFUNDED LIABILITY.

1) Effective April 16, 2019, each unrepresented Fire Management employee shall contribute one percent (1.0%) of salary to an agreed upon Base as

noted in the CalPERS Safety Schedule of Amortization.

2) Effective June 25, 2019, each Police Management employee shall contribute one- and one-half percent (1.5%) of salary to an agreed upon Base as noted in the CalPERS Safety Schedule of Amortization.

SECTION 32. FURLOUGH.

1) Effective the pay period beginning July 7, 2020, and for a total of 24 pay periods, each Unrepresented Sworn Police Management and Unrepresented Non-Sworn Management and Confidential employees, including Charter Officers and Executives shall have 4 (four) unpaid furlough hours deducted from his/her paycheck. This will be accomplished by the employee reporting this deduction in each of the 24 pay periods. Unrepresented Sworn Police Management employees retiring prior to December 31, 2020 will be exempt from payroll deductions, nor receive a furlough bank, provided retirement notice is given before July 3, 2020.

2) On the pay period beginning July 7, 2020 the City shall create for each eligible member a furlough bank of 96 hours.

3) Between July 7, 2020 and December 31, 2021, the Department Director shall ensure that all Sworn Police Management exhaust all hours in the furlough bank in a manner that does not result in an increase in overtime cost due to the vacancy left by the furloughed employee. Furloughs will be scheduled in the same manner as vacation and should not cause an increase in overtime.

4) Between July 7, 2020 and June 7, 2021, the Department Director shall ensure that all Non-Sworn employees exhaust all hours in the furlough bank in a manner that does not result in an increase in overtime cost due to the vacancy left by the furloughed employee.

5) Non-Sworn employees may elect an increase of voluntary furlough bank of 48 hours to be added to their 96 hours of furlough bank for a total of 144 furlough bank hours. Employees who elect this option will, effective July 7, 2020 for a total of 24 pay periods, have 2 (two) additional unpaid furlough hours deducted from his/her paycheck for a total of 6 (six) unpaid furlough hours.

6) All employees shall record furlough hours on their timesheets only at the time the furlough hours are actually taken as time off.

7) Non-sworn employees shall not work more than forty (40) hours during any workweek within which they take furlough hours.

8) During this designated furlough deduction period through July 7, 2020 through June 7, 2021, the City will continue to report each employee's full base pay rate to CalPERS each pay period.

9) The City has the sole discretion to assign overtime and that employees will not require the City to backfill with overtime to cover furlough hours in order to avoid actual reduction of pay by any employee. However, both parties understand that there may be occasions when overtime would be needed to cover back furlough hours to ensure minimums are maintained at proper levels.

10) If the City revises its revenue estimates and/or receives funding through a federal package that are anticipated to equal or exceed \$147,000,000 for Fiscal Year 20/21, furloughs will be reviewed and ceased or reduced accordingly. Should such action occur, employees shall only be allowed to utilize furlough hours in proportion to the duration of time that the furlough program was in place,

and all additional hours shall be forfeited. City shall cease the furlough payroll deductions effective the pay period following such a determination.

11) Should an employee exhaust furlough leave and separate from the City before earning such leave in proportion with the amount of time the employee worked during the furlough period, the employee will be responsible for reimbursing the City. An employee that separates from the City should attempt to utilize unused furlough bank prior to separation as the employee will not be reimbursed for unused hours. Should an employee use leaves and the City cease the furlough due to circumstances in above, the employee will not be reimbursed for using such leave.

12) For Sworn Police Management, during this designated furlough deduction period between July 7, 2020 through June 7, 2021, the 1.5% payroll deduction for additional contribution to CalPERS, as referenced in Section 31 above, shall be temporarily suspended. Upon conclusion of the furlough period, including if the furlough period terminates early consistent with above, the 1.5% furlough deduction shall resume.

13) For Sworn Police Management, during this designated furlough usage period, the vacation accrual cap shall be temporarily suspended. It is incumbent upon the employees to still utilize their vacation balances and employees will be required to have their accruals under the cap by October 1, 2022. Any additional extension is at the discretion of the Department Head and City Manager.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that
Resolution No. 2019-532 is hereby rescinded.


The foregoing resolution was introduced at a special meeting of the Council of the
City of Modesto held on the 30th day of June, 2020, by Councilmember Ridenour, who
moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was
upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: Madrigal

ABSENT: Councilmembers: None


ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-289**

**RESOLUTION APOINTING CHARLES DOLL AND THOMAS LOPES
TO THE DOWNTOWN IMPROVEMENT DISTRICT BOARD OF
DIRECTORS FOR A FOUR YEAR TERM TO EXPIRE JANUARY 2024**

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

WHEREAS, the Downtown Improvement District Board of Directors are recommending the appointment of Charles Doll and Thomas Lopes to a term ending January 2024 to the Downtown Improvement District Board of Directors;

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

SECTION 1. Charles Doll and Thomas Lopes are hereby appointed to the Downtown Improvement District Board of Directors to a term ending January 2024.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this Resolution to the appointed member of the Downtown Improvement District Board of Directors, and as 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 July, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-290**

**RESOLUTION ACCEPTING THE DISTRIBUTION OF CORONAVIRUS
RELIEF FUNDS (CRF) FROM STANISLAUS COUNTY AND AUTHORIZING
THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE SUBRECIPIENT
AGREEMENT AND CARRY OUT ANY ADMINISTRATIVE ACTIONS
REQUIRED FOR THE CITY TO RECEIVE THE CRF FUNDS**

WHEREAS, the COVID-19 virus, better known as the novel Coronavirus, is a respiratory virus that has spread across the world and has created a global pandemic by devastating communities and the world economy, and

WHEREAS, based on information from the County Public Health Office and reports made available by the US Center for Disease Control these numbers are expected to rise and the impact to our local economy is projected to get worse, and

WHEREAS, to respond to this pandemic, the President of the United States signed the CARES Act into law which provided \$2 trillion intended to provide funding for costs associated with protecting the public from the health and economic impacts of the COVID-19 pandemic, and

WHEREAS, the CARES Act included an allocation to Stanislaus County in the amount of \$96.1 million for support with addressing the COVID-19 pandemic across the County, and

WHEREAS, on June 23, 2020, the Stanislaus County Board of Supervisors met and approved an agreement that included an allocation of the \$96.1 million to all 9 cities within the County on a population basis, and

WHEREAS, based on this formula, and the original approval by the Board of Supervisors, the City of Modesto was eligible to receive \$7,506,803, and

WHEREAS, however, since the approval of the State budget on Monday, June 29th that included an allocation of CARES funds for Modesto, the original allocation from the County was reduced by the amount that was allocated by the State, and

WHEREAS, the revised amount that will be allocated to Modesto is \$4,761,279, and

WHEREAS, in order to receive these funds, the City of Modesto is required to enter into a subrecipient agreement that requires the City to adhere to the following:

- Provision of an initial spending plan for allocated funds prior to the allocation being made
- Submit quarterly claim reports and supporting documents to substantiate the CRF expenditures, which allows the County to ensure the city's planned expenditures are eligible based on funding restrictions.
- Requires cities to claim costs in accordance with the guidelines of the CRF from March 1, 2020 to December 30, 2020. To eliminate risk to the County from any financial impact of disallowed expenditures, the County will notify the City of the disallowance and request that the City pay back any funds related to the disallowance within 30 days of the County's written request

WHEREAS, the Finance Department has carefully reviewed these stipulations with the City Manager and City Attorney and the City staff is confident in the City's ability to meet these stipulations, and

WHEREAS, based on this analysis, the staff recommendation is acceptance of the \$4,761,279 in CRF funds and the authority for the City Manager, or his designee, to sign the subrecipient agreement and carry out any administrative actions to accept the CRF funds, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the distribution of Coronavirus Relief Funds (CRF) from Stanislaus County.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to sign the subrecipient agreement, and carry out any administrative actions required for the City to receive CRF funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-291**

**RESOLUTION ACCEPTING THE DISTRIBUTION OF CORONAVIRUS
RELIEF FUNDS (CRF) FROM THE STATE OF CALIFORNIA AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN AND
SUBMIT A CERTIFICATION FOR RECEIPT, AND CARRY OUT ANY
ADMINISTRATIVE ACTIONS REQUIRED FOR THE CITY TO RECEIVE THE
CRF FUNDS**

WHEREAS, the COVID-19 virus, better known as the novel Coronavirus, is a respiratory virus that has spread across the world and has created a global pandemic by devastating communities and the world economy, and

WHEREAS, based on information from the County Public Health Office and reports made available by the US Center for Disease Control these numbers are expected to rise and the impact to our local economy is projected to get worse, and

WHEREAS, to respond to this pandemic, the President of the United States signed the CARES Act into law which provided \$2 trillion intended to provide funding for costs associated with protecting the public from the health and economic impacts of the COVID-19 pandemic, and

WHEREAS, the CARES Act included an allocation to the State of California in the amount of \$15.3 billion for support with addressing the COVID-19 pandemic across the State, and

WHEREAS, on Monday, June 29th the State of California approved its annual budget and included \$500 million of CRF funds for cities on a population basis, and

WHEREAS, based on this formula, the City of Modesto is eligible to receive \$2,745,200, and

WHEREAS, in order to receive these funds, the City of Modesto is required to submit a Certification for Receipt that requires the City to adhere to the following:

- Adhere to the stay-at-home orders and other health requirements as directed in gubernatorial Executive Order N-33-20, and any subsequent Executive Orders, Public Health order, directives, and guidance in response to the COVID-19 emergency
- Report on expenditures and summarize regional collaboration and non-duplication of efforts within the region by September 1, 2020 and return any funds that are unspent by October 30, 2020 (unless extended by the Department of Finance based on reported expenditures to date).
- Retain records to support reported COVID-19 eligible expenditures and participate in audits as outlined by the federal government and State.

WHEREAS, the Finance Department has carefully reviewed these stipulations with the City Manager and City Attorney and the City staff is confident in the City's ability to meet these stipulations, and

WHEREAS, based on this analysis, the staff recommendation is acceptance of the \$2,745,200 in CRF funds, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the distribution of Coronavirus Relief Funds (CRF) from the State of California.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to sign and submit a Certification for Receipt, and carry out any administrative actions required for the City to receive CRF funds, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-292**

**RESOLUTION AMENDING THE FISCAL YEAR 2019-2020 ANNUAL
OPERATING AND CAPITAL IMPROVEMENT FUND BUDGETS AND
AUTHORIZING THE CITY MANAGER, TO TAKE THE NECESSARY STEPS
TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2019-20.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2019-20 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

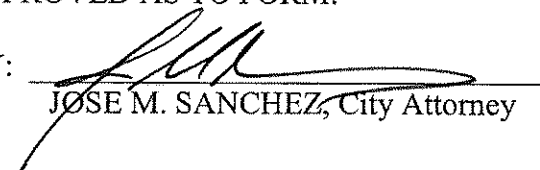

JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2019-20

COMMUNITY AND ECONOMIC DEVELOPMENT

- A budget adjustment is necessary to decrease a direct charge agreement between the Homeless Management Information System (HMIS) Program (1185-14056) and the Planning Grant (1185-14055) by \$40,000, which will result in an increase to the overall budget for the HMIS program. Staff time that was intended to be charged out to the Planning Grant did not occur due to reduced staffing. The HMIS program is in the process of being transferred to Stanislaus County and this transfer has been delayed due to an increase in workload due in some part to the Covid-19 Pandemic and reduced staffing, increasing the expenses for FY20. The program is funded by federal funds and program revenue, and has no impact on the general fund.

COMMUNITY AND ECONOMIC DEVELOPMENT – MEASURE L

- A budget adjustment is necessary to transfer \$416,835 from Fund 1420 – Surface Transportation/Measure L-SB1 MOE fund to various projects to satisfy the Fiscal Year 2019-2020 Maintenance of Effort for Measure L. The following projects will have a transfer in from Fund 1420 and have the funds allocated to the projects discretionary expense accounts:

Project Number	Project Name	Net Impact of Adjustments
100632	Rt Turn Lane McHenry to Briggsmore	\$40,000
100990	System Safety Analysis Program	\$15,000
101039	Task Force for School Safety	\$10,000
101118	Claus Rd Pavement Rehabilitation Phase 2	\$26,835
101126	Dry Creek Trail Maintenance	\$50,000
101170	Tully Rd Pavement Rehabilitation	\$100,000
101171	Coffee Rd Pavement Rehabilitation Phase 1	\$100,000
101180	Dry Creek Trail Phase II	\$75,000
Total Transfer Ins to Projects		\$416,835
	Transfer Out from Fund 1420	\$416,835
Total Transfer Outs to Projects		\$416,835

- A budget adjustment is necessary to reallocate savings on previously budgeted Measure L projects that are completed to current Measure L projects that are getting ready to or are already in construction. The total amount of the adjustment is \$860,000. Each project will have an increase or decrease in the transfer from Fund 1410 – Measure L Local Road Tax and increase or decrease in the projects discretionary expense accounts. Below is the adjustment to each project. All projects are in the Local Streets and Roads category for Measure L.

Project Number	Project Name	Net Impact of Adjustments
101036	Carpenter Road Street Improvements	(\$135,000)
101037	Lakewood Neighborhood Street Improvements	(\$85,000)
101038	Wylie, Floyd, and Carver Street Improvements	(\$120,000)
101088	Standiford Ave. Pavement Rehabilitation	(\$120,000)
101118	Claus Road Pavement Rehabilitation Phase 2	(\$200,000)
101120	Village One Slurry Seal	(\$200,000)
	Total Decrease to Projects	(\$860,000)
101171	Coffee Rd Pavement Rehabilitation Phase 1	\$800,000
	Total Increase to Projects	\$800,000
	Amount to Return to Fund 1410 Fund Balance for future projects	\$60,000

HUMAN RESOURCES DEPARTMENT

- A budget adjustment in the amount of \$1,079,811 is needed to establish a transfer from the Dental Insurance Fund (5350) to the Employee Benefits Fund (5510) for the Health Rate Assistance program that was originally approved and paid by the Employee Benefit Fund on 4/9/2019, via Resolution 2019-148. The Dental Insurance is self-funded and has accumulated fund balance beyond the required levels. The Health Rate Assistance would need to be recouped from departments and to streamline the process, instead of first refunding the Dental Insurance fund balance to departments and then requesting them to pay it to the Employee Benefit Fund to cover the Health Rate Assistance, a transfer will be made directly from the Dental Insurance to the Employee Benefits Fund.
- A budget adjustment is necessary to appropriate \$160,000 from the Employee Benefits Fund Administration reserves to cover legal costs associated with the time spent on litigation in relation to the settlements for unpaid health claims. The increase in appropriation from the Employee Benefits Administration Fund reserves will cover the unbudgeted costs in the current fiscal year 2019-20 and allow for any outstanding invoices to be paid through June. Funds are available in the reserves from the Employee Benefits Administration Fund to cover this appropriation of \$160,000. The action requested will increase the Professional Services expenditure account 53300 by \$160,000 in Fund 5520 Employee Benefits Fund – Administration).

PUBLIC WORKS

- A budget adjustment to funds 4540 – PW Transit Services and 4520- PW- Bus Services Fund – DAR is necessary to fund the newly approved fixed and paratransit routes to City of Ceres and City of Escalon. The new routes will be funded with Local Transportation Funds (LTF) revenues and with revenues from City of Escalon as reimbursement for the costs. The budget adjustments are as follows;

Fund	Cost Center	Expenditure - Increase	LTF revenue - Increase	Reimbursement from Escalon-Increase
4540	53244	\$44,109	\$11,066	\$33,043
4540	53472	\$1,753,342	\$1,557,746	\$195,596
4520	53249	\$22,052	\$22,052	\$0
4520	53473	\$247,005	\$247,005	\$0

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-293**

RESOLUTION APPROVING THE SUBMITTAL OF A GRANT APPLICATION TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) FUNDS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SUBMIT GRANT APPLICATIONS

WHEREAS, the Highway Safety Improvement Program (HSIP) is one of the core federal-aid programs in the new federal surface transportation act, Fixing America's Surface Transportation Act (FAST), which was signed into law on December 4, 2015, and

WHEREAS, the purpose of the HSIP program is to achieve a significant reduction in traffic fatalities and serious injuries on all public roads, including non-State-owned public roads and roads on tribal land, and

WHEREAS, on May 4, 2020 Caltrans Division of Local Assistance announced Cycle 10 Call for Projects for the HSIP Program, and

WHEREAS, the total available funds will be approximately \$220 million, and

WHEREAS, applications are due by September 4, 2020, and

WHEREAS, there are two funding categories for HSIP Cycle 10: Benefit Cost Ratio (BCR) and Funding Set-Asides (SA), and

WHEREAS, there are four set-aside categories: Guard Rail Upgrades, Pedestrian Crossing Enhancements, Installing Edgelines, and Set-aside for Tribes, and

WHEREAS, there is a maximum of only one application and funding request for each set-aside category of between \$250,000 and \$1 million per local agency, and

WHEREAS, there is no maximum number of applications that may be submitted per agency for the BCR category however, there is a maximum award amount of \$10 million per agency, and

WHEREAS, typically the maximum federal reimbursement ratio for an HSIP grant is 90%, and

WHEREAS, a project may be eligible for 100% HSIP reimbursement if all components of the project are eligible for 100% reimbursement per Section 4.2 of the Local Roadway Safety Manual (LRSM).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of a grant application to California Department of Transportation for Highway Safety Improvement Program (HSIP) funds.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to submit grant applications.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

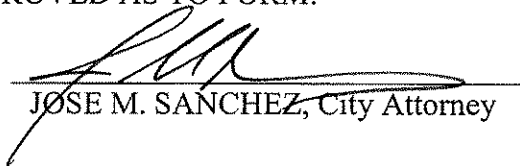
NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-294**

RESOLUTION APPROVING A ONE-TIME PURCHASE AND INSTALLATION OF AUTOMATED LICENSE PLATE READERS (ALPR) SOFTWARE AND HARDWARE WITH STROMMEL, DBA LEHR AUTO ELECTRIC, SACRAMENTO, CA FOR A TOTAL AMOUNT NOT TO EXCEED \$126,288 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the Modesto Police Department has sought to reduce the number of vehicle thefts by implementing an effective auto theft program with modern crime fighting technology; and

WHEREAS, in 2014, the Modesto Police Department made its first purchase of Automated License Plate Readers (ALPR) and the associated software; and

WHEREAS, after use for three years, the department issued a Request for Proposal (RFP) to ensure the department was best utilizing ALPR technology as part of its commitment to intelligence-led policing; and

WHEREAS, On October 20, 2017 RFP #1718-23 was issues to solicit proposals for new ALPR software, cameras, and required equipment; and

WHEREAS, in June 2018, based on responsive and responsible bids received, staff recommended and Council subsequently approved Strommel Inc, DBA, Lehr Auto Electric to be awarded the contract to install Vigilant ALPR software, equipment and maintenance; and

WHEREAS, the Modesto Police Department utilizes 26 ALP cameras installed at five fixed intersection locations; and

WHEREAS, as of June 7, 2020, more than 500 vehicles have been reported stolen within the City of Modesto this year, per a Modesto Police Department Part I crimes report; and

WHEREAS, the Modesto Police Department desires to expand the use of the ALPR program and purchase an additional nine (9) license plate reader cameras for fixed use in a high-traffic and high auto-theft intersection in the City; and

WHEREAS, Lehr Auto Electric is the designated reseller and servicer of all Vigilant Solutions cameras and equipment and the only vendor able to provide the Original Equipment Manufacturer (OEM) equipment and configuration needed for this expansion; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to be formally bid. However, MMC 8-3.204(d) provides that a purchase may be exempted where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set forth in section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality; and

WHEREAS, Strommel Inc., DBA Lehr Auto Electric, Sacramento, CA, should be exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8-3.204(b) since the Modesto Police Department has already procured 26 mobile ALPR cameras and software system to integrate additional cameras would be seamless; and

WHEREAS, Lehr Auto Electric should be exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8-3.204(d) as it is the only local

vendor that is able to provide the Original Equipment Manufacturer (OEM) equipment and configurations needed for this expansion.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the one-time purchase and installation of Automated License Plate Readers (ALPR) software and hardware with Strommel, DBA Lehr Auto Electric, Sacramento, CA for a total amount not to exceed \$126,288.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee is hereby authorized to execute the purchase order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Kenoyer, Grewal, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-295**

RESOLUTION APPROVING THE AWARD OF BID AND PURCHASE ORDER FOR GLOCK BRAND HANDGUNS TO PROFORCE LAW ENFORCEMENT, PRESCOTT, AZ, FOR A TOTAL AMOUNT NOT TO EXCEED \$52,313; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the City of Modesto's Police Department (MPD) issues service weapons to all sworn personnel; Officers, Animal control Officers, SWAT TEAM and plain clothes officers; and

WHEREAS, MPD Officers have been issued and trained with Glock brand handguns since 2009; and

WHEREAS, it is necessary to replace the MPD's current weapons, Gen 3 Glock brand handguns, which have been in service for 11 years, surpassing their 10 year life span. Daily wear/tear and age of the current issued weapons can cause the risk of losing operational capabilities; and

WHEREAS, on February 12, 2020, the Purchasing Division issued RFB 1920-54 for Glock Brand Handguns on the City's website; and

WHEREAS, nine vendors downloaded the RFB, and two vendors chose to bid, none of the bidders were local vendors; and

WHEREAS, on May 5, 2020 bids were formally opened in the City Clerk's office. Proforce Law Enforcement, Prescott, AZ, was the lowest responsive and responsible bidder; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed \$50,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award of bid for Glock brand handguns to Proforce Law Enforcement, Prescott AZ, which conforms to the Modesto Municipal Code, 8-3.203.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and one-time purchase order for Glock brand handguns to Proforce Law Enforcement, Prescott, AZ for a total amount not to exceed \$52,313.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2020, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

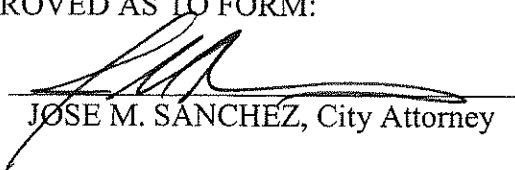
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-296**

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE MASTER AGREEMENT WITH E-Z-GO DIVISION OF TEXTRON, INC. FOR LEASED GOLF CARTS AND SERVICE VEHICLE INCREASING THE AGREEMENT AMOUNT BY \$71,944 FROM \$226,455 TO A NEW TOTAL AMOUNT OF \$298,399, EXTENDING THE TERM OF THE MASTER AGREEMENT FROM JUNE 30, 2023 TO AUGUST 30, 2023, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE FIRST AMENDMENT TO THE MASTER AGREEMENT

WHEREAS, the City’s municipal golf system includes two eighteen-hole courses: Creekside Golf Course and Dryden Park Golf Course, and

WHEREAS, the courses are maintained and managed by BrightView Golf Maintenance and KemperSports (collectively “BrightView/KemperSports), and

WHEREAS, BrightView/KemperSports are responsible for managing golf car operations, and

WHEREAS, by Resolution No. 2019-283, the City entered into a Master Agreement with E-Z-GO Division of Textron (“Contractor”) for the lease 50 new golf cars and 1 service vehicle for a term of four years for Creekside Golf Course, and 40 used golf cars for a term of one year for Dryden Park Golf Course, and

WHEREAS, the total cost of the Master Agreement was \$226,455 over four years commencing July 1, 2019 through June 30, 2023, and

WHEREAS, the total cost of the Master Agreement failed to include applicable fees and taxes totaling \$32,333, and

WHEREAS, under the Master Agreement, execution of lease agreements with PNC Equipment Finance and E-Z-Go as well as delivery of vehicles were delayed to September 1, 2019, and

WHEREAS, City desires to extend the lease of carts at Dryden for an additional twelve (months), and

WHEREAS, City and Contractor desire to correct and amend the Master Agreement to increase total compensation by \$71,944 from \$226,455 to a new total amount of \$298,399 and to revise the effective term dates from July 1, 2019 to June 30, 2023 to September 1, 2019 to August 30, 2023, and

WHEREAS, due to the substantial loss in golf revenues and recent assessments to potentially close one or more of its golf courses in the near future, the Purchasing Manager determined that call for bids on a competitive basis was undesirable due to exigent circumstances and the Master Agreement, lease agreements, and First Amendment are exempt from Modesto Municipal Code 8-3-204(c).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Master Agreement with E-Z-GO Division of Textron, Inc. increasing the agreement amount to include applicable fees and taxes by \$71,944 from \$226,455 to a new total of \$298,399 for the lease of golf carts and service vehicle over four years.

BE IT FURTHER RESOLVED that the term of the Master Agreement be extended from June 30, 2023, to August 31, 2023.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the First Amendment to the Master Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSÉ M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-297**

**RESOLUTION ACCEPTING THE SYNCHRONIZE TRAFFIC SIGNALS
OUTSIDE THE DOWNTOWN PROJECT AS COMPLETE, AND
AUTHORIZING THE CITY CLERK, OR HER DESIGNEE, TO COMPLETE
ALL NECESSARY STEPS TO FILE THE APPROPRIATE NOTICES AND
DOCUMENTS WITH THE COUNTY RECORDER**

WHEREAS, the Traffic Signal Synchronization Outside the Downtown project consisted of a qualified consultant to improve traffic signal coordination and timing for 153 traffic signals outside the central business district of Modesto based on traffic volumes, and

WHEREAS, the City applied for a Congestion Mitigation and Air Quality (CMAQ) Grant for Traffic Signal Synchronization on April 22, 2010, and was granted approval to proceed with the project, and

WHEREAS, on February 26, 2019, by Resolution 2019-87, Council approved an agreement with Iteris, Santa Ana, CA, for the Traffic Signal Synchronization Outside the Downtown project in the amount of \$389,384 for the identified scope of services, plus \$38,938 for additional services (if needed), for an agreement total not to exceed \$428,322, and

WHEREAS, on January 14, 2020, by Resolution 2020-022, Council approved an amendment to the agreement with Iteris, Santa Ana, CA, for the Traffic Signal Synchronization Outside the Downtown project to extend the contract end date from January 1, 2020 to March 21, 2020, and

WHEREAS, the goal of the project was to improve arterial operations and safety by providing efficient, consistent and reliable operation of the traffic signals along the various project corridors, and

WHEREAS, the contractor and City had a kick-off meeting April 10, 2019 to initiate the start of the project, and

WHEREAS, all contract work was completed on March 31, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Synchronize Traffic Signals Outside the Downtown Project as complete.

BE IT FURTHER RESOLVED, that the City Clerk, or her designee, is authorized to complete all necessary steps to file the appropriate notices and documents with the County Recorder.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

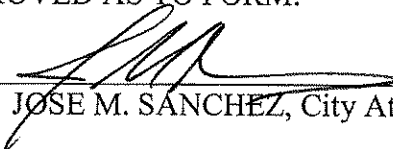
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-298**

RESOLUTION APPROVING THE SOLE SOURCE AGREEMENT WITH AVAIL TECHNOLOGIES, STATE COLLEGE, PA, FOR THE AVAIL EQUIPMENT, INSTALLATION AND CONFIGURATION SERVICES ON THE RECENTLY ACQUIRED TRANSIT VEHICLES FOR THE CITIES OF CERES AND ESCALON ROUTES IN AN ESTIMATED COST OF \$136,817, FOR A TOTAL AMOUNT NOT TO EXCEED \$136,817; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City's fixed route transit system uses proprietary software and hardware from Avail Technologies, Inc. to dispatch and track buses, and

WHEREAS, Transit Division staff would like to use Avail Technologies to provide equipment, installation and configuration services that will connect with the existing Avail system used to track buses and report on several performance metrics, and

WHEREAS, the equipment will be installed and configured on the newly acquired vehicles from the Cities of Ceres and Escalon, and

WHEREAS, Avail Technologies, Inc. is the sole provider of Avail applications and is the only vendor that can provide Avail equipment, configuration and maintenance for their products, and

WHEREAS, there is no reseller that can provide equipment, configuration and maintenance for the Avail system that was chosen by the City through a competitive process, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment, or contractual services, to be formally bid. However, Modesto Municipal Code (MMC) Section 8-3.204(b) states one exception to the formal bid process is "Where the Purchasing Agency's requirements can be met solely by a single article or process." The sole source

purchase of various software/hardware maintenance contracts available only from the original manufacturer conforms to the MMC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sole source purchase with Avail Technologies, State College, PA, for Avail equipment, installation and configuration services on the recently acquired transit vehicles for the Cities of Ceres and Escalon routes for a cost not to exceed \$136,817.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-299**

**RESOLUTION AMENDING FISCAL YEAR 2020-21 CAPITAL
IMPROVEMENT PROGRAM BUDGET FOR FUND 4510 – BUS FIXED ROUTE
FUND IN THE AMOUNT OF \$136,817 TO FULLY FUND THE PURCHASE,
INSTALLATION AND CONFIGURATION OF AVAIL EQUIPMENT FOR THE
CITIES OF CERES AND ESCALON ROUTES**

WHEREAS, certain budgetary transactions are necessary in the amount of \$136,817 in order to fund the purchase, installation and configuration of Avail equipment for the Cities of Ceres and Escalon Routes, and

WHEREAS, Local Transportation funds (LTF) in the amount of \$26,817 and Federal Transit Administration (FTA) in the amount of \$110,000 will be used to fund the purchase, a budget increase to fund 4510 – Bus Fixed Route Fund, Project 100982-MAX-ITS Equipment Purchase – PW. Transit Services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2020-2021 Capital Improvement Program Budget as shown in **Exhibit A, attached** hereto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

Exhibit A

Fund 4510 - Bus Fixed Route Fund

100982-MAX ITS Equipment Purchase

Revenue	Adjustment	Amount
42107-Local Transportation Funds	Increase	\$26,817.00
42013-Federal Transit Admin (FTA)	Increase	<u>\$110,000.00</u>
Total		\$136,817.00

Expense	Adjustment	Amount
57005-Information Technology Equipment > \$5,000	Increase	<u>\$136,817.00</u>
Total		\$136,817.00

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-300**

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE JENNINGS WATER QUALITY CONTROL (WQC) PLANT NEW ENTRANCE/EXIT PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH T&S INTERMODAL MAINTENANCE INC, D.B.A. T&S WEST, OF LINDEN, CA, IN THE AMOUNT OF \$3,652,785 PLUS \$438,334 FOR CONTINGENCY (IF NEEDED) FOR A TOTAL AMOUNT NOT TO EXCEED \$4,091,119 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, this project will construct a new entrance and exit for the Jennings Plant as well as repair Jennings Road from West Taylor Road to West Monte Vista Avenue, as the City has jurisdiction and maintenance responsibility of Jennings Road from West Main Street to West Taylor Road, and

WHEREAS, specifications have been prepared for the Jennings WQC Plant New Entrance/Exit Project, and

WHEREAS, the Project was advertised for bids on March 11, 2020, and

WHEREAS, on June 6, 2020, Bids were publicly opened, pursuant to City Charter Section 1307, three bids were received and T&S Intermodal Maintenance Inc., d.b.a. T&S West, Linden, CA, was the responsible bidder with the lowest responsive bid, and

WHEREAS, MMC 8-3.203 states that all purchases, in excess of fifty thousand dollars (\$50,000), or when directed by the City Manager for any purchase of fifty thousand dollars (\$50,000) or less, shall follow formal bid procedures, and

WHEREAS, and the award of bid for the Jennings WQC Plant New Entrance/Exit Project conforms to the Modesto Municipal code based on providing the overall lowest cost, while providing improved service, and

WHEREAS, the Director of Utilities has recommended that the bid of \$3,652,785 received from T&S Intermodal Maintenance Inc, d.b.a. T&S West, be accepted as the lowest responsible and responsive bid and the contract be awarded to T&S Intermodal Maintenance Inc, d.b.a. T&S West.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Jennings WQC Plant New Entrance/Exit Project and accepts the bid of \$3,652,785 plus \$438,334 for contingency (if needed) for a total amount not to exceed \$4,091,119 and awards T&S Intermodal Maintenance Inc., d.b.a. T&S West, of Linden, CA, the contract for the Jennings WQC Plant New Entrance/Exit Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-301**

**RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S
AUTHORITY TO ISSUE CHANGE ORDERS FOR THE JENNINGS WATER
QUALITY CONTROL (WQC) PLANT NEW ENTRANCE/EXIT PROJECT
FROM 8% (\$292,223) TO 12% (\$438,334) OF THE CONSTRUCTION
CONTRACT PRICE OF \$3,652,785 WITH T&S INTERMODAL
MAINTENANCE INC., D.B.A. T&S WEST, OF LINDEN CA**

WHEREAS, the City's "Change Order Approval Policy", enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order budget of 8% for projects over \$1 Million, and

WHEREAS, given the nature of this project being a highly traveled rural road, that will involve road closures, installation of a traffic signal, and relocation of TID utility poles, additional work may be needed to address unexpected conditions that require changes in the project scope that may exceed the Director's Authority of 8% (\$292,223) of the contract amount of \$3,652,785, and

WHEREAS, staff is requesting authorization to increase the contract change order budget to 12% (\$438,334) due to the size of the project and the unknown challenges.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for the Jennings WQC Plant New Entrance/Exit Project from 8 percent (\$292,223) to 12 percent (\$438,334) of the construction contract price of \$3,652,785 with T&S Intermodal Maintenance Inc., d.b.a. T&S West, of Linden, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-302**

RESOLUTION AMENDING THE FISCAL YEAR 2020-21 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$672,231 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER RESERVES TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE JENNINGS WQC PLANT NEW ENTRANCE/EXIT PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of \$672,231, in order to fully fund the construction, contingency, construction administration and design support during construction for the Jennings WQC Plant New Entrance/Exit Project, and

WHEREAS, the Fiscal Year 2020-2021 Capital Improvement Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2020-2021 Capital Improvement Program Budget in the amount of \$672,231 to be transferred into the project from Wastewater Reserves.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-303**

RESOLUTION APPROVING THE AWARD OF BID FOR THE RENTAL OF THREE DV-400C PUMPS FROM RAIN FOR RENT, STOCKTON, CA, IN AN AMOUNT NOT TO EXCEED \$64,107, TO ENSURE THE CITY HAS THE NECESSARY EQUIPMENT TO MITIGATE ANY SERVICE DISRUPTIONS DURING PEAK CANNERY DISCHARGE SEASON AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, in January 2012, West Yost Associates completed a draft of the Cannery Segregation Line (CSL) and River Trunk Diversion Plan (Plan) consisting of several elements:

1) a risk assessment, which included a complete inspection of the CSL and a hydraulic analysis of CSL flows; 2) a temporary bypass pumping plan in the event of a CSL failure; and 3) preliminary design of permanent diversion structures, and

WHEREAS, through the use of Closed-Circuit Television inspection and hydraulic analysis, it was determined that the risk of CSL failure is low, yet still a possibility, and

WHEREAS, staff developed a seasonal bypass pumping plan to be used until capital improvements for reliability of the sewer trunk system are complete, and

WHEREAS, to mitigate the risk of a service disruption caused by a catastrophic failure of the CSL, the Plan includes a Temporary Bypass Plan, and

WHEREAS, in the event of a CSL failure, the Bypass Plan could quickly restore service to CSL users, and

WHEREAS, the availability and location of the three large pumps used in the bypass can vary greatly and delay the implementation of a bypass by several weeks, and

WHEREAS, the City does not own pumps capable of performing the bypass operation and availability of the pumps is based on a first-come/first-serve basis, and

WHEREAS, the CSL season is also the peak period for underground construction, which increases the risk that equipment might not be available if needed, and

WHEREAS, due to time constraints formal bids were not able to be obtained. However, staff issued request for quotation INF-20-17 to six qualified suppliers on May 29, 2020, and

WHEREAS, on June 5, 2020 the City received quotes from United Rentals of Pittsburg, CA and Rain for Rent of Bakersfield, CA; Rain for Rent met the specifications at the lowest cost, and

WHEREAS, staff recommends the City rent three bypass pumps to have them on standby at the local rental yard, and

WHEREAS, not having this equipment on standby rental could potentially result in a sanitary sewer overflow from either the domestic or CSL sewer trunks; if that were to happen, the City would receive monetary penalties and civil liability enforcement actions from the State Water Resources Control Board, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to be formally bid, however, there are exceptions to the rule set forth in the Modesto Municipal Code, and

WHEREAS, one exception, MMC Section 8-3-204(c) states that where the Purchasing Manager, in her discretion, determines that calling for bids on a competitive basis as set forth in Section 8-3-203 is undesirable due to exigent circumstances, and

WHEREAS, an award of bid for bypass pumps by Rain for Rent, Stockton, CA, conforms to the Modesto Municipal Codes because there is urgency for these pumps to be in place before the cannery season begins and was able to meet specifications at the lowest cost obtained.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid for the rental of three DV-400c pumps from Rain for Rent, Stockton, CA, in an amount not to exceed \$64,107, to ensure the City has the necessary equipment to mitigate any service disruptions during peak cannery discharge season.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to execute the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-304**

**RESOLUTION ACCEPTING A STATE OF CALIFORNIA SENATE BILL 2
PLANNING GRANT AWARD IN THE AMOUNT OF \$625,000 FOR THE
PURPOSE OF FUNDING VARIOUS HOUSING-RELATED PROJECTS AND
AUTHORIZING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL
AGREEMENTS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS
RESOLUTION**

WHEREAS, the Senate Bill 2 (SB2) planning grant program is a non-competitive, “over-the-counter” grant intended to promote housing production, and

WHEREAS, the City of Modesto is eligible to receive up to \$625,000, based on its population (200,000 or more), and

WHEREAS, City Council authorized the SB2 planning grant application by Resolution 2020-006 on January 14, 2020 for the full amount of \$625,000, and

WHEREAS, there are four individual projects that staff intends to fund with the SB2 grant award; the projects are the Downtown Master Plan, Affordable Housing Plan, Feasibility Study regarding conversion of the existing County courthouse building, and software for residential permits tracking/processing, and

WHEREAS, the Downtown Master Plan project will be partially funded through Measure L, specifically for street-related components and SB2 grant funds for work related to land use and housing, and

WHEREAS, the Housing Plan project will have several components which include, adoption of pre-approved plans for accessory dwelling units, identifying and analyzing opportunity sites and barriers to housing production for purpose of documenting a plan or program to reduce them, and finally preparing a series of zoning code amendments to streamline the zoning approval process, and

WHEREAS, the feasibility study will help in determining the feasibility in using the existing County Courthouse and jail site as potential new downtown housing units and also develop cost estimates and schedule concepts, and

WHEREAS, the permit tracking software system is something the City is currently pursuing and the SB2 grant funds will be used for a portion of the software as it will result in a reduced timeline for entitlement of residential projects thereby facilitating housing unit production, and

WHEREAS, the four projects will use the SB2 grant funds as follows: Downtown Master Plan, Affordable Housing Plan, Courthouse Feasibility Study, and Permit Tracking Software for a total of \$625,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the acceptance of Senate Bill 2 planning grant award in the amount of \$625,000 for the purpose of funding various housing-related projects.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all agreements necessary 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 July, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-305**

**RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 MULTI-YEAR
NON-CAPITAL PROJECT FUNDS BUDGET TO ESTABLISH A NEW MULTI-
YEAR BUDGET FOR THE STATE OF CALIFORNIA SENATE BILL 2
PLANNING GRANT AND TO APPROPRIATE \$625,000 IN GRANT REVENUE
AND EXPENSES AND AUTHORIZING CITY MANAGER, OR HIS DESIGNEE,
TO EXECUTE ALL AGREEMENTS NECESSARY TO IMPLEMENT THE
PROVISIONS OF THIS RESOLUTION**

WHEREAS, the Senate Bill 2 (SB2) planning grant program is a non-competitive, “over-the-counter” grant intended to promote housing production, and

WHEREAS, the City of Modesto is eligible to receive up to \$625,000, based on its population (200,000 or more), and

WHEREAS, City Council authorized the SB2 planning grant application by Resolution 2020-006 on January 14, 2020 for the full amount of \$625,000, and

WHEREAS, there are four individual projects that staff intends to fund with the SB2 grant award; the projects are the Downtown Master Plan, Affordable Housing Plan, Feasibility Study regarding conversion of the existing County courthouse building, and software for residential permits tracking/processing, and

WHEREAS, the Downtown Master Plan project will be partially funded through Measure L, specifically for street-related components and SB2 grant funds for work related to land use and housing, and

WHEREAS, the Housing Plan project will have several components which include, adoption of pre-approved plans for accessory dwelling units, identifying and analyzing opportunity sites and barriers to housing production for purpose of documenting a plan or program to reduce them, and finally preparing a series of zoning code amendments to streamline the zoning approval process, and

WHEREAS, the feasibility study will help in determining the feasibility in using the existing County Courthouse and jail site as potential new downtown housing units and also develop cost estimates and schedule concepts, and

WHEREAS, the permit tracking software system is something the City is currently pursuing and the SB2 grant funds will be used for a portion of the software as it will result in a reduced timeline for entitlement of residential projects thereby facilitating housing unit production, and

WHEREAS, the four projects will use the SB2 grant funds as follows: Downtown Master Plan, Affordable Housing Plan, Courthouse Feasibility Study, and Permit Tracking Software for a total of \$625,000, and

WHEREAS, the City Council shall consider amending the 2020-2021 Non-Capital Project Funds budget and appropriating the grant revenue and projects expense budget for Project 101141 – Downtown Master Plan, 101266 – Affordable Housing Plan, 101266 – Courthouse Feasibility Study, and 101223 – Permit Tracking Software for a total of \$625,000 to fully fund all four Senate Bill 2 planning grant projects.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2020-2021 Multi-Year Non-Capital Project Funds Budget to establish a new multi-year budget for the State of California Senate Bill 2 planning grant to appropriate \$625,000 in grant revenue and expenses.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-306**

RESOLUTION APPROVING THE AWARD OF BID AND PURCHASING AGREEMENT FOR THE PURCHASE OF CIRCLE CLAMPS, GASKETS, PIPE COUPLINGS, TAPPING SLEEVES AND SEWER MATERIALS WITH FERGUSON WATERWORKS MODESTO, CA, FOR A ONE-YEAR AGREEMENT WITH FOUR (4) ONE-YEAR EXTENSION OPTIONS FOR AN ESTIMATED ANNUAL COST OF \$340,000 AND A TOTAL AMOUNT NOT TO EXCEED \$1,700,000 OVER FIVE (5) YEARS, AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of circle clamps, gaskets, pipe couplings, tapping sleeves and sewer materials, and

WHEREAS, these items are used in repairing and maintaining city water and sewer lines, and

WHEREAS, the Purchasing Division issued RFB No. 1920-43 Circle Clamps, Gaskets, Pipe Couplings and Tapping Sleeves, and

WHEREAS, bidders were notified of the bid via email, and the PlanetBid Website, and

WHEREAS, nine (9) prospective bidders downloaded the bid, and

WHEREAS, in an effort to slow the spread of COVID19, bids were formally opened on June 2, 2020 by the City Clerk and broadcast via Webex Livestream, and

WHEREAS, three (3) bidders responded and provided responsive and responsible bids, one (1) of which is a local company, and

WHEREAS, Modesto Municipal Code 8-3.206 Support of Local Vendors (SLV) allows the lowest bid or quote submitted by a local business that is within five (5) percent of the lowest bid, the opportunity to match the lowest bid price. Ferguson Waterworks,

Modesto, CA, qualified for SLV on a list of inventory items and agreed to match lowest bid price for those items, representing an additional \$108,000 of products purchased annually with the local vendor, and

WHEREAS, based on providing lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of circle clamps, gaskets, pipe couplings, tapping sleeves and sewer materials for the Utilities Department, Water and Wastewater Divisions to Ferguson Waterworks., Modesto, CA, for a one-year agreement with four (4) one-year extension options at the sole discretion of the City, for an estimated annual cost not to exceed \$340,000, and an estimated cost not to exceed \$1,700,000 over five (5) years, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to be formally bid. The award of bids for the purchase of circle clamps, gaskets, pipe couplings tapping sleeves, and sewer materials for the Utilities Department, Water and Wastewater Divisions to Ferguson Waterworks Modesto, CA, conforms to Modesto Municipal Code 8-3.203.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bids for the purchase of circle clamps, gaskets, pipe couplings tapping sleeves, and sewer materials for the Utilities Department, Water and Wastewater Divisions to Ferguson Waterworks Modesto, CA, for a one-year agreement with four (4) one-year extension options for an annual estimated cost not to exceed \$340,000 and a total amount not to exceed \$1,700,000 over five (5) years.

BE IT FURTHER RESOLVED that the Purchasing Manager, or designee, is hereby authorized to issue the purchase agreement.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSÉ M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-307**

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR SITE TO SITE COMMUNICATION SERVICES TO AYERA TECHNOLOGIES, INC., OF MODESTO, CA, FOR A TWO-YEAR AGREEMENT WITH FIVE ONE-YEAR EXTENSION OPTIONS FOR AN ESTIMATED ANNUAL COST OF \$75,000 AND A TOTAL COST NOT TO EXCEED \$525,000 OVER SEVEN YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Site-To-Site Communication Services provide City facilities the ability to communicate with the City's Tenth Street Place (TSP) datacenter; and

WHEREAS, in 2017 the City awarded a three-year agreement to Comcast Inc. for communication services; and

WHEREAS, the current agreement with Comcast Inc. expires in August 2020; and

WHEREAS, the City issued a Request for Proposals (1920-42) for Site-To-Site Communication Services on January 23, 2020; and

WHEREAS, four proposers submitted responsive and responsible proposals; and

WHEREAS, an evaluation committee comprised of four City staff members evaluated the proposals; and

WHEREAS, based on the final scores, the RFP evaluation committee recommended awarding the agreement to Ayera Technologies, Inc., of Modesto, CA, for an estimated annual cost of \$75,000 and a total amount not to exceed \$525,000 over seven years; and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all

Purchases which meet or exceed \$50,000 for material, equipment or contractual services to follow formal bid procedures and RFB No. 1920-42 conforms with this MMC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of proposal and agreement to Ayera Technologies, Inc., of Modesto, CA, for an estimated annual cost of \$75,000 and a total cost not to exceed \$525,000 over seven years.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-308**

RESOLUTION APPROVING A TENTATIVE AGREEMENT AMENDING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MODESTO AND THE MODESTO FIRE FIGHTERS ASSOCIATION (MCFFA) FOR THE TERM OF JULY 1, 2018 TO JUNE 30, 2021 TO EXTEND THE CONTRACT AND MODIFY SALARY AND BENEFITS FOR A TERM ENDING JUNE 30, 2022; AMENDING THE FISCAL YEAR 2020-21 OPERATING BUDGET TO REDUCE GENERAL FUND BUDGETS TO ACCOUNT FOR SAVINGS ACHIEVED THROUGH THE MOU; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE AGREEMENT.

WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto Fire Fighters Association (MCFFA) for a term of July 1, 2018 through on June 30, 2021 was approved by Resolution No. 2019-164 on April 9, 2019, and

WHEREAS, the City is seeking concessions as part of the effort to balance the City budget and address the City's budget shortfall, and

WHEREAS, representatives of the CITY and the MCFFA have met and conferred in good faith concerning wages and benefits for employees in said bargaining unit, and

WHEREAS, the CITY and MCFFA have reached a Tentative Agreement on a contract extension with a new expiration date of June 30, 2022 which, upon execution, shall be attached hereto and made a part hereof, and

WHEREAS, the Tentative Agreement provides as follows:

1. Except as modified herein, all terms of the MOU shall be extended from June 30, 2021 to June 30, 2022. This specifically includes Article 4, subsection C.

2. The City shall provide for wage increases as follows during the duration of the extension of the MOU:
 - a. Effective June 22, 2021, the salary ranges provided by the MOU shall be adjusted by an additional two and one-half (2 ½) percent.
 - b. Effective June 21, 2022, the salary ranges provided by the MOU shall be adjusted by an additional two and half percent (2 ½).
3. Effective the first full pay period following ratification by the Local and adoption by City Council of this TA, each employee shall contribute an additional three percent (3.0%) of salary for a total of four percent (4%) pursuant to Article 4 of the MOU.
 - a. From Effective the first full pay period following ratification by the Local and adoption by the City Council of this TA, through June 7, 2021, the four (4%) contribution shall be used to fund a portion of the Employer Share of the normal cost versus being contributed to an agreed upon Base on the CalPERS Safety Schedule of Amortization.
 - b. Effective June 8, 2021 the four (4%) contribution shall resume as contributions to an agreed upon base as noted in the CalPERS Safety Schedule of Amortization Bases as Additional Direct Payments to the CalPERS Unfunded Accrued Liability (UAL) and shall continue to until such liability is paid in full. To the extent possible, the City shall insure that any contributions to the Base

Account as referenced herein shall be directed to those costs arising specifically related to fire employees.

- c. Effective June 21, 2022, employees shall receive a two and one-half (2 ½%) salary increase pursuant to 2 (b) above, and the employee will contribute an additional two and half percent (2½%) for a total of six and half percent (6½%) as contributions to an agreed upon base as noted in the CalPERS Safety Schedule of Amortization Bases as Additional Direct Payments to the CalPERS Unfunded Accrued Liability (UAL) and shall continue until such liability is paid in full. To the extent possible, the City shall insure that any contributions to the Base Account as referenced herein shall be directed to those costs arising specifically related to fire employees.
- d. In contributing to their statutorily required retirement contributions, PEPRAs shall not exceed the agreed upon additional contribution levels noted above for each year of the TA; sixteen percent (16.0%) for June 2021 and eighteen and one half percent (18.5%) for June 2022. In any year of this TA, should the PEPRAs contribution exceed the percentages noted above, PEPRAs employees shall have their additional contributions to the City's Base account adjusted downward accordingly.
- e. If any other City employee group which has agreed to concessions, salary reductions, furloughs, postponed salary increases or any

similar “give back” reversed, the three percent (3.0%) raise diversion noted in 3 (a) above shall immediately cease and shall revert to the employee’s three percent (3.0%) base wage increase.

i. Effective June 21, 2021, the three percent increase shall resume pursuant to 3 (b) above as contributions to an agreed upon base as noted in the CalPERS Safety Schedule of Amortization Bases.

4. In consideration for entering into this TA, and no base wage increase for the first year of the subsequent MOU, the parties agree to commence negotiations for a subsequent MOU in January 2022, negotiations which will include, but not limited to holiday pay, educations and longevity pay, uniform pay and health care premium increases. The City and the Local agree to exercise their best efforts to conclude negotiations by June 30, 2022.

a. If, however, there is no contract by January 1, 2023, the above section 4 shall become null and void.

5. Effective January 1, 2022 the City’s allowance for health care coverage shall be increased by 4% and shall be as follows:

	2019	2020	2021*	2022*
Employee Only	\$776	\$791	\$807	\$839
Employee + 1	\$1,158	\$1,181	\$1,205	\$1253
Family	\$1,459	\$1,488	\$1,516	\$1577
Opt Out	\$525	\$525	\$525	\$550

**The rates in 2021 and 2022 shall take effect in the pay period that includes PERS rate changes for the applicable calendar year. The City contribution for 2019 shall take effect the first full pay period following City Council approval of this agreement.*

This Tentative Agreement shall become effective upon ratification by the affected membership of the Union and adoption by the Modesto City Council.

CONTINUATION OF REMAINING PROVISIONS. Except as provided above, the remaining provisions of the July 1, 2018 through June 30, 2021 MOU between the CITY and MCFFA shall continue.

WHEREAS, a budget adjustment amending the fiscal year 2020-21 Operating Budget is required to reduce general fund budgets to account for savings achieved through the MOU

WHEREAS, the Council considered this matter at its meeting of July 14, 2020,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Tentative Agreement extending the contract between the City of Modesto and the Modesto Fire Fighters Association, which covers a term from July 1, 2018 through June 30, 2021, and authorizes a budget adjustment amending the fiscal year 2020-21 Operating Budget is required to reduce general fund budgets to account for savings achieved through the MOU, and upon execution of same, a copy of the Tentative Agreement will be on file in the office of the City Clerk.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-309**

RESOLUTION APPROVING CHANGES TO BENEFIT OFFERINGS FOR UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING CHARTER OFFICERS AND EXECUTIVES, BY IMPLEMENTING CHANGES TO FIRE MANAGEMENT EMPLOYEES CONSISTENT WITH THOSE IN REPRESENTED UNITS AND RESCINDING RESOLUTION NO. 2020-288 AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE CHANGES

WHEREAS, on June 30, 2020, by Resolution No 2020-288, Council approved salary and benefit changes to Unrepresented Management and Confidential employees, including Charter Officers and Executives, and

WHEREAS, the City has historically implemented terms and conditions of employment for Unrepresented Management consistent with the terms and conditions of employment covering employees in represented bargaining units, and

WHEREAS, the City is seeking employee concessions as part of the effort to balance the City budget, and

WHEREAS, Unrepresented Fire Management employees have further agreed to the following:

1. Effective the first full pay period following adoption by Council, employees will contribute an additional three percent (3.0%) of salary for a total of four percent (4%).
 - a. Effective the first full pay period following Council adoption through June 7, 2021, the four (4%) contribution (referenced above) shall be used to fund a portion of the Employer Share of the normal cost.¹
 - b. Effective June 8, 2021 the four (4%) contribution shall resume as contributions to an agreed upon Base as noted in the CalPERS Safety Schedule of Amortization Bases as Additional Direct

¹ Rather than being contributed to an agreed upon Base on the CalPERS Safety Schedule of Amortization.

Payments to the CalPERS Unfunded Accrued Liability (UAL).²

- c. Effective June 21, 2022, employees shall contribute an additional two and one-half percent (2½%) for a total of six and one-half percent (6½%) as contributions to an agreed upon Base as noted in the CalPERS Safety Schedule of Amortization Bases as Additional Direct Payments to the CalPERS Unfunded Accrued Liability (UAL), and shall continue until such liability is paid in full.³
 - d. In contributing to their statutorily required retirement contributions, PEPRAs employees shall not exceed the agreed upon additional contribution levels noted above for each year of the TA; sixteen percent (16.0%) for June 2021 and eighteen and one-half percent (18.5%) for June 2022. Should the PEPRAs contribution exceed the percentages noted above, PEPRAs employees shall have their additional contributions to the City's Base account adjusted downward accordingly.
 - e. If any other City employee group which has agreed to concessions, salary reductions, furloughs, postponed salary increases or any similar "give back" reversed, the three percent (3.0%) raise diversion noted in 3 (a) above shall immediately cease and shall revert to the employee's three percent (3.0%) base wage increase.
 - i. Effective June 21, 2021, the three percent increase shall resume pursuant to 3 (b) above as contributions to an agreed upon Base as noted in the CalPERS Safety Schedule of Amortization Bases.
2. The terms above for Unrepresented Fire Management employees shall be in place unless the City reverses concessions due to an increase in revenues and/or federal funding is received to alleviate decreased revenues.

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

SECTION 1. PROBATIONARY PERIOD.

All original and promotional appointments to positions in the Classified Service

² These contributions and shall continue to until such liability is paid in full. To the extent possible, the City shall insure that any contributions to the Base Account as referenced herein shall be directed to those costs arising specifically related to fire employees.

*Section 25 page 12 Amended due to HR clerical error.

shall be tentative and subject to a probationary period of one year from the date of appointment to the position. The purpose of the probationary period is to train, observe and evaluate the employee on conduct, performance, attitude, adaptability and job knowledge.

Time spent on any leave of absence, or time during which an employee is unable to perform the full range of duties due to injury or illness, whether or not job-related, shall not be considered as part of any probationary period, and such time will be added to the probationary period. Any further extension of probation will only be upon mutual agreement. During the probationary period an employee may be released at any time without right of appeal. Written notice of release shall be furnished to the probationer. An employee released during or at the conclusion of probation following a promotion, shall be reinstated to the position previously held, at the former salary step, except if the reasons for release are cause for dismissal.

SECTION 2. COMPENSATORY TIME OFF CAP.

Management and Confidential employees who are overtime-eligible shall be paid quarterly for all CTO over their established cap. For employees hired on or after December 6, 2005, the CTO cap shall be 100 hours. For employees hired before December 6, 2005, the cap shall be 160 hours.

SECTION 3. HOLIDAY CAP.

Holiday time for unrepresented non-sworn employees may be accrued up to a maximum of 40 hours. When the employee reaches the 40-hour maximum, additional holiday time shall be compensated in cash at straight time rates on a quarterly basis.

³ To the extent possible, the City shall insure that any contributions to the Base Account as referenced herein shall be directed to those costs arising specifically related to fire employees.

*Section 25 page 12 Amended due to HR clerical error.

SECTION 4. MANAGEMENT LEAVE.

Commencing January 1, 2012, management employees in exempt regular positions shall be advanced 80 hours of Management Leave (Fire Battalion Chiefs on a 56-hour schedule shall be advanced 112 hours) January of each calendar year to be taken at the discretion of the employee and upon approval of City Manager, or designee, and shall be prorated for less than full-time employees. Management Leave will be forfeited if not used by the last pay period ending in December. An exempt employee hired after Management Leave has been advanced shall be eligible for a pro-rated portion of Leave. In the event of separation from City employment of any person who has taken Management Leave prior to the time all of said leave is earned, the employee shall be required to make full restitution to the City for that portion of leave taken but remaining unearned on the date of termination of employment. Employees separating from City service will be paid for earned Management Leave credit.

SECTION 5. MANAGEMENT LEAVE ANNUAL CASHOUT.

The maximum number of hours available for cash out each December shall be 40 hours annually for Management employees. All employees may cash out Management Leave once annually during the pay period in which December 1 falls.

Effective December 2007, the maximum annual cash out shall be 80 hours for Executives and Charter Officers, and 60 hours for Assistant Police Chief, Police Captains, Fire Battalion Chiefs, Fire Division Chiefs, Deputy Directors, Assistant City Attorney and Deputy City Attorney I/II/III/Senior. For Fire Battalion Chiefs on a 56-hour schedule, the maximum cash out shall be 84 hours.

*Section 25 page 12 Amended due to HR clerical error.

SECTION 6. MEDICAL LEAVES OF ABSENCE.

Effective December 6, 2005, employees requesting an Authorized Medical Leave of Absence without pay, due to a medical incapacity to perform the duties of their position, must provide written medical verification of a long-term disability, illness or injury.

SECTION 7. CATASTROPHIC LEAVE.

Effective December 6, 2005, employees requesting Catastrophic Leave donations must provide a written medical verification of long-term illness or injury, or verification of a family member's illness or injury.

SECTION 8. NEGATIVE VACATION.

Effective March 7, 2006, use of negative vacation will be permitted only for extenuating circumstances and will require the approval of the City Manager, or designee.

SECTION 9. LEAVE CASHOUTS FOR SWORN FIRE MANAGEMENT EMPLOYEES.

Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Division Chief and Fire Chief working a 40-hour schedule shall be afforded the opportunity to cash out up to 61 hours of vacation leave per calendar year (at straight time rates) and up to 88 hours of holiday leave per calendar year (at time and one-half), effective July 1, 2003. Employees in the classification of Fire Battalion Chief working a 56-hour schedule shall be afforded the opportunity to cash out up to 72 hours of vacation leave per calendar year (at straight time rates) effective June 20, 2000, and up to 132

*Section 25 page 12 Amended due to HR clerical error.

hours of holiday leave per calendar year (at time and one-half). Holiday leave may not be carried over year- to-year regardless of the schedule worked.

SECTION 10. SICK LEAVE.

Non-sworn employees hired on or before December 31, 2010 shall have all accrued sick time transferred to a grandfathered sick leave bank effective the pay period ending October 22, 2012. Sworn employees hired on or before December 31, 2010 shall have all accrued sick time transferred to a grandfathered sick leave bank effective pay period ending August 25, 2014. For employees hired on or before December 31, 2010 and who promoted to an unrepresented management classification, employee's grandfathered accrued balance and regular sick accrued balance shall follow the employee. Employees who promote from MCFFA shall have their sick leave balance as of promotion date split between grandfathered sick leave and regular sick leave as follows:

- Grandfathered sick bank - Eligible for sick leave balance on the books as of September 8, 2015, reduced by hours previously converted to Deferred Compensation, and up to the amount of hours in employee's sick leave bank upon promotion.
- Regular sick bank -remaining sick leave balance as of promotion date not grandfathered When taking sick leave, employees with grandfathered sick leave banks shall utilize new sick leave accrued hours prior to utilizing hours from the grandfathered bank. For the term of this contract, the Incentive Program allows employees to deposit the value of twenty-four (24) hours of regular sick leave (36 hours for employees in the classification of Fire Battalion Chief working a 56-hour schedule) into a Health Savings Account (HSA) or Flexible Spending Account (FSA), if eligible. If not eligible, employees may elect to deposit into a Deferred Compensation Account. Amount is

*Section 25 page 12 Amended due to HR clerical error.

deposited at the first pay period in December annually. To be eligible, members must meet the following requirements: Must have a balance of no less than 240 hours of regular sick leave (360 hours for employees in the classification of Fire Battalion Chief working a 56-hour schedule) for the calendar year. Sick leave usage for the calendar year must not exceed three days based on work schedule at time of usage (36 hours for employees in the classification of Fire Battalion Chief working a 56-hour schedule).

SECTION 11. SICK LEAVE CASHOUT FOR SWORN FIRE MANAGEMENT EMPLOYEES.

Sworn Fire management employees who leave City service in good standing (other than retirement) after five (5) years of continuous service, shall be paid the first twenty-two hundred (2,200) hours of their current unused grandfathered sick leave, reduced by hours previously converted to Deferred Compensation, as follows: (1) Ninety (90%) percent of sick leave hours as of the date of the employee's initial promotion to a management classification shall be paid out at the current regular rate of pay (top step) for Fire Captain, and (2) In addition, twenty-five (25%) percent of the remaining sick leave hours accrued after promotion to a management classification shall be paid out at the employee's then current regular rate of pay. Sworn Police Management employees may deposit the value of twenty-four (24) hours of regular sick leave into a Health Savings Account (HSA) or Flexible Spending Account (FSA), if eligible. If not eligible, employees may elect to deposit into a Deferred Compensation Account. Amount is deposited at the first pay period in December annually. To be eligible, members must have a balance of no less than 240 hours of regular sick leave for the calendar year and sick leave usage for the calendar year must not exceed three days based on work schedule at time of usage.

*Section 25 page 12 Amended due to HR clerical error.

SECTION 12. PROMOTION.

Employees promoted on or after November 17, 2015, prior to an employee's promotion to an unrepresented management classification, all compensatory time off (CTO) and grandfathered compensatory time off (GCTO) shall be compensated in cash at the employee's then current regular rate of pay.

SECTION 13. MASTERS DEGREE INCENTIVE PAY.

Effective November 26, 2019, employees who possess a Master's Degree or Juris Doctor from an accredited institution, shall be granted two- and one-half percent (2.5%) Masters Pay, subject to criteria as established by the City. Effective June 25, 2019, for Unrepresented Sworn Police employees who possess a Master's Degree or who have obtained their certificate from either Command College or the Federal Bureau of Investigations National Academy shall be granted four percent (4.0%) Masters Pay.

SECTION 14. REGISTRATION AND CERTIFICATION FEES.

Effective July 1, 2003, when an employee is required by the City to obtain or renew a certificate, license or registration in order to carry out their assigned duties, except a California Class C Driver's License, the City will pay the fee for the actual certificate, license or registration, (and exam fee, if any).

SECTION 15. VEHICLE ALLOWANCE.

Per Resolution No. 2001-271 effective July 1, 2001, the vehicle allowance for Executives and Charter Officers who receive an allowance, shall be \$400/month, and the City Manager is authorized to grant Deputy Directors either an assigned City vehicle or a vehicle allowance in the amount of \$300/month. The City Manager is also authorized to

*Section 25 page 12 Amended due to HR clerical error.

grant selected Management employees a vehicle allowance of \$100-\$200/month based on Department Director recommendation and an annual justification relating to extensive use of a personal vehicle while conducting City business. Effective May 27, 2008, per Resolution 2008-305, the vehicle allowance for Charter Officers is increased to a maximum of \$500/month.

SECTION 16. UNIFORM ALLOWANCES.

Uniform allowances for unrepresented Management and Confidential employees who are required to wear a uniform, are as follows:

<u>Positions</u>	<u>Effective Date</u>	<u>Allowance</u>
Sworn Police	February 1, 2015	\$101.67
Sworn Fire Management	April 16, 2019	\$105.00

SECTION 17. POST CERTIFICATION PAY.

Effective September 6, 2016, Police Captains who provide evidence that they have received a Supervisory POST Certificate shall be eligible for one and eight tenths percent (1.8%) certification pay. Effective March 7, 2017, the same shall be eligible for an additional two percent (2.0%) certification pay for a total of ten percent (10%). Effective September 6, 2016, Police Captains who provide evidence that they have received a Management POST Certificate shall be eligible for two and three tenths percent (2.3%) certification pay. Effective December 27, 2016, Management POST Certificate pay shall be eight percent (8.0%). Effective March 7, 2017, Management POST Certificate pay shall be ten percent (10%). Effective September 6, 2016, Police Chief shall be eligible for five percent (5.0%) Executive POST pay. Effective January 10, 2016, Police Chief shall be eligible for an additional five percent (5.0%) Executive POST pay, for a total of ten

*Section 25 page 12 Amended due to HR clerical error.

percent (10%). These amounts are not cumulative and Captains receiving Management POST pay shall not also receive Supervisory POST pay. The maximum allowable POST pay is ten percent (10.0%).

SECTION 18. BONUS PAY FOR UNREPRESENTED POLICE MANAGEMENT.

City shall pay one thousand dollars (\$1,000) to Sworn Police Management as a retention bonus to be paid out in the second pay period of November each year for the term of the contract.

SECTION 19. HAZARDOUS MATERIALS CERTIFICATION PAY.

Effective July 1, 2003, one (1) Fire Department Battalion Chief or Division Chief shall be authorized five percent (5%) Haz Mat Pay, when certified as a Hazardous Materials Specialist and assigned to administer the City of Modesto's participation in the Regional Hazardous Materials Response Team. This pay replaced the annual Haz Mat Stipend.

SECTION 20. ALS PARAMEDIC PAY.

Effective July 14, 2015, one (1) Fire Department Battalion Chief or Division Chief shall be authorized six percent (10%) ALS Paramedic pay, when assigned to the ALS Paramedic Program and have the required California State Paramedic License and all additional local required ALS certifications.

SECTION 21. FIRE CHIEF OFFICER SHIFT STIPEND.

Effective December 2, 2014, Fire Battalion Chiefs and Fire Division Chiefs assigned to work extra shifts in order to maintain a consistent staffing of two (2) Battalion Chiefs to the extent possible, may receive a stipend of one thousand five hundred dollars (\$1,500) per 24-hour shift. Criteria for assignment to extra shifts with the stipend shall be

*Section 25 page 12 Amended due to HR clerical error.

at the discretion of the Fire Chief, who shall also determine when staffing at the level of one Battalion Chief is acceptable. The Fire Chief shall annually determine the maximum number of assignments available for stipend, subject to funds budgeted and the needs of the City. As FLSA Exempt management employees, Fire Battalion Chiefs and Fire Division Chiefs may be required to work both emergency and non-emergency assignments without additional compensation.

SECTION 22. MUTUAL AID ASSIGNMENT.

Sworn Fire Management employees in the classification of Fire Battalion Chief and Fire Division Chief shall receive a stipend when assigned to fill Strike Team and Task Force Leader assignments. Fire Battalion Chiefs assigned as Strike Team or Task Force Leader or Strike Team or Task Force Leader Trainee shall receive a stipend of \$1500 for a 24-hour period. Fire Division Chiefs assigned as Strike Team or Task Force Leader or Strike Team or Task Force Leader Trainee shall receive a stipend of \$1500 for a 24-hour period subject to the following conditions:

1. The assignment results from a request through the California Office of Emergency Services.
2. The assignment is subject to reimbursement through the "Cooperative Agreement for Local Government Fire Suppression."
3. Regularly scheduled work hours are not included and partial periods are pro-rated to the nearest hour.

The City Manager is authorized to adjust the stipend amount, from time to time, consistent with increases in overall Fire Management salaries and reimbursement rates.

SECTION 23. DEFERRED COMPENSATION 457 PLAN.

The CITY shall continue to provide access to a 457 deferred compensation

*Section 25 page 12 Amended due to HR clerical error.

program authorized by the City Council for the voluntary participation of City employees. In addition, the CITY shall match on behalf of a participating employee in a regular position, one and one-half percent (1.5%) of an employee's regular rate of pay on a bi-weekly basis; provided, the employee is contributing at least one and one-half percent (1.5%). For such employees who have been continuously employed by the CITY for nine (9) or more years, the CITY shall contribute two and one-half percent (2.5%); provided the employee is contributing at least two and one-half percent (2.5%). Effective January 1, 2006, this increase in the City's contribution shall be effective with the first pay period to begin in the month following completion of nine (9) years of service, provided that the employee has completed any required documents.

SECTION 24. DEFERRED COMPENSATION 401 (a) MONEY PURCHASE PLANS.

The 401(a) Money Purchase Plans shall provide for a City-paid contribution and equal mandatory employee contribution, effective January 1, 2006, of 5% for Charter Officers, 3% for Executives other than Charter Officers, and 2% for all other unrepresented Management and Confidential employees.

SECTION 25. HEALTH, DENTAL AND VISION BENEFITS.

The City's contribution to health, dental and vision benefits for Unrepresented Management and Confidential employees, including Charter Officers and Executives, shall be a three-tier system as follows and the City contribution (excluding opt out) shall increase by two (2) percent annually as follows:

	Beginning July 1, 2019	2020	2021	2022	2023*
Opt-out of City Medical Coverage	\$450.00	\$450.00	\$450.00	\$450.00	\$450.00

*Section 25 page 12 Amended due to HR clerical error.

Employee only	\$622.00	\$634.00	\$648.00	\$660.00	\$673.00
Employee plus 1	\$1112.00	\$1134.00	\$1157.00	\$1180.00	\$1,204.00
Employee plus family	\$1572.00	\$1603.00	\$1635.00	\$1668.00	\$1,701.00

**2023 rates apply only to Unrepresented Non-Sworn Management and*

Confidential employees, including Charter Officers and Executives.

The City shall deposit into the employee's deferred compensation account any balance remaining from the above listed contributions not needed to pay for the employee's health, dental or vision premiums. Effective July 22, 2008, for employees enrolled in the City- sponsored High Deductible Health Plan, any balance of said contributions shall be directed to the employee's Health Savings Account. Only in the event that an employee does not qualify for enrollment into a Health Savings Account, the City shall deposit any balance of the above contribution not needed to pay for the employee's combined premium into the employee's deferred compensation account.

Effective July 26, 2005, the City's contribution toward unrepresented employees with Family coverage shall not exceed the actual premium amount for the lowest cost health (HMO Plan), dental and vision plans offered by the City, regardless of the health plan selected by the employee or the contribution amounts listed above.

SECTION 26. DOMESTIC PARTNERS.

Benefits applicable to spouses shall be extended to registered domestic partners, as required by law.

SECTION 27. RETIREE HEALTH INSURANCE.

Employees who retire prior to December 31, 2015, may elect on a one-time basis at retirement to purchase health, dental and vision insurance under a City-authorized plan

*Section 25 page 12 Amended due to HR clerical error.

and are responsible for all cost.

Non-sworn employees hired on or before December 31, 2010 and who retire from the City prior to October 23, 2012 after five (5) years of continuous service in good standing may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused grandfathered sick leave applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the CITY at the rate of eight (8) hours equals one month of contribution. Said insurance contribution shall be provided in an amount up to that contributed to active employees subject to changes in the median priced health HMO plan for active employees, as needed to cover the cost of retiree health, dental and vision premium.

Non-sworn employees hired on or before December 31, 2010 and who retire from the City between October 23, 2012 and December 31, 2014, after five (5) years of continuous service in good standing may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused grandfathered sick leave applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the CITY at the rate of eight (8) hours equals one month of contribution. Said insurance contribution shall be provided as needed to cover the cost of retiree health, dental and vision premiums up to a monthly rate of \$621 for retiree without dependents and up to \$1,100 for retirees with dependent coverage.

Sworn employees hired on or before December 31, 2010 and who retire from the City prior to January 1, 2015, after five (5) years of continuous service in good standing may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused grandfathered sick leave applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the CITY at a rate of eight (8) hours equals

*Section 25 page 12 Amended due to HR clerical error.

one month of contribution (employees promoted on or after December 30, 2014 into a Fire

Unrepresented position on a 56-hour schedule, shall have hours at retirement applied at a rate of twelve (12) hours equals one month of contribution). Said insurance shall be provided in an amount up to that contributed to active employees subject to changes in the median priced health HMO plan for active employees, as needed to cover the cost of retiree health, dental and vision premium.

For all Non-Sworn and Sworn employees hired on or before December 31, 2010 who retire from the City on or after January 1, 2015, the City will no longer offer retiree medical plans through City's group plans effective December 31, 2015, however, retirees may elect on a one-time basis at retirement the option to purchase and maintain City's dental and vision plans at retiree's cost. For these employees who retire after five (5) continuous years of service in good standing may, on a one time basis, have ninety (90%) percent of their unused grandfathered sick leave converted to the City sponsored defined contribution retiree medical benefit plan at the rate of eight (8) hours equals one month of contribution (Fire Unrepresented position on a 56-hour schedule, shall have hours at retirement applied at a rate of twelve (12) hours equals one month of contribution) to purchase medical insurance. For each eight hours (or twelve hours) converted to the retiree medical program, the recipient shall be provided a monthly contribution under one of the following schedules:

<u>Non-Medicare Eligible Recipient</u>	<u>Medicare Eligible Recipient</u>
Retiree Only = \$500	Retiree Only = \$250
Retiree +1 Dep = \$1,000	Retiree +1 Dep = \$500
Retiree + Family = \$1,000	Retiree + Family = \$500

*Section 25 page 12 Amended due to HR clerical error.

Combined contributions for Retirees

1 Non-Medicare + 1 Medicare coverage = \$750

Retiree only contribution for eligible recipients is allowable regardless of where the retiree acquires authorized and legitimate medical insurance coverage (i.e. through State Exchange, through individual insurance company, through a current employer, or through spouse employer). Retiree shall not be eligible to receive a contribution for dependent, spouse, or registered domestic partner under the Retiree + 1 or Retiree + Family levels if retiree's dependent, spouse, or registered domestic partner has medical insurance coverage through their current employer, is covered under Retiree's current employer, or if Retiree does not purchase individual insurance for dependent. Upon retirement only, the City shall transfer contributions based on eligibility above into the City's sponsored Retiree Health Reimbursement Arrangement (HRA) for the individual. Employees will not be eligible for these contributions should they separate from City service prior to retirement.

Contributions to eligible retirees will be made as follows: Upon Retirement - initial contributions will be made for the months following loss of coverage with City through either December 31st or June 30th, whichever date is earlier. Contributions will be deposited no later than 30 days after retirement date.

Ongoing Contribution - a semi-annual years' worth of contributions will be made on a semi-annual basis no later than Jan 31st (for months January -June) and July 31st (for months July - December) until exhaustion of sick leave conversion. To receive the semi-annual contribution, the retiree must provide the City with proof and cost of coverage by December 15th each year to receive a contribution for the following calendar year.

Failure to provide proof of coverage will result in the retiree losing a City

*Section 25 page 12 Amended due to HR clerical error.

contribution for that calendar year; however, if the retiree provides proof of coverage before June 15th, the retiree will be eligible for the July contribution. Lose of contribution will not result in a reduction to the number of months the retiree is eligible to receive contributions in the future. If retiree has a status change during any calendar year that would change the monthly contribution, such as a marriage, divorce, death, birth, spouse or dependent loss of coverage, the City will reconcile the new amount the retiree is eligible for with the following semi-annual contribution. The change in status is presumed effective the 1st of the month following the month when the retiree provided notice to the City of the change in status. For example, if the retiree's status changes from retiree only to retiree + 1 on November 15, the City will provide an additional \$500 along with the total semi-annual contribution for the following calendar year to compensate the retiree for the change in status for the month of December in the previous calendar year. If the retiree's change in status results in monies owed to the City, the City will recoup the amount owed by deducting it from the following semi-annual contribution. However, in the event of a death of the retiree receiving a contribution for the retiree only level during the calendar year in which the contribution was already received, any remaining months of contribution will be deleted for subsequent calendar years, but the City will not endeavor to seek payments already made for the months following the retiree's death. In the event of the death of retiree participating in the contribution program, surviving qualified spouse will be eligible to receive a contribution for the following calendar year if the retiree would have been eligible to receive a contribution. If eligible, the contribution will be consistent with the eligibility criteria set above and continue until the exhaustion of the deceased retiree's sick leave bank, upon the death of the surviving spouse, upon the spouse and/or dependents coverage for other insurance through an employer, or upon voluntarily

*Section 25 page 12 Amended due to HR clerical error.

election to not continue with the contribution program.

For employees hired on or before December 31, 2010, the City shall contribute to a Defined Contribution retiree medical benefit plan for each eligible employee in the form of a deposit into a Health Reimbursement Arrangement (HRA). For non-sworn employees, effective July 2, 2013, the City shall contribute \$25.00 per month. For sworn employees, effective August 26, 2014 the City shall contribute \$25.00 per month. For a full-time employee, this equates to a maximum of \$300 per year. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month. Beginning January 1, 2015, the defined City contribution for non-sworn and sworn employees shall increase annually through January 1, 2019, by an additional \$10 per year, per employee each January. The defined City contribution shall be a maximum contribution of \$75 per month by January 2019. For all employees regardless of date of hire by January 1, 2019, the City will increase the City contribution to the City HRA by an additional ten dollars (\$10.00) monthly per employee effective January 1, 2017; followed by an additional increase of ten dollars (\$10.00) monthly per employee effective January 1, 2018; and followed by an additional increase of ten dollars (\$10.00) monthly per employee effective January 1, 2019. The contribution effective January 1, 2019 will be \$100.

For all unrepresented employees (sworn and non-sworn) hired on or after January 1, 2011, the City shall contribute to a Defined Contribution retiree medical benefit plan for each eligible employee in the form of a deposit into a Health Reimbursement Arrangement (HRA) account. An employee is eligible to receive a City HRA contribution upon completion of two full years. If an employee separates employment before meeting eligibility requirement, the employee shall receive no benefit. On the first pay period

*Section 25 page 12 Amended due to HR clerical error.

following completion of two full years of continuous City service, the CITY shall deposit \$2,400 into an HRA account established in the employee's name. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated lump sum contribution based on hours worked. After the initial contribution is made, the City shall contribute \$100 per month for each eligible full-time employee.

Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month. Employees hired on or after January 1, 2011 and subject to this defined contribution plan shall not be eligible for any sick leave conversion towards retiree medical premiums of any sort. The City's contribution under this section represents the entire contribution towards employee retiree medical.

SECTION 28. PAYCHECK ADVICES.

All employees who are on direct deposit will no longer be receiving hard-copy pay advices for. Employees will now be able to utilize the Employee self-service tool available via Oracle under the CoM

Employee Self Service responsibility to view their pay advices including their annual W-2s. Employees have the option to elect to be paid via direct deposit or a debit card. Pay advices will be available anytime during payday Friday and payslips can be printed utilizing city computer workstation.

SECTION 29. EDUCATIONAL INCENTIVE PAY.

Effective July 1, 2018, Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Division Chief and Fire Chief shall be eligible for Educational Incentive Pay for designated certifications or degrees as follows:

*Section 25 page 12 Amended due to HR clerical error.

- 1) Fire Science/Fire Officer 1 %
- 2) AA/AS 2%
- 3) BA/BS 3.5%

Qualifying certificates and degrees:

- 1) Fire Science or Fire Technology certificate from a community college accredited by the Western Association of Schools and Colleges OR completion of Fire Officer Certification from the Office of the California State Fire Marshal.
- 2) Associates Degree in Fire Science, Fire Technology, or a related field, OR a Bachelor's Degree in Fire Science, Fire Management, Public Safety Administration or a related field. Fire Chief reserves the right to determine qualifying degrees.

Education incentives are not stackable or cumulative. Employees receive pay for the highest certification or degree earned.

SECTION 30. LONGEVITY INCENTIVE PAY.

Effective July 1, 2018, Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Division Chief and Fire Chief shall be eligible for Longevity Incentive Pay for the following years of service:

- 1) 10 years of service 1.5%
- 2) 15 years of service 3%
- 3) 20 years of service 4%

Longevity incentives are not stackable or cumulative. Employees receive pay for the highest years of service for which they qualify.

*Section 25 page 12 Amended due to HR clerical error.

SECTION 31. UNFUNDED LIABILITY.

1) Effective April 16, 2019, each unrepresented Fire Management employee shall contribute one percent (1.0%) of salary to an agreed upon Base as noted in the CalPERS Safety Schedule of Amortization.

2) Effective July 14, 2020, each unrepresented Fire Management employee shall contribute an additional three percent (3.0%) of salary for a total of four percent (4%)

a. Effective July 14, 2020 and through June 7, 2021, the four (4%) contribution shall be used to fund a portion of the Employer Share of the normal cost versus being contributed to an agreed upon Base on the CalPERS Safety Schedule of Amortization.

b. Effective June 8, 2021 the four (4%) contribution shall resume as contributions to an agreed upon base as noted in the CalPERS Safety Schedule of Amortization Bases as Additional Direct Payments to the CalPERS Unfunded Accrued Liability (UAL) and shall continue to until such liability is paid in full. To the extent possible, the City shall insure that any contributions to the Base Account as referenced herein shall be directed to those costs arising specifically related to fire employees.

c. Effective June 21, 2022, employees shall receive a two and one-half (2 ½%) salary increase pursuant to 2 (b) above, and the employee will contribute an additional two and half percent (2½%) for a total of six and half percent (6½%) as contributions to an

*Section 25 page 12 Amended due to HR clerical error.

agreed upon base as noted in the CalPERS Safety Schedule of Amortization Bases as Additional Direct Payments to the CalPERS Unfunded Accrued Liability (UAL) and shall continue until such liability is paid in full. To the extent possible, the City shall insure that any contributions to the Base Account as referenced herein shall be directed to those costs arising specifically related to fire employees.

- d. In contributing to their statutorily required retirement contributions, PEPRAs shall not exceed the agreed upon additional contribution levels noted above; sixteen percent (16.0%) for June 2021 and eighteen and one half percent (18.5%) for June 2022. During the stated timelines, should the PEPRAs contribution exceed the percentages noted above, PEPRAs shall have their additional contributions to the City's Base account adjusted downward accordingly.
- e. If any other City employee group which has agreed to concessions, salary reductions, furloughs, postponed salary increases or any similar "give back" reversed, the three percent (3.0%) raise diversion noted in 3 (a) above shall immediately cease and shall revert to the employee's three percent (3.0%) base wage increase.

3) Effective June 21, 2021, the three percent increase shall resume as contributions to an agreed upon base as noted in the CalPERS Safety Schedule of Amortization Bases.

*Section 25 page 12 Amended due to HR clerical error.

4) Effective June 25, 2019, each Police Management employee shall contribute one- and one-half percent (1.5%) of salary to an agreed upon Base as noted in the CalPERS Safety Schedule of Amortization.

SECTION 32. FURLOUGH.

1) Effective the pay period beginning July 7, 2020, and for a total of 24 pay periods, each Unrepresented Sworn Police Management and Unrepresented Non-Sworn Management and Confidential employees, including Charter Officers and Executives shall have 4 (four) unpaid furlough hours deducted from his/her paycheck. This will be accomplished by the employee reporting this deduction in each of the 24 pay periods. Unrepresented Sworn Police Management employees retiring prior to December 31, 2020 will be exempt from payroll deductions, nor receive a furlough bank, provided retirement notice is given before July 3, 2020.

2) On the pay period beginning July 7, 2020 the City shall create for each eligible member a furlough bank of 96 hours.

3) Between July 7, 2020 and December 31, 2021, the Department Director shall ensure that all Sworn Police Management exhaust all hours in the furlough bank in a manner that does not result in an increase in overtime cost due to the vacancy left by the furloughed employee. Furloughs will be scheduled in the same manner as vacation and should not cause an increase in overtime.

4) Between July 7, 2020 and June 7, 2021, the Department Director shall ensure that all Non-Sworn employees exhaust all hours in the furlough bank in a manner that does not result in an increase in overtime cost due to the vacancy left by the furloughed employee.

*Section 25 page 12 Amended due to HR clerical error.

5) Non-Sworn employees may elect an increase of voluntary furlough bank of 48 hours to be added to their 96 hours of furlough bank for a total of 144 furlough bank hours. Employees who elect this option will, effective July 7, 2020 for a total of 24 pay periods, have 2 (two) additional unpaid furlough hours deducted from his/her paycheck for a total of 6 (six) unpaid furlough hours.

6) All employees shall record furlough hours on their timesheets only at the time the furlough hours are actually taken as time off.

7) Non-sworn employees shall not work more than forty (40) hours during any workweek within which they take furlough hours.

8) During this designated furlough deduction period through July 7, 2020 through June 7, 2021, the City will continue to report each employee's full base pay rate to CalPERS each pay period.

9) The City has the sole discretion to assign overtime and that employees will not require the City to backfill with overtime to cover furlough hours in order to avoid actual reduction of pay by any employee. However, both parties understand that there may be occasions when overtime would be needed to cover back furlough hours to ensure minimums are maintained at proper levels.

10) If the City revises its revenue estimates and/or receives funding through a federal package that are anticipated to equal or exceed \$147,000,000 for Fiscal Year 20/21, furloughs will be reviewed and ceased or reduced accordingly. Should such action occur, employees shall only be allowed to utilize furlough hours in proportion to the duration of time that the furlough program was in place, and all additional hours shall be

*Section 25 page 12 Amended due to HR clerical error.

forfeited. City shall cease the furlough payroll deductions effective the pay period following such a determination.

11) Should an employee exhaust furlough leave and separate from the City before earning such leave in proportion with the amount of time the employee worked during the furlough period, the employee will be responsible for reimbursing the City. An employee that separates from the City should attempt to utilize unused furlough bank prior to separation as the employee will not be reimbursed for unused hours. Should an employee use leaves and the City cease the furlough due to circumstances in above, the employee will not be reimbursed for using such leave.

12) For Sworn Police Management, during this designated furlough deduction period between July 7, 2020 through June 7, 2021, the 1.5% payroll deduction for additional contribution to CalPERS, as referenced in Section 31 above, shall be temporarily suspended. Upon conclusion of the furlough period, including if the furlough period terminates early consistent with above, the 1.5% furlough deduction shall resume.

13) For Sworn Police Management, during this designated furlough usage period, the vacation accrual cap shall be temporarily suspended. It is incumbent upon the employees to still utilize their vacation balances and employees will be required to have their accruals under the cap by October 1, 2022. Any additional extension is at the discretion of the Department Head and City Manager.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Resolution No. 2020-288 is hereby rescinded.

*Section 25 page 12 Amended due to HR clerical error.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-310**

**RESOLUTION GRANTING SALARY CHANGES TO SWORN FIRE
MANAGEMENT EMPLOYEES, AS OF JULY 14, 2020 AND NON-
SWORN UNREPRESENTED MANAGEMENT AND CONFIDENTIAL
EMPLOYEES INCLUDING CHARTER OFFICERS AND EXECUTIVES, AS
OF NOVEMBER 26, 2019, RESCINDING RESOLUTION NO. 2019-531, AND
AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE THE
NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE CHANGES**

WHEREAS, on November 26, 2019, by Resolution No. 2019-531, Council approved Class Range Tables and salary schedule changes for unrepresented Management and Confidential employees, including Charter Officers and Executives, and unrepresented sworn police employees, and

WHEREAS, the Council of the City of Modesto adopted a Contract Extension with Modesto City Fire Fighters Association (MCFFA) on July 14, 2020 which included salary increases, and

WHEREAS, the City shall provide for wage increases for Unrepresented Fire Management employees as follows:

- a. Effective June 22, 2021, the salary ranges shall be adjusted by an additional two and one-half (2 ½) percent, and
- b. Effective June 21, 2022, the salary ranges shall be adjusted by an additional two and half percent (2 ½), and
- c. WHEREAS, on November 26, 2019 the City approved a two percent (2.0%) base salary increase for all unrepresented Management and Confidential employees, including Charter Officers and Executives, effective November 26, 2019; followed by an additional two percent (2.0%) base salary increase for all unrepresented Management and Confidential employees, including Charter Officers and Executives,

effective June 23, 2020 and an additional two (2.0%) base salary increase for all unrepresented Management and Confidential employees, including Charter Officers and Executives, effective June 22, 2021, and an additional two (2.0%) base salary increase for all unrepresented Management and Confidential employees, including Charter Officers and Executives, employees effective June 21, 2022 and

WHEREAS, the City desires to maintain competitive position with the labor market.

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

1. SALARY RANGES, RATES AND EFFECTIVE DATES.

The salary rates, salary ranges and salary steps as set forth in the following **exhibits** which are **attached** hereto and made a part hereof provide for a two and one-half (2 ½) percent across the board salary adjustment for unrepresented Fire Management effective June 22, 2021, and an additional two and half percent (2 ½) across the board salary adjustment for unrepresented Fire Management effective June 21, 2022. As previously approved the remaining **exhibits** made a part hereof provide for a two (2.0%) percent across-the-board salary adjustment for unrepresented Management and Confidential employees, including Charter Officers and Executives, effective November 26, 2019; salary ranges increased by two (2.0%) percent effective June 23, 2020 for unrepresented Management and Confidential employees, including Charter Officers and Executives; an additional two (2.0%) percent increase effective June 22, 2021 for unrepresented Management and Confidential employees, including Charter Officers and Executives; and an additional two (2.0%) percent base salary increase for all unrepresented Management and Confidential employees, including Charter

Officers and Executives, effective June 21, 2022. In addition, based on the results of the City's most recent labor market study, the salary range for each of the benchmark classes listed in **Exhibit X**, along with any related classes, shall increase in accordance with the schedule and is set forth in these **Exhibits**.

1. **Exhibit "A"** entitled "City Of Modesto Class Range Table, Unrepresented Management And Confidential Non-Sworn Classes, Effective November 26, 2019."
2. **Exhibit "B"** entitled "City Of Modesto Class Range Table, Unrepresented Management And Confidential Non-Sworn Classes, Effective June 23, 2020."
3. **Exhibit "B-1"** entitled "City Of Modesto Class Range Table, Unrepresented Management And Confidential Non-Sworn Classes, Effective June 22, 2021."
4. **Exhibit "C"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 19/20, Effective November 26, 2019 - Management/Confidential – Non-Sworn Unrepresented."
5. **Exhibit "D"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 20/21, Effective June 23, 2020 Management/Confidential – Non-Sworn Unrepresented."
6. **Exhibit "E"** entitled "City of Modesto Schedule Of Salary Ranges In City Service For FY 21/22, Effective June 22, 2021 Management/Confidential – Non-Sworn Unrepresented."
7. **Exhibit "E-1"** entitled "City of Modesto Schedule Of Salary Ranges In City Service For FY 21/22, Effective June 21, 2022 Management/Confidential – Non-Sworn Unrepresented."
8. **Exhibit "F"** entitled "City Of Modesto Class Range Table, Executive Management, Effective November 26, 2019" which includes Charter Officers.
9. **Exhibit "G"** entitled "City Of Modesto Class Range Table, Executive Management, Effective June 23, 2020" which includes Charter Officers.
10. **Exhibit "G-1"** entitled "City Of Modesto Class Range Table, Executive Management, Effective June 22, 2021" which includes Charter Officers.

11. **Exhibit "H"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 19/20, Effective November 26, 2019 - Executive Management."
12. **Exhibit "I"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 20/21, Effective June 23,2020 - Executive Management."
13. **Exhibit "J"** entitled "City of Modesto Schedule Of Salary Ranges In City Service For FY 21/22, Effective June 22, 2021 – Executive Management."
14. **Exhibit "J-1"** entitled "City of Modesto Schedule Of Salary Ranges In City Service For FY 22/23, Effective June 21, 2022 – Executive Management."
15. **Exhibit "K"** entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 21/22, Effective June 22, 2021 – Schedule X, Fire Management – 80 Hrs. – Battalion Chief and Schedule Y, Fire Management – 112 Hrs. – Battalion Chief."
16. **Exhibit "L"** entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 22/23, Effective June 21, 2022 – Schedule X, Fire Management – 80 Hrs. – Battalion Chief and Schedule Y, Fire Management – 112 Hrs. – Battalion Chief."
17. **Exhibit "M"** entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 20/21, Effective June 23, 2020 – Schedule X, Fire Management – 80 Hrs. – Battalion Chief and Schedule Y, Fire Management – 112 Hrs. – Battalion Chief."
18. **Exhibit "N"** entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 21/22, Effective June 22, 2021 – Schedule E Management/Confidential – Fire – 80 hours – Division Chief."
19. **Exhibit "P"** entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 22/23, Effective June 21, 2022 – Schedule E Management/Confidential – Fire – 80 hours – Division Chief."
20. **Exhibit "Q"** entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 20/21, Effective June 23, 2020 – Schedule E Management/Confidential – Fire – 80 hours – Division Chief."
21. **Exhibit "T"** City of Modesto Schedule of Salary Ranges In City Service For FY 21/22, Effective June 22, 2021 – Unrepresented - Fire Chief
22. **Exhibit "V"** City of Modesto Schedule of Salary Ranges In City Service For FY 22/23, Effective June 21, 2022 – Unrepresented - Fire Chief

23. **Exhibit “W”** City of Modesto Schedule of Salary Ranges In City Service For FY 20/21, Effective June 23, 2020 – Unrepresented – Fire Chief
24. **Exhibit “Y”** entitled “City of Modesto Class Range Table, Fire Management Classes, Effective July 12, 2016.
25. **Exhibit “Z”** entitled “City of Modesto Class Range Table, Sworn Fire Executive Management Classes, Effective July 12, 2016.
26. **Exhibit “A-1”** entitled “City of Modesto Class Range Table, Police Management Classes (Unrepresented), Effective January 10, 2017.
27. **Exhibit “A-2”** City of Modesto Schedule of Salary Ranges in City Service for FY 20/21, Effective June 23, 2020 – Management/Confidential Police Captains –Unrepresented.
28. **Exhibit “A-3”** City of Modesto Schedule of Salary Ranges in City Service for FY 21/22, Effective June 22, 2021 – Management/Confidential Police Captains –Unrepresented.
29. **Exhibit “A-4”** City of Modesto Schedule of Salary Ranges in City Service for FY 22/23, Effective June 21, 2022 –Management/Confidential Police Captains –Unrepresented.
30. **Exhibit “A-5”** City of Modesto Schedule of Salary Ranges in City Service for FY 20/21, Effective June 23, 2020 – Management/Confidential Police Chief –Unrepresented.
31. **Exhibit “A-6”** City of Modesto Schedule of Salary Ranges in City Service for FY 21/22, Effective June 22, 2021 – Management/Confidential Police Chief –Unrepresented.
32. **Exhibit “A-7”** City of Modesto Schedule of Salary Ranges in City Service for FY 22/23, Effective June 21, 2022 – Management/Confidential Police Chief –Unrepresented.

2. CHARTER OFFICERS.

The salaries for the positions of the Charter Officers shall be as follows effective November 26, 2019:

<u>TITLE</u>	<u>HOURLY</u>	<u>BI-WEEKLY</u>	<u>MONTHLY</u>
City Manager	115.10	9,208.00	20,018.19
City Attorney	96.83	7,746.40	16,840.67
City Auditor	65.23	5,218.40	11,344.80
City Clerk	66.86	5,348.80	11,628.29

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.

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.

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.

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.

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.

8. REPEAL.

Resolution No. 2019-531 is hereby rescinded effective July 14, 2020.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-311**

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE TRANSIENT OCCUPANCY TAX FUNDING AGREEMENT WITH THE MODESTO CONVENTION AND VISITORS BUREAU FOR CONVENTION AND TOURISM SERVICES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in 2019, the Modesto Convention and Visitors Bureau (CVB) was restored as an independent agency, and

WHEREAS, the CVB provides services to attract visitors to the area by promoting and marketing Modesto as a convention, sports, and leisure travel destination and to provide coordination and leadership on matters related to convention activity and tourism, and

WHEREAS, CVB services are funded by both Transient Occupancy Tax (TOT) receipts and assessments collected on behalf of the Modesto Tourism and Marketing District, and

WHEREAS, on February 26, 2019, by Resolution No. 2019-79, Council approved a Transient Occupancy Tax Funding Agreement for five years between the City and CVB (TOT Agreement), and

WHEREAS, the TOT Agreement provides for 13.33% of TOT receipts, up to \$2.85 million, to be distributed quarterly to the CVB, and

WHEREAS, the COVID-19 global pandemic has substantially and negatively impacted the economy, specifically compromising TOT revenues for Fiscal Year 2019-2020 and beyond, and

WHEREAS, the City desires and CVB agrees to amend the TOT Agreement to provide the City sole and exclusive rights to reduce TOT payments (City Reduction) based on the projected economic forecasts for Fiscal Year 2020-2021 and beyond, and

WHEREAS, the reduction for Fiscal Year 2020-2021 is \$56,059.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Transient Occupancy Tax Funding Agreement with the Modesto Convention and Visitors Bureau to provide the City sole and exclusive rights to reduce TOT payments based on economic forecasts for Fiscal Year 2020-2021 and beyond.

BE IT FURTHER RESOLVED that the First Amendment to Transient Occupancy Tax Funding Agreement will commence on July 1, 2020.

BE IT FURTHER RESOLVED that the City Reduction in Transient Occupancy Tax payments for Fiscal Year 2020-2021 is \$56,059.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the First Amendment to the Transient Occupancy Tax Funding Agreement, in a form approved by the City Attorney.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-312**

RESOLUTION ACCEPTING THE GRANT DEED OF REAL PROPERTY FROM STANISLAUS COUNTY IDENTIFIED AS A PORTION OF APN 016-034-012, IN THE COMMUNITY OF GRAYSON, LOCATED AT MARY AND CHARLES STREET, CONSENTING TO THE RECORDATION THEREOF FOR THE GRAYSON WELL 69 (REPLACING WELL 274) SURFACE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CERTIFICATE OF ACCEPTANCE NECESSARY TO RECORD THE NEW GRANT DEED

WHEREAS, the Grayson Well 69 (Replacing Well 274) Project plans and specifications require drilling a new municipal well to address an over-concentration of nitrates within the existing 1967 well, and

WHEREAS, Stanislaus County owns the real property surrounding the existing municipal well site, and

WHEREAS, Stanislaus County has granted parcel ownership of certain portions of real property formerly located within APN 016-034-012, and

WHEREAS, additional real property is necessary to complete the Grayson Well 69 (Replacing Well 274) Project and the Chair of the Stanislaus County Board of Supervisors has executed a grant deed conveying the additional real property necessary to complete the project contained within APN 016-034-012 (“Grant Deed”), and

WHEREAS, upon recordation of the Grant Deed and certificate of acceptance, City staff will fulfill the necessary real property requirements to install a new municipal well within the community of Grayson.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby accept ownership of that portion of Assessor’s Parcel Number 016-

034-012 transferred by grant deed executed by Stanislaus County, a political subdivision within the State of California, to the City of Modesto, dated May 12, 2020.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Certificate of Acceptance and other documents necessary to receive and record ownership of the parcel.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-313**

RESOLUTION APPROVING AN AGREEMENT WITH WEST YOST ASSOCIATES, OF CONCORD, CA, FOR ENGINEERING DESIGN SERVICES FOR THE BIOSOLIDS REMOVAL PROJECT AT THE JENNINGS WASTEWATER TREATMENT PLANT, IN AN AMOUNT NOT TO EXCEED \$48,834 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS \$4,883 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED OF \$53,717, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Jennings Wastewater Treatment Plant (WWTP) suffers from excessive biosolids accumulation in the Recirculation Channel and in all three Facultative Ponds, and

WHEREAS, as biosolids accumulate in the ponds, it displaces wastewater treatment capacity and reduces efficiency, and

WHEREAS, West Yost Associates' (West Yost) familiarity and knowledge of the City's wastewater treatment process gives them an understanding that will benefit the design of the proposed Biosolids Removal Project at the Jennings WWTP, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), "Exceptions to Formal Bidding Requirements," this agreement for professional services is exempt from the bidding requirements of Modesto Municipal Code 8-3.203.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with West Yost, Concord, CA for Engineering Design Services for the Biosolids Removal Project at the Jennings WWTP in an amount not to exceed \$48,384, for the identified scope of services, plus \$4,883 for additional services, if needed, for a maximum total amount of \$53,717.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

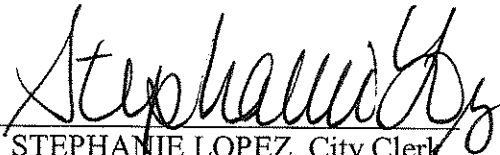
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-314**

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH BLACKWATER CONSULTING ENGINEERS INC., OF MODESTO, CA, FOR ENGINEERING DESIGN SERVICES FOR THE COLORADO WATER MAIN PROJECT IN THE AMOUNT OF \$59,449 FOR THE IDENTIFIED SCOPE OF SERVICES, FOR AN AMENDED TOTAL NOT TO EXCEED AMOUNT OF \$145,896, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, Utilities Engineering is currently managing the River Trunk Realignment Project which will reroute major portions of the sewer trunk line away from the Tuolumne River and into public right-of- way, and

WHEREAS, this current City/County project presents an opportunity to construct and coordinate needed water main improvements along Colorado Avenue, and

WHEREAS, the coordinated effort will be less disruptive to the neighborhood and result in construction cost savings, and

WHEREAS, on April 9, 2019, by Resolution No. 2019-152, Council approved an agreement with BlackWater Consulting Engineers Inc. (BlackWater), of Modesto, CA, for engineering design services for the Colorado Water Main project in an amount not to exceed \$78,588, plus \$7,859 for additional services (if needed), for a total amount not to exceed \$86,447, and

WHEREAS, during the design effort, BlackWater notified staff that additional design services were needed due to differing field conditions that were initially identified during the information collection and design process that resulted in design revisions, and

WHEREAS, BlackWater is nearly complete with the design and preparation of the construction documents for the Colorado Water Main but an amendment to the

agreement is necessary to cover the additional cost for the design revisions and additional scope of work.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a first amendment to the agreement with BlackWater Consulting Engineers, Inc., for engineering design services for the Colorado Water Main project, in the amount of \$59,449 for an amended not to exceed amount not to exceed \$145,896.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-315**

RESOLUTION APPROVING AN AGREEMENT WITH BLACKWATER CONSULTING ENGINEERS INC., OF MODESTO, CA, FOR ENGINEERING DESIGN SERVICES FOR THE SUTTER NEIGHBORHOOD STRENGTHEN & REPLACE WATER MAINS PROJECT, IN AN AMOUNT NOT TO EXCEED \$126,430 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS \$12,643 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED \$139,073, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City has partnered with Stanislaus County to coordinate the upsizing of existing water mains in West Modesto with an upcoming sewer improvement project, and

WHEREAS, the project is located in a county pocket area bounded by Sutter Avenue in the West, South Avenue in the North, Sunset Avenue in the East, and Garden & Rose Lawn Avenue on the South, and

WHEREAS, Blackwater Consulting Engineers Inc.'s (BlackWater) familiarity and knowledge of City Standards, provides them with an understanding that will benefit the design and alignment of the proposed Sutter Neighborhood Strengthen & Replace Water Mains Project, and

WHEREAS, BlackWater has rendered satisfactory services with the City on previous projects which include the River Trunk Realignment and the Colorado Water Main Projects both of which are in or are within close proximity to the Sutter Neighborhood Strengthen & Replace Water Mains Project, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), "Exceptions to Formal Bidding Requirements," this agreement for professional services is exempt from the bidding requirements of Modesto Municipal Code 8-3.203.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with BlackWater, of Modesto, CA, for Engineering Design Services for the Sutter Neighborhood Strengthen & Replace Water Mains Project in an amount not to exceed \$126,430, for the identified scope of services, plus \$12,643 for additional services, if needed, for a maximum total amount of \$139,073.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-316**

**RESOLUTION CALLING A SPECIAL ELECTION FOR THE ANNEXATION
OF ADDITIONAL TERRITORY TO CITY OF MODESTO COMMUNITY
FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2)**

WHEREAS, on June 2, 2020, by Resolution No. 2020-244 (the “Resolution of Intention to Annex”) Council approved to annex certain territory to the City’s Community Facilities District No. 2004-1 (Village One #2) (the “District”) and authorize the levy of the District special taxes within the territory proposed to be annexed (the “Annexed Territory”), 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 set a hearing thereon, and

WHEREAS, on December 14, 2004, pursuant to the Act, by Resolution No. 2004-681, Council approved the clarification of the Rate and Method of Apportionment with respect to the Maximum Special Taxes to be generated by a parcel that has been rezoned, and

WHEREAS, on December 14, 2004, pursuant to the Act, by Resolution No. 2004-683, Council approved the creation of Tax Zone #2 within the District, and

WHEREAS, the One-Time Facilities Special Tax component of the special taxes is higher in Tax Zone #2 than in Tax Zone #1, and

WHEREAS, the Annexed Territory will be annexed to and subject to the special taxes in Tax Zone #2, 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, a map of the Annexed Territory, entitled “Annexation Map No. 18 of Community Facilities District No. 2004-1 (Village One #2) City of Modesto, County of Stanislaus, State of California” was recorded on June 10, 2020, in the Office of the County Recorder of the County of Stanislaus, in Book 6 of Maps of Assessment and Community Facilities Districts, at page 5, and

WHEREAS, at the time and date set for the hearing (July 14, 2020) pursuant to the Resolution of Intention to Annex, this Council held the public hearing, as required by the Act, related to the proposed annexation and the levy of the District special taxes for Tax Zone #2 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 and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, including all interested persons for or against the proposed annexation to the District and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory 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 District special taxes for Tax Zone #2 within the Annexed Territory, 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 District special taxes for Tax Zone #2 within the Annexed Territory have not been filed with the City Clerk by 50 percent or more of the registered voters or six registered voters, whichever is more, residing within the District or residing within the Annexed Territory, or the owners of one-half or more of the land in the District, or in the Annexed Territory, and

WHEREAS, the Stanislaus County Registrar of Voters has certified there are less than 12 registered voters residing in the Annexed Territory; accordingly, the qualified electors are the landowners, and

WHEREAS, the City Clerk, being the Council's designated election official for purposes of the election herein called, has concurred in the election date herein set forth for the election.

NOW THEREFORE, BE IT RESOLVED, ORDERED AND FOUND by the City Council of the City of Modesto that:

1. The foregoing recitals are true and correct.
2. All prior proceedings taken with respect to the annexation of the Annexed Territory to the District, and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory were valid and in conformity with the requirements of the Act. This determination shall be final and conclusive upon all persons.

3. The proposed annexation of the Annexed Territory to the District and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory have not been precluded by majority protest pursuant to Section 53339.5 of the Act.

4. 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 the Annexed Territory to the District and levy the District special taxes for Tax Zone #2 within the Annexed Territory. Upon such approval the Council will be authorized to levy the District special taxes for Tax Zone #2 within the Annexed Territory.

5. A special election is hereby called at which the question of levying the District special taxes for Tax Zone #2 within the Annexed Territory shall be submitted to the qualified electors of the Annexed Territory. The election shall be held in accordance with and subject to the Act, all of the terms of which shall, unless waived as herein provided, be applicable to such election. The ballot measure shall be substantially in the form **attached** hereto as **Exhibit A**.

6. Fewer than 12 persons have been registered to vote within the Annexed Territory for each of the 90 days preceding the close of the hearing referenced herein. Accordingly, the vote shall be by the landowner(s) of the Annexed Territory, and each such landowner shall have one vote for each acre or portion thereof that he or she owns within the Annexed Territory. The ballots shall be distributed by mail with return postage prepaid, or by personal service, to each landowner, all as provided in Section 53326 of the Act.

7. Since the City Clerk has received an appropriate waiver of time limits and other requirements pertaining to the conduct of the election by the owner of all of the land in the Annexed Territory (the "Landowner"), the election shall be held on the 14th

day of July 2020. The election shall be conducted by the City Clerk in the manner required by this resolution, the Act and applicable laws.

8. The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk up to and including 5:30 p.m., Pacific Time, on July 14, 2020, and/or up to the conclusion of the Public Hearing, whether said ballots shall be personally delivered or received by mail.

9. In accordance with Section 53327(b) of the Act, analysis and arguments, as required by Section 53327(a) of the Act are hereby waived, as the City Clerk has received the unanimous consent to such waivers from the Landowner.

10. The publication of this Resolution as notice of the special election is hereby waived as the City Clerk has received the unanimous consent to such waiver from the Landowner.

11. The Annexed Territory shall constitute a single election precinct for the purpose of holding the election.

12. The City Clerk is hereby authorized to take any and all steps necessary for the holding of the election, and to perform and render all services and proceedings incidental to and in connection with the election.

13. The City Clerk shall canvass the returns and certify the results of the election to this Council. If two-thirds or more of the votes cast are in favor of levying the District special taxes for Tax Zone #2 in the Annexed Territory, this Council may thereafter order the annexation of the Annexed Territory to the District and levy the District special taxes in the Annexed Territory in the amount and for the purposes specified in Resolution No. 2004-199 adopted by this Council on April 6, 2004 (the

“Resolution of Formation”). The Special Tax will be levied only at the rate and apportioned only in the manner specified in the Resolution of Formation, as clarified by the City Council on December 14, 2004 (Resolution No. 2004-681), and at the rates set forth in Tax Zone #2 created by the City Council on December 14, 2004 (Resolution No. 2004-683).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

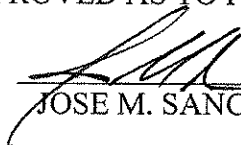
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

OFFICIAL BALLOT

BALLOT NO. 1

**CITY OF MODESTO
COMMUNITIES FACILITIES DISTRICT NO. 2004-1
(VILLAGE ONE #2)**

ANNEXATION NO. 18

SPECIAL TAX ELECTION

July 14, 2020

NUMBER OF VOTES ENTITLED TO BE CAST: 3
(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, telephone the Office of the City Clerk of the City of Modesto for instructions as soon as possible at (209) 577-5200, Monday through Friday, between the hours of 9:00 a.m. and noon

MARK YOUR CHOICE IN THIS MANNER ONLY:
MEASURE SUBMITTED TO VOTE OF VOTERS

Proposition A. Shall special taxes for Tax Zone #2, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City’s Resolution No. 2004-683, entitled “A Resolution of the City Council of the City of Modesto Creating Tax Zone #2 in Community Facilities District No. 2004-1 (Village One #2), Approving an Increase in the One-Time Facilities Special Tax Therein, and Approving Updates of the Rate and Method of apportionment of Special Taxes for the District”, adopted by the City Council of the City of Modesto on December 14, 2004, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to Tax Zone #2 of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City’s Resolution No. 2020-244, entitled “A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 18)” adopted by the City Council of the City of Modesto on June 2, 2020, for the purposes set forth in Resolution No. 2004-199, entitled “A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes 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 Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District”, adopted by the City Council of the City of Modesto on April 6, 2004, which is incorporated herein by this reference?

YES

NO

BALLOT NO. 1

THIS BALLOT HAS A VALUE OF 3 VOTES

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-317**

RESOLUTION DECLARING THE RESULTS OF THE JULY 14, 2020 SPECIAL ELECTION AND ORDERING THE ANNEXATION OF THE ADDITIONAL TERRITORY TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2)

WHEREAS, this Council is conducting proceedings pertaining to the annexation of certain territory to the City's Community Facilities District No. 2004-1 (Village One #2) (the "District") and the levy of the District special taxes (the "District Special Taxes") within such territory, as described in its Resolution No. 2020-244 entitled "A Resolution of Intention to Annex Territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes within the Territory Proposed to be Annexed (Annexation No. 18)", 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, the owners of all the property within the territory proposed to be annexed to the District waived those provisions related to the timing and conduct of the election referenced in Sections 5, 6, 7 and 8 of this Council's Resolution No. 2020-316, adopted on July 14, 2020, and, as a result, this Council called an election within the territory proposed to be annexed to the District (the "Election") for July 14, 2020, or as soon thereafter as practicable, relative to the foregoing; and

WHEREAS, on July 14, 2020, the Election was held; and

WHEREAS, the City Clerk has certified that at the Election the proposition of levying the District Special Taxes within the territory proposed to be annexed to the District was approved by more than two-thirds (2/3) of the votes cast at the Election.

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 pertaining thereto. It is hereby determined that the owner or owners of the territory proposed to be annexed are as set forth in the Certificate of City Clerk as to Distribution of Official Ballots, submitted to this Council and on file with the City Clerk.

2. The ballot proposition presented to the qualified electors of the territory proposed to be annexed at the Election received at least two-thirds (2/3) of the votes cast at the Election. A copy of the City Clerk's certificate of election results is **attached**.

3. Pursuant to Section 53339.8 of the Act, it is hereby ordered that the territory proposed to be annexed to the District pursuant to Resolution No. 2020-244 be annexed to and be a part of the District with full legal effect, and that the District Special Taxes be levied within the territory.

4. The City Clerk is hereby directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of the Election.

5. The City Clerk is further authorized and directed to record an amendment to the Notice of Special Tax Lien with the County Recorder of the County of Stanislaus, within 15 days from the date hereof, in accordance with the provisions of 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 14th day of July, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-318**

RESOLUTION TO APPROVE THE DRAFT PERMANENT LOCAL HOUSING ALLOCATION (PLHA) PROGRAM APPLICATION, PROGRAM POLICY, AND THE SUBMITTAL OF THE GRANT APPLICATION TO THE STATE OF CALIFORNIA FOR THE FIVE-YEAR ALLOCATION OF APPROXIMATELY \$5,818,482 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE PLHA PROGRAM APPLICATION, THE PLHA STANDARD AGREEMENT AND ANY SUBSEQUENT AMENDMENTS OR MODIFICATIONS AS WELL AS ANY OTHER DOCUMENTS WHICH ARE RELATED TO THE PROGRAM OR THE PLHA GRANT AWARDED TO THE CITY AS THE STATE OF CALIFORNIA MAY DEEM APPROPRIATE

Whereas, a necessary quorum and majority of the council members of The City of Modesto, (“Applicant”) hereby consents to, adopts and ratifies the following resolution, and

WHEREAS, the Department is authorized to provide up to \$195 million under the SB 2 Permanent Local Housing Allocation Program Formula Component from the Building Homes and Jobs Trust Fund for assistance to Cities and Counties (as described in Health and Safety Code section 50470 et seq. (Chapter 364, Statutes of 2017 (SB 2)), and

WHEREAS, the State of California (the “State”), Department of Housing and Community Development (“Department”) issued a Notice of Funding Availability (“NOFA”) dated February 26, 2020 under the Permanent Local Housing Allocation (PLHA) Program, and

WHEREAS, Applicant is an eligible Local government applying for the program to administer one or more eligible activities, and

WHEREAS, the Department may approve funding allocations for PLHA Program, subject to the terms and conditions of the Guidelines, NOFA, Program

requirements, the Standard Agreement and other contracts between the Department and PLHA grant recipients.

NOW THEREFORE BE IT RESOLVED THAT:

Section 1. If Applicant receives a grant of PLHA funds from the Department pursuant to the above referenced PLHA NOFA, it represents and certifies that it will use all such funds in a manner consistent and in compliance with all applicable state and federal statutes, rules, regulations, and laws, including without limitation all rules and laws regarding the PLHA Program, as well as any and all contracts Applicant may have with the Department.

Section 2. Applicant is hereby authorized and directed to apply for and receive a PLHA grant, in an amount not to exceed the five-year estimate of the PLHA formula allocations, as stated in Appendix C of the current NOFA \$ 5,818,482 in accordance with all applicable rules and laws.

Section 3. Applicant hereby agrees to use the PLHA funds for eligible activities as approved by the Department and in accordance with all Program requirements, Guidelines, other rules and laws, as well as in a manner consistent and in compliance with the Standard Agreement and other contracts between the Applicant and the Department.

Section 4. Applicant certifies that it has or will subgrant some or all of its PLHA funds to another entity or entities. Pursuant to Guidelines Section 302(c)(3), “entity” means a housing developer or program operator, but does not mean an administering Local government to whom a Local government may delegate its PLHA allocation.

Section 5. Applicant certifies that its selection process of these subgrantees was or will be accessible to the public and avoided or shall avoid any conflicts of interest.

Section 6. Pursuant to Applicant's certification in this resolution, the PLHA funds will be expended only for eligible Activities and consistent with all program requirements.

Section 7. Applicant certifies that, if funds are used for the acquisition, construction or rehabilitation of for-sale housing projects or units within for-sale housing projects, the grantee shall record a deed restriction against the property that will ensure compliance with one of the requirements stated in Guidelines Section 302(c)(6)(A),(B) and (C).

Section 8. Applicant certifies that, if funds are used for the development of an Affordable Rental Housing Development, the Local government shall make PLHA assistance in the form of a low-interest, deferred loan to the Sponsor of the Project, and such loan shall be evidenced through a Promissory Note secured by a Deed of Trust and a Regulatory Agreement shall restrict occupancy and rents in accordance with a Local government-approved underwriting of the Project for a term of at least 55 years.

Section 9. Applicant shall be subject to the terms and conditions as specified in the Standard Agreement, the PLHA Program Guidelines and any other applicable SB 2 Guidelines published by the Department.

Section 10. The City Manager and/or his designee is authorized to execute the PLHA Program Application, the PLHA Standard Agreement and any subsequent amendments or modifications thereto, as well as any other documents which are related to the Program or the PLHA grant awarded to Applicant, as the Department may deem

appropriate.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

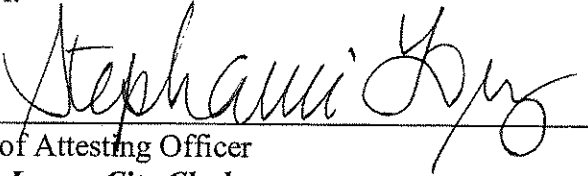
APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

CERTIFICATE OF THE ATTESTING OFFICER

The undersigned, Officer of Stephanie Lopez, City Clerk, does hereby attest and certify that the foregoing Resolution is a true, full and correct copy of a resolution duly adopted at a meeting of the *City of Modesto's City Council* which was duly convened and held on the date stated thereon, and that said document has not been amended, modified, repealed or rescinded since its date of adoption and is in full force and effect as of the date hereof.

ATTEST: 
Signature of Attesting Officer
Stephanie Lopez, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-319**

**RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 MULTI-YEAR
FUND BUDGET TO ESTABLISH A FUND (1120) – GRANTS – PLHA
PROGRAM TO BE FUNDED WITH PERMANENT LOCAL HOUSING
ALLOCATION PROGRAM GRANT AND AUTHORIZING THE CITY
MANAGER OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO
IMPLEMENT THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, the City of Modesto applying to receive entitlement funding from the State of California Housing and Community Development Department (HCD) based on its entitlement status of the U.S. Department of Housing and Urban Development Community Development Block Grant Program, and

WHEREAS, the fiscal year 2020-2021 Multi-Year budget must be amended as outlined in **Exhibit A**, and

WHEREAS, the Program will be funded approximately \$5,818,482 over the next five-years for eligible PLHA Program Activities and Administration, and

WHEREAS, these funds are allocated through the 302(C)(4) Plan which is approved by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto Resolution amending the fiscal year 2020-2021 multi-year fund budget to establish a fund (1120) – Grants – PLHA Program to be funded with Permanent Local Housing Allocation Program Grant.

BE IT FURTHER RESOLVED that authorizing the City Manager or his designee to take the necessary steps to implement the provisions of this resolution.

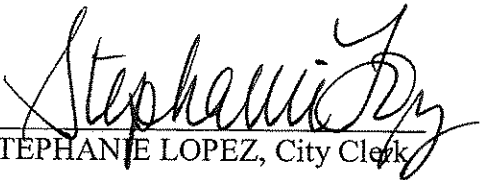
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

Exhibit A

<i>City of Modesto</i>				
<i>Community & Economic Development Department</i>			Funds Reimbursed with Entitlement State Funds	
<i>Community Development Division</i>			Permanent Local Housing Allocation (PLHA)	
			FUND 1120	
			COST CENTER 14060	
			TOTAL	
Direct Grant	54706		\$	921,259.65
Services City Forces - Interfund	54500		\$	48,487.35
TOTAL Expenses			\$	969,747.00
Intergov - State Housing and Community Development (HCD)	42146		\$	969,747.00
TOTAL Revenues			\$	969,747.00
Total			\$	-

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-320**

**RESOLUTION APPROVING THE APPLICATION OF BAY MEDIC
TRANSPORTATION, INC, AND ISSUING A PERMIT TO OPERATE AS A
NON-EMERGENCY MEDICAL TRANSPORT COMPANY IN THE CITY OF
MODESTO**

WHEREAS, Bay Medic Transportation, Inc. has submitted an application to provide non-emergency medical transport services within the City of Modesto, and

WHEREAS, Bay Medic Transportation, Inc. has paid the required \$1,000 filing fee and has provided all necessary information as outlined in Modesto Municipal Code Section 3-9.03-3-9.04, and

WHEREAS, the Modesto Police Department has completed background investigations regarding Bay Medic Transportation, Inc. per Modesto Municipal Code Section 3-9.05, and

WHEREAS, Council approval is required for Bay Medic Transportation, Inc. to function as a non-emergency medical transport service provider within the City of Modesto, and

WHEREAS, a duly noticed public hearing was held by the City Council of the City of Modesto on July 14, 2020, at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, to consider authorizing the issuance of a permit to Bay Medic Transportation, Inc. for non-emergency medical transport service within the City of Modesto, and

WHEREAS, Modesto City Council finds that Bay Medic Transportation, Inc. will serve the public convenience and necessity requirements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the application of Bay Medic Transportation, Inc. and issues Bay Medic Transportation, Inc. a permit to operate as a non-emergency medical transport company in the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2020, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-321**

RESOLUTION APPROVING THE AWARD OF CDBG FUNDS IN AN AMOUNT NOT TO EXCEED \$100,000 AND AN ESG AWARD IN AN AMOUNT NOT TO EXCEED \$35,000 TO THE SALVATION ARMY MODESTO CITADEL FOR THE ACCESS CENTER EMERGENCY SHELTER (ACES), AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS

WHEREAS, as a U.S. Department of Housing and Urban Development (HUD) entitlement community, the City is required to develop an Annual Action Plan that describes proposed activities funded with Community Development Block Grant (CDBG), Home Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funds, and

WHEREAS, on May 12, 2020, by Resolution No. 2020-224, Council approved the City of Modesto Program Year 2020-2021 AAP. The 2020-2021 AAP included funding recommendations under both CDBG and ESG for public services which allows the funding of eligible public services projects, and

WHEREAS, each year, up to 15% of the City's CDBG allocation may be used to fund public services allocated to local nonprofits and faith-based organizations; in addition, up to 15% of the prior year's program income may be used for public services related activities, and

WHEREAS, similar to CDBG funds, ESG funds can be used to provide services specifically to people experiencing homelessness or at risk of homelessness, and

WHEREAS, in February 2019, the City and County entered into a Memorandum of Understanding (MOU) which established a creative arrangement between the City and

County and the Salvation Army aimed at increasing the beds available to those experiencing homelessness in the Modesto community, and

WHEREAS, this partnership resulted in the addition of 180 additional beds to the existing approximately 150 at the Salvation Army shelter on 9th and D Streets in downtown Modesto and resulted in what today is known as the Access Center Emergency Shelter (ACES) located within the same building as the Salvation Army Berberian Shelter, and

WHEREAS, in support of the ACES, the 2020-2021 AAP recommended \$100,000 CDBG and \$35,000 ESG grants to support the operations of the ACES shelter to assist in addressing homelessness in the City of Modesto, and

WHEREAS, the award of CDBG and ESG funds will take effect via the execution two separate agreements: a CDBG agreement in the amount of \$100,000 and an ESG agreement in the amount of \$35,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of \$100,000 in Community Development Block Grant Funds and \$35,000 in Emergency Solutions Grant funds to The Salvation Army, Modesto Citadel.

BE IT FURTHER RESOLVED that the City Manager or his designee, is authorized to execute the agreements, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of August, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-322**

RESOLUTION APPROVING A SECOND AMENDMENT TO THE AGREEMENT WITH FIRST ALARM WELLNESS, TO EXTEND THE TERM OF THE AGREEMENT TO JUNE 30, 2022 AND INCREASING THE AGREEMENT AMOUNT BY \$105,000 FROM \$45,000, FOR AN ANNUAL AMOUNT NOT TO EXCEED \$60,000, AND TOTAL AMOUNT NOT TO EXCEED \$150,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City's current agreement with First Alarm Wellness provides City staff, including first responders, services to combat and mitigate the effects of first responder psychological trauma, and

WHEREAS, First Alarm Wellness provides confidential counseling as well as crisis management on-call services during critical incidents and possesses extensive expertise in the areas of trauma behavioral health and crisis management, and

WHEREAS, during the current COVID-19 pandemic healthcare crisis, the services provided by First Alarm Wellness will be utilized by City staff through the current COVID-19 healthcare crisis, and

WHEREAS, the First Amendment was executed in 2019, to extend the Agreement's term through June 30, 2021 and increased the total not to exceed amount to \$45,000 from \$15,000, and

WHEREAS, the Second Amendment extends the Agreement one additional year, through June 30, 2022 and increases the Agreement amount by \$105,000 for an annual amount not to exceed \$60,000, and total amount not to exceed \$150,000, and

WHEREAS, City departments will share the increased contractual amount of \$105,000, and funds utilized for the Second Amendment could be potentially eligible for

reimbursement from the Federal Emergency Management Agency (FEMA) Disaster Relief Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the it hereby approves the Second Amendment to the Agreement with First Alarm Wellness, increasing the Agreement amount by \$105,000 from \$45,000, for an annual amount not to exceed \$60,000 and a total amount not to exceed \$150,000, and extending the Agreement's term to June 30, 2022.

BE IT FURTHER RESOLVED that the City Manager or designee is hereby authorized to execute the Amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of August, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-323**

RESOLUTION APPROVING FREE FARES ON MODESTO AREA EXPRESS AND MODESTO AREA DIAL-A-RIDE BUSES DURING THE COVID-19 PANDEMIC BETWEEN AUGUST 1, 2020 AND AUGUST 31, 2020, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXTEND THE SUSPENSION OF THE COLLECTION OF FARES ON MODESTO AREA EXPRESS AND MODESTO AREA DIAL-A-RIDE BUSES THROUGH OCTOBER 31, 2020.

WHEREAS, Modesto Area Express (MAX) and Modesto Area Dial-A-Ride (MADAR) are committed to the collective well-being and health of the riders and employees, and

WHEREAS, MAX and MADAR have provided signage and social media posts that require riders to wear facial coverings, only make essential trips, maintain social distancing and other health recommendations issued by the Centers for Disease Control and Prevention (CDC), and

WHEREAS, MAX and MADAR are deemed to provide an essential service during the coronavirus (COVID-19) pandemic, and

WHEREAS, providing free fares on MAX and MADAR would provide several benefits to riders and drivers, and

WHEREAS, on March 13, 2020, the City Manager, in his capacity as Director of Emergency Services, proclaimed the existence of local emergency in the City of Modesto in response to COVID-19 pursuant to Government Code section 8630 and Modesto Municipal Code section 3-4.06; and

WHEREAS, on March 19, 2020, City Council adopted Resolution 2020-140 ratifying the proclamation of a local emergency; and

WHEREAS, Government Code section 8634 and Modesto Municipal Code section 3-4.06 authorizes the City Manager to take actions reasonably related to the protection of life and property as affected by the COVID-19 emergency; and

WHEREAS, in order to ensure compliance with the recommendations and orders of State and County health officials regarding social distancing, the City Manager used his emergency powers to suspend the collection of MAX fares effective April 6, 2020 and MADAR fares effective April 23, 2020; and

WHEREAS, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) will provide operating expenses of transit agencies related to the response to a coronavirus public health emergency as described in section 319 of the Public Health Service Act, beginning on January 20, 2020, and

WHEREAS, operating costs to maintain service and lost revenue due to the coronavirus public health emergency are eligible expenses.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves free fares on Modesto Area Express and Modesto Area Dial-A-Ride buses during the COVID-19 pandemic between August 1, 2020 and August 31, 2020.

BE IF FURTHER RESOLVED that the City Manager, or his designee, is authorized to extend the suspension of the collection of fares on Modesto Area Express buses and Modesto Area Dial-A-Ride through October 31, 2020.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of August, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-324**

**RESOLUTION ACCEPTING THE WELL 71 (REPLACING WELL 226)
PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO
FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND
RELEASING PAYMENTS TOTALING \$577,462 TO ROADRUNNER DRILLING
AND PUMP COMPANY, INC., OF WOODLAND, CALIFORNIA**

WHEREAS, City water supply Well 226, located at the northwest corner of Conant and Brenner Avenues, was taken offline in 2006 due to elevated arsenic and nitrate concentrations, and

WHEREAS, Well 226 was originally drilled in 1954 and is strategically located near the Highway Village neighborhood, and

WHEREAS, on November 24, 2009, by Resolution No. 2009-554, Council approved an agreement with Brown and Caldwell (B&C) for Design Services for remediation at Well 226. A new, deeper well was proposed to be drilled on the existing site, built to current well construction standards. Well 226 was over 60 year's old, shallow at 270 feet, and drilled using a method that cannot isolate specific water layers, and

WHEREAS, in 2011, plans and specifications for removal and replacement of Well 226 were prepared, but the project was deferred due to lack of funding. The agreement with B&C was subsequently closed, and

WHEREAS, on June 28, 2016, by Resolution No. 2016-270, Council approved the specifications for destruction of certain water wells, and awarded a contract to Howk Systems of Modesto, CA. Well 226 was destroyed as a part of this work, and

WHEREAS, on February 7, 2017, by Resolution No. 2017-42, Council approved an agreement with B&C to provide services for design, bidding, and engineering during construction for the Replacement Well 226 Project, and

WHEREAS, on August 2, 2017, by Resolution No. 2017-303, Council approved the first amendment to the agreement for \$107,847 with B&C to provide services for design, bidding, and engineering during construction for the Replacement Well 226 Project, and

WHEREAS, on November 13, 2018, by Resolution No. 2018-508, Council approved the second amendment for \$86,413, plus \$17,520 for additional services, if needed, to the agreement with B&C for design changes to well equipping and the pump house for the Replacement Well 226 Project, and

WHEREAS, on October 2, 2018, by Resolution No. 2018-431, Council approved a resolution rejecting all construction bids for the Replacement Well 226 Subsurface Project and to re-advertise the project at a future date, and

WHEREAS, during the final design of Well 226, staff was informed by the Department of Water Resources that well number 226 could not be reused. New well numbers are required for replacement wells. Therefore, the project became Well 71 (Replacing Well 226), and

WHEREAS, bids were advertised on October 23, 2018, and were publicly opened on November 20, 2018, pursuant to Modesto Municipal Code section 8-3.403 and Charter Section 1307, and Roadrunner Drilling & Pump Company, Inc., of Woodland, California, was the apparent lowest responsible and responsive bidder, and

WHEREAS, on January 22, 2019, by Resolution No. 2019-26, Council awarded a contract to Roadrunner Drilling & Pump Company, Inc., of Woodland, California, for the construction of the Well 71 (Replacing Well 226) Project in the amount of \$629,609, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of March 13, 2019, and all contract work was completed by July 19, 2019, and

WHEREAS, the total project costs were \$644,155 which included construction, design, and construction administration costs. The total project amount originally budgeted was \$924,067 which included \$787,011 for the construction contract and contingency with Roadrunner Drilling & Pump Company, Inc., and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of up to and not to exceed 10% of the original contract price, and

WHEREAS, by Council Resolution 2019-28, approved at time of awarding the project, the change order authority was increased to 25%, for a not to exceed amount of \$157,402, and

WHEREAS, there were three change orders on this project with an overall decrease of \$52,147, and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Well 71 (Replacing Well 226) Project is hereby accepted as complete from contractor, Roadrunner Drilling & Pump Company, Inc., of Woodland, California, and that the City Clerk is authorized to complete all necessary steps to file the appropriate notices and documents with the County Recorder, release securities, and authorize payments totaling \$577,462.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of August, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-325**

**RESOLUTION AUTHORIZING AN ADMINISTRATIVE ACTION TO AMEND
THE DIRECTOR OF UTILITIES AUTHORITY TO ISSUE CHANGE ORDERS
ON THE HEADWORKS, DRYDEN BOX, AND INFLUENT FLUME
IMPROVEMENTS PROJECT FROM SIX PERCENT (6%) (\$1,018,320) TO TEN
PERCENT (10%) (\$1,697,200) OF THE CONSTRUCTION CONTRACT PRICE
OF \$16,972,000 WITH C. OVERAA & CO., OF RICHMOND, CA, FOR A TOTAL
AMOUNT NOT TO EXCEED \$18,669,200**

WHEREAS, on November 4, 2014, by Resolution No. 2014-464, Council approved an agreement with Carollo Engineers, Inc. (Carollo), to prepare a Preliminary Design Report (PDR) that served as the basis of design for the Headworks, Dryden Box, and Influent Flume Improvements Project, and

WHEREAS, on March 1, 2016, by Resolution No. 2016-76, Council approved an agreement with Carollo Engineers, Inc. for Final Design Services for the Headworks, Dryden Box, and Influent Flume Improvements Project, and

WHEREAS, on October 2, 2018, by Resolution No. 2018-436, Council awarded a construction contract for the Headworks, Dryden Box, and Influent Flume Improvements Project to C. Overaa & Co. of Richmond, CA, in the amount of \$16,972,000, plus \$1,697,200 for contingency (if needed) for a total not to exceed amount of \$18,669,200, and

WHEREAS, when Council awarded the construction contract to C. Overaa & Co., staff established a contract change order budget of ten percent (10%) (\$1,697,200) for the project partially due to the highly corrosive nature of hydrogen sulfate gas present in sanitary sewer facilities and resulting unforeseen conditions – conditions that are not exposed until sewer flows are diverted, or bypassed, to other sections of the treatment plant, and

WHEREAS, in accordance with the City's updated Change Order Approval Policy enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, a contract that exceeds \$10,000,000 allows Director's Authority only up to six percent (6%), and

WHEREAS, while the contract change order budget of ten percent (10%) was noted in the Fiscal Impact table on the October 2, 2018, Agenda Report (reflected as the contingency amount), a resolution authorizing this amount for change orders was not submitted for approval, and

WHEREAS, this item is an administrative action to present a resolution formally requesting authorization of the ten percent (10%) amount for change orders, and

WHEREAS, no additional funds are necessary, as the funds have already been budgeted, and

WHEREAS, staff is requesting an increase in the Director of Utilities authority to issue change orders on the Headworks, Dryden Box, and Influent Flume Improvements Project from six percent (6%) (\$1,018,320) to ten percent (10%) (\$1,697,200) of the construction contract price of \$16,972,000 with C. Overaa & Co., to complete the project.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an administrative action to increase the Director of Utilities authority to issue change orders on the Headworks, Dryden Box, and Influent Flume Improvements Project from six percent (6%) (\$1,018,320) to ten percent (10%) (\$1,697,200) of the construction contract to price of \$16,972,000 with C. Overaa & Co., for a total not to exceed amount of \$18,669,200, to complete the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of August, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-326**

**RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING
WITH STANISLAUS COUNTY AND THE CITY OF TURLOCK FOR THE
IMPLEMENTATION OF THE STANISLAUS REGIONAL TRANSIT
AUTHORITY, AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the Stanislaus Council of Governments (StanCOG) completed a Transit Efficiency and Innovation Study, and

WHEREAS, the final study included language providing a recommendation that the four transit agencies in the County be re-formed into a new single transit Joint Powers Agency (JPA), and

WHEREAS, as of July 1, 2020, the City of Ceres transit system was consolidated with the City of Modesto's transit system, and

WHEREAS, the Study concluded that given the regional nature of travel within Stanislaus County and given the lack of coordination of fare structures, service deployment, public information, and contract management, a new regional transit agency that combined all the services and deployed all of the assets in the most efficient manner would offer the greatest potential for future transit development, and

WHEREAS, in January 2020, the Chair of the StanCOG Policy Board established a Transit Study Implementation Working Group to guide the intended establishment of a new regional transit agency in Stanislaus County, and

WHEREAS, on June 26, 2018, by Resolution 2018-255, Council approved a Short-Range Transit Plan, included the concept to Consolidate countywide transit systems into Transit District to provide seamless and integrated service to passengers, and

WHEREAS, the goal for implementation of the JPA is July 1, 2021, and

WHEREAS, in order to achieve that goal, several steps are needed to provide a seamless transition including the approval of a Memorandum of Understanding to move forward and form the JPA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Memorandum of Understanding with Stanislaus County and the City of Turlock for the implementation of the Stanislaus Regional Transit Authority.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of August, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-327**

**RESOLUTION REJECTING ALL PROPOSALS RECEIVED FOR REQUEST
FOR PROPOSALS NO.1920-07 FOR MODESTO AREA DIAL-A-RIDE
OPERATIONS**

WHEREAS, the proposals received for the Modesto Area Dial-A-Ride operations were opened on September 24, 2019, and

WHEREAS, the City received four proposals for the project, and

WHEREAS, a competitive procurement process consistent with FTA requirements and City procurement requirements was completed by City staff, and

WHEREAS, the technical proposals were forwarded for evaluation and scoring by an evaluation committee composed of three City staff members and two technical experts from outside the City, and

WHEREAS, cost proposals were evaluated independent of the technical scoring and interviews, and

WHEREAS, as the City will join a new transit agency, the timing of this new procurement would not be advantageous, and

WHEREAS, the City has determined that it would be in the best interest of the City to cancel the request for proposals and join the new transit agency that will conduct a solicitation for paratransit services on a countywide basis that will provide better transit services for the region.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all proposals received for Request for Proposals No.1920-07 for Modesto Area Dial-A-Ride Operations.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of August, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-328**

RESOLUTION AWARDING A SOLE SOURCE AGREEMENT AMENDMENT FOR OPERATION OF MODESTO AREA DIAL-A-RIDE TO STORER TRANSIT SERVICES, MODESTO, CA, FOR A NINE-MONTH AGREEMENT AMENDMENT AND A ONE-YEAR EXTENSION OPTION, FOR AN ESTIMATED COST OF \$2,700,000 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$30,308,602, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO NEGOTIATE AND EXECUTE THE AGREEMENT AMENDMENT

WHEREAS, the City is in the final option period of an agreement with Storer Transit Systems (Storer) to operate Modesto Area Dial-A-Ride (MADAR) through September 30, 2020, and

WHEREAS, the City wishes to continue providing MADAR service to the citizens and visitors of Modesto, and

WHEREAS, the existing agreement with Storer does not allow for additional extensions, and

WHEREAS, the City is required by the Federal Transit Administration (FTA) to conduct full and open competition unless circumstances warrant a sole source, and

WHEREAS, in the case of the current situation with the City's option to form a new transit agency with all other transit operators, a sole source is justified due to the impending formation of the new transit authority, and

WHEREAS, the new transit authority will conduct a new procurement to select a contractor to operate all paratransit services in the county, and

WHEREAS, an agreement amendment is needed to continue MADAR operations with Storer Transit Systems.

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

that it hereby awards a sole source agreement amendment for operation of Modesto Area Dial-A-Ride to Storer Transit Services, Modesto, CA, for a nine-month agreement amendment and a one-year extension option, for an estimated cost of \$2,700,000 and a new total amount not to exceed \$30,308,602.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to negotiate and execute the amendment agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of August, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-329**

**RESOLUTION ACCEPTING THE RESIGNATION OF RACHEL HERNANDEZ
FROM THE CITY OF MODESTO CITIZENS HOUSING & COMMUNITY
DEVELOPMENT COMMITTEE**

WHEREAS, Rachel Hernandez was appointed to the Citizens Housing & Community Development Committee with a term ending January 1, 2023, by City Council Resolution 2019-200, adopted May 7, 2019 and

WHEREAS, Section 3.2 of the Bylaws of the Citizens Housing & Economic Development Committee states that all Committee members must reside at all times during their service on the Committee with-in the City of Modesto, and

WHEREAS, Committee Member Rachel Hernandez has moved her residence to outside the City of Modesto.

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

1. The City Council accepts the resignation of Rachel Hernandez from the Citizens Housing & Economic Development Committee and the seat is declared vacant.
2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Citizens Housing & Economic 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 11th day of August, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-330**

RESOLUTION APPROVING A FOURTH AMENDMENT TO THE LEGAL SERVICES AGREEMENT DATED DECEMBER 21, 2016 WITH NORTON ROSE FULBRIGHT US LLP IN AN AMOUNT NOT TO EXCEED \$200,000, FOR A TOTAL AGREEMENT AMOUNT NOT TO EXCEED \$615,000 TO CONTINUE REPRESENTING THE CITY IN FINANCE MATTERS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City Attorney's Office is in need of outside counsel services that relate to bond financing matters; and

WHEREAS, Norton Rose Fulbright US LLP has represented the City in bond financing matters since December of 2016; and

WHEREAS, additional essential legal work needs to be performed that will result in fees exceeding the agreed upon budget of \$415,000; and

WHEREAS, the City Attorney's Office desires to extend the agreement with Norton Rose Fulbright US LLP; and

WHEREAS, the City Attorney's office has drafted a Fourth Amendment to the Legal Services agreement with Norton Rose Fulbright US LLP to continue services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Fourth Amendment to the Legal Services Agreement with Norton Rose Fulbright US LLP in an amount not to exceed \$200,000, for a total agreement amount of \$615,000 to continue representing the City in finance matters, as provided in **Exhibit A attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A**.

BE IT FURTHER RESOLVED that the City Manager or his designee, are hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

FOURTH AMENDMENT TO LEGAL SERVICES AGREEMENT

This Fourth Amendment for Legal Services (this “**Fourth Amendment**”), is made and entered into on ____ day of _____ 2020 (“**Effective Date**”), by and between the **CITY OF MODESTO**, a California Municipal Corporation (“**City**”), and **NORTON ROSE FULBRIGHT US LLP**, a Texas limited liability partnership (“**Attorney**”), located at 580 California Street, Floor 16, San Francisco, California 94104. City and Attorney are hereinafter collectively referred to as the “**Parties**,” and singularly as “**Party**”.

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement (“**Agreement**”) for services for legal advice, representation and assistance on matters involving finance matters; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees by \$200,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Norton Rose Fulbright US LLP, dated December 21, 2016, and amended by Resolution No. 2017-308, 2017-499 and 2019-111 is amended as follows:

1. Section 2(a) of Paragraph 2, “Fees and Costs,” Hourly Rates is amended to state as follows:

“The total of all fees paid to Attorney for the performance of all services set forth in Section 1 (hereafter the “**Service**”), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of six hundred and fifteen thousand dollars (\$615,000).”

2. **Entire Agreement.** The parties to this Fourth Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated December 21, 2016, remain in full force and effect to the extent they are not in conflict with this Fourth Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Fourth Amendment. No alteration to the terms of this Fourth Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority.** The person signing this Fourth Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Fourth Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this Fourth Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By: _____

Print name: Joseph P. Lopez

Title: City Manager

APPROVED TO AS FORM:

Jose M. Sanchez, City Attorney

ATTEST:

Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]

**ATTORNEY:
NORTON ROSE FULBRIGHT US LLP**

Federal I.D. No.

State I.D. No.

City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY (*check one*):

- Individual/Sole Proprietor
 Partnership
 Corporation
 Limited Liability Company
 Other (*please specify:* _____)

Signature of Authorized Person

Title

Additional Signature (*if required*)

Title

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-331**

**RESOLUTION RATIFYING THE MODESTO OPENAIR INITIATIVE IN
RESPONSE TO THE COVID-19 PANDEMIC AND TEMPORARILY
SUPERSEDE EXISTING CONFLICTING PROVISIONS OF THE MODESTO
MUNICIPAL CODE**

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency to exist in California as a result of the threat of the COVID-19 virus, and

WHEREAS, on March 11, 2020, the Stanislaus County Public Health Officer declared a local health emergency, and

WHEREAS, on March 12, 2020, March 15, 2020 and March 16, 2020, Governor Gavin Newsom issued new executive orders further enhancing state and local government's ability to respond to COVID-19 Pandemic, and

WHEREAS, on March 13, 2020, the County of Stanislaus Director of Emergency Services proclaimed a Local Emergency due to the threat of COVID-19 in the County, and

WHEREAS, on March 13, 2020, the President of the United States, Donald Trump, declared a state of national emergency in response to the COVID-19 outbreak, and

WHEREAS, on March 13, 2020, the City Manager, in his capacity as Director of Emergency Services, proclaimed the existence of local emergency in the City of Modesto in response to COVID-19 through Resolution 2020-140 by the City Council, and

WHEREAS, on March 19, 2020, the Governor issued Executive Order N-33-20, ordering all residents of the State of California to stay home or at their place of residence in accordance with the current State public health directives, and

WHEREAS, on May 20, 2020 Stanislaus County received Variance Approval to move forward into Expanded Phase 2 of Reopening, and

WHEREAS, on July 1, 2020 Governor Newsom ordered all indoor business operations to close impacting several industries including dine-in restaurants and personal care businesses, and

WHEREAS, on July 2, 2020 Stanislaus County ordered all indoor business operations to close impacting several industries including dine-in restaurants and personal care businesses, and

WHEREAS, Title 4, Chapter 15 of Modesto Municipal Code defines outdoor dining in the Public-Right-Of-Way process, and

WHEREAS, the existing outdoor dining encroachment process requires streamlined flexibility to accommodate the current emergency, and

WHEREAS, approval of the OpenAir Initiative will help restaurants and commercial businesses adapt and respond to the most recent State and Local orders.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that is hereby ratifies the Modesto OpenAir Initiative in response to the COVID-19 Pandemic and temporarily supersede existing conflicting provisions of the Modesto Municipal Code.


BE IT FURTHER RESOLVED, the OpenAir Initiative shall be deemed as continuing to exist until the local emergency declaration is lifted, or if stricter shelter in place orders become effective, or proclaimed or amended otherwise by the City Manager/Director of Emergency Services or the City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-332**

RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT WITH STANISLAUS COUNTY FOR A JOINT APPLICATION FOR FUNDING IN THE AMOUNT OF \$158,495 THROUGH THE EDWARD BYRNE JUSTICE ASSISTANCE GRANT (JAG) FORMULA PROGRAM; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MEMORANDUM OF AGREEMENT

WHEREAS, the JAG Program allows states, tribes and local governments to support a broad range of activities to prevent and control crime based on their own local needs and conditions, and

WHEREAS, JAG awards are based on a statutory formula and a four-step grant award calculation process, and

WHEREAS, in some cases, as defined by the legislation, a disparity may exist between the funding eligibility of a county and its associated municipalities, and

WHEREAS, one type of disparity is when both a county and a municipality within that county qualify for a direct award, yet the award amount for the municipality exceeds 150% of the county's award amount, which is the case for the City of Modesto and Stanislaus County, and

WHEREAS, units of local government identified by BJA as disparate must select a fiscal agent that will submit a joint application for the allocation to include all disparate municipalities, and

WHEREAS, the City of Modesto Police Department and Stanislaus County are required to submit a joint application for the total eligible allocation of \$158,495, and

WHEREAS, the City of Modesto Police Department (City) is eligible to apply for \$130,530 and Stanislaus County (County) is eligible for \$27,965, and

WHEREAS, City will use its allocation to purchase technology and/or technology upgrades that enhance real time in-field communication, analytics and information as well as provide opportunity for enhanced interactive training related to de-escalation, relationship building, and crisis intervention techniques for various real-life situations , and

WHEREAS, there is no funding match from the City or County required for this grant, and

WHEREAS, County will be the fiscal agent for this grant, and

WHEREAS, County will charge City a three percent (3%) administrative fee in the amount of \$3,916 to cover the reporting costs associated with the grant, and

WHEREAS, the grant requires City, as a disparate agency, to set aside three percent (3%) in the amount of \$3,916 to be used for NIBRS compliance, and

WHEREAS, the grant requires that a separate multi-year project account must be established for fund deposits, and funds cannot be comingled with funds from any other source, and

WHEREAS, the grant requires a signed Memorandum of Agreement between City and County for the application.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Memorandum of Agreement with Stanislaus County for the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program Fiscal Year 2020 Local Solicitation and authorizes a joint application with Stanislaus County.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-333**

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR THE FURNISHING OF SPOILS SCREENING AND ROCK CRUSHING SERVICES TO ROCK CRUSHING SOLUTIONS INC., ROHNERT PARK, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED COST FOR THE FIRST-YEAR OF \$1,259,000, \$754,500 THEREAFTER, AND A TOTAL AMOUNT NOT TO EXCEED \$4,277,000 OVER FIVE YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Utilities Department, Water and Wastewater Services Division, and Public Works Streets Division accepts and generates approximately 100,000 tons of spoils materials annually, and

WHEREAS, spoils consist of asphalt, concrete, rock, dirt, sand and miscellaneous debris accumulated from construction jobs, and

WHEREAS, spoils must be separated and screened down to $\frac{3}{4}$ inch minus clean soil for disposal, and

WHEREAS, remaining material is crushed to create Cal Trans Aggregate base rock, which is used for other city construction jobs, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of spoils screening and rock crushing service, and

WEREAS, the Purchasing Division has previously bid this item on August 15, 2018 and January 7, 2019 and bids were subsequently rejected by Council due to significant price variances and further development of scope, and

WHEREAS, the Purchasing Division issued RFB 1718-50RB2 for spoils screening and rock crushing services, and

WHEREAS, bids were formally opened by the City Clerk and broadcast via WebEx Livestream. Five companies chose to respond, none of which were local companies, and

WHEREAS, services have not been completed since June 2018, thus the first year is anticipated to have a significantly higher volume and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to follow formal bid procedures. The award of RFB No. 1718-50RB2 for spoils screening and rock crushing services and agreement for services, conforms to the Modesto Municipal Code based on providing the overall lowest responsive and responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bids for spoils screening and rock crushing services to Rock Crushing Solutions, Rohnert Park, CA, for a two-year agreement with three one-year extension options, for a first year estimated cost of \$1,259,000, \$754,500 thereafter, and total amount not to exceed \$4,413,454.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 2020, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-334**

RESOLUTION ADOPTING THE DOWNTOWN MASTER PLAN

WHEREAS, City staff in 2007 initiated efforts to redesign “J” Street in downtown Modesto to modify on-street parking, travel lane configuration and pedestrian enhancements, and

WHEREAS, City leaders desired a more comprehensive assessment of downtown streets and possibilities associated with new housing and other urban downtown development, and

WHEREAS, City staff solicited proposals from qualified urban design firms, interviewed the top five most qualified firms and entered into a contract for preparation of the Downtown Master Plan with Opticos Design, Inc., in May of 2019, and

WHEREAS, Opticos Design, Inc., conducted extensive public outreach in July and September of 2019 that became the basis for the Downtown Master Plan, and

WHEREAS, Opticos Design, Inc., has prepared the Downtown Master Plan based on input received, which results in a roadmap for new private development, including residential land uses, and for enhancements to downtown streets for non-motorized transportation, and

WHEREAS, on July 6, 2020, the Planning Commission held a duly noticed public meeting in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which meeting the Planning Commission adopted Resolution No. 2020-07, recommending that the City Council adopt the Downtown Master Plan, and

WHEREAS, said matter was scheduled for a public meeting of the City Council to be held on August 11, 2020, in the Tenth Street Place Chambers located at 1010 Tenth

Street, Modesto, California, for the purpose of receiving public comment on the proposed Downtown Master Plan.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the proposed Downtown Master plan as described in **Exhibit "A," attached** hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

EXHIBIT A



City of Modesto Downtown Master Plan

Modesto, CA

Draft Plan
March 2020



Prepared For:

**City of Modesto
Community & Economic Development**

1010 10th Street, Suite 3300
Modesto, CA 95354
209.571.5566

Prepared By:

Opticos Design, Inc.

2100 Milvia Street, Suite 125
Berkeley, California 94704
510.558.6957

With Consultants:

Toole Design Group

1635 Broadway, Suite 200
Oakland CA 94612
510.298.0740

BAE Urban Economics

803 2nd Street, Suite A
Davis, CA 95616
530.750.2195

Siegman & Associates

17a Noe Street
San Francisco, CA 94114
650.269.7293

O'Dell Engineering

1165 Scenic Drive, Suite A
Modesto, CA 95350
209.571.1765

What's Inside?

City of Modesto Downtown Master Plan

Project Background	1
Community Vision for Downtown	21
Downtown Vision: Urban Design and Opportunity Sites	39
Downtown Vision: Mobility, Parking and Utilities	79
Implementation Strategies	107
References + Glossary	137





Project Background

CHAPTER
1

In this chapter

1.1 Purpose and Intent	2
1.2 Regional and Local Context	6
1.3 Mobility, Access and Connectivity	8
1.4 Community Context	12
1.5 Built Environment and Existing Uses	14

1.1 Purpose and Intent

The Downtown Master Plan will guide the future growth of downtown Modesto by identifying key opportunities for reinvestment and proposing development that is feasible, predictable, and consistent with community aspirations and priorities.

Project Background

The City of Modesto has undertaken the Downtown Master Plan effort to build on recent initiatives to develop downtown Modesto to its true potential. The Master Plan aims to identify improvements to public space, street design, and infrastructure; and also proposes new uses and economic development strategies.

Opticos Design, with its consultants Toole Design Group, BAE Urban Economics, Siegman & Associates, and O'Dell Engineering, have facilitated an extensive community-driven design process to arrive at the updated vision for downtown Modesto, presented in this document.

The Master Plan defines a set of design principles, identifies key opportunity sites, and establishes design guidance and implementation recommendations to guide future downtown development.

The Master Plan is an eight-month effort with a planning horizon of 20 years (2020 to 2040).

Relationship to Previous and Ongoing Planning Efforts and Policies

The Downtown Master Plan builds on the foundation of a series of planning efforts initiated by the City. The most important of these include:

Redevelopment Master Plan [2007]

The 2007 Redevelopment Master Plan (RDA) superseded the original 1994 plan and its update in 2004. It provided goals and implementation strategies that responded to emerging development trends at that time. The RDA Plan defined eight goals, several of which directly relate to the future growth of downtown. It also included design concepts for catalyst projects and opportunity sites, many of



The Downtown Master Plan will establish a vision for the future of Modesto's city center and identify ways to realize that vision."

City of Modesto; statement from the Downtown Master Plan RFP document

which are within the boundaries of the current Downtown Master Plan Area.

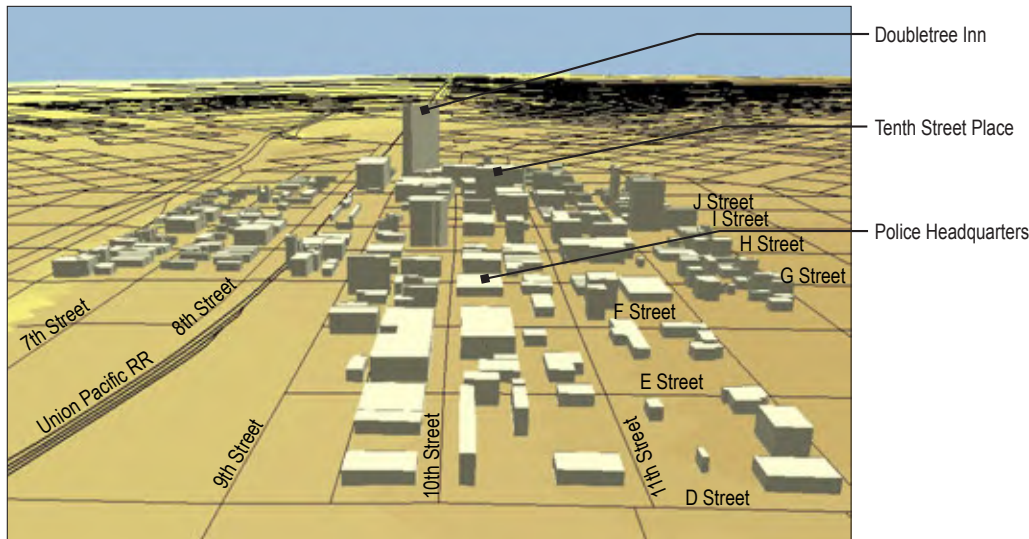
This Downtown Master Plan carries forward and updates the RDA vision for downtown, including its emphasis on development along Tenth Street.

Downtown Passenger Rail Station Feasibility Study [2013]

Prepared by the City of Modesto’s Community and Economic Development Department (Planning Division), this study examines the viability of a future

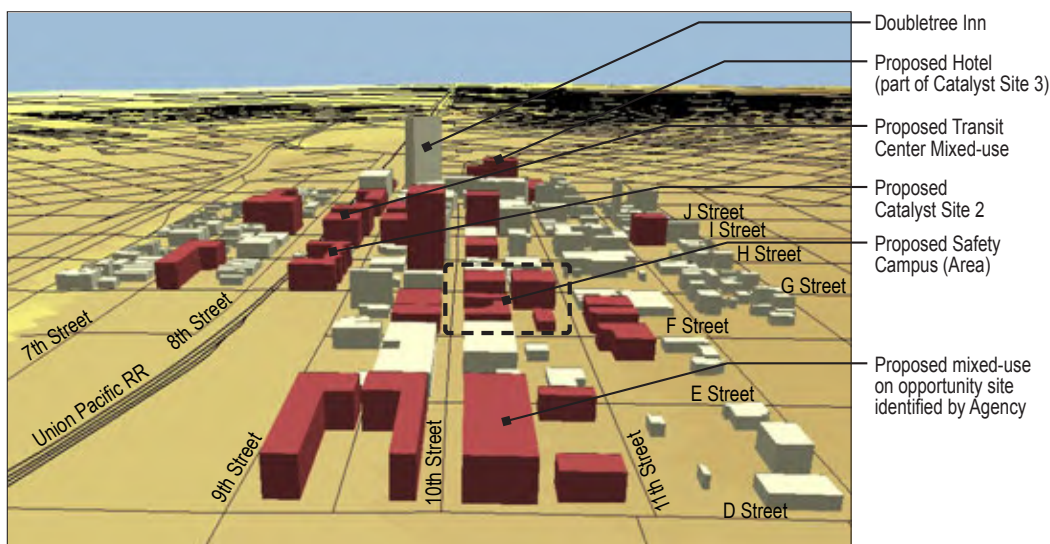
passenger rail station in downtown Modesto for potential high speed and conventional rail service.

It evaluates two vertical alignment alternatives, above-grade (elevated above street level) and at-grade (at street level), consistent with the alignments under consideration by the California High-Speed Rail Authority (CHSRA). The CHSRA’s Revised Business Plan (April 2012) includes a smaller-scale, near-term option, which is part of the “Northern



Existing scale of development in the Downtown Core

Figure 1.1 Vision for downtown as shown in the 2007 RDA Plan
Image source: RDA Plan [2007].



Proposed scale of development in the Downtown Core

California Blended Service.” Phase Two of the CHSRA’s Plan includes a train connection linking Merced to San Jose via the Altamont Pass. Part of this effort is the planned extension of the Altamont Commuter Express (ACE) train service to downtown Modesto, estimated to be operational by 2023.

This study looked at three site options for the downtown train station, and provided important information on existing conditions, station site design considerations, funding sources and policy recommendations. The ACE train extension to downtown Modesto follows the short term recommendations of this study.

This Downtown Master Plan follows through in recommending developing the

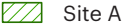
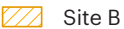





Transit Center area as a major new mixed-use node, and also relies on the study’s parking data to make recommendations for parking, described in Chapters Four and Five of this document.

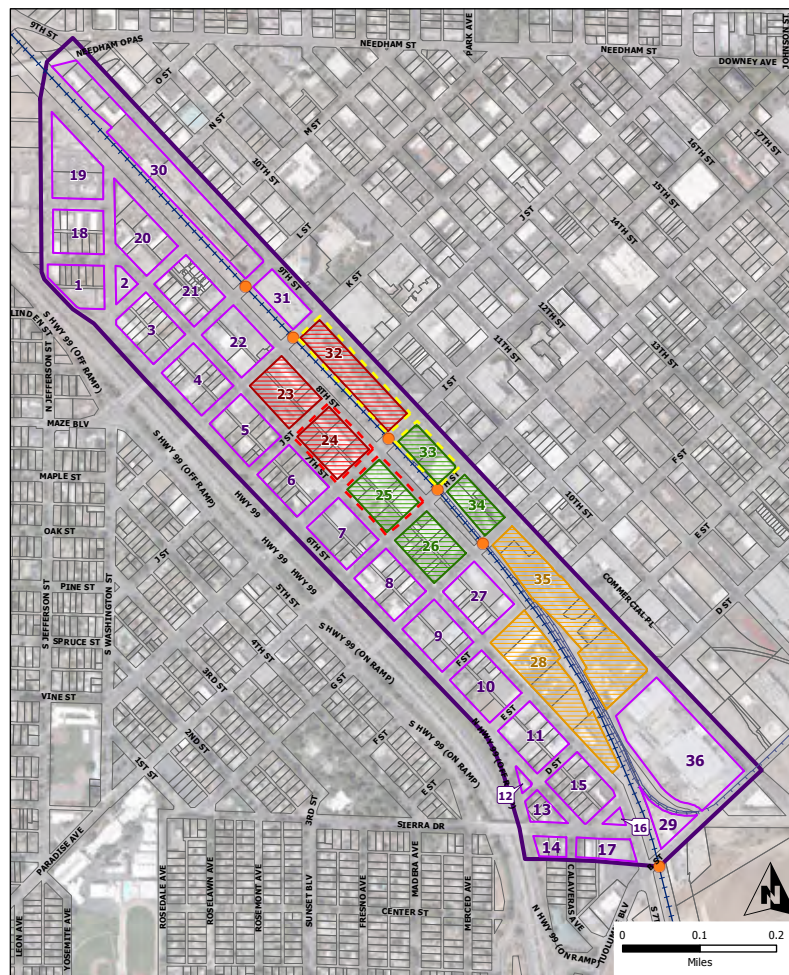
General Plan Amendment 2040

General Plan Amendment 2040, adopted in March of 2019, states as its overarching goals to “revise the Land Use Element, including the land use diagram, to provide enhanced economic development opportunities as new development occurs; revise the circulation element to provide a mode-balanced and cost-effective transportation system; update policies to reflect applicable state laws and regulations; and, update the General Plan Master EIR to allow subsequent projects to benefit from streamlined review based on its environmental analysis”.

Figure 1.2 Station sites assessed in downtown Modesto. Site D emerged as the preferred site.

Image source: Downtown Passenger Rail Station Feasibility Study [2013].

-  Site A
-  Site B
-  Site C
-  Site D
-  Site E
-  Blocks
-  Existing at-grade rail crossings



Under the General Plan, downtown has a “guiding intensity” of FAR 1.0 - 14.0 for both residential and non-residential uses. The General Plan vision for downtown Modesto is for it to be the focal point of community life and the social, cultural, business, governmental and entertainment center of Stanislaus County. This vision is to be achieved through public-private partnerships; with the City taking the lead through strategic investments in public infrastructure and by recruiting and assisting with new private investment.

Housing is to be an integral part of downtown Modesto, to be complemented and stimulated by a safe and attractive, tree-lined environment, and with convenient transportation to and within the downtown area. Vertical mixed use development is encouraged. General Plan Goal III.F states that downtown is planned to become a “*more urban, higher-density, mixed-use, pedestrian-oriented, economically vibrant, innovative center for living, working, socializing and recreating*”.

For the amendment of the Circulation Element, one of the focus areas is aiming for downtown to have “Complete Streets.”

This Downtown Master Plan outlines strategies to achieve the General Plan vision for downtown, and recognizes the significance of streetscape improvements in revitalizing downtown. It lays special emphasis on promoting mixed-use development and enhancing multimodal connectivity.

Downtown Form-Based Code [2010]

Modesto adopted a Form-Based Zoning Code for its downtown in 2010 (for the downtown core) and in 2015 (for the remainder of downtown). The Downtown Code covers 42 blocks in the downtown area (approximately 180 acres) and is intended to implement the General Plan vision for downtown as the cultural, social, business and activity center of Modesto.

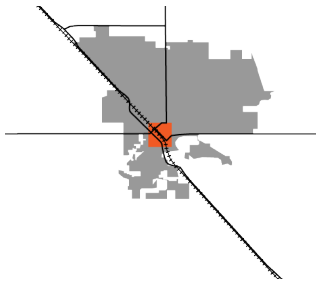
Unlike use-based zoning, which characterizes most of Title 10, the development code for Modesto, the Downtown Code emphasizes the regulation of building form and placement and encourages mixed-use development on individual parcels. There are six form-based code zones in the downtown area, each distinct in its purpose, development standards, intensity, and allowed uses:

This Downtown Master Plan uses the Downtown Form-Based Code as a basis to explore build-out on key opportunity sites and suggests ways in which the code’s tools should be implemented on a lot by lot basis.

1.2 Regional and Local Context

Figure 1.3 Downtown location

The square mile of downtown Modesto is recognizable by its diagonal street grid, aligned with State Highway 99 and the Union Pacific railway—both of which provide direct access to the center.



This section establishes the current status and role of downtown within Modesto and the region, and provides a summary of current socio-economic conditions in downtown.

Regional Context

Modesto is the 19th largest city in California, and is among the five largest cities in the Central Valley, with a population of 215,000 (2019). Located in Stanislaus County, it is the county seat. Surrounded by rich agricultural land, Modesto is reputed for its agro-based industries and the farm-to-table movement.

Modesto is located 68 miles south of Sacramento, the state capital, and 90 miles north of Fresno. Nearby cities are Merced, 40 miles to the south and Stockton, 24 miles to the north. Yosemite National Park is 66 miles to the east, and San Francisco is 92 miles to the west. Modesto is well-connected to the region by Interstate 5 and State Routes 99 and 132. Modesto is also served by freight and passenger rail lines, and is a stop for Amtrak’s San Joaquin line, which provides service between Oakland, Sacramento and Bakersfield.

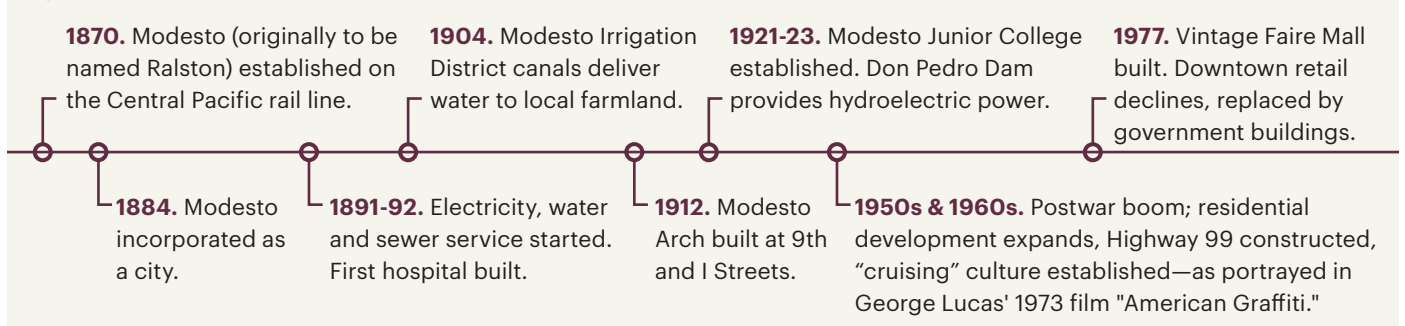
The Modesto City-County Airport does not offer commercial flights but is well-used by local manufacturing and shipping industries.

Historical Setting

Founded in 1870 as a stop on the Central Pacific railroad connecting Sacramento and Los Angeles through the San Joaquin valley, Modesto quickly grew from a city of 1,000 residents in 1884 to 4,500 in 1900. Growth accelerated after World War II and reached 200,000 in 2001.

The original layout of the city constitutes downtown today, a 640-acre tract measuring a mile square, with the original street grid oriented parallel to the rail line, at 45 degrees from the city’s current north-south grid. Downtown Modesto today is an important civic, cultural and entertainment destination for the city and region.

Figure 1.4 Major milestones in Modesto's development



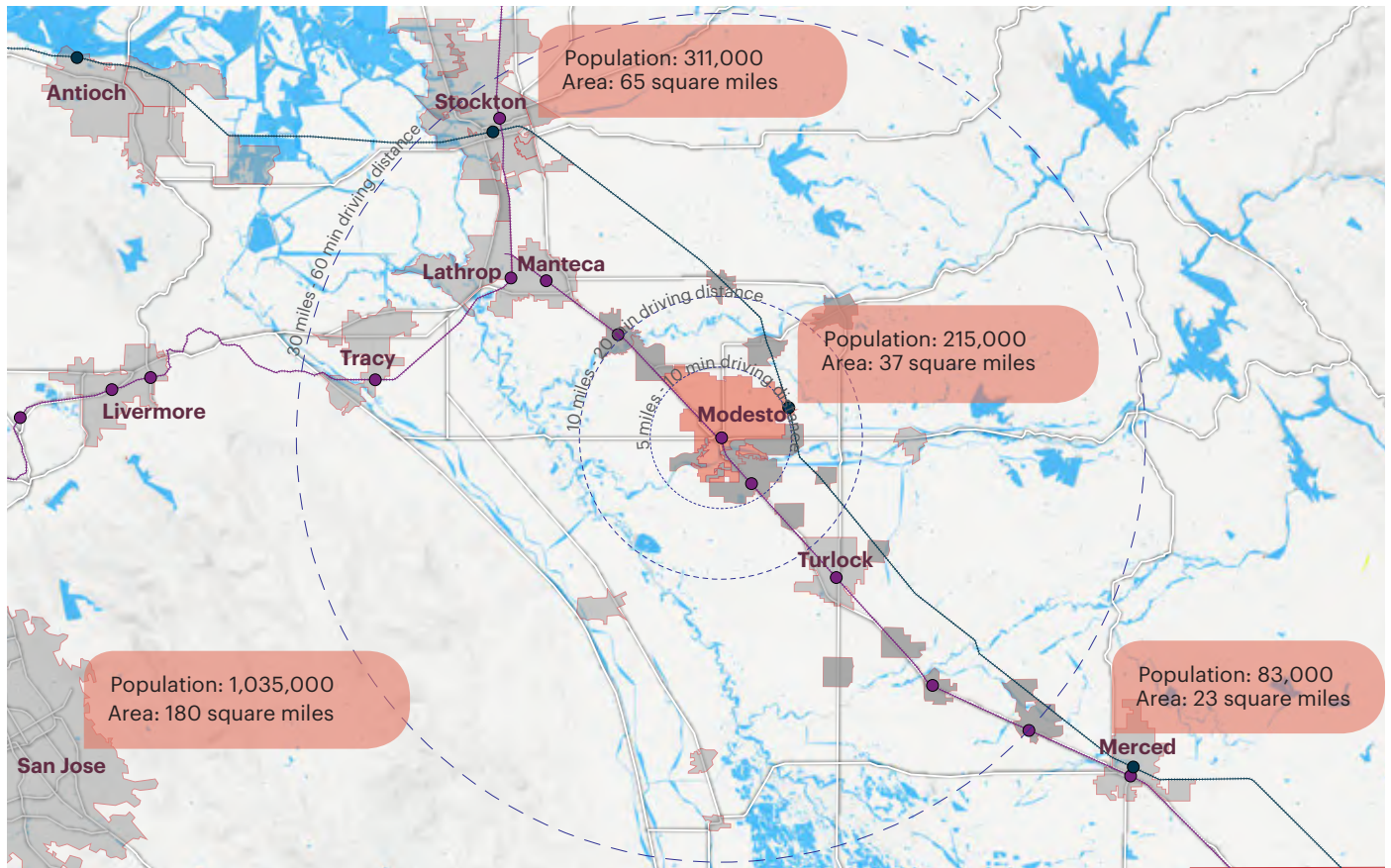


Figure 1.5 Regional and planning context

Legend

- City boundaries
- City of Modesto
- Distance radii
- Highway
- Amtrak
- Amtrak stations
- ACE Rail
- ACE Rail stations (existing and planned)

Table 1A. Summary of Downtown’s Socio-Economic Conditions



3,500 housing units*
91% rental (42% city-wide)
515 square feet average unit size
 804 square feet city-wide
4.4% vacancy



40,200 jobs* that comprise 12% of city-wide retail, 34% of city-wide office; and 0.4% of city-wide industrial jobs.
49% of downtown jobs in Professional Services, Healthcare, Public Administration;
13.5% in Retail, Food Service, Arts and Entertainment.



3,010 residents (1.4% of city’s population)
67% population from minority groups (city-wide: 57%)
\$21,849 median income (city-wide: \$57,688)



Auto access via Interstate 5 and State Highways 99 and 132.
 Altamont Commuter Express (ACE) Valley rail service expected to start in 2023.

* 2019 figures (Modesto General Plan)

1.3 Mobility, Access and Connectivity

This section illustrates existing conditions in downtown in terms of mobility, street hierarchy, active transportation network, and parking in downtown Modesto.

Circulation and Access

Downtown Modesto is composed of a traditional street grid pattern providing predictable vehicular mobility throughout the area. Most streets are two-lane and typical widths are 80 feet. I Street and 9th Street are notable exceptions with generous widths of 100 feet and 90 feet respectively. While most of the streets in greater Modesto are oriented north-south and east-west, the original downtown grid was developed to respond to the railroad's northwest-southeast orientation.

H, G, H, I, J, K, and L Streets; and 5th, 6th, and 9th Streets are classified as arterials and as such provide good access to key destinations and downtown from adjacent neighborhoods. K, L, G, H, 5th, and 6th in particular provide easy access to and from downtown and State Highway 99.

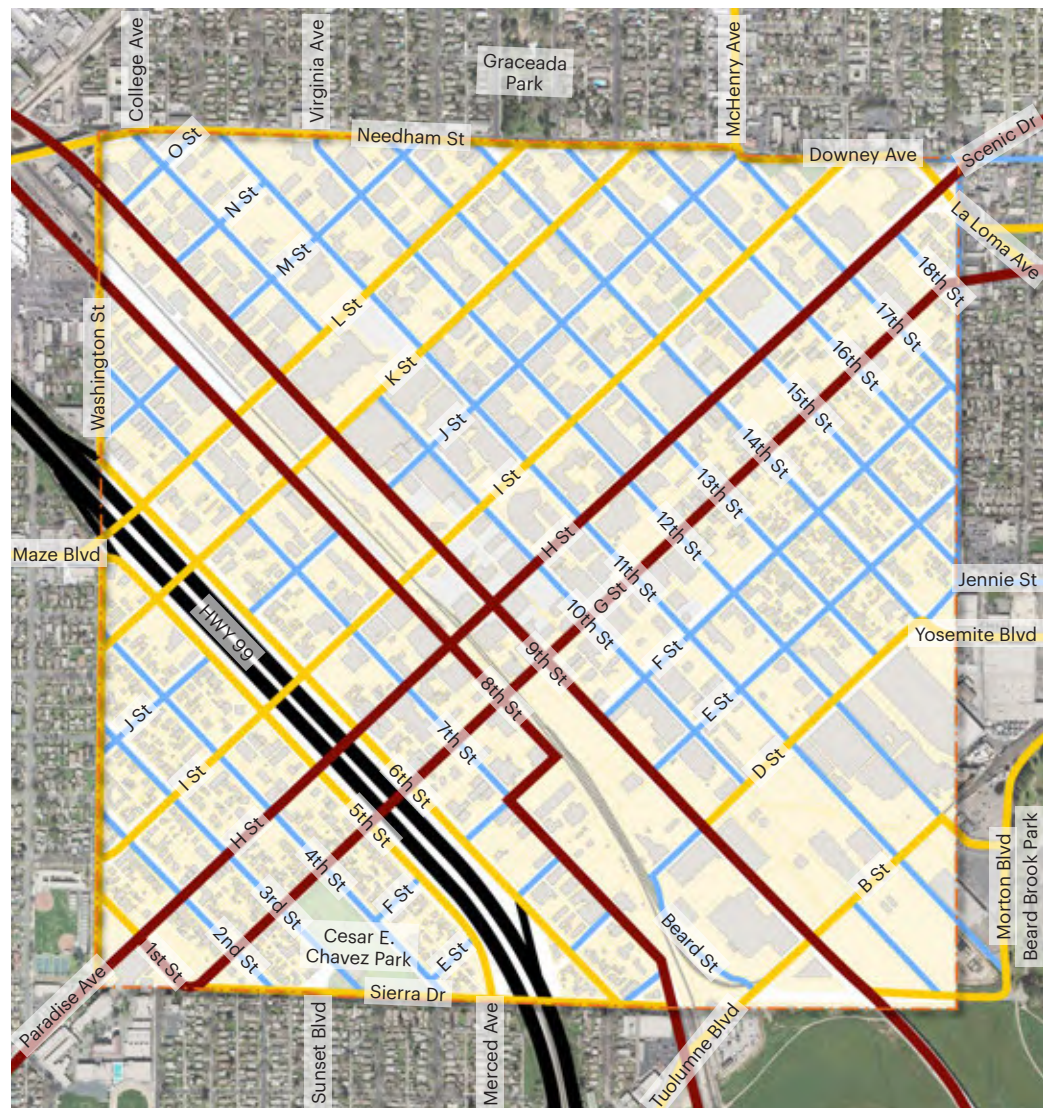


Figure 1.6 Street hierarchy

- Highways
- Collectors
- Arterials
- Local streets

Scale 1" = 1200'



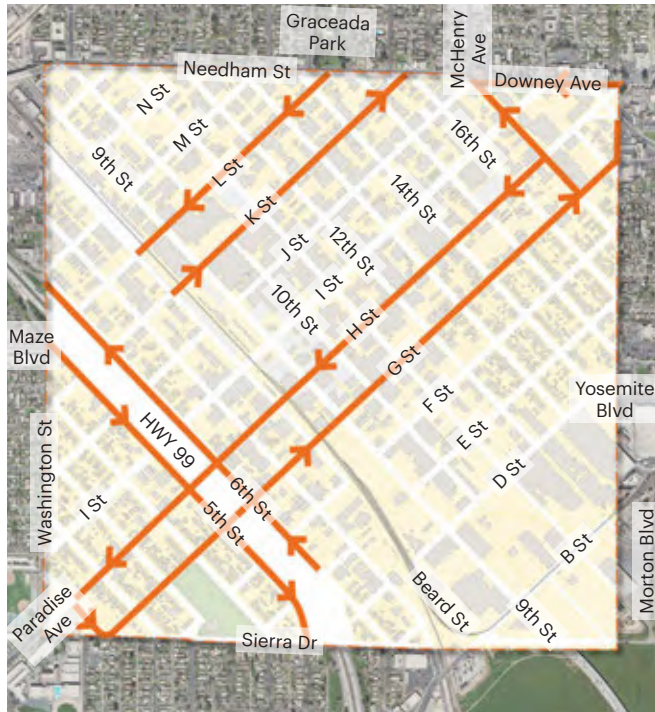


Figure 1.7 One-way streets

— One-way streets

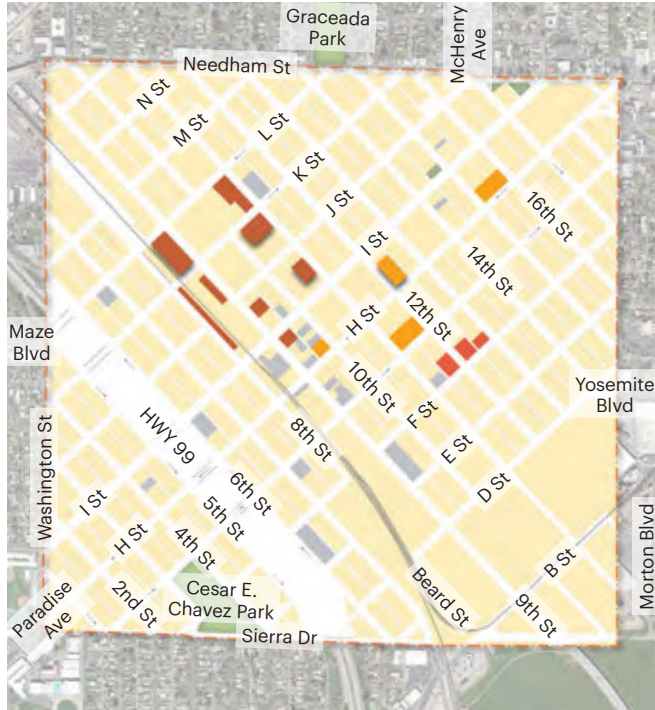


Figure 1.8 Parking locations

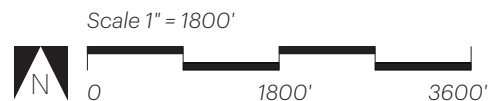
- City-owned parking lot
- County-owned parking lot
- Privately-owned parking lot
- City-owned garage
- County-owned garage
- State-owned parking lot

One-Way Streets

G, H, part of K, L, 5th, 6th, 17th, Downey, and part of Burney are one-way streets in downtown Modesto. One-way streets are often fast, auto-oriented thoroughfares focused on moving people through a community. In downtown Modesto, the few one-way streets can be disorienting for those who don't know the community well and often create unnecessary circulation for people trying to find their destinations. Additionally, because of faster traffic, the one-way streets create an uncomfortable environment for pedestrians and bicyclists. The current one-way streets do not encourage people to stop and experience Modesto, nor do they provide a positive multimodal experience.

Parking Facilities

According to the most recent comprehensive survey (1990), downtown has more than 14,000 parking spaces, including approximately 2,500 City-owned and 121 City-leased spaces. Only 53 percent of this supply was occupied at the busiest hour of the week. Both the 1990 survey and recent spot surveys found that at peak hours, curb parking on the most popular blocks (which is provided free of charge) fills up, even as nearby lots and garages (which often have fees) sit half-empty. Previous parking studies concluded that downtown has a parking management problem, rather than a parking supply problem. Better wayfinding and incentive programs may increase the use of parking garages, and a change in pricing for on street parking will encourage greater turnover.



Bicycle Network

The City of Modesto has made great efforts to encourage cycling throughout the community. There are a number of bikeways throughout Modesto, including shared use paths and on-street bikeways. Downtown is a notable exception. There are no routes leading into and through downtown Modesto, currently, though there are a number of suggested new routes from the City’s recent Non-Motorized Transportation Master Plan (2006). A connected bikeway network that goes to and through downtown is essential if the City is interested in encouraging bicycling as a viable mode of transportation.

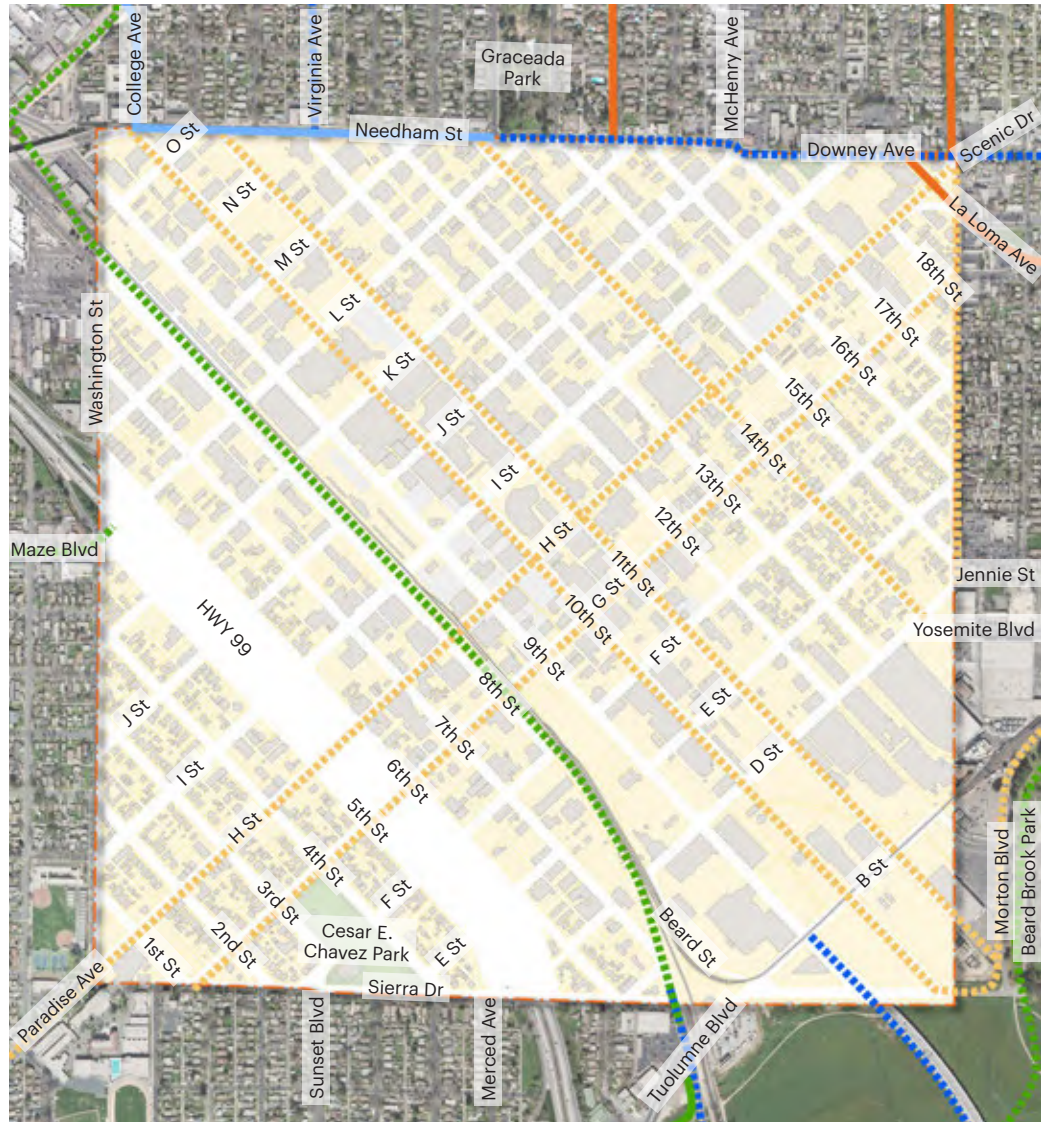


Figure 1.9 Existing and planned bicycle network

- Existing Class I Bikeway
- - - Planned Trails Class I Bikeway
- Existing Class II Bikeway
- - - Planned Class II Bikeway
- Existing Class III Bikeway
- - - Planned Class III Bikeway

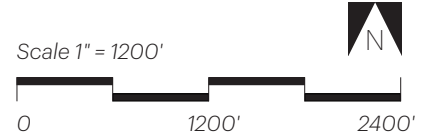


Figure 1.10 Pedestrian facilities in downtown are not consistent ranging from no sidewalks on a section of 9th Street (right) to the pedestrian-priority 10th Street between J and K Streets (far right).

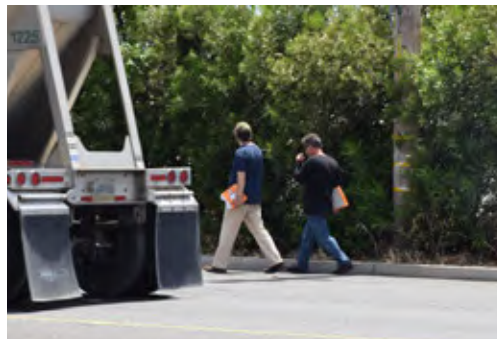




Figure 1.11 Existing transit network

- Amtrak
- Transit routes
- Transit Center



Figure 1.12 Pedestrian connectivity barriers

- Freeway crossing
- Multi-lane crossing
- Key difficult crossing (intersection improvement opportunity)

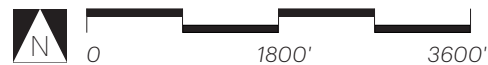
Transit Network

Downtown Modesto has a robust transit network centered around the 9th Street Transit Center. The Modesto Area Express (MAX) provides local bus service along J, I, H, G, 7th, 9th, 10th, 11th, and Needham Streets. Because of high demand, MAX may improve headways from fifteen to seven minutes, which could improve transit access. The Transit Center has Stanislaus Regional Transit providing county-wide bus connections and to the Dublin/Pleasanton Bay Area Rapid Transit station. It also has a Greyhound Bus station for longer trips. The recent reconfiguration of parking and bus bays has improved vehicular access; but it is difficult to access by foot or bicycle. The south side of the Transit Center is not pedestrian or bicycle-friendly, and the railroad creates a significant barrier. To the north, 9th Street is a high-volume, high-speed state highway and is not considered pedestrian-friendly. In 2019, a privately-funded free downtown shuttle was introduced and was well-received.

Pedestrian Connectivity

Where the greater Modesto north-south grid meets the downtown northwest-southeast grid, the street intersections have skewed angles, creating poor visibility, especially for turning movements; and often longer crossing distances for pedestrians. This increases the probability of pedestrian-vehicular conflicts compared to typical perpendicular intersections. Key intersections need to be improved to improve safety for all modes. The railroad tracks and Highway 99 overcrossings present significant pedestrian barriers. In some instances, the street has been removed (e.g., J Street at the railroad and Highway 99); and in some cases the crossing is not, or does not feel safe (e.g., H Street). While 9th Street has pedestrian accommodations, the lack of a buffer between the vehicle travel lanes and the sidewalk makes it uncomfortable for pedestrians.

Scale 1" = 1800'



1.4 Community Context

This section illustrates key community assets and points of interest in downtown, and important projects that have been recently completed or are in the development pipeline.

- 1 Southern Pacific Railroad Depot**
Historic landmark, transit hub, and future ACE passenger rail station.
- 2 Modesto Arch**
Historic gateway to downtown Modesto and designated city landmark.
- 3 Gallo Center for the Arts**
Performing arts destination open since 2007.
- 4 Hall of Records Building**
Designed by Russell Guerne DeLappe in 1939, this building is a key example of Central Valley Modernism.
- 5 McHenry Museum**
Museum of local history housed in Modesto's first public library. A designated city landmark.
- 6 McHenry Mansion**
Historic landmark and former in-town residence of local businessman Robert McHenry.
- 7 Movie Theaters**
- 8 Brenden Theatres occupies a prominent location on 10th Street. The art deco State Theater is Modesto's only surviving movie theater from the early 20th century and a designated city landmark.**
- 9 DoubleTree Hotel**
Important destination for meetings, conferences, and conventions.

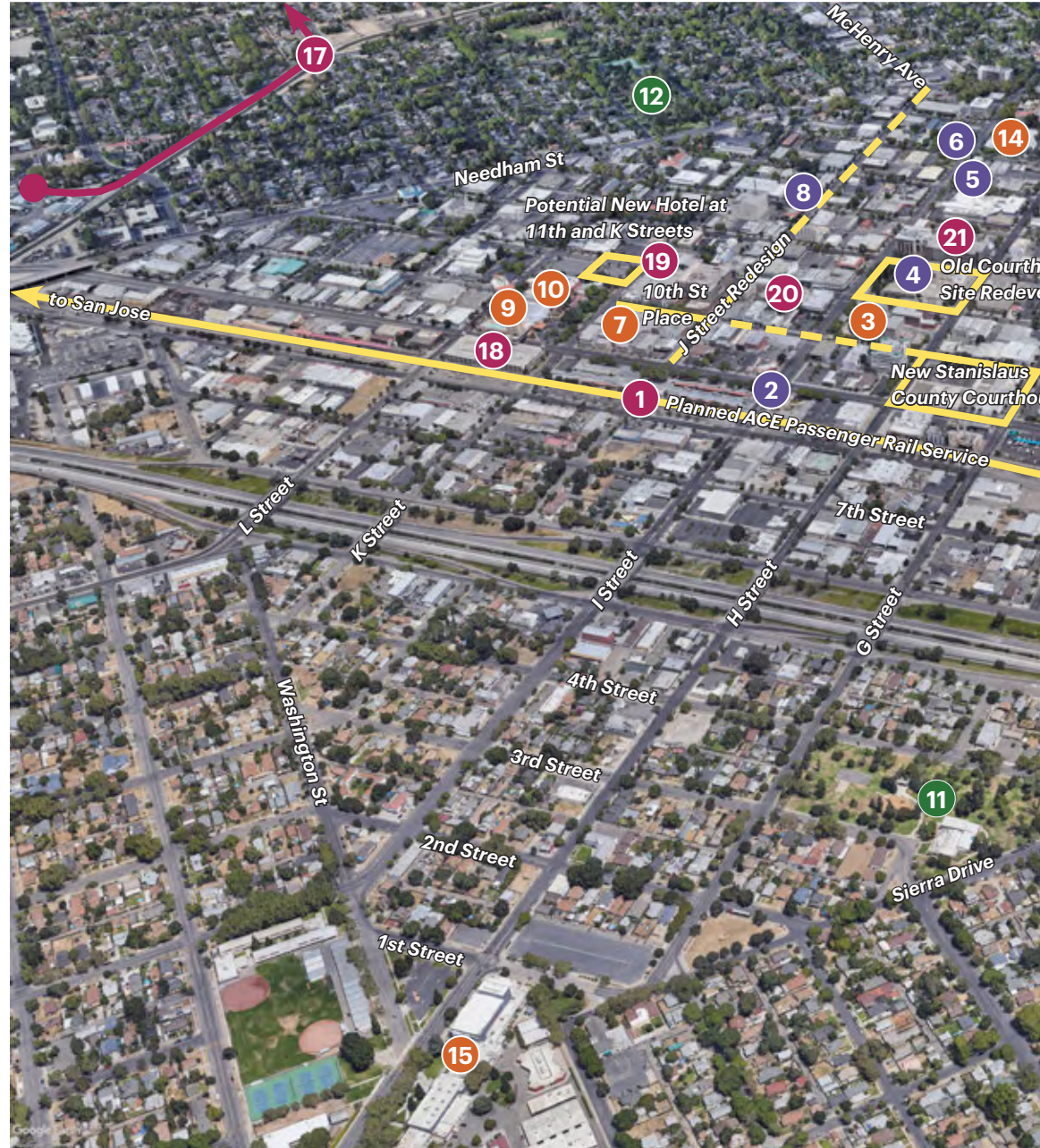


Figure 1.13 Plan Area existing conditions

● Community destinations	● Open spaces	 Recent and pipeline projects
● Mobility elements	● Historic resources	



- 10 Modesto Centre Plaza**
Major convention center with a wide variety of available spaces.
- 11 Cesar E. Chavez Park**
Major recreation area for West Modesto featuring the Maddux Youth Center, which hosts a variety of activities.
- 12 Graceada Park**
Large central park featuring the Mancini Bowl performing arts stage, a picnic pavilion, and tennis courts.
- 13 Beard Brook Park**
Recreation area with a creek.
- 14 Stanislaus County Library**
Modesto's main downtown public library.
- 15 Modesto High School**
Modesto's oldest high school, started in 1883 and moved to its current location in 1918.
- 16 Modesto Farmers Market**
Popular source for local products, open on Thursdays and Saturdays.
- 17 Virginia Corridor Trail**
Cross-town bicycle trail along old railroad right-of-way.
- 18 Public Parking Structures**
There are several City-owned parking garages in downtown Modesto—in addition to numerous private lots—that are often underutilized.

1.5 Built Environment and Existing Uses

The diagrams in this section illustrate downtown Modesto’s current built environment, including analysis of existing physical form and uses.

Built Form

Downtown has a walkable environment, with a regular street grid and an average block size of 300 feet by 400 feet.

A figure-ground analysis of the existing built form shows larger, “block-form” buildings in the core of downtown near the Transit Station area, and smaller, “house-form” buildings on the edges of the study area. Downtown has a significant number of parking lots, and a cluster of larger industrial buildings at the south-east edge of Downtown.

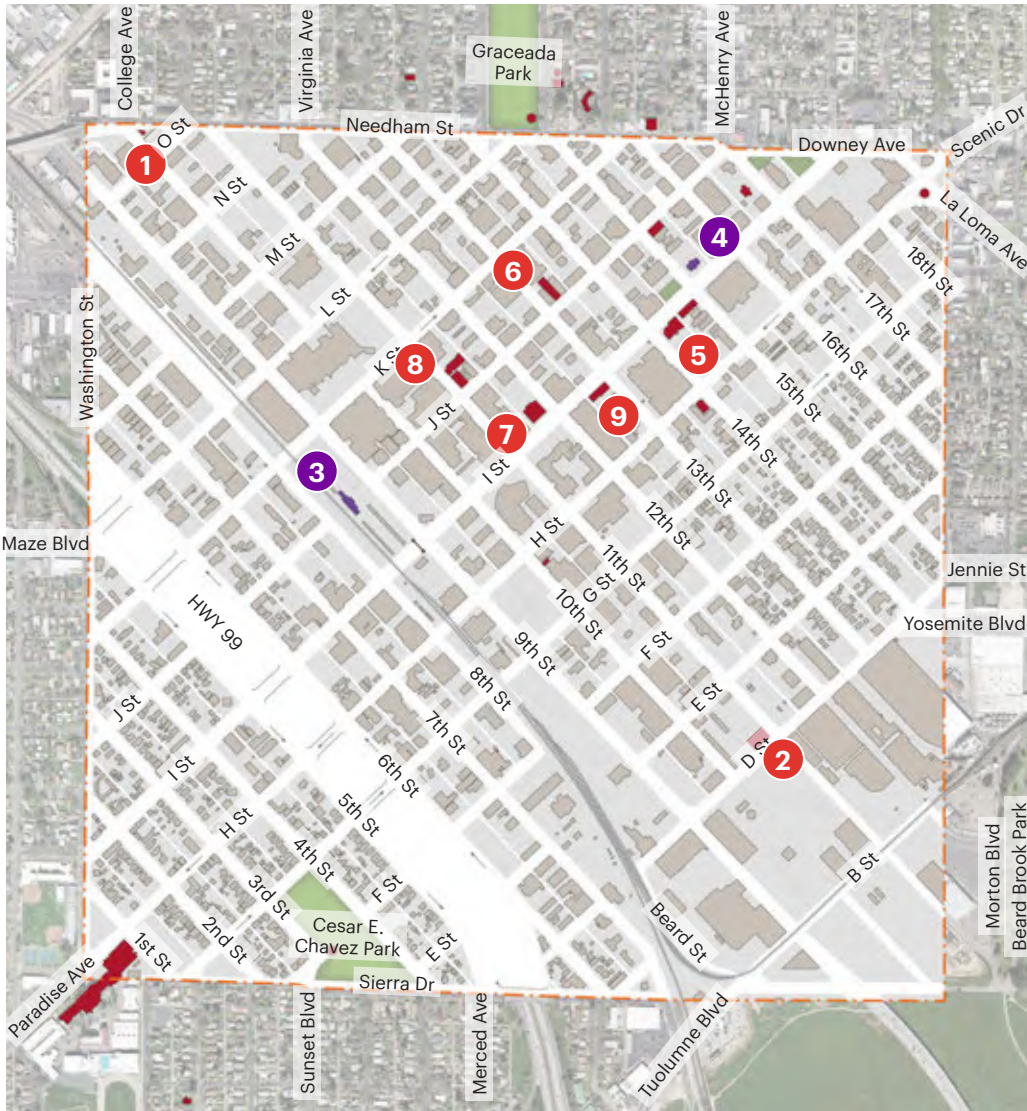


Figure 1.14 Built form analysis

- Existing buildings
- Parking lots
- Parks and open space

Scale 1" = 1200'





Historic Resources

In addition to structures listed on the National Register of Historic Places, such as the Southern Pacific station and the McHenry Mansion, the City of Modesto has designated many historic landmarks. Some prominent landmarks within downtown include:

1. Pump Station #9 at 10th and Needham
2. Gallo Founders Building at 11th and D Streets
3. Southern Pacific Station
4. McHenry Mansion
5. McHenry Museum
6. State Theater
7. Post Office Building
8. Pacific Telephone Building
9. Elks Lodge

Figure 1.15 Historic resources

- Landmarks registered with the National Register of Historic Places
- City of Modesto landmarks

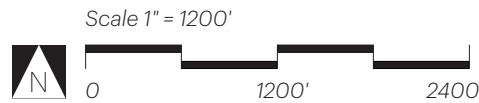


Figure 1.16 Historic resources include the Southern Pacific Station, listed on the National Register of Historic Places (left; image source: Andy Alfaro, *The Modesto Bee*), and the Elks Lodge building (far left), a designated city landmark.

Public Realm and Frontages

Frontage refers to how the public face of a building addresses the adjacent street or public space. Building frontages play an important role in shaping the quality of the public realm and attracting pedestrians.

The highest-quality frontages provide an engaging experience to pedestrians, with frequent entrances, front porches, etc. The lowest-quality frontages consist of blank walls or buildings set too far back to engage the street. In the middle are frontages that present little in the way of pedestrian interest, but which have enough windows facing the street to contribute to safety.

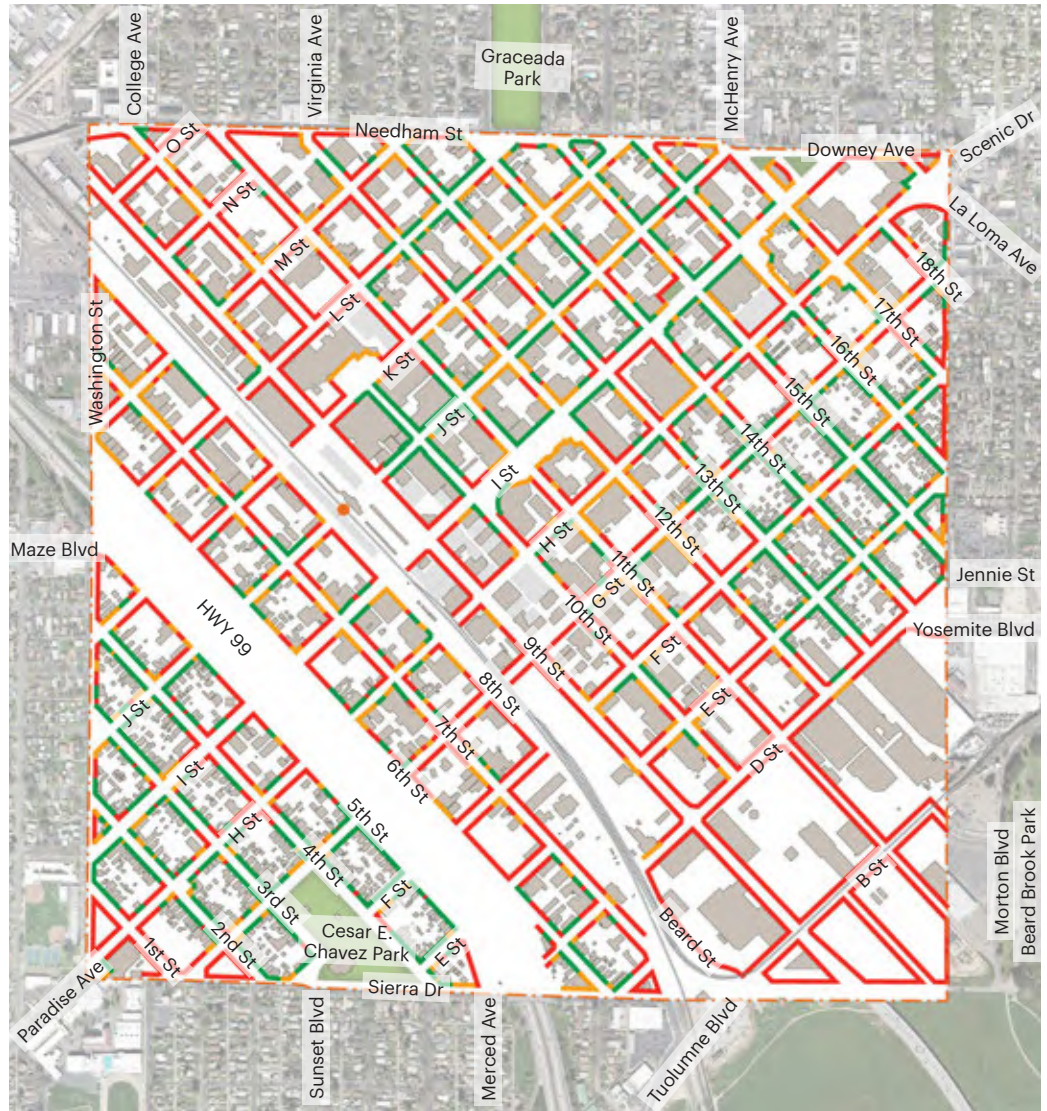


Figure 1.17 Frontage analysis

- Pedestrian-friendly
- Adequate
- Uninviting

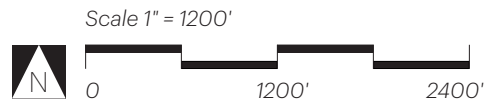


Figure 1.18 Frontage quality in downtown Modesto ranges from expanses of unbroken wall (right) to active conditions that invite foot traffic (far right).



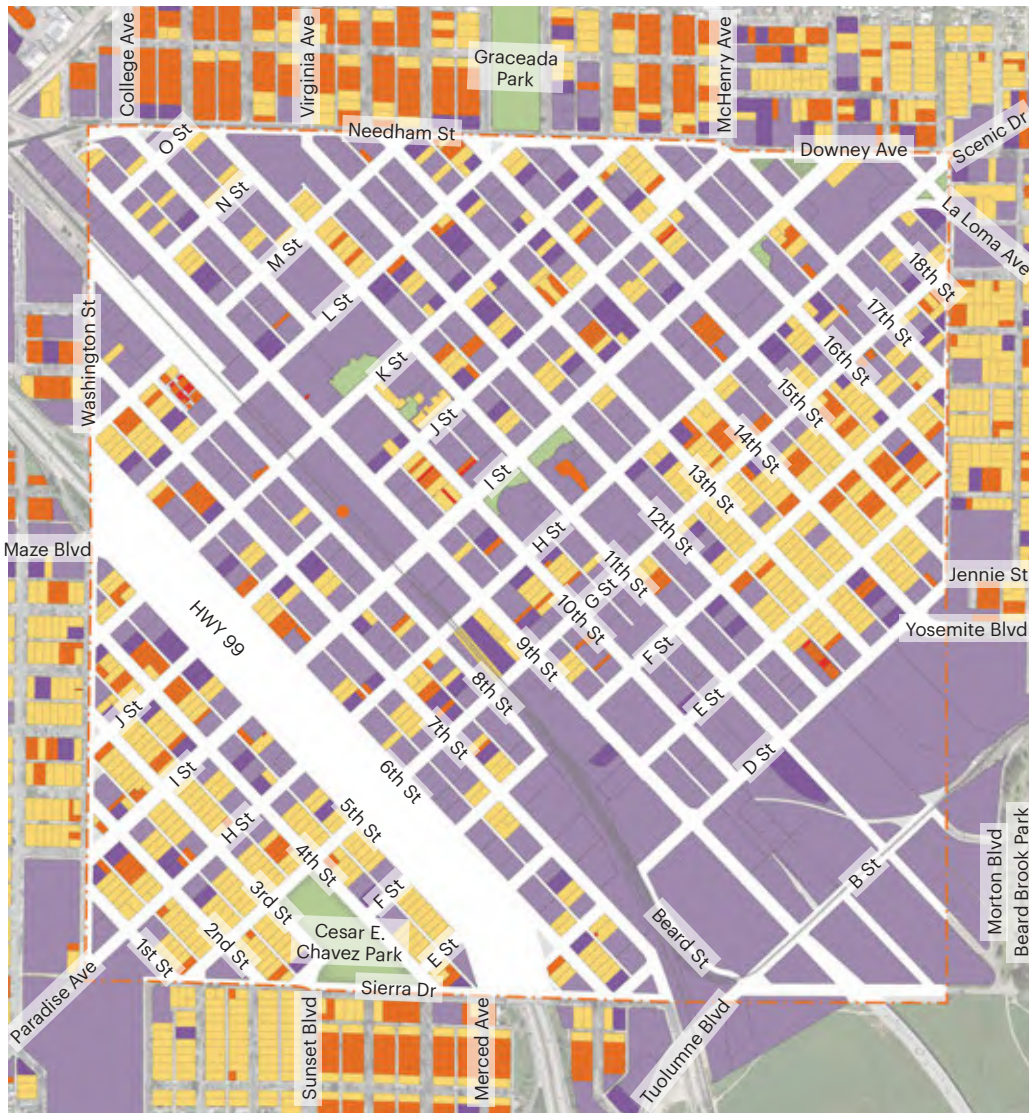
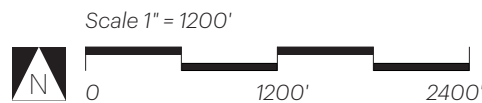


Figure 1.19 Lot width analysis

- 0'-24' lot width
- 25'-49' lot width
- 50'-74' lot width
- 75'-99' lot width
- 100'+ lot width



Lot Characteristics

An effective strategy in assessing redevelopment opportunities in infill conditions is analyzing existing lot widths, which can determine the range of building types that could work on those lots.

The width of a lot is one factor determining which building types it can accommodate in the downtown form-based zones. In the historically residential areas to the east and south-west, 50-foot-wide lots are common. In historically industrial areas and where lots have been consolidated over time, lots measuring 100 feet or wider predominate.



Figure 1.20 Lot dimensions range from small and regular (far left) to large and irregular (left), and these characteristics help to inform redevelopment strategies.

Downtown Uses

Downtown has commercial and civic uses clustered at its core, around J and I, between 9th and 11th Streets. It also has many historic resources, as well as buildings of community value, such as religious and educational institutions.

Residential neighborhoods are towards the south-west and north-east edges of downtown, and larger parcels with industrial uses towards the south, near the Tuolumne River Regional Park. The TRRP is the major open space that downtown has access to. In addition, there are small parks and plazas within downtown. Larger parks such as Graceada and Cesar Chavez are located near or just outside the edges of downtown.

Downtown has a significant number of surface parking lots and vacant parcels, which can be opportunity sites for redevelopment.

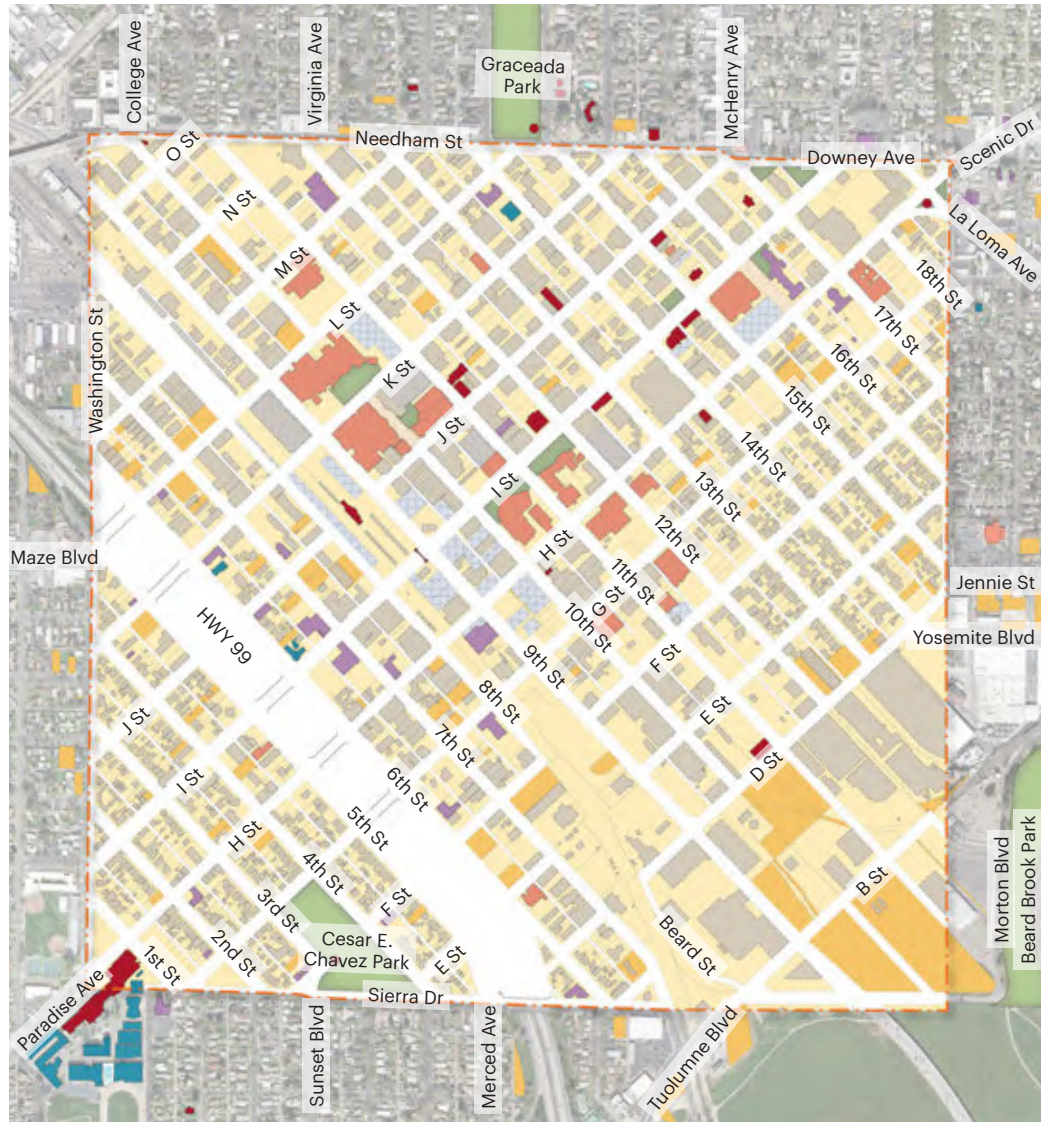


Figure 1.21 Existing uses

- Cultural/ community/ civic institutions
- Religious uses
- Educational uses
- Historic resources
- Parks/ plazas
- Pedestrian streets (10th Street, Farmer's market)
- Vacant parcels
- Surface parking lots

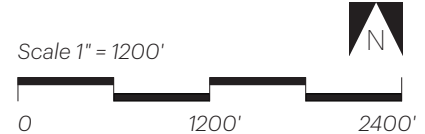
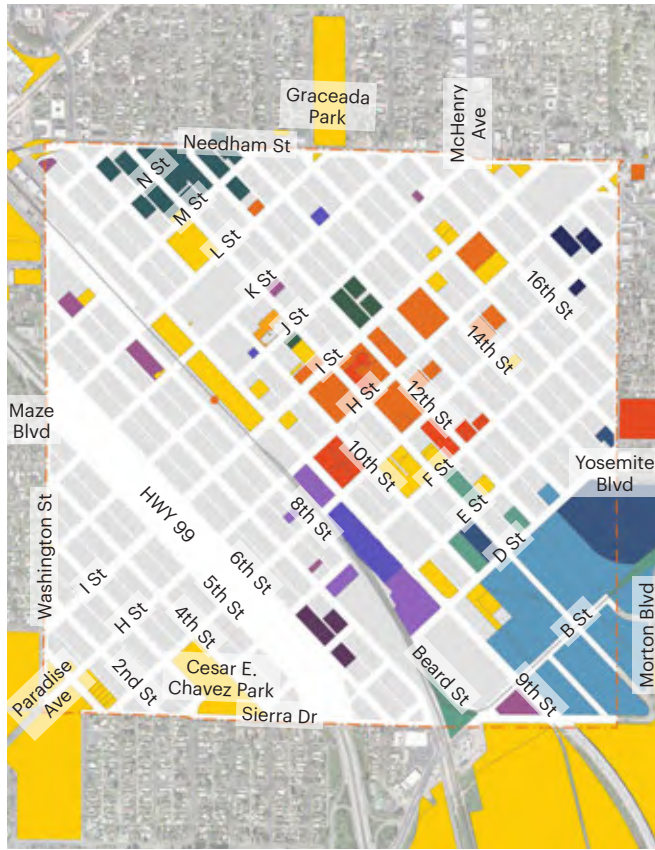


Figure 1.22 Parks and open spaces near downtown

include Graceada Park (right) and the Tuolumne River Regional Park or TRRP (far right; image source: www.tuolumne.org). The TRRP includes a greenway along the riverfront, with an approved extension at the south end of downtown. The TRRP and Dry Creek Regional Park offer excellent recreational opportunities, at both local and regional scales.



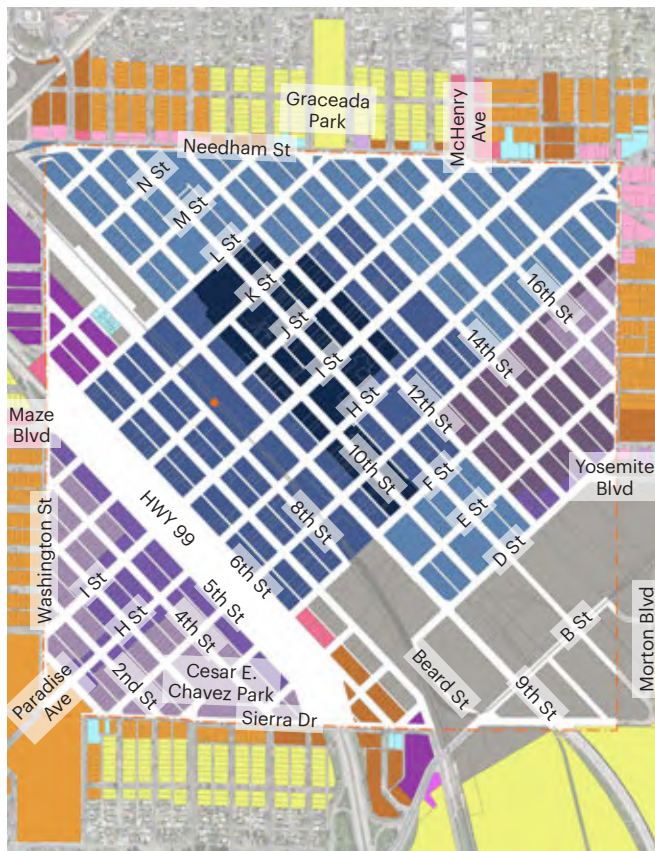


Ownership Pattern

Many properties in the center of downtown Modesto are owned by various levels of government (city, county, and/or state). Major public and privately-owned properties are shown in Figure 1.23.

Figure 1.23 Property ownership

- State of California
 - Stanislaus County
 - City-county
 - City of Modesto
 - Basic Resources, Inc.
 - Beard Land Improvement Company
 - Crosspoint Community Church of Modesto
- D Street Partners
 - E & J Gallo Winery
 - EK Onkar, LLC
 - G & K Enterprises, LLC
 - J S West & Company
 - Modesto Portuguese Pentecostal Association
 - Varni Brothers LLC



Zoning

In 2015, the City of Modesto adopted a form-based zoning code for downtown. Whereas the previous zoning had largely prohibited residential development in the downtown core, the new zones encourage a diverse mix of uses. The new code also regulates the form of buildings, reintroducing building types and frontages that have historically contributed to walkable environments. The various form-based zones permit different building types and maximum heights according to context.

Figure 1.24 Existing zoning

- Central Downtown (CD) zone
- Transition Downtown (TD) zone
- Urban General Downtown (UGD) zone
- Main Street Downtown (MSD) zone
- East Neighborhood Downtown (END) zone
- Traditional Neighborhood Downtown (TND) zone

Scale 1" = 1800'







Community Vision for Downtown

CHAPTER

2

In this chapter

2.1 Community Outreach Process

22

2.2 Issues and Opportunities

28

2.3 Design Principles

30

2.1 Community Outreach Process

Robust community engagement was an integral part of the Downtown Master Plan at all stages of its development.

Participatory Process

Community participation was critical to the Master Plan process. Its importance derives from the idea that a plan’s legitimacy and longevity require community input and ownership. Not only do community members have a deep understanding of a place that adds value to the design process, but they also have an intimate stake in the future of the plan since the document will directly impact them over its lifetime.

The consultant team sought this feedback throughout the process through a wide range of events including focus group meetings, a Public Workshop, and a multi-day Community Design Charrette. The events were well-attended by local stakeholders, and the feedback they provided played a critical role in shaping the Plan’s vision and goals.

Project Initiation and Outreach Strategy

The consultant team worked with City staff to develop an outreach strategy that included a wide range of stakeholders and community groups. Outreach events were publicized ahead of time, and a dedicated project webpage was set up on the City’s website.

Public Visioning Workshop

Walking Tour

The Downtown walking tour was led by City staff and the consultant team on the morning of July 22, 2019. The tour was well-attended, and participants included members of the Modesto community and City Council. The route covered opportunity sites within the project area, as well as important downtown destinations and recently completed projects. The

Timeline of Public Engagement, 2019

July

July

July

September-October



Walking Tour



Focus Group Meetings



Public Visioning Workshop



Community Design Charrette



group stopped at key points along the route to share ideas and observations.

Focus Group Meetings

The consultant team and City staff convened a series of focus group meetings with small groups of local stakeholders, such as downtown property owners, local residents and other interest group representatives. Stakeholders gave their insights on what was working well in downtown, and what needed improvement. The meeting minutes were transcribed and made available on the project website.

Evening Workshop

Community members participated in a public workshop to share their vision for downtown. The event was held at the McHenry Museum and had over one hundred participants. After a brief presentation by the consultant team, participants worked in small groups to sketch and write their ideas for downtown’s future on large table maps. The small groups then took turns reporting out to the rest of the room before concluding with a brief discussion and look ahead to the Design Charrette.



Figure 2.1 Downtown walking tour at the July workshop
 (Above left) The consultant team and staff led a walking tour during the kickoff trip that began at the McHenry Museum.

Figure 2.2 Table map exercise at the July workshop
 (Below) Community members write and draw ideas on table maps.

“ Think a generation ahead.”

Community Member
 Public Visioning Workshop

Envisioning the Future at the Community Design Charrette

The five-day community Design Charrette engaged stakeholder groups, City staff, and the broader community to solicit feedback. The workshop was a multi-day exercise of designing in public. Each design iteration received immediate public feedback, enabling the design team to incorporate public input in each phase of the design process. The public provided guidance through discussions after formal and informal presentations, visiting the consultant team during open studio hours, and recording ideas and opinions on the many posters, drawings, and other graphics lining the studio walls.

Opening Presentation

The Charrette opened with a presentation followed by two visioning exercises. First, participants were asked to provide one word each to describe downtown Modesto today and in 2040. Second, a prioritization

exercise built off of the visioning exercise from the July Public Visioning Workshop. The consultant team presented a list of design ideas heard from the community at the July workshop, categorized by subject matter:

- Streets and connectivity;
- Parks and public spaces;
- New uses and activities; and
- Community identity.

Participants then had the opportunity to add to these lists of priorities before voting their top seven priorities through a dot exercise. The results, shown in Figure 2.7, helped to set the design direction for the consultant team for the Charrette.

Brown-Bag Presentations

Members of the consultant team offered lunchtime “brown bag” presentations on various topics of interest to the Downtown Master Plan, which were opportunities to both share information with the public and

Figure 2.3 Closing Presentation

(Right) Jaylen French of the City of Modesto introduces the community vision for downtown.



Figure 2.4 Brown-bag presentation

(Lower left) Aaron Nousaine of BAE Urban Economics answers questions during a brown-bag presentation on downtown economics.



Figure 2.5 Midpoint Pinup

(Lower right) Stefan Pellegrini of Opticos Design responds to community feedback during the Midpoint Pinup.



solicit feedback on specific topics such as economics and parking.

Midpoint Pinup

The design team hosted an informal public pinup to discuss the design progress mid-week. The design team presented preliminary and in-progress design ideas and attendees provided feedback. This review loop gave direction for the next iteration of the designs.

Open Studio

The public were invited to informally visit the design studio throughout the

Charrette to talk with the consultant team, and check in on design progress.

Closing Presentation

The Charrette concluded with a presentation of the designs developed over the course of the charrette. The team presented urban design, transportation, parking, and economic development opportunities illustrated with graphics, and hosted a group discussion to hear feedback and answer questions.

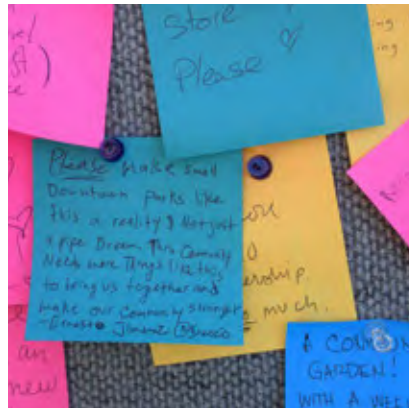


Figure 2.6 Public parklet at the Design Charrette

(Left) A parklet was set up near the charrette studio for the duration of the charrette week. Set up by the DoMo Partnership and the City to celebrate 'PARK(ing) Day', the parklet helped to create awareness about the Design Charrette and attracted many downtown visitors. The parklet also invited community input about the future of downtown through sticky note comments. Temporary, low-cost strategies such as this are effective in building community support for design ideas.



Community Priorities: What We Heard



Figure 2.7 Design Charrette prioritization exercise
The prioritization exercise at the Design Charrette Opening Presentation attracted many participants and led to active discussion of the many design ideas presented (above). After the votes were counted, the top three priorities in each category (right) were used to direct the consultant team’s design efforts.

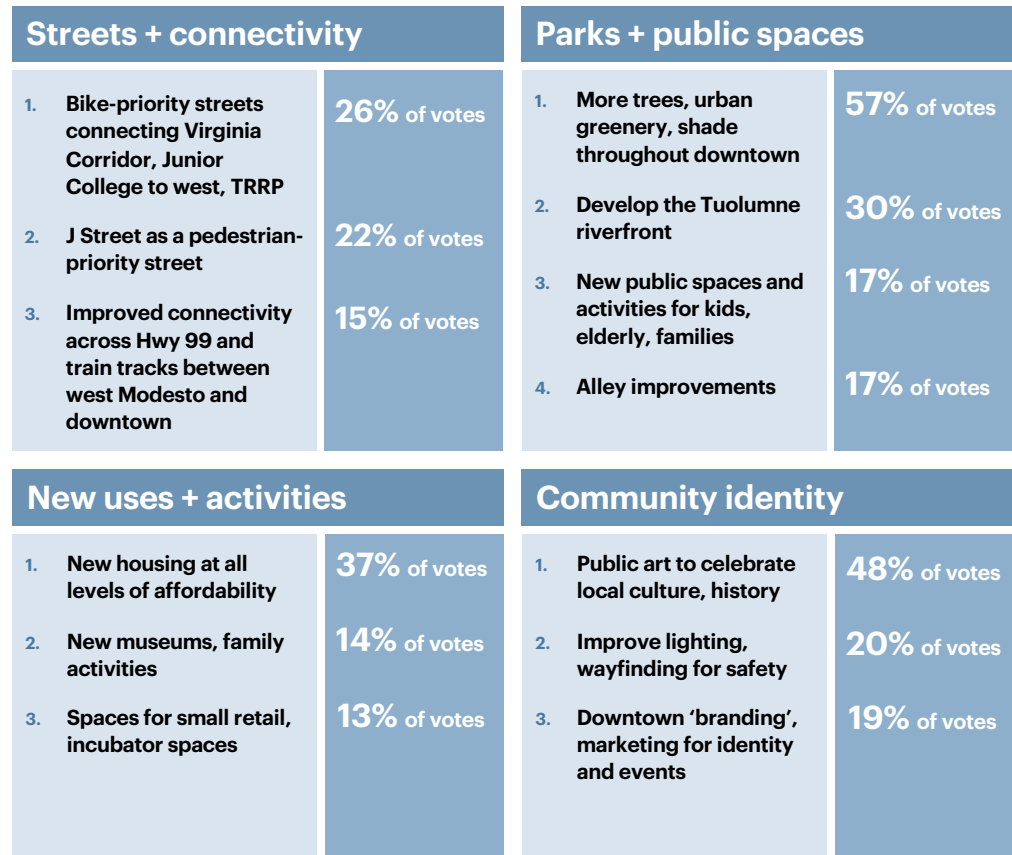


Figure 2.8 Community 2040 vision for downtown
At the Opening Presentation of the Design Charrette, participants were asked to use one word each to describe downtown Modesto today, and in 2040. This word cloud represents the words used to describe the future vision for downtown.





“Downtown housing would be a positive addition to improve safety and promote pedestrian traffic.

Community Member
Public Visioning Workshop



“Support those already living in downtown by recommending policy that protects them from getting pushed out. Existing empty housing should encourage a mix of residents.”

Community Member
Public Visioning Workshop



“We are a tree city. Every street should have lots of shade canopy.”

Community Member
Public Visioning Workshop

“Include housing downtown for young families and seniors.”

Community Member
Public Visioning Workshop



“West Modesto residents have limited access to various grocery stores. Utilize the space between the freeway and railway as commerce so it’s within walking distance to go to a different grocery store.”

Community Member
Public Visioning Workshop



2.2 Issues and Opportunities

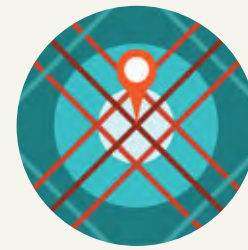
As a result of the extensive community outreach and the analysis of existing conditions and market demand, the following issues and opportunities were identified.

Issues

Four key issues reflect existing conditions that need to be improved in order for downtown to grow in a manner aligned with the community’s vision.

Opportunities

Downtown Modesto has many attributes that provide a solid foundation to develop an authentic, memorable place that would attract locals as well as regional visitors. Several pipeline projects as well as regional socio-economic conditions offer significant development opportunities as well. This section identifies three key opportunities that can help shape the future of downtown.



Issue

1

Competition with other regional centers

Downtown Modesto is a major employment destination, but is not yet an established regional destination of choice for housing and entertainment. Similarly, it lacks a clear identity as the center of Modesto, in spite of its many cultural, civic, and entertainment assets.



Issue

3

Inadequate multimodal access and connectivity

Downtown Modesto can be described as car-centric, and is perceived by many pedestrians and bicyclists as unwelcoming or unsafe. The city’s multimodal framework does not connect to and through downtown.



Issue

2

Insufficient housing opportunities

Downtown has a very small proportion of the city’s housing stock, and of this, there is inadequate variety to accommodate a diverse population that can lead to a successful mixed-use downtown.



Issue

4

Inconsistent quality of public realm and lack of public space

For a downtown to be considered walkable, it needs to have well-designed streets, parks and public spaces. Downtown currently does not have a public realm that is consistent, and would attract pedestrians.



Opportunity

1

Strong regional economic growth and real estate market trends support a mixed-use, resilient downtown economy.



Opportunity

2

The ACE Valley Rail extension to downtown Modesto offers an important opportunity to create a downtown gateway and mixed-use node.



Opportunity

3

A regional housing shortage, coupled with shifting market preferences towards urban living, provide an opportunity to increase housing in downtown at all levels of affordability.

2.3 Design Principles

The three Design Principles developed for downtown Modesto reflect the community’s vision and are intended to generate a memorable, pedestrian-oriented, multimodal, and mixed-use downtown with an identity that is uniquely Modesto.

Design Principles

The Design Principles recognize existing conditions and address key issues and development opportunities identified in Chapter One: Project Background. They have emerged as a direct result of robust community engagement at every step of the Master Plan process.

Expected Outcomes and Recommended Projects

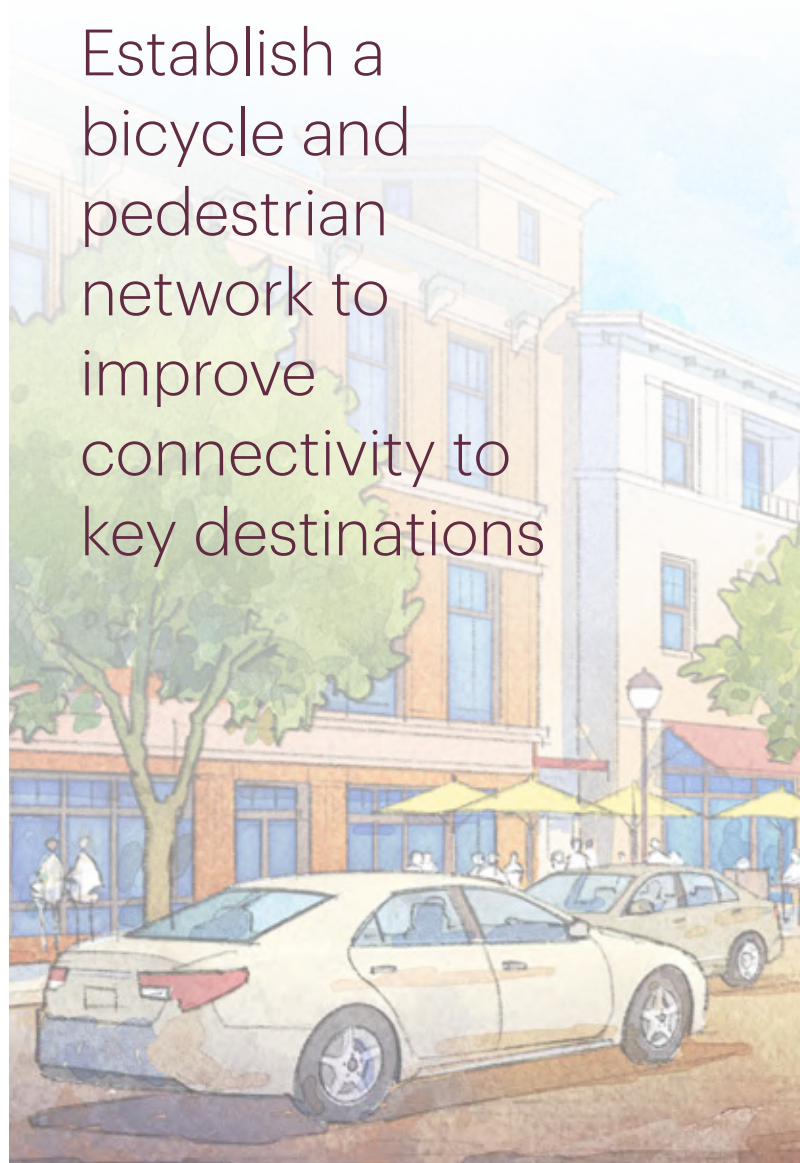
In the following pages, each design principle is described, including a section each on “Expected Outcomes” and “Recommended Projects”. The intent behind this is to provide a physical framework to help translate the stated vision into the desired built outcome.

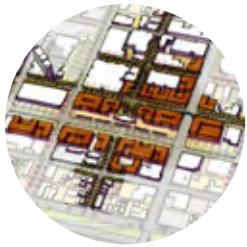


Principle

1

Establish a bicycle and pedestrian network to improve connectivity to key destinations





Principle

2



Principle

3

Create a new downtown gateway and mixed-use node at the Transit Center at 9th and J Streets

Focus public investment in strategic infill projects to generate an active, mixed-use downtown



Principle

1

Establish a bicycle and pedestrian network to improve connectivity to key destinations

A comprehensive bicycle and pedestrian network that provides safe, convenient access to key destinations within downtown and adjacent neighborhoods will attract both residents and visitors.

Intrinsic to enhancing downtown’s vitality and economy is increasing the number and diversity of its patrons. With limited space in existing rights-of-way, this can be done most efficiently by prioritizing pedestrians and cyclists, that occupy much less space than cars, and do not cause parking and congestion impacts.

One of the key issues identified during the plan process is inadequate connectivity through downtown, particularly for pedestrians and bicyclists. Existing bicycle routes terminate at the edges of downtown, and do not connect through it.

Several streets, including 9th and I Streets are perceived as uncomfortable and unsafe for non-motorized modes.

Increased multimodal connectivity will provide better access to many residents, within and adjacent to downtown. These potential users are more likely to walk or use a bicycle if it is safe and comfortable to do so. Accommodating a wider range of transportation options (personal vehicle, transit, walking, cycling) can be an effective strategy to boost activity and strengthen downtown’s economy.

Figure 2.9 Public realm to encourage walking and cycling

Protected bikeways and wide, well-designed sidewalks can greatly increase the number of visitors to downtown, in particular from downtown-adjacent residential neighborhoods.

This example of a two-way separated bikeway could be a good solution for 9th Street.





Expected Outcomes

- An increase in the number of people walking and bicycling to downtown from adjacent neighborhoods.
- Reduction in severe and fatal injuries near crossings and along major corridors by slowing vehicular traffic.
- Improved pedestrian experience through the provision of wider sidewalks, landscaping, and areas to rest and recreate.
- Gaps closed to major existing bikeways and a bicycle network implemented within downtown that is suitable for all ages and abilities.
- “Park once and walk” principles promoted by establishing a pedestrian wayfinding system that is easy to understand, with well-lit walking routes to off-street lots and garages.

- Enhanced transit accessibility for pedestrians by visually connecting the J Street corridor to the Transit Center.

Recommended Projects

- J Street pedestrian enhancements and Shared Street near the Transit Center.
- 9th Street separated bikeway to the Transit Center.
- 10th Street pedestrian corridor enhancements to the waterfront.
- 12th Street bikeway to the Virginia Corridor trail.
- Cross-downtown bikeways on H and K Street to south-west Modesto.
- I Street civic corridor and green space.
- Rail-with-trail project through downtown to connect off-street opportunities.



Figure 2.10 Active streets with protected bicycle facilities (above); wide sidewalks, street trees, and outdoor dining (below).

Principle

2

Create a new downtown gateway and mixed-use node at the Transit Center at 9th and J Streets

The extension of the Altamont Commuter Express (ACE) Valley Rail to downtown Modesto offers a unique opportunity to create a multimodal Transit Center, with a mix of residential and commercial uses, supported by new public space and amenities.

Modesto is experiencing a once-in-a-generation opportunity in the form of the ACE Valley Rail extension to downtown by 2023, with the future potential of being linked to the state-wide High Speed Rail network via Merced. This investment will further enhance Modesto's prime location within the North San Joaquin Valley, with shorter commutes and improved mobility choices to regional destinations.

Downtown Modesto can greatly benefit from this project, and the location of the train station at 9th and J Streets is an opportunity to create a new gateway to attract visitors to downtown's businesses and activities. In keeping with market trends, downtown Modesto is in a position to both support, and also benefit from new mixed-use development at this node,

that would be walkable, transit-served, and within easy reach of many community attractions, employment and recreation opportunities.

Future development should strive to balance residential and commercial uses, to create an active, "24-hour" downtown node that has a memorable identity. The mix of new and existing uses, and the design of the built form, streets and public spaces, will be critical to maintaining long-term vitality.

New investment in the node can be leveraged to support public realm improvements, support new downtown uses and activities; and provide new housing at a range of affordability levels for current and future downtown residents.

“Station areas are unique places where intercity passenger rail can connect seamlessly with intermodal transit. Infill development around the station can boost economic growth and community vitality.”

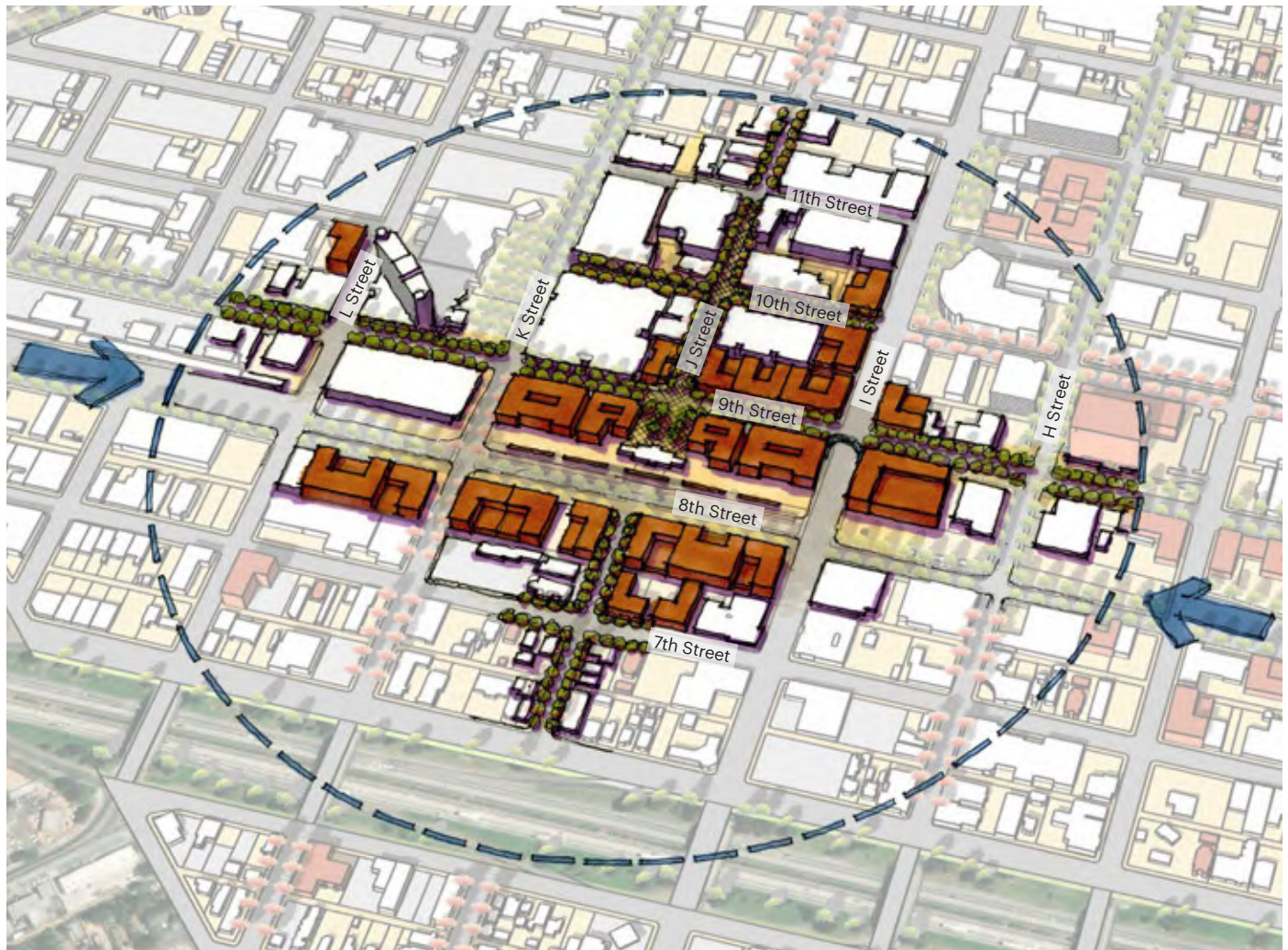
Joseph Szabo

Federal Railroad Administration



Figure 2.11 *Orenco Station, Oregon is a reputed example of a walkable, mixed-use town center at a light rail station.*

Image source: Crandall Arambula.



Expected Outcomes

- A Transit Center established at 9th and J Streets integrating light rail, bus, and other modes, to provide seamless multimodal connectivity and convenient access to transit.
- Mixed-use development at the train station and in surrounding blocks provide new housing and employment opportunities in the heart of downtown.
- Improved pedestrian and bicycle access across the train tracks helps to integrate west Modesto as part of downtown.
- Significant public realm improvements on 9th and J Streets create an inviting downtown gateway and a new public space for community events.

Recommended Projects

- Restructuring of existing Transit Center functions and circulation to accommodate passenger rail.
- New TOD mixed-use development on the train station site, along 9th Street; and infill projects in surrounding blocks including parking facilities if needed.
- J Street improvements as a pedestrian-priority street linking to the Transit Plaza, creating a safer 9th Street crossing.
- Improvements to 8th and 9th Streets to accommodate multimodal facilities.



Figure 2.12 Union Station, Denver is an example of successful downtown revitalization spurred by transit improvements.

Principle

3

Focus public investment in strategic infill projects to generate an active, mixed-use downtown



Figure 2.13 *Walkable, mixed-use downtowns* are an established trend, with a focus on pedestrian-scaled streets and active ground floor uses.

Initiate catalyst projects in key locations to spur redevelopment and foster a “24-hour downtown” with distinct neighborhoods.

Modesto is emerging as an important economic center within the Northern San Joaquin Valley (NSJV) region, with its central location providing easy access to all North California markets. It has many of the region’s largest employers, and offers a high quality of life and greater affordability than many areas nearby. Modesto has a prominent position in the agriculture and food and beverage sectors; and is attracting interest from the business, healthcare and education sectors.

These current market forces, along with state-led development incentives and funding opportunities, create a range of development opportunities for downtown Modesto. Downtown has benefited greatly from a series of City-led and privately-led projects and improvements over the past decade. To carry that momentum forward, it will be important to establish development priorities and make strategic investments at key locations.

The intent is to spark redevelopment at all scales and in different parts of downtown through catalyst projects; along with the implementation of bigger, higher-visibility pipeline projects such as the Transit Center, new Courthouse, a potential new downtown hotel, etc. Through a combination of such landmark projects as well as smaller, incremental infill projects, downtown will be able to sustain its

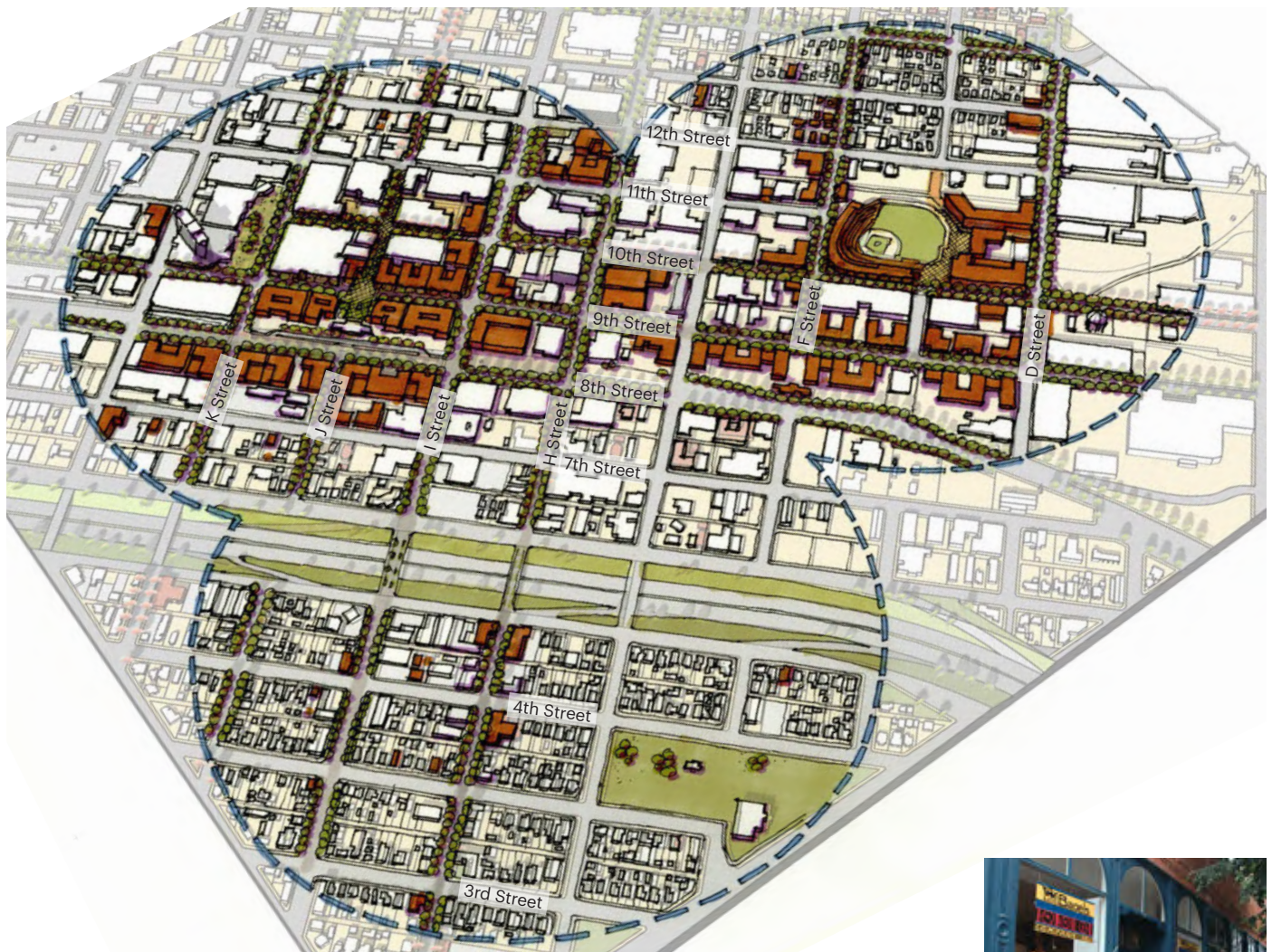
growth, and successful transformation to an active, safe, “24-hour” downtown with a balanced mix of uses.

Key to this envisioned transformation to a mixed-use downtown is improving housing access and affordability, and providing community amenities to meet daily needs such as parks, convenience stores, etc. Many parcels in downtown have the potential to be redeveloped as mixed-use residential projects.

Public realm improvements as part of a downtown “placemaking and wayfinding” strategy, will incentivize private investment and the redevelopment of underutilized sites. Within downtown, different streets and areas have unique characteristics. This “district character” should be reinforced, to create unique, authentic places that have a sense of history and place.

Expected Outcomes

- Downtown Modesto has a strong identity and an authentic sense of place, with distinct neighborhoods that each have a unique character and role within downtown.
- Downtown has a balanced mix of housing, employment, civic and recreation uses; and an increased number of people living in downtown.



- Downtown is a destination of choice for employment, entertainment and recreation, for Modesto and the North San Joaquin Valley region.
- Downtown is a community destination for Modesto, with active, well-used streets and public spaces, a variety of shopping and dining options, and community events and activities.

Recommended Projects

- Completion of pipeline projects such as the Transit Center, new Courthouse, downtown hotel, etc.
- Redevelopment of old Courthouse block at 11th and I Streets.

- Redevelopment of opportunity sites along the 10th Street corridor from J to D Streets, creating a mixed-use node on 10th Street in the general vicinity of E and F Streets.
- Development of mixed-use nodes within residential neighborhoods in west and east Modesto.
- Incentivize small-scale infill housing throughout downtown on underutilized parcels. This could, in turn, help improve market conditions for larger, more intense housing projects in the future.
- Establish a downtown-wide multimodal network to improve pedestrian and bicycle access, safety and connectivity to all downtown destinations.



Figure 2.14 Local institutions and events give identity to a downtown, attracting residents and visitors alike.





Downtown Vision: Urban Design and Opportunity Sites

CHAPTER

3

In this chapter

3.1 Urban Design Framework and Development Approach	40
3.2 Incremental Infill and Phased Transformation	42
3.3 A Form-Based Approach with Building Types	44
3.4 Open Space and Public Realm Strategies	46
3.5 Focused Improvements at Opportunity Sites	48
3.6 Transit Center Area (9th and J Streets)	50
3.7 Old Courthouse Block (11th and I Streets)	58
3.8 10th Street Mixed-Use Node (9th, 10th, D, E and F Streets)	64
3.9 West Modesto Node (4th and H Streets)	72

3.1 Urban Design Framework and Development Approach

A strategy of focused improvements at key opportunity sites, along with incentives for incremental growth and redevelopment will create a downtown that reflects community aspirations and has a unique identity.

Overall Vision for Downtown

The vision for downtown Modesto is of a vibrant destination with a rich mix of uses. It will have a distinct identity, shaped by its buildings and open spaces, and a sense of place reinforced by an inviting and inclusive public realm.

The built environment will establish a clear hierarchy of spaces within downtown, with the intensity of development reflecting the uses and intended character in different parts of downtown.

Through key City-led development projects and public realm improvements in strategic locations, and by creating a setting that invites economic investment and new development opportunities, downtown will provide more housing and employment to enhance livability.

Design Process

During the multi-day Community Design Charrette, the consultant team worked with City staff to identify potential infill and/ or redevelopment sites throughout downtown. Important criteria in selecting these opportunity sites were their location, size, ownership status, infill potential as well as planned improvements or approved projects.

From this larger group of potential sites, a smaller subset of opportunity sites were selected to demonstrate major multimodal, public realm and urban design

improvements being recommended as part of the overall downtown design framework. Parcels within the opportunity sites were then analyzed and tested with appropriate building types to create an illustrative plan of what the future development could look like, shown in Figure 3.1. Streetscape and public realm improvements for these sites were developed to demonstrate ideas and reflect their role within the downtown multimodal framework and street prioritization strategy.

After the design concepts were vetted with community and City staff input at the charrette and further refined, the required infrastructure improvements were estimated in order to implement the design vision. The four opportunity sites have been discussed in Sections 3.5 through 3.9.

Development Program

The development program shown in Table 3A is based on the yield from the infill testing of vacant and underutilized sites (opportunity sites) identified at the Design Charrette. These sites were tested with a range of building types currently allowed in the Downtown Form-Based Code. From this analysis, it is estimated that downtown Modesto can accommodate 1,550 new residential units, and 780,000 square feet new non-residential uses.

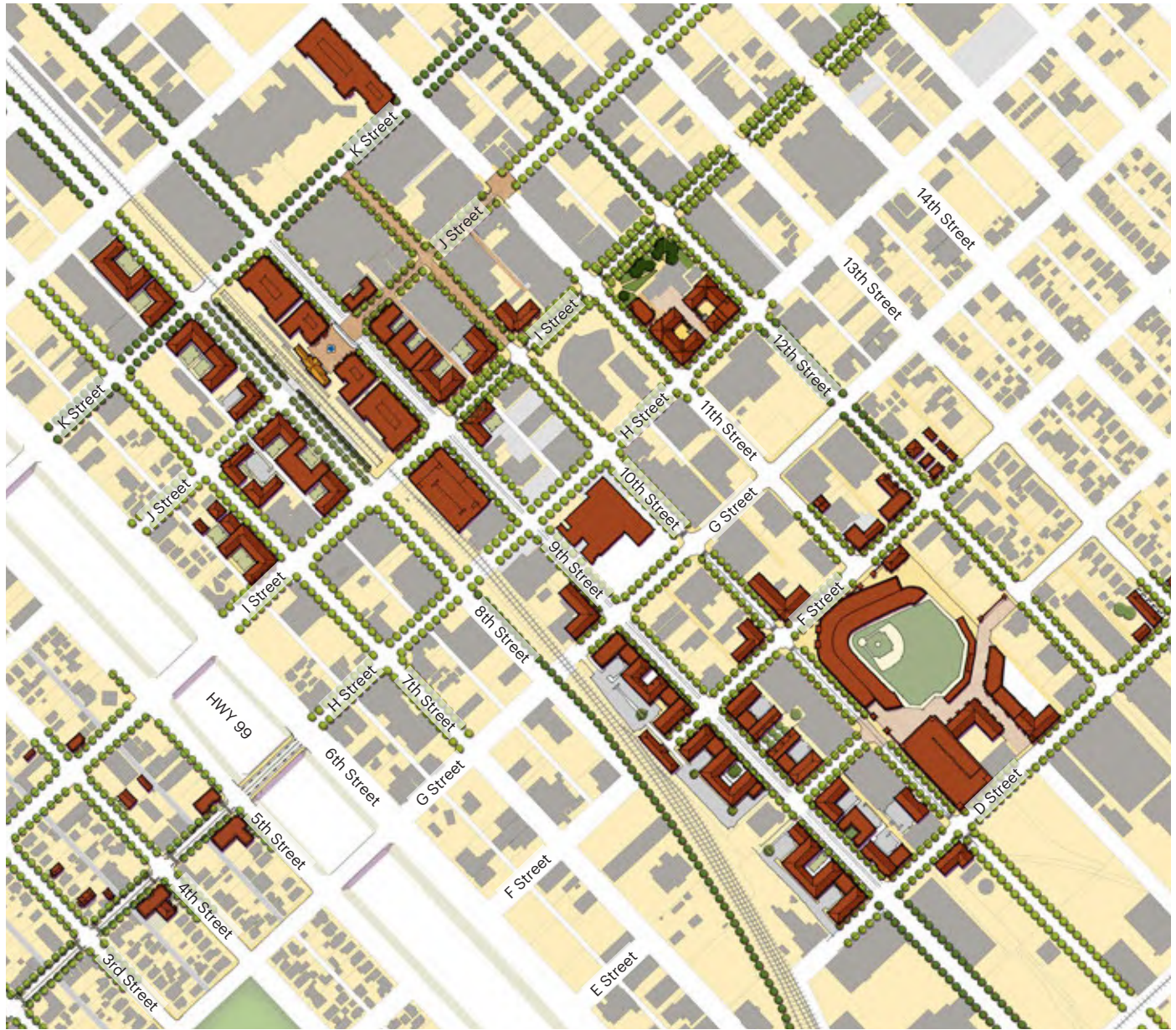


Figure 3.1 Illustrative Plan

An illustrative plan of one possible build-out scenario for the future downtown showing key design moves and incremental infill development.

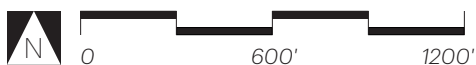
Legend

- Existing buildings
- Proposed buildings

Table 3A. Recommended Development Program

Development Type	Total New Development by 2040
Residential	1,550 units
Non-Residential	780,000 sf

Scale 1" = 600'



3.2 Incremental Infill and Phased Transformation

Along with strategic catalyst projects to mobilize downtown revitalization, the City can enable sustained economic growth through strategies to encourage incremental infill.

Incremental Infill and Community Character

Incremental infill is an effective strategy to sustain growth without compromising community character. It will allow downtown to evolve without a drastic change in its built character. It is also practical, given that much of the envisioned development will happen over a 20-year time frame, and on land that is privately owned. Also, the development and absorption of small projects will help to prove the market and demonstrate feasibility for larger-scale development.

Phased Transformation

The City should consider working with local property owners to implement short-term, low-cost transformations (refer Figure 3.3) for sites such as vacant storefronts, underutilized surface parking lots, etc. that may not redevelop in the near future.

Figure 3.2 Protect community character

Local institutions, historic resources and community events create a sense of place, add historic context, and contribute to community character. Downtown Modesto has many such assets that should be protected and enhanced while promoting new development.



Hall of Records building



McHenry Museum



Modesto Arch



Gallo Center



Farmer's market

Short-Term and Long-Term Transformations

Figure 3.3 Phased transformation and tactical urbanism for short-term activation

Not all transformation needs to happen at the same time or at a large scale to have a big impact. In the near term, small, feasible improvements can provide enough change to transform a dilapidated building, street, or business into a lively, attractive hub. These small-scale transformations can be used as pilot projects to catalyze larger-scale transformation.

Building Facades

Improving the building facade can greatly transform the pedestrian experience, such as opening up boarded windows, better signage, adding awnings and shade structures; adding a mural to a blank wall, etc.



Before



After facade improvements



Murals to improve blank facades

Building Frontages

Improvements to the frontage (where the building meets the sidewalk) such as outdoor dining, benches, planters, paving, etc. can reclaim unused space and improve the public realm.



Before



After public realm improvements



Reclaimed space

Pedestrian Alleys

Existing alleys can be made into attractive "paseos" with better lighting, wayfinding signage, and murals, to attract more pedestrian activity and improve safety.



Before



After alley improvements



A "green alley"

Streets and Public Space

Wider sidewalks, medians, and parklets in areas with high foot traffic provide a more comfortable, enjoyable, and safe pedestrian experience.



Before



After streetscape improvements



Curb bulb-outs and ADA ramps

Near-Term and Long-Term

Transformations can be a strategy to reclaim space and encourage use of underutilized spaces such as surface parking lots; with incremental improvements over the years.



Before



Near-term transformation



Long-term transformation

3.3 A Form-Based Approach with Building Types

A variety of physically appropriate building types is the basis of a form-based approach to determining downtown’s future built character.

Designing with Building Types

Rather than rely on traditional metrics such as Floor Area Ratio (FAR) and density requirements, the Master Plan uses a form-based approach in which building types are used to determine what future development could be. This strategy of designing using building types is a direct response to downtown’s existing physical and regulatory conditions and establishes a visual hierarchy of form and scale. It provides both flexibility in how a site can be redeveloped (since several different building types could work on the same lot), while providing a clear picture of a built outcome to developers, owners, and neighbors.

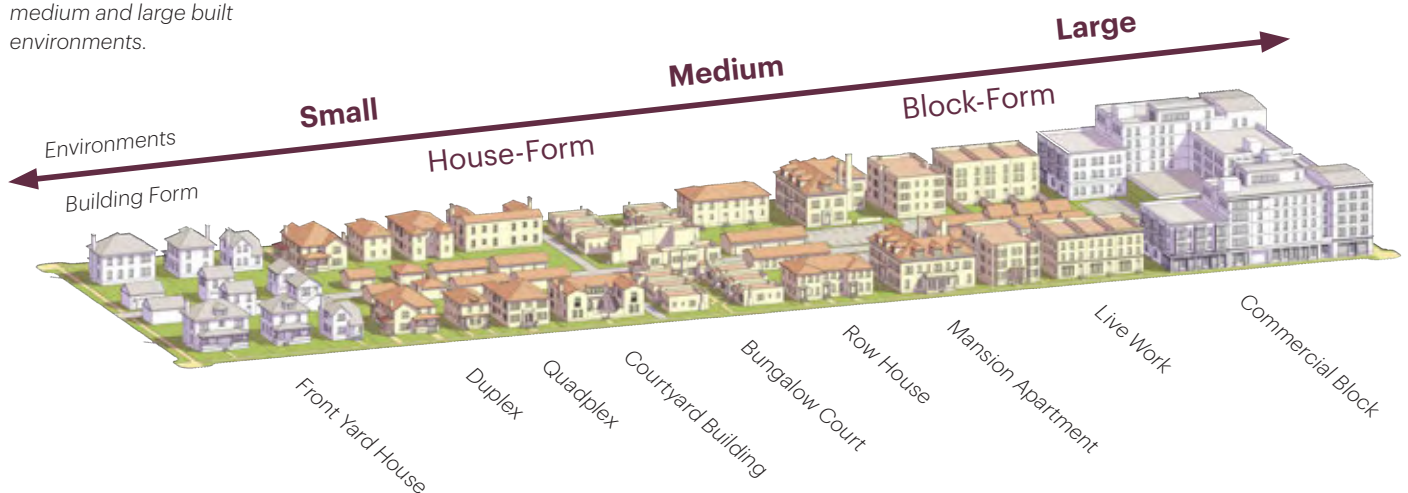
Buildings can be categorized according to their physical form. Front yard houses, duplexes, row houses, and commercial block buildings are all examples of different building types. While certain

uses or functions may be typical of certain building types, uses are not a primary determinant of building type. For example, a front yard house building might be used as a single-family home, or it might be used as a café, but in both cases its building type remains a front yard house.

Analysis of site conditions, such as lot width and depth, determine which building types can work best on particular sites. These required site conditions for each building type, overlaid on the actual parcels in the project area reveal the realistic range of development possibilities for downtown.

The existing form-based code for downtown Modesto accounts for some of these site requirements by regulating building types according to parcel width for some zones. Building types used in infill lot testing are those allowed by the Downtown Form-Based Code.

Figure 3.4 Building types
House-form and block-form building types create small, medium and large built environments.



Lot Analysis and Testing with Building Types

Figure 3.5 Building type testing on typical lot sizes

Existing lot widths in downtown Modesto were grouped into small, medium and large categories and tested with actual building types that would work with those lot constraints, and are allowed under the Downtown Form-Based Code. This informed the Illustrative Plan (Figure 3.1) that shows one possible built outcome, and in estimating development capacity through infill opportunities.

Lot Types in Downtown Modesto



Small lots (less than 50 feet width) provide opportunities for small infill and redevelopment.



Medium lots (50 to 80 feet width) provide opportunities to make effective transitions in scale.

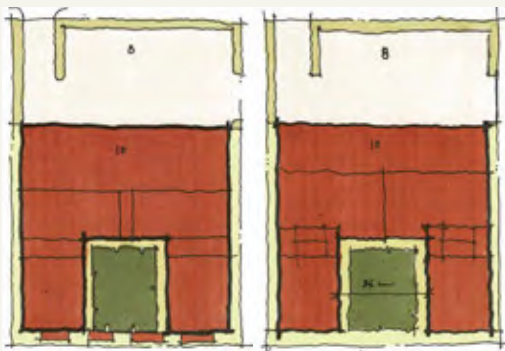


Large lots (greater than 80 feet width) provide opportunities for larger buildings and for alley-accessed parking.

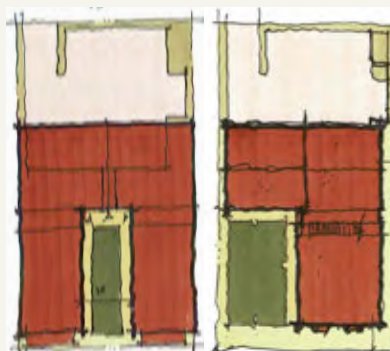


Figure 3.6 Building type studies

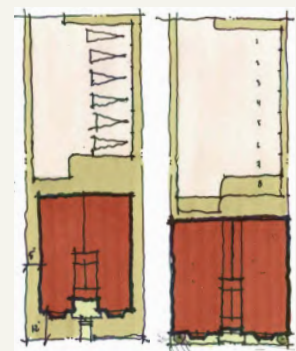
A range of building types can work in downtown Modesto. Among the types studied at the Design Charrette were courtyard and multiplex types.



Lot width: 100 feet
Courtyard type with mixed-use (left) and residential (right) ground floor uses



Lot width: 75 feet
Courtyard type with mixed-use (left) and residential (right) ground floor uses



Lot width: 50 feet
Six-plex (left) and eight-plex (right) residential

3.4 Open Space and Public Realm Strategies

A well-designed and connected public realm that includes streets, parks, plazas, and alleys can significantly improve walkability and contribute to a vibrant downtown.

The many benefits of open spaces in urban conditions are many, and well-established. It is often challenging to carve out public spaces in areas that are largely

built-out, such as in downtowns. Figure 3.7 shows examples of open space types that may be appropriate for downtown Modesto.

Types of Open Spaces

Figure 3.7 *Open space types suitable for downtown Modesto*

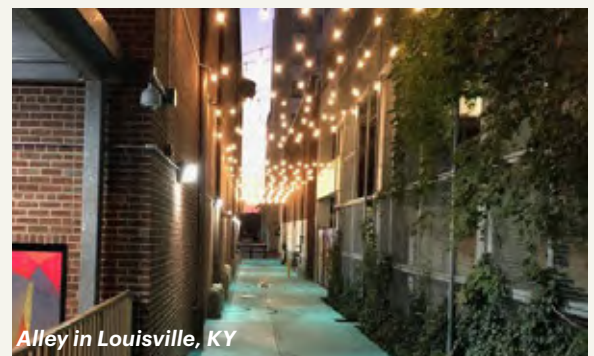
Pocket Parks, Playgrounds and Linear Greens

Small parks, playgrounds and linear greens provide neighborhood-scale places to meet and interact.



Pedestrian Alleys

Alleys are often perceived as unsafe, but can be lively places connecting pedestrian destinations. Lighting, public art and wayfinding signage are easy ways of transforming alleys.



The following strategies can be considered in creating or enhancing open spaces in downtown:

- Assess existing traffic capacity and actual traffic volumes for existing street rights-of-way, and repurpose underused right-of-way space for widening sidewalks and creating linear greens.
- Create pocket parks and pocket plazas in underused parking lots and similar spaces. Consider setting a fixed lifespan for some of these improvements, to be evaluated for other uses after a few years.
- Use development agreements with private developers to negotiate small public spaces and easements as community benefits, especially for large parcels or when several parcels are consolidated.
- Arrange for privately-owned open spaces to be publicly accessible, in exchange for development incentives.
- Transform alleys in key locations with high pedestrian traffic into pedestrian paseos.



Plaza in Detroit, MI

Pocket Plazas

Small-scale open spaces often located at street corners, pocket plazas providing an intimate space for seating, outdoor cafés, small-scale commercial activity, and informal events.



Paley Park, NY

Shared Street

A shared street prioritizes pedestrians and bicyclists, while accommodating motor vehicles at slower speeds. Shared streets are typically curbsless, to allow greater accessibility and flexible use of space.



Shared Street, Copenhagen, Denmark



Pearl Street, Boulder, CO

3.5 Focused Improvements at Opportunity Sites

The development strategy for downtown Modesto includes focused improvements at key opportunity sites, along with incentives for incremental growth and redevelopment.

Downtown Opportunity Sites

During the Community Design Charrette, the team focused on identifying potential infill and/ or redevelopment sites throughout downtown. These opportunity sites were then analyzed and tested with appropriate building types to create illustrative plans of what the future development could look like. This process has been discussed in Sections 3.1, 3.2 and 3.3 of this chapter.

The four opportunity sites, shown in Figure 3.8, are:

- Transit Center Area (9th and J Streets)
- Old Courthouse Block (11th and I Streets)
- 10th Street Mixed-Use Node (9th, 10th, D, E and F Streets)
- West Modesto Node (4th and H Streets)

In this and the following sections of this chapter, the four opportunity sites have been discussed, describing the envisioned role of each in shaping the future vision for downtown Modesto. Recommended design improvements for each opportunity site have been described, that include streetscape and public realm improvements, built character, and new uses.

Table 3B shows the development that each of these opportunity sites can accommodate, through infill opportunities and pipeline projects already approved or being considered by the City.

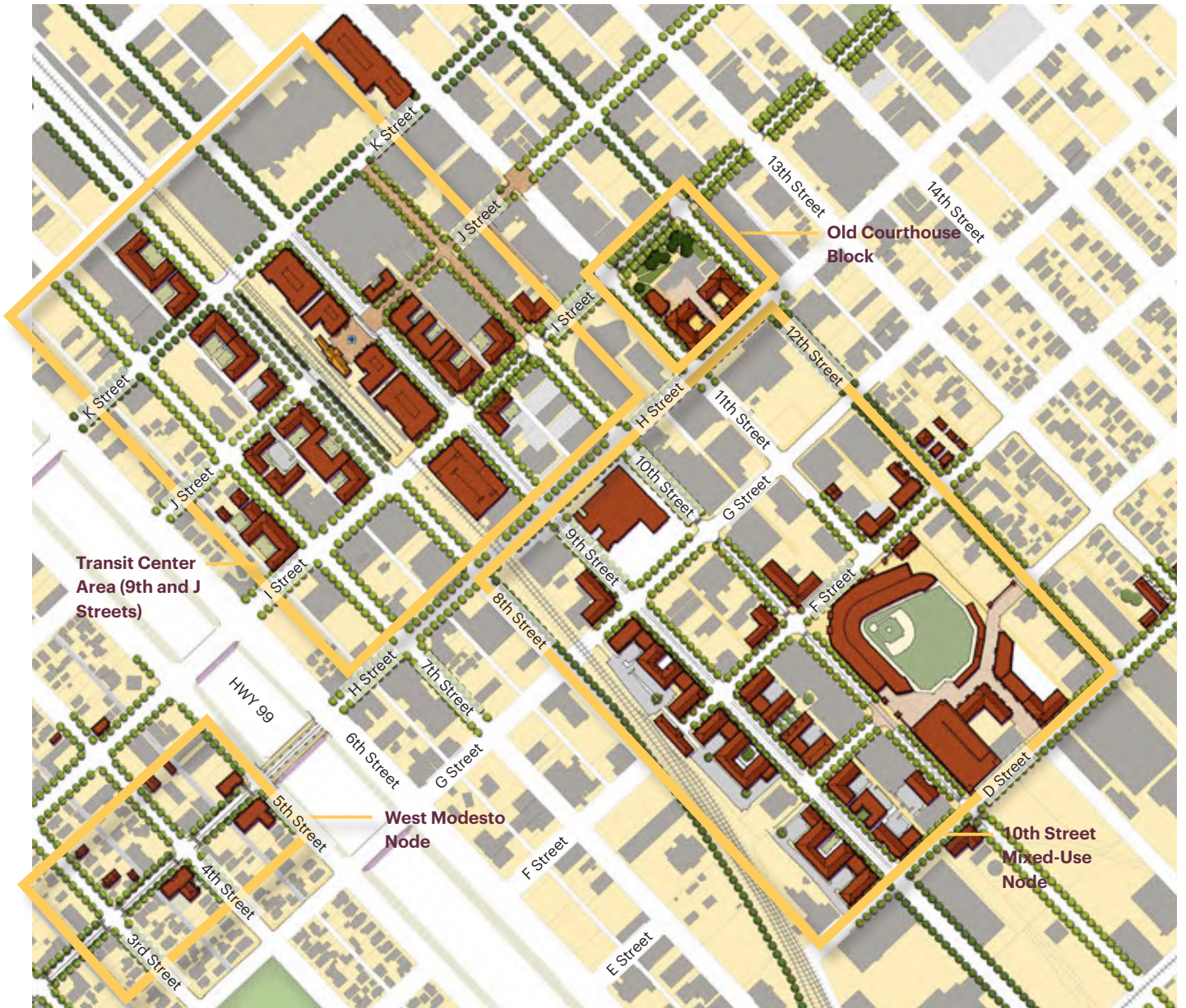


Figure 3.8 Opportunity sites

Opportunity sites within downtown were identified based on several factors, such as location, infill capacity or redevelopment potential, and planned improvements or pipeline projects.

Legend

- Existing buildings
- Proposed buildings
- Opportunity site

Table 3B. Recommended Development Program by Opportunity Site		
Opportunity Site	New Residential	New Non-Residential
Transit Center Area	850 units	447,800 sq ft
Old Courthouse Block	72 units	52,800 sq ft
10th Street Node	398 units	222,000 sq ft
West Modesto Node	40 units	37,850 sq ft
Other infill sites	190 units	19,550 sq ft
Total	1,550 units	780,000 sq ft

Scale 1" = 600'



3.6 Transit Center Area (9th and J Streets)



Figure 3.9 Transit Center area within downtown

The Transit Center area is an opportunity to create a new gateway into downtown, with transit-oriented mixed-use buildings and public space.

Identity and Role

The Transit Center area is one of the most significant of the recommended downtown projects. The vision is for this area to transform into a true mixed-use, transit-focused node offering housing, employment, shopping and entertainment options with convenient access to transit.

Built Character and Uses

- Reconfigure the Transit Center to create a new plaza along 9th Street,

connecting to J Street through a raised “pedestrian crossing table” across 9th to allow seamless pedestrian access to downtown.

- Transform J Street between 9th and 11th Street into a Shared Street, creating a new public space and a unique arrival experience. The street would allow slow-moving cars but prioritize pedestrian and bicycle movement. The street could be a “flush” or curbsless street, with attractive paving and street furniture.

Figure 3.10 Existing conditions

The historic Southern Pacific station anchor’s Modesto’s downtown Transit Center, which accommodates local and intercity bus service. ACE passenger rail service is planned for 2023. Most of the surrounding properties, however, are not designed for foot traffic. The streets bordering the Transit Center are dominated by parking, with a couple of fast-food restaurants representing the area’s most visible commercial activity.





Figure 3.11 Illustrative Plan for the Transit Center area showing one possible build-out scenario by 2040.

- 1 Relocate Bus Station from 9th to 8th Street**
Bus bay access from 8th St.

2 Improve Pedestrian-Bike Connectivity across tracks
Tunnel linking 8th to station.

3 J Street Improvements
Shared street from 9th to 11th; permeable paving, street furniture, etc.

4 Transit Plaza
Plaza between station building and 9th, pedestrian crossing table at 9th and J.
- 5 Commercial Development**
Retail and office (four stories) on 9th St. Transit Center site.

6 9th Street Improvements
New bicycle facilities, street trees, etc.

7 7th Street Improvements
Pedestrian priority street with wider sidewalks, street trees.

8 Future Parking Structure near 9th and I Streets
Street-facing retail and office liner (five stories); parking as needed to serve ACE rail, etc.





Figure 3.12 Regional precedent

Main Street in downtown Turlock features a configuration similar to that proposed for J Street. Wide sidewalks and abundant street trees line a two-lane carriageway, with both parallel and angled parking. Image source: Wikimedia Commons

- Relocate the existing bus station functions and passenger facilities, including access and circulation, from 9th to 8th Street. Make necessary improvements to 7th Street to make it a pedestrian-priority street.
- Facilitate a safe and accessible route for pedestrians and cyclists from the Transit Center to West Modesto. In the near term, this can be achieved through improvements to the intersections at 8th and K and I Streets. In the long term, particularly as train service becomes more frequent, the City should evaluate the feasibility of a pedestrian-bicycle tunnel beneath the train tracks to provide seamless connectivity to West Modesto from the Transit Center.
- Develop new mixed-use commercial buildings (retail and office) along 9th Street, flanking the new Transit Plaza.
- A new parking structure could be considered at the north-east corner of 9th and I Streets, with ground floor retail.
- Other significant infill opportunities for mixed use in this area include surface parking and underutilized lots such as the block between 9th, 10th, J and I Streets, the south-west corner of 10th and I Streets, north-west corner of 9th and I Streets, the south-east corner of I and 7th Streets, and the blocks facing 8th Street between L and I Streets.
- Mixed-use residential prototypes such as courtyard buildings should be considered that are appropriate for the envisioned urban character of downtown, but compatible in scale and form to existing buildings. Ground floor spaces should be designed to be accessible and inviting to ensure that the commercial spaces are well-used.
- Pipeline projects such as the proposed hotel at 11th and K Streets should be initiated, to meet anticipated increases in downtown visitors in the near term.
- Testing of infill lots and potential pipeline projects in this node yielded a development capacity of 850 new residential units and 447,800 square feet of new non-residential uses.

Streetscape and Public Realm Improvements

J Street

J Street is an important commercial corridor, and has the potential to be a marquee walking street given the current built form, redevelopment opportunities, and recommended enhancements.

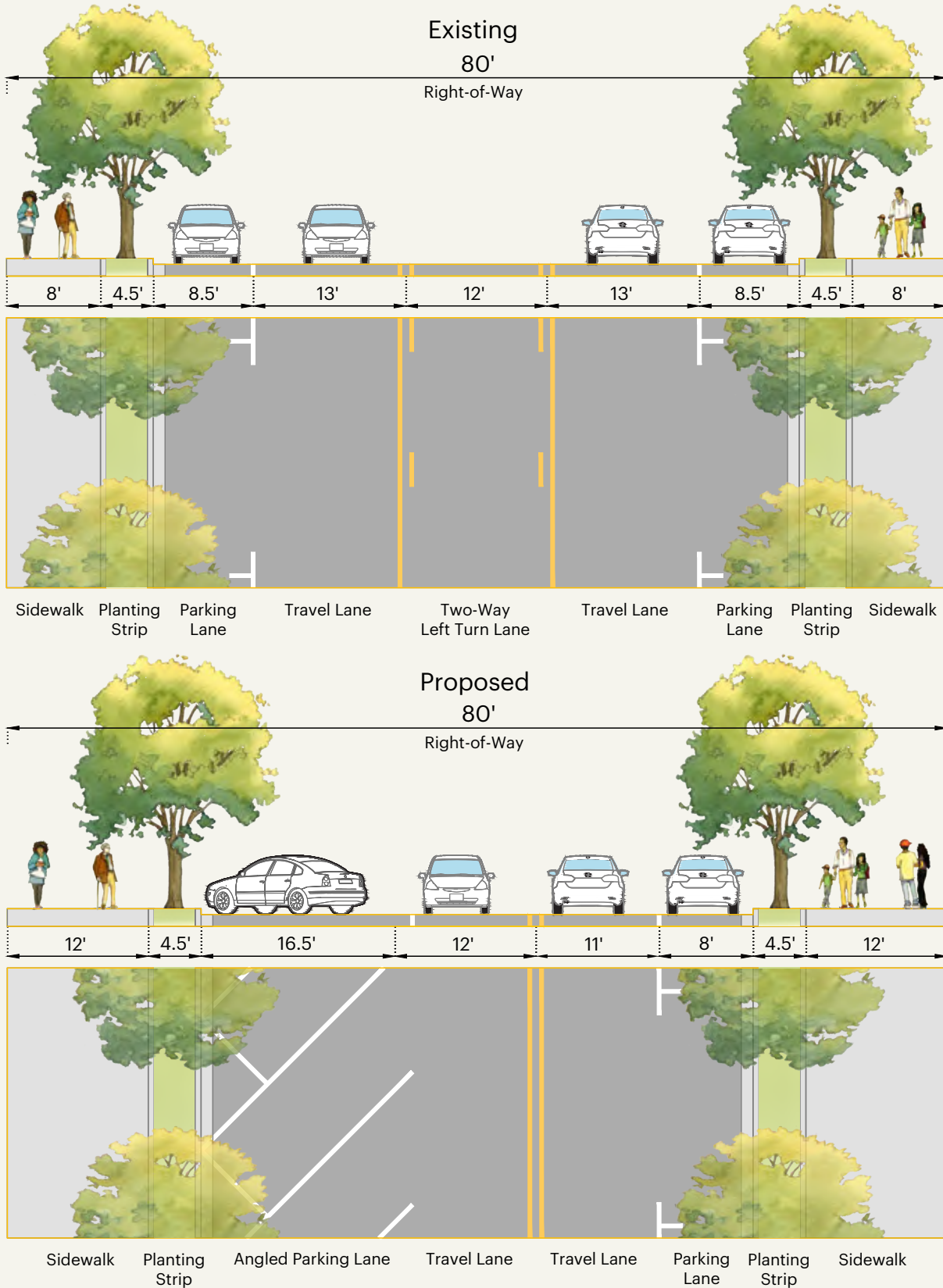
- The design concept for J Street is to repurpose some of the space allocated to motor vehicles and shift that to a more inviting and generous pedestrian realm. Additionally, the shift from parallel to angled parking will increase parking

Figure 3.13 Shared street

An example of a flush or curbless shared street from Asheville, NC that can be an inspiration for J Street between 9th and 11th Streets. The street allows slow-moving traffic but pedestrian uses are clearly prioritized. Paving materials demarcate spaces for different uses. Image source: www.nacto.org



Figure 3.14 Proposed improvements to J Street from 11th to 17th Streets, and from 9th to 6th Streets



along the corridor. The intent is that the angled parking should alternate sides after every other cross street. This will create a small shift in the center line of the street, providing traffic calming.

- The existing center turn lane is not necessary with the proposed street network changes, and travel lanes could be narrowed. Some of the 15-16 feet thus gained would be reallocated to the angled parking area, and the remainder can be used to widen sidewalks to accommodate people walking, outdoor cafés, and retail spill out space.

Figure 3.14 shows the recommended modifications to J Street, from 11th to 17th Streets, and from 9th to 6th Streets.

9th Street

9th Street is an important state route with 23,300 ADT (2017 figures). It serves as a major vehicular arterial with significant truck traffic, that will remain. Some of the generous street width can be repurposed to better accommodate pedestrians and bicyclists, still allowing two lanes of travel in each direction, and a center turn lane. This corridor can be well suited for Caltrans Active Transportation Program grant funding to implement streetscape improvements and could be bundled with other low-cost Class IV corridors downtown to build out a basic cross-downtown connected network project.

- Underutilized parallel parking along the entire corridor could be used to create a two-way protected bikeway along the south side of the street connecting to the existing two-way protected bikeways north and south of downtown.
- A 5-foot bikeway buffer as a landscaped median could provide shade.
- The modifications will slightly reduce the sidewalk on the south side of the street. As the parcel is redeveloped, the City could require an easement to widen the sidewalk to 15 feet, to create a more enjoyable pedestrian realm. The current sidewalk on the north side of the street is a comfortable 10.5 feet and could easily accommodate street trees.

Figure 3.16 shows the recommended modifications to 9th Street.

Other Recommendations

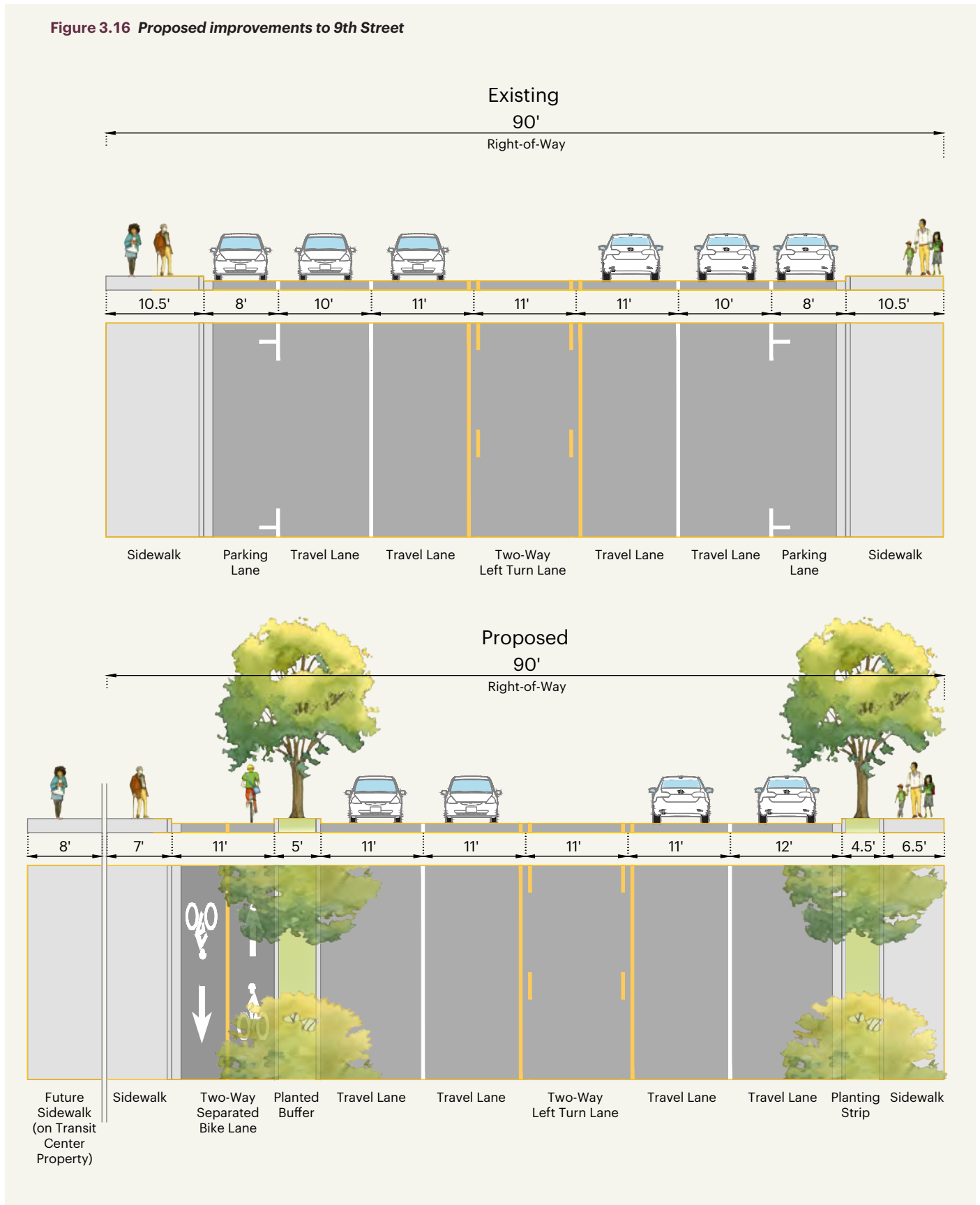
- Continue to support the role of the Downtown Modesto Partnership in marketing downtown’s existing assets, planned events, and upcoming improvements.
- Explore strategies to create a “Quiet Zone¹” at the Transit Center area, to allow increased frequency of trains in the near future without creating additional noise.

Figure 3.15 A two-way protected bikeway as an example of the recommended improvements for 9th Street



¹ For more information on Quiet Zones, refer <https://cms8.fra.dot.gov/highway-rail-crossing-and-trespasser-programs/train-horn-rulequiet-zones/train-horn-rule-and-quiet>

Figure 3.16 Proposed improvements to 9th Street



Community Identity Through Built Form and Public Realm Improvements

Figure 3.17 A new downtown gateway at J and 9th Streets

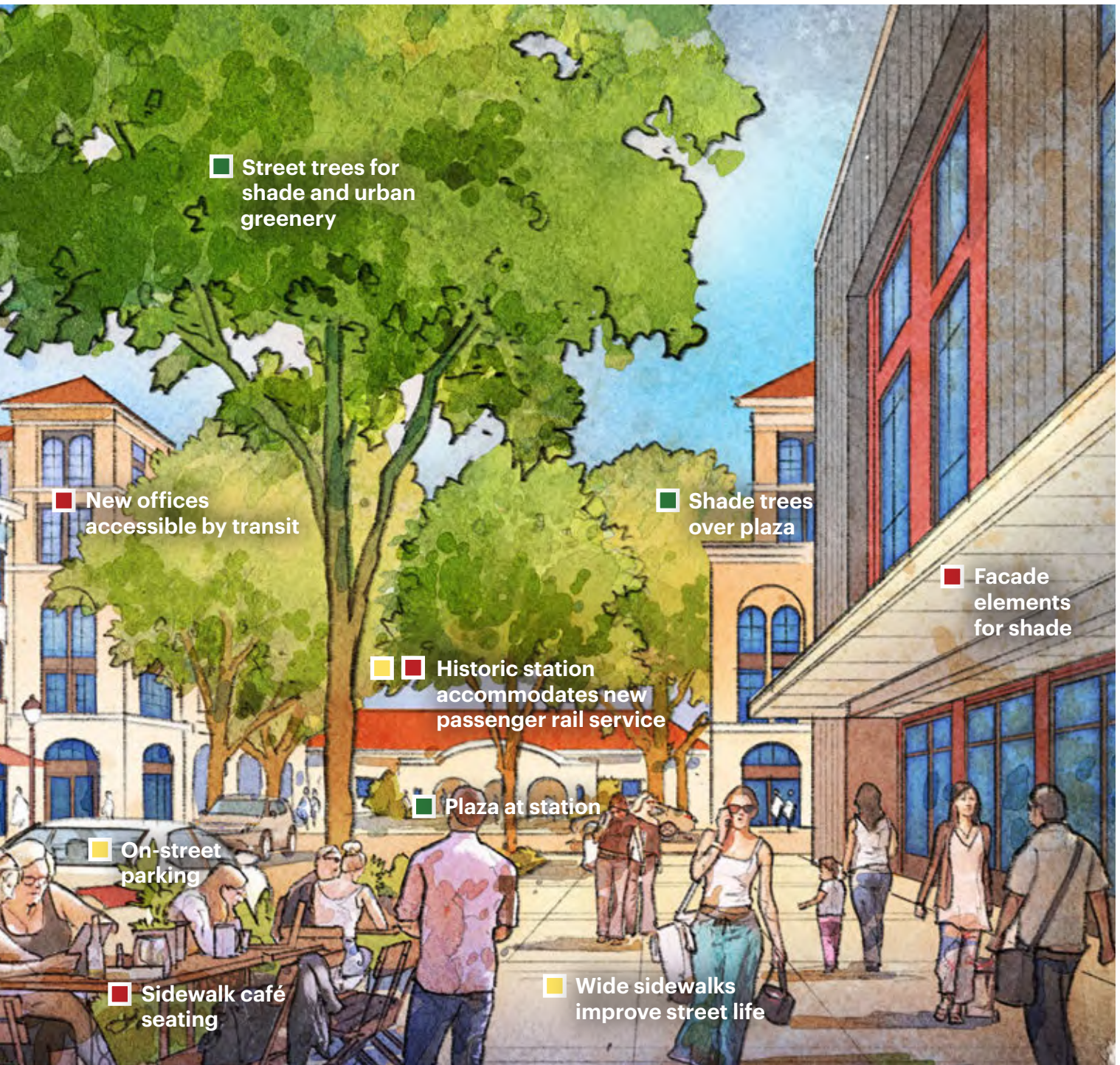
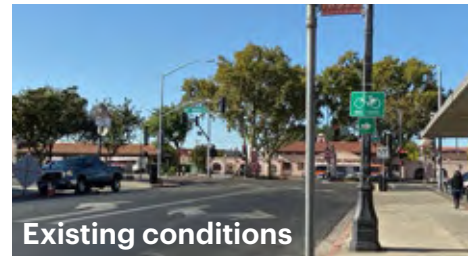
As shown in this illustrative rendering of J Street, envisioned as a Shared Street; looking south-west towards the train station and Transit Plaza.

The photograph on the top right corner of the facing page shows existing conditions at the same location.

Types of Improvements

- Streets and connectivity
- Parks and public spaces
- New uses and activities





3.7 Old Courthouse Block (11th and I Streets)



Figure 3.18 Old Courthouse block within downtown

The Old Courthouse block can be a new node on I Street, reinforcing downtown’s history, with new housing and community-focused uses.

Identity and Role

The Old Courthouse block is at a prime location along I Street, and it also has a valuable historic identity. The redevelopment of this block is a key catalyst project for downtown.

The design vision for this block is to retain the green spaces along I Street and portions of the Hall of Records building that have historic integrity, and redesign the southern half of the block with mixed-use buildings and new public space.

Built Character and Uses

- The Hall of Records building should be assessed to identify which parts of this historic building should be preserved, and which parts could be rehabilitated or adapted for other compatible uses.
- The Master Plan recommends a community-oriented use in the north wing of this building, such as a museum or similar cultural facility. The southern half of this block can be used for new

Figure 3.19 Existing conditions

The Hall of Records was built in 1939 to a design by Russell Guerne DeLappe. The same block also houses the county jail and offices of the Superior Court, soon to be relocated to the new Courthouse building at 10th and H Streets. The landscaped area in front of the Hall of Records is one of the most extensive green spaces within downtown Modesto and contains several historical monuments.





Figure 3.20 Illustrative Plan for the Old Courthouse block showing one possible build-out scenario by 2040.

- 1 Assess Hall of Records for Historic Status, Integrity**
Improvements to the front wing as necessary
- 4 12th Street Improvements**
New bicycle facilities, street trees, etc.
- 2 Mixed-Use Development**
Retail and residential; two stories on the west corner; five stories in south of block
- 5 I Street Improvements**
Expanded pedestrian paths and landscaped zones
- 3 Landscaped Park and Plaza, Mid-Block Connection to H**
New street furniture, lighting, pedestrian amenities; restored historic brick plaza in the interior of the block; new pedestrian paseo/mid-block connection to H Street
- 6 H Street Improvements**
New bicycle facilities, street trees, etc.

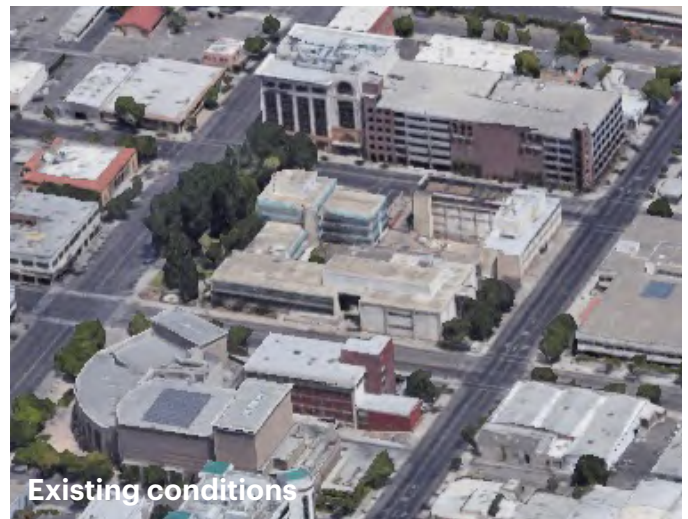




Figure 3.21 Terrace courtyard
Courtyard buildings with roof terraces accommodate plenty of new housing and amenities while generating quality outdoor space.

- mixed-use development, potentially a mixed-income housing project.
- The existing green space along I Street can be improved with street furniture and landscaping, to become a lively downtown park. Existing trees and cultural artifacts should be preserved to keep the historic setting intact.
- A new pedestrian paseo through the middle of this block will improve pedestrian activity, and highlight the historic brick courtyard in the block's interior. The paseo can support ground floor retail and outdoor seating.
- Testing of infill projects in this block yielded a development capacity of 72 new residential units and 52,800 square feet of new non-residential uses.
- The concept is to create a park-like atmosphere with ample green space and framing views of the iconic Modesto Arch. The space obtained from removing the two travel lanes and angled parking can be repurposed into a linear park with generous walking paths.
- Because of the generous green space, an extensive shade canopy could grow, creating an exceptional walking experience along the length of the corridor in downtown Modesto during all seasons of the year.
- Pedestrian-scale lighting similar to what is used at the Gallo Center should be used along the corridor.
- Planters and pedestrian-scale lighting should also be added to the Interstate 99 overpass to better extend the connection between downtown and south Modesto.

Streetscape and Public Realm Improvements

I Street has the potential to become an iconic civic street for Modesto. Most of the 100-foot right-of-way is allocated to vehicle throughput or storage, with two travel lanes in each direction, and angled parking.

Traffic volumes (19,000 ADT, 2007 figures) do not warrant two lanes in each direction, and parking could shift from angled to parallel throughout the corridor.

Figure 3.23 shows the recommended modifications to I Street.

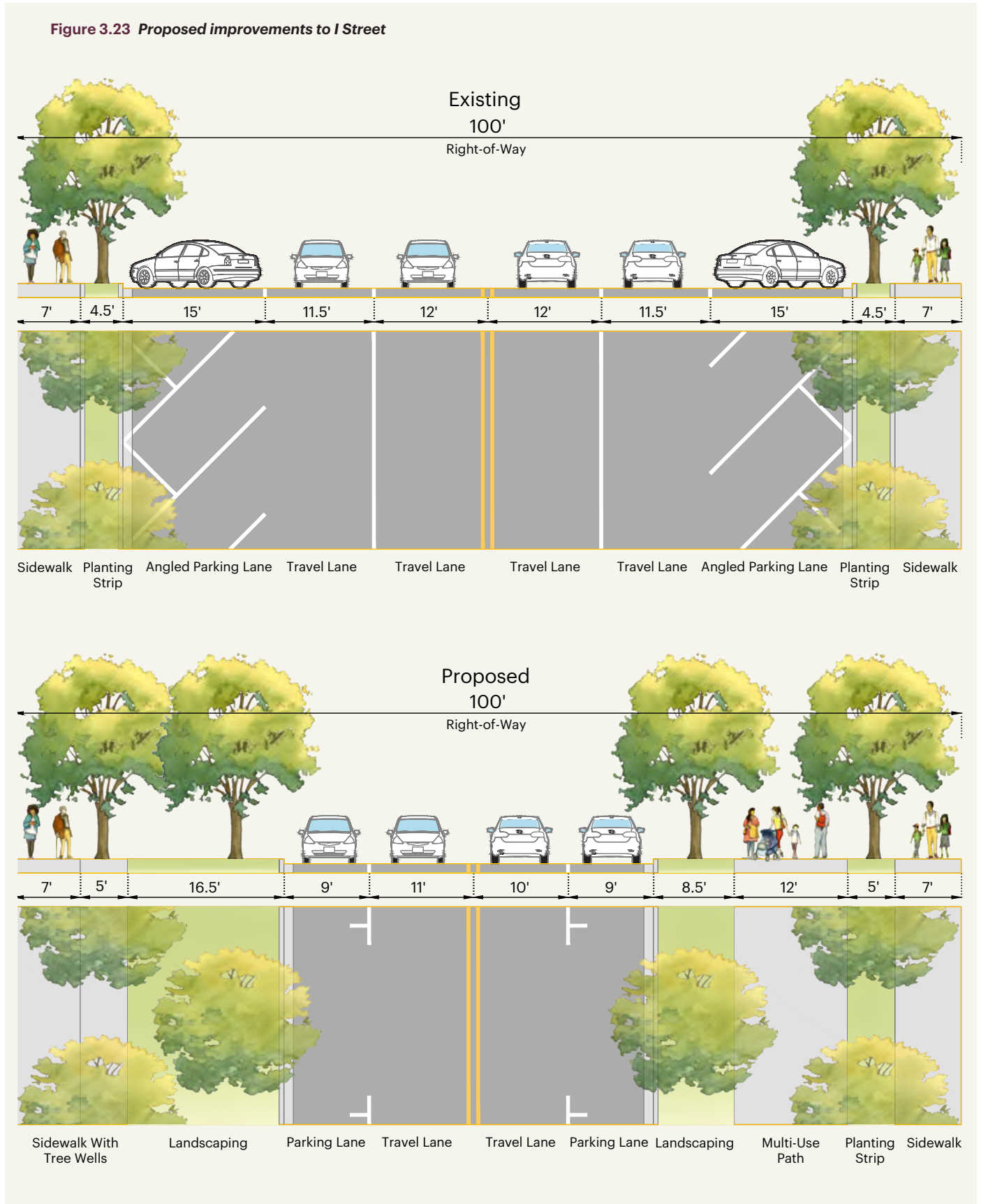
Other Recommendations

The Old Courthouse block can be developed as a public-private partnership to achieve the mix of uses and functions recommended in the Master Plan. It has significant potential to be a major catalyst project for this part of downtown.

Figure 3.22 Klyde Warren Park in Dallas (below and right) is an example to consider for I Street. The 5-acre park, built over a below-grade freeway, provides a variety of open space activities and streetcar access.



Figure 3.23 Proposed improvements to I Street



Community Identity Through Built Form and Public Realm Improvements

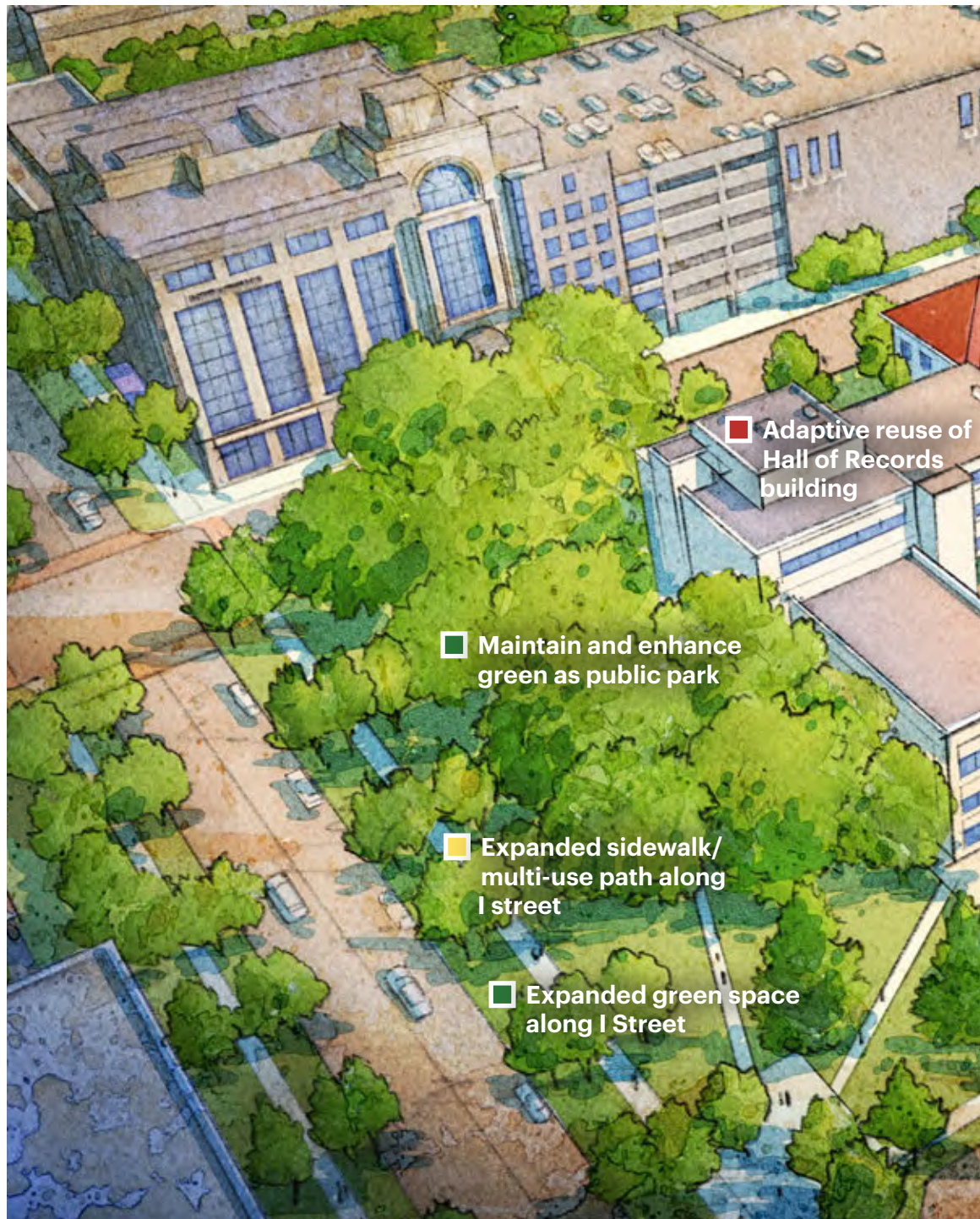
Figure 3.24 Redevelopment of the Old Courthouse block

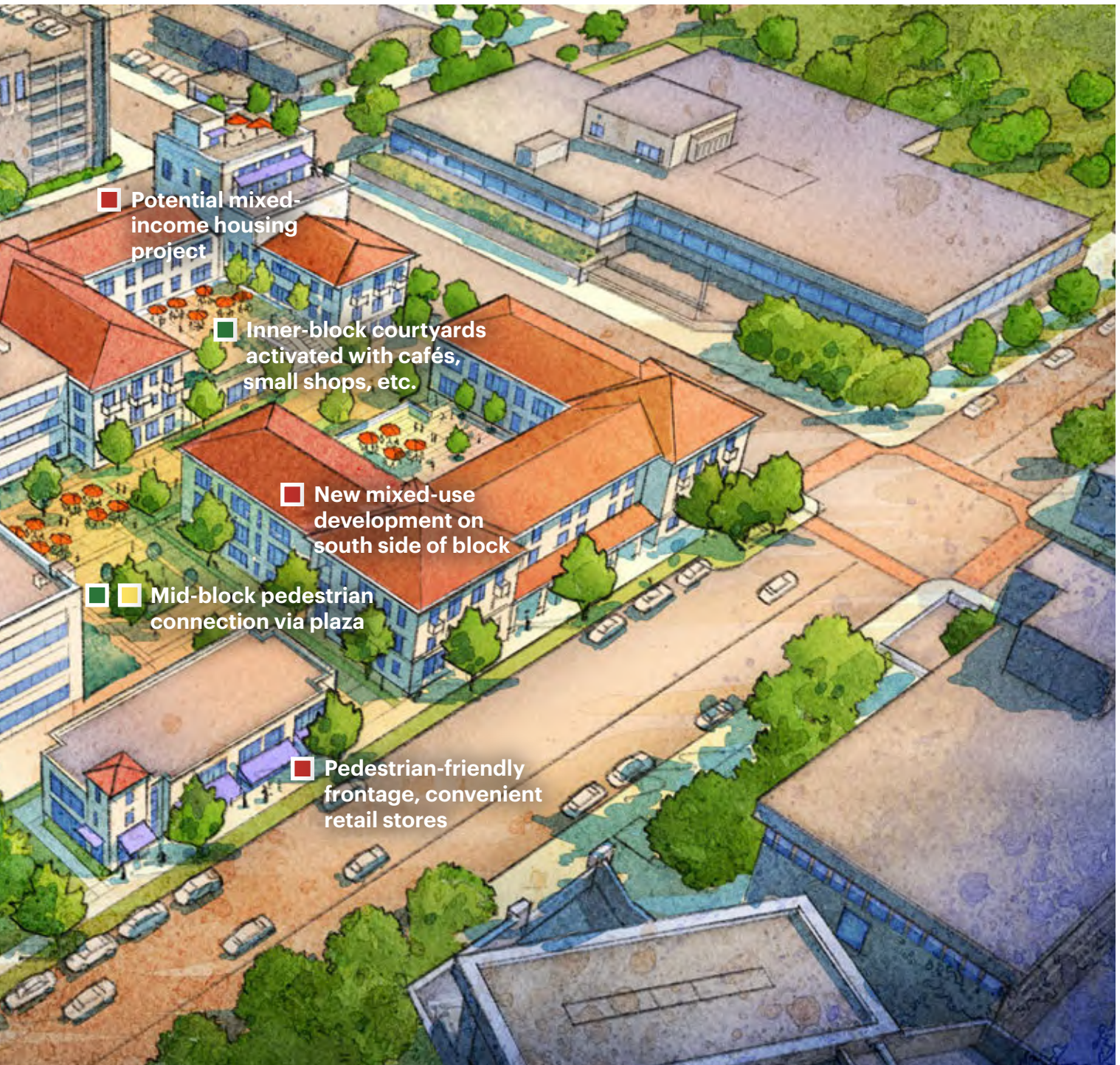
This block, at a prime downtown location, offers many possibilities. As this illustrative rendering shows, the existing Hall of Records building can be adapted for an appropriate community-focused use. The south side of the block can be used for mixed-use development, and a pedestrian connection through the block can create new public space. The park facing I Street is enhanced, along with pedestrian improvements on I Street.

The photograph on the top right corner of the facing page shows existing conditions at the same location.

Types of Improvements

- Streets and connectivity
- Parks and public spaces
- New uses and activities





3.8 10th Street Mixed-Use Node (9th, 10th, D, E and F Streets)



Figure 3.25 10th Street mixed-use node within downtown

10th Street can become an important mixed-use corridor connecting downtown to the Tuolumne riverfront, with a mixed-use node focused on recreation and entertainment.

Identity and Role

The Master Plan envisions carrying forward the ideas previously introduced in the RDA Master Plan and subsequent studies, of 10th Street as an important mixed-use corridor within downtown and a key pedestrian connection linking the heart of downtown to the Tuolumne River Regional Park (TRRP).

10th Street has always been an important corridor in downtown, and has potential

to develop a stronger identity as an entertainment or recreational corridor, providing different types of entertainment options at its J Street node, and at the proposed new node at F and D Streets.

Built Character and Uses

- 10th Street between downtown and the Tuolumne riverfront is proposed to be developed as a mixed-use corridor, creating a new arts and entertainment district, with sports and music venues,

Figure 3.26 Existing conditions

10th Street has been Modesto’s primary commercial street since 1900. While it is pedestrian-friendly between K and I Streets, it loses this quality as it continues to the south-east. Most of the street frontage between G and F Streets is devoted to vehicle storage. There are a number of businesses occupying industrial buildings south-east of F Street, but the frontage of these buildings along 10th Street does little to invite foot traffic.





Figure 3.27 Illustrative Plan for the 10th Street node showing one possible build-out scenario by 2040.

- 1 9th Street Improvements**
New bicycle facilities, street trees, etc.
- 4 New Minor League Ballpark**
Potential new home field for the Modesto Nuts with on-site concessions, retail, etc.
- 2 10th Street Improvements**
Wider sidewalks, pedestrian facilities, street trees, etc.
- 5 Mixed-Use Development**
Four stories of apartments over ground floor retail with mid-block bicycle/pedestrian/service access lane
- 3 H Street Improvements**
Conversion from one-way to two-way, with new bicycle facilities, lighting, trees, etc.
- 6 Parking Structure + Retail**
If required, based on analysis of existing parking, provides 800 spaces with ground-floor retail along 10th Street





Figure 3.28 A walkable mixed-use corridor

Wide sidewalks and buildings directly fronting the street encourage downtown residents and visitors to venture further along 10th Street.

restaurants, art galleries, etc. as well as new housing at all levels of affordability.

- A new mixed use node at 10th and F Streets can activate the area with entertainment or recreation-based uses, potentially a new minor league ballpark for hosting the Modesto Nuts.
- A parking structure could be built at the corner of 10th and D Streets, with a retail liner on the ground floor. But this should be considered only if needed, after an assessment of existing parking capacity in the area.
- Small-scale, house-form infill development is proposed in the north-east portion of this district, within the existing residential neighborhoods.
- A variety of medium-scale building types should be used to achieve an appropriate scale and form transition from the mixed-use, block-form character along 10th Street towards the lower-intensity, house-form character in the residential neighborhoods to the north-east.
- Testing of infill lots and potential pipeline projects in this node yielded a development capacity of 398 new

residential units and 222,000 square feet of new non-residential uses.

Streetscape and Public Realm Improvements

The concept for streets throughout the 10th Street Mixed-Use Node is to improve bicycle-pedestrian connectivity from downtown to the Tuolumne riverfront.

10th Street

The vision for 10th Street is for it to be a key pedestrian corridor connecting the heart of downtown to the Tuolumne River waterfront.

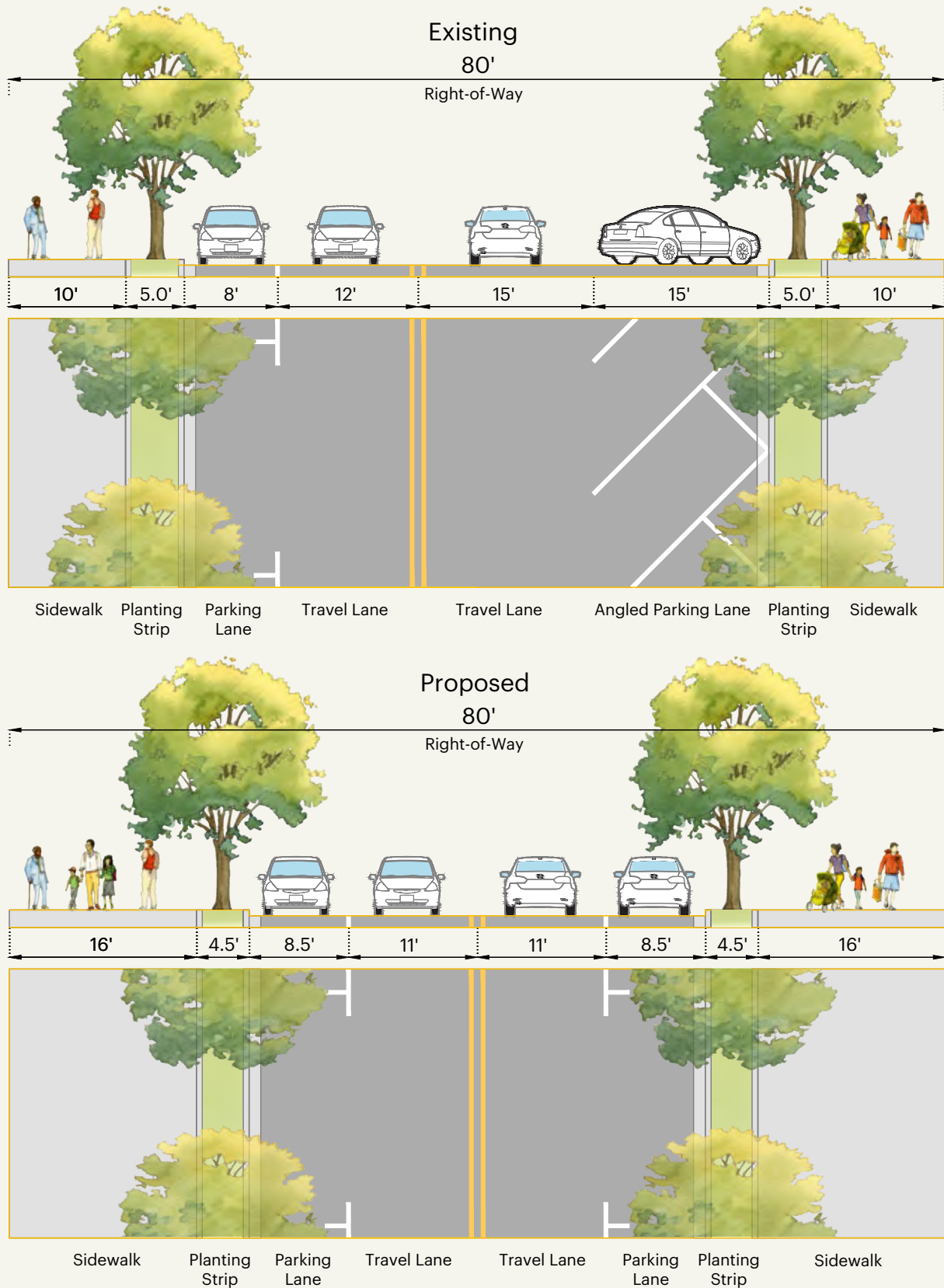
- Some of the space currently devoted to parking can be reallocated to enhance the pedestrian realm. It is proposed to convert the angled parking on one side of the street to parallel parking.
- Generous sidewalks with trees can create an enjoyable walking experience, provide opportunities for outdoor seating, cafés, or retail spill-out space as the area redevelops.

Figure 3.30 shows the recommended modifications to 10th Street.

Figure 3.29 Street lighting adds character and improves safety as shown in this example of 10th Street between J and I Streets.
Image source: Councilmember Tony Madrigal.



Figure 3.30 Proposed improvements to 10th Street



12th Street

Improvements to 12th Street are intended to illustrate a typical bicycle-priority street as part of downtown’s future bicycle network.

- Recommended improvements include reallocating the existing right-of-way to create protected one-way bicycle lanes on both sides, separated from travel lanes by a landscaped median.
- The street would still retain street parking on one side.

Figure 3.32 shows the recommended modifications to 12th Street.

Other Recommendations

One of the key recommendations for the 10th Street node is a new entertainment-focused use. The Illustrative Plan in Figure 3.27 shows a ballpark as one possible such use. This is based on the fact that the Modesto Nuts have expressed interest in moving from John Thurman Field in south

Modesto to a new ballpark in downtown. A ballpark could catalyze economic development, spur new mixed-use projects, and be an appropriate use for this part of downtown. Design considerations will include:

- Ideally, home plate would be oriented roughly toward west/ south-west to take the best advantage of sun angles.
- Street lighting can be part of a placemaking strategy, using innovative lighting techniques to create identity, and to make the area more attractive and safe for residents and visitors.
- The ground floor should be activated through concession stands, gift stores, and other compatible forms of retail.
- Other complementary uses such as art galleries, music venues, restaurants, breweries, etc. should be considered.
- Additional parking for the ballpark should be provided only after analyzing existing parking capacity.

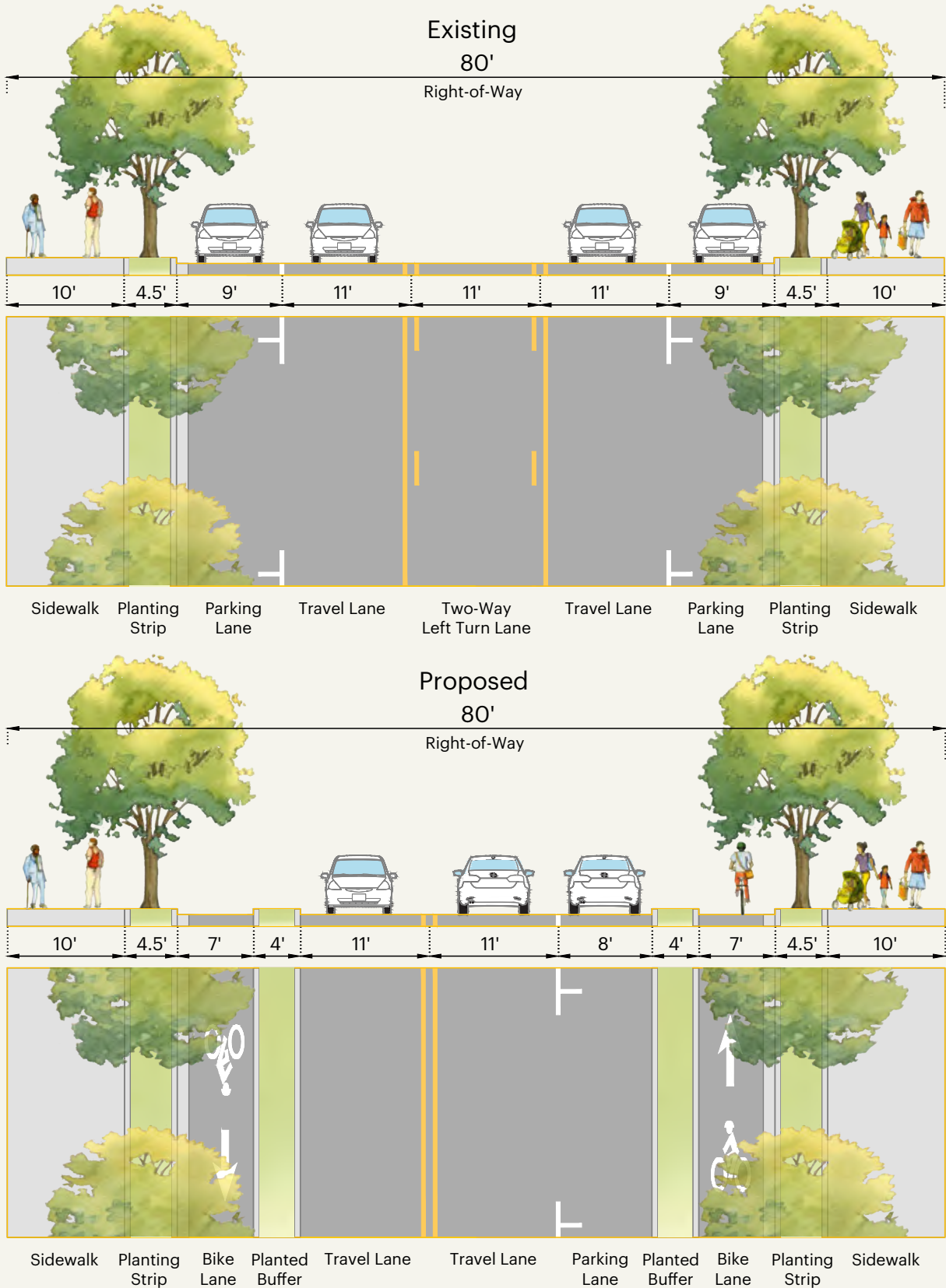
Figure 3.31 Precedent for downtown ballpark



Fifth Third Field, Toledo OH
 The urban ballpark for the Toledo Mud Hens was opened in 2002, and has a capacity of 10,300 (8,943 fixed seats).



Figure 3.32 Proposed improvements to 12th Street as a typical bicycle-priority street



Community Identity Through Built Form and Public Realm Improvements

Figure 3.33 10th Street as a mixed-use corridor, with a new entertainment-based node at F and 10th Streets

As shown in this illustrative rendering of 10th Street looking south-east towards the TRRP, this area can greatly benefit through streetscape improvements to provide better pedestrian facilities.

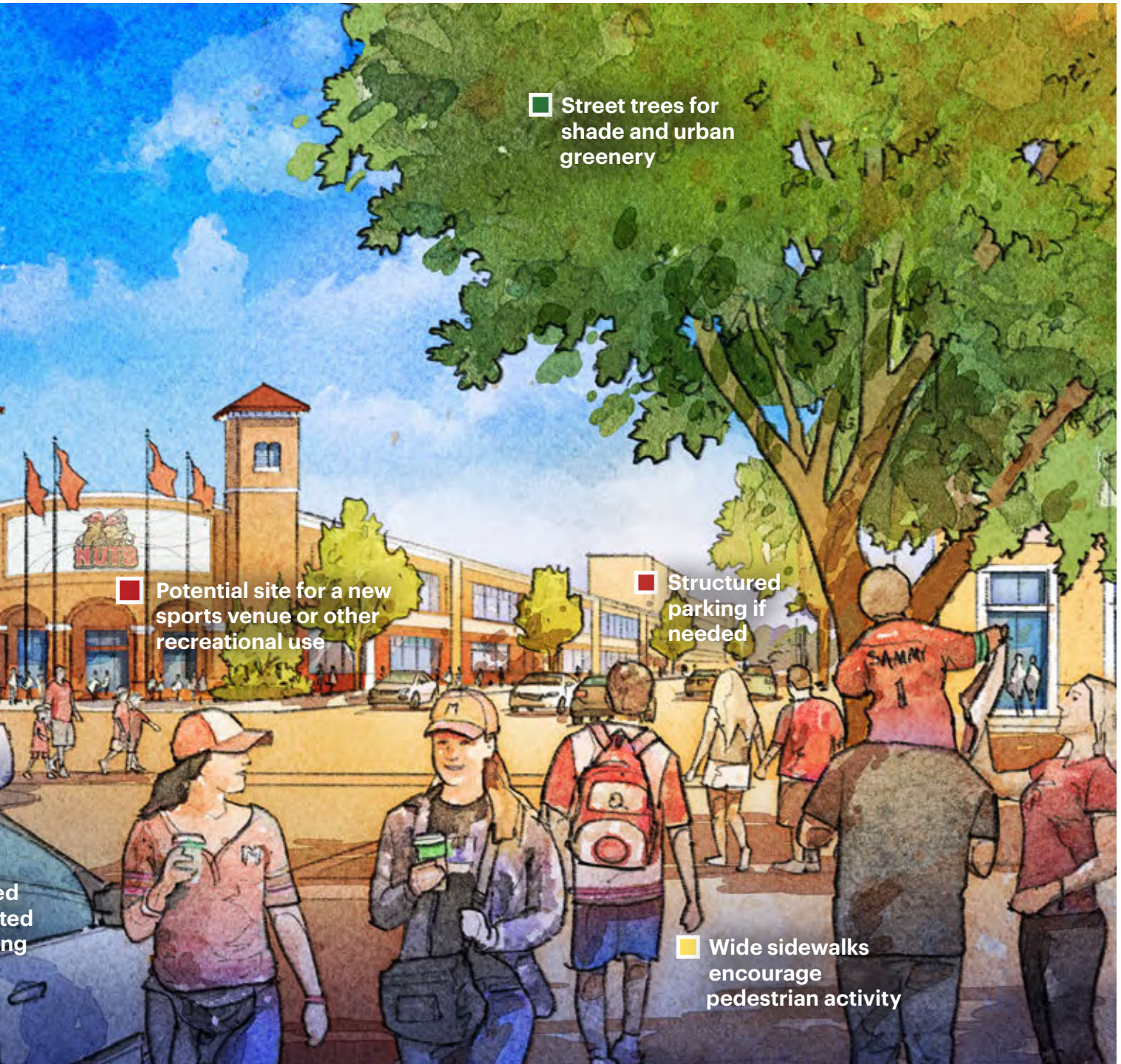
This would support new mixed-use development focused around a recreational node. In this illustration, a minor league ballpark is shown as one of many possible ideas to activate this street.

The photograph on the top right corner of the facing page shows existing conditions at the same location.

Types of Improvements

- Streets and connectivity
- Parks and public spaces
- New uses and activities





3.9 West Modesto Node (4th and H Streets)



Figure 3.34 West Modesto node within downtown

West Modesto has the potential to develop as a downtown neighborhood with a distinct character, well-connected to downtown and with mixed-use nodes providing neighborhood-serving amenities.

Identity and Role

West Modesto has remained an under-served neighborhood within downtown because of poor connectivity across the train tracks. The Master Plan sees West Modesto transform into an active, well-connected neighborhood with a strong cultural identity. This can be achieved by providing new pedestrian and bicycle facilities connecting existing assets such as Modesto High School and Cesar

Chavez park; and through incremental infill of available sites with small-scale mixed-use buildings.

Built Character and Uses

- West Modesto can develop as a compact, lower-intensity neighborhood with small-scale, incremental infill on vacant and underused sites.
- New development should be focused at street corners, where it would be easier

Figure 3.35 Existing conditions

Several vacant sites in West Modesto have the potential to enliven a mixed-use environment. Neighborhood-serving retail and food-service establishments sit alongside housing, laying the groundwork for walkability—which is nevertheless hampered by large gaps in the streetscape and a lack of shade. The area stands to benefit greatly from targeted infill development and improved pedestrian and cycling infrastructure.





Figure 3.36 Illustrative Plan for the West Modesto node showing one possible build-out scenario by 2040.

- 1 H Street Improvements**
Conversion from one-way to two-way, with new bicycle facilities, lighting, trees, etc.
- 2 I Street Improvements**
Expanded pedestrian paths and landscaped zones
- 3 Neighborhood-Serving Community Service Facility**
Activates a key infill site with services tailored to local needs
- 4 Infill at 5th and H**
Functions as a gateway to the neighborhood from the north-east and a link with downtown
- 5 J Street Improvements**
Wider sidewalks, street trees, and other improvements.
- 6 Improved Connectivity across Highway 99**
Pedestrian and bicycle safety improvements across the freeway improve connectivity
- 7 Infill at 1st and H Streets**
Provides needed services and ties Modesto High School into the neighborhood





Figure 3.37 Neighborhood amenities such as a small grocery, convenience stores, cafés, personal services, etc. within easy reach of many homes, make a neighborhood more walkable, active and safe.

- to add mixed-use buildings to provide neighborhood-scale retail, amenities and services.
- Housing should be the primary focus of new development, and in particular affordable housing, either through City policies and/ or by facilitating innovative housing types and micro-units (typically below 500 square feet in area).
- New development should respect and enhance the existing scale and character of the area, relying on “missing middle” building types - house-scale, multi-family units - to add more housing and neighborhood-serving amenities.
- Testing of infill lots in this node yielded a development capacity of 40 new residential units and 37,850 square feet of new non-residential uses.

Streetscape and Public Realm Improvements

- As part of the proposed overall multimodal network, G, H, K and L Streets are recommended to be converted from one-way to two-way.
- H, and G Streets through the West Modesto Node are generally 80 feet in width and the concept is to create true multimodal corridors to connect people

Figure 3.38 An example of a street retrofitted with a protected bikeway using low-cost techniques. This can be an approach to consider for G and H Streets.



walking, cycling, or driving from west Modesto to downtown Modesto.

- Some space currently allocated to travel lanes can be repurposed into one-way protected bikeways on both sides of the street.
- As the bikeways cross Highway 99 it will be important to continue the protection which can be done with striping and planters, along with good lighting

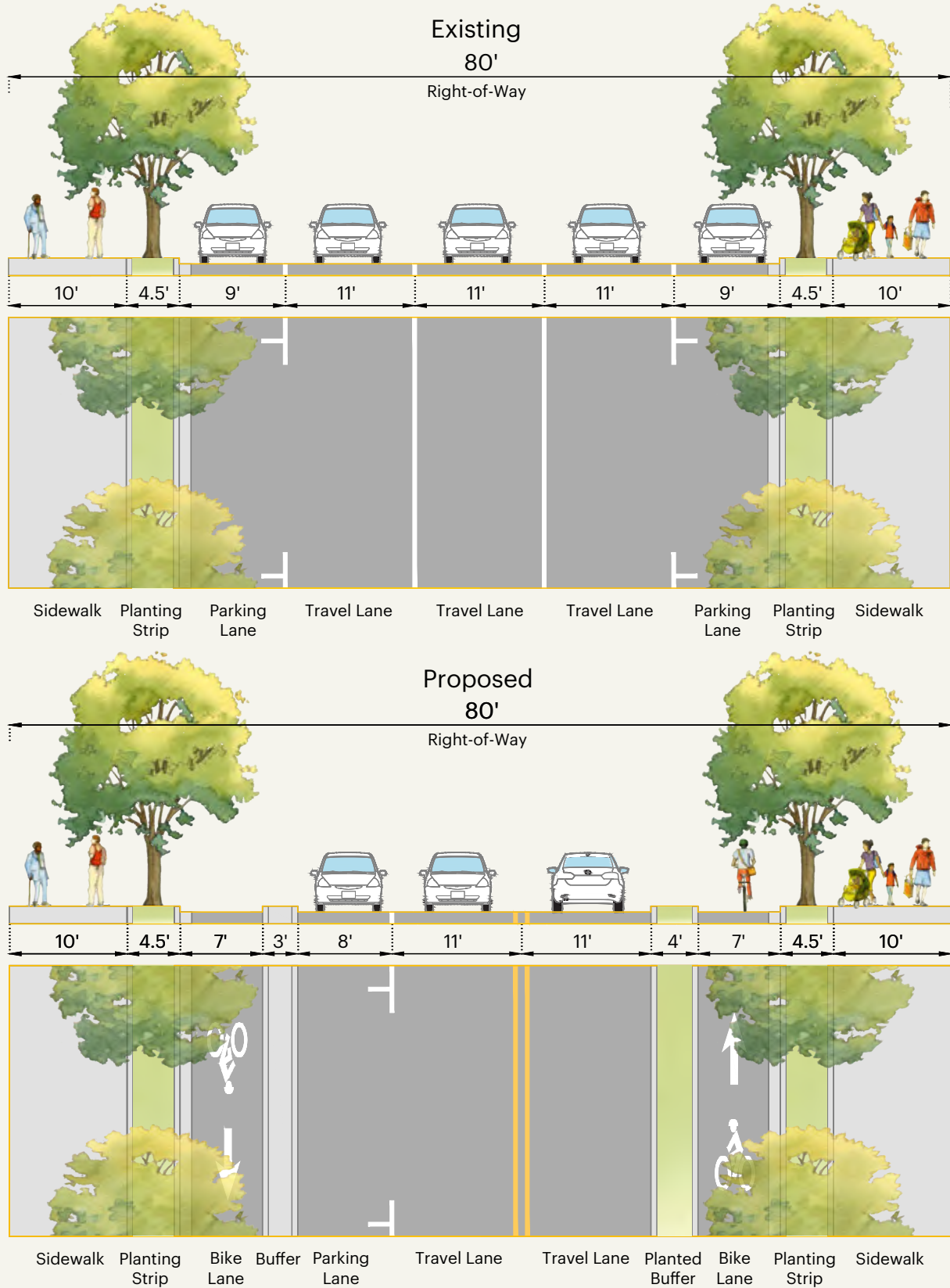
Figure 3.39 shows the recommended modifications to H and G Streets.

Other Recommendations

The City should set in place strategies to ensure that the development of West Modesto and similar downtown neighborhoods should provide new housing while avoiding gentrification, and protect cherished local businesses and cultural institutions.

The City should explore programs to help keep existing residents, targeting both renters and owners. Programs for renters may include development of new deed-restricted affordable housing, while programs for owners may include down-payment assistance, repair/ renovation/ energy efficiency loans/ assistance, etc.

Figure 3.39 Proposed improvements to H and G Streets



Community Identity Through Built Form and Public Realm Improvements

Figure 3.40 A thriving residential neighborhood with community amenities and service, and with good connectivity to downtown destinations

West Modesto can become an integral part of downtown with improved connectivity and facilities to make walking and cycling feel safe.

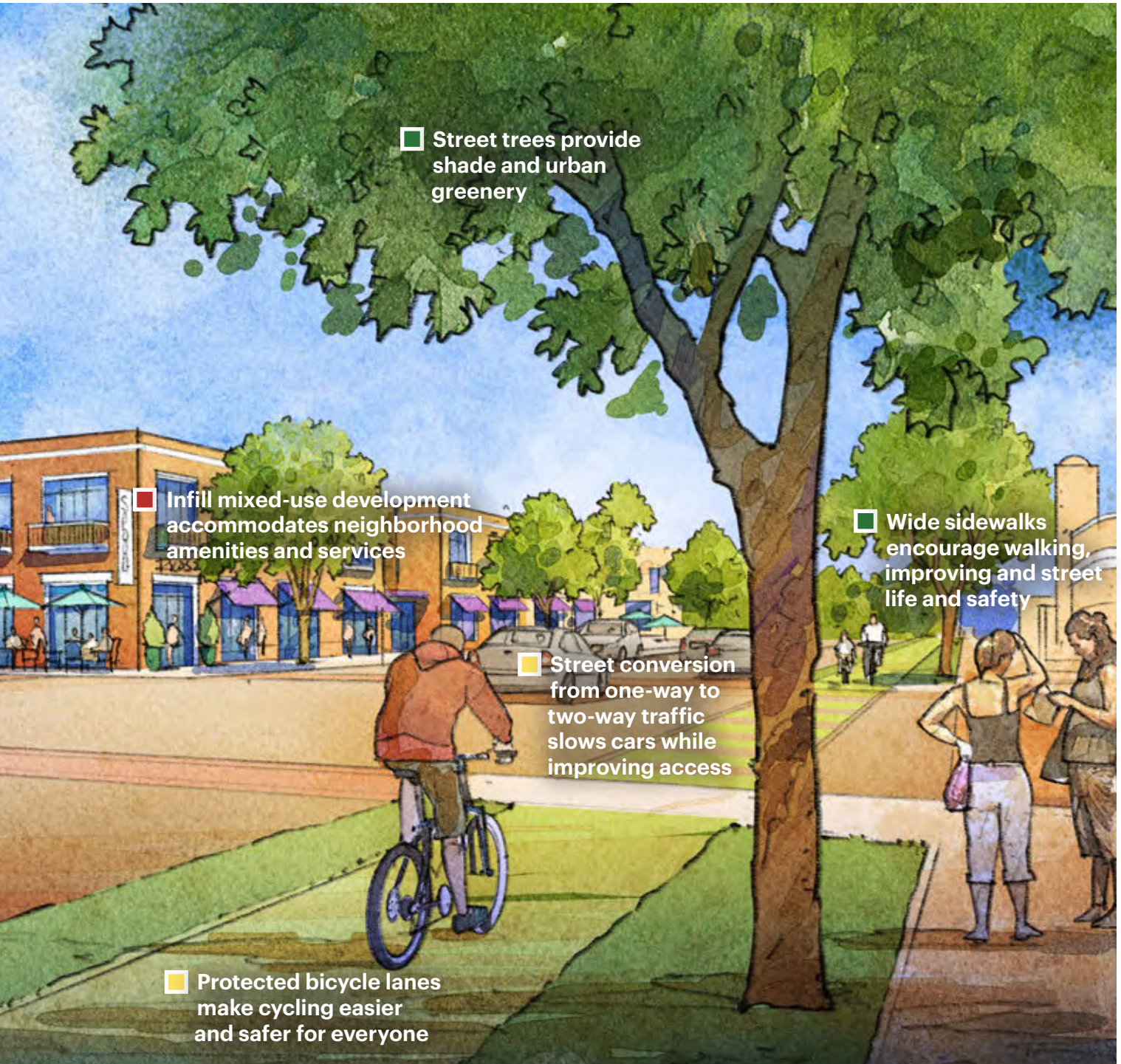
Small-scale infill projects such as the mixed-use building shown in this rendering, can be a strategy to increase housing supply, provide community amenities such as corner stores, medical clinics, etc. while maintaining the built character of the neighborhood.

The photograph on the top right corner of the facing page shows existing conditions at the same location.

Types of Improvements

- Streets and connectivity
- Parks and public spaces
- New uses and activities









Downtown Vision: Mobility, Parking and Utilities

CHAPTER
4

In this chapter

4.1 Multimodal Circulation Framework	80
4.2 Bicycle Network and Facilities	84
4.3 Pedestrian Network Enhancements	88
4.4 Vehicular Priority Network	92
4.5 Managing Curb Space: Parking, Loading and Other Uses	96
4.6 Managing City-Operated Lots and Garages	98
4.7 Infrastructure Approach and Improvements	100

4.1 Multimodal Circulation Framework

Rebalancing the roadway network to put people first can be accomplished by prioritizing how all modes of transportation and users gain access to downtown. A complete network that accommodates people walking, bicycling, driving, and taking transit is necessary to make all residents and visitors feel welcome.

Overall Approach

Historically, vehicular throughput and access has been prioritized on Modesto's roadways. The pedestrian and bicycling experience on downtown streets has largely been an afterthought. The "Complete Streets" approach, as shown in Figure 4.1, puts people first. It is critically important to design for the safety, comfort, and experience of the most vulnerable roadway users first.

However, this concept works best when applied at the larger scale and not to just a few individual streets. In other words, the entire downtown street network must accommodate all users to create a "Complete Network" where all users have equal access; but every street may not need to accommodate all modes equally. During the charrette process, participants provided insights on which connections should be prioritized for each mode of transportation. This approach looks at how we connect people of all ages, abilities, and income levels to all the amenities downtown Modesto has to offer.

Multimodal Framework

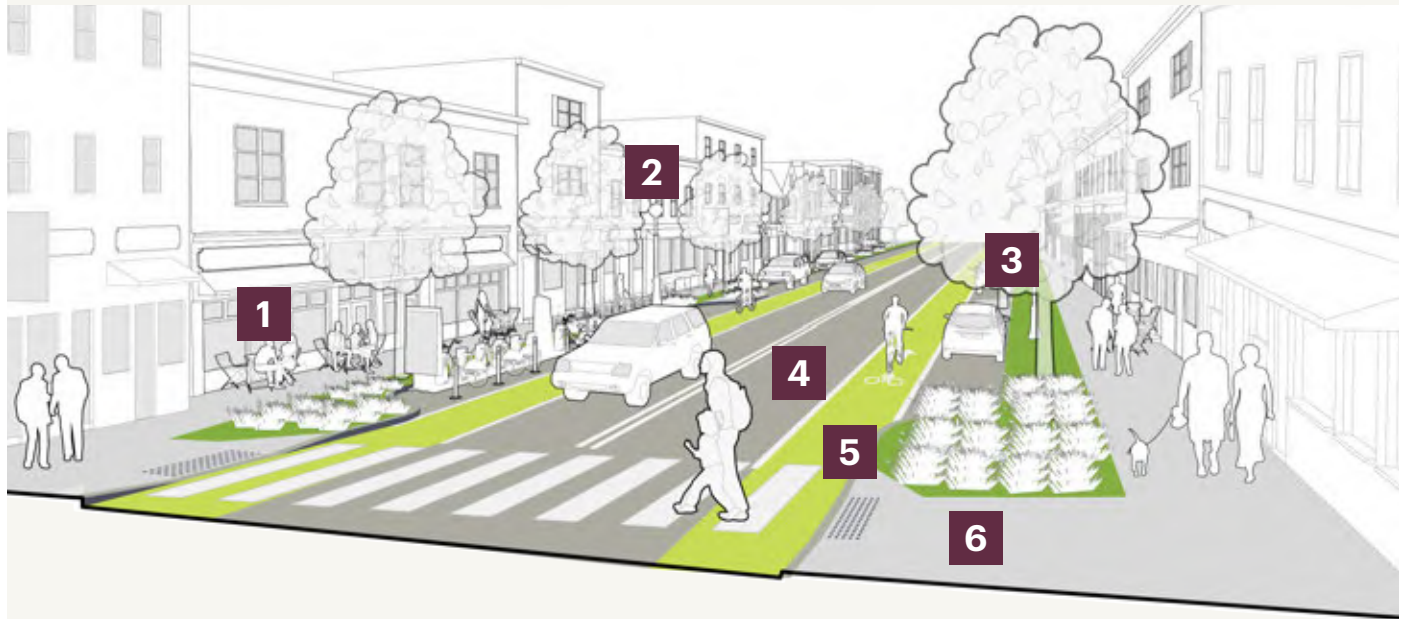
Individual networks for pedestrian, bicycle and vehicular traffic were developed at the Community Design Charrette, and refined with community input. Together, they create a modal framework that highlights priority streets for walking, bicycling, and vehicular traffic and each network helps to guide recommended improvements to existing roadways to further each modal priority.

For example, for a street that shows both pedestrian and vehicular priorities, recommended improvements could include both the widening of existing sidewalks and maintaining vehicular capacity. The modal framework with street prioritization serves as the blueprint for future roadway improvements.

Complete Streets

Figure 4.1 A multimodal approach to balance the needs of all users

Complete Streets are designed so that people of all ages and abilities can travel safely, comfortably, and conveniently by foot, bicycle, car, or transit. This approach improves the quality of life for all users by creating safe, sustainable transportation networks and public spaces.



1. Street Furniture such as seating, tables, and bicycle parking help to identify the street as a destination rather than merely a route between distant points.



4. Narrower Travel Lanes encourage people to drive more slowly along the street, resulting in a safer and more hospitable downtown environment.



2. Pedestrian-Scale Lighting that is well-designed can contribute to safety and accessibility, making the street an inviting place at all hours and for all users.



5. Bicycle Facilities that are designed for safety and comfort make cycling an attractive option for a wide range of ages and ability levels.



3. Street Trees and Green Infrastructure can deliver a variety of benefits to the streetscape, from providing shade and lowering ambient temperatures, to capturing and treating storm water.



6. ADA-Compliant Sidewalks and Crosswalks with curb extensions and highly visible crosswalk markings can make a tremendous difference for people with sensory or mobility challenges, and the elderly.



Street Prioritization and Modal Priorities

The Community Design Charrette highlighted the following priorities for each mode:

Bicycle Priorities

- Close gaps to the major downtown adjacent bikeways;
- Connect across Highway 99; and
- Improve intersection crossings.

Pedestrian Priorities

- Connect the 10th Street corridor to the waterfront;
- Provide improved connections across Highway 99; and
- Encourage access to transit and parking opportunities.

Vehicular Priorities

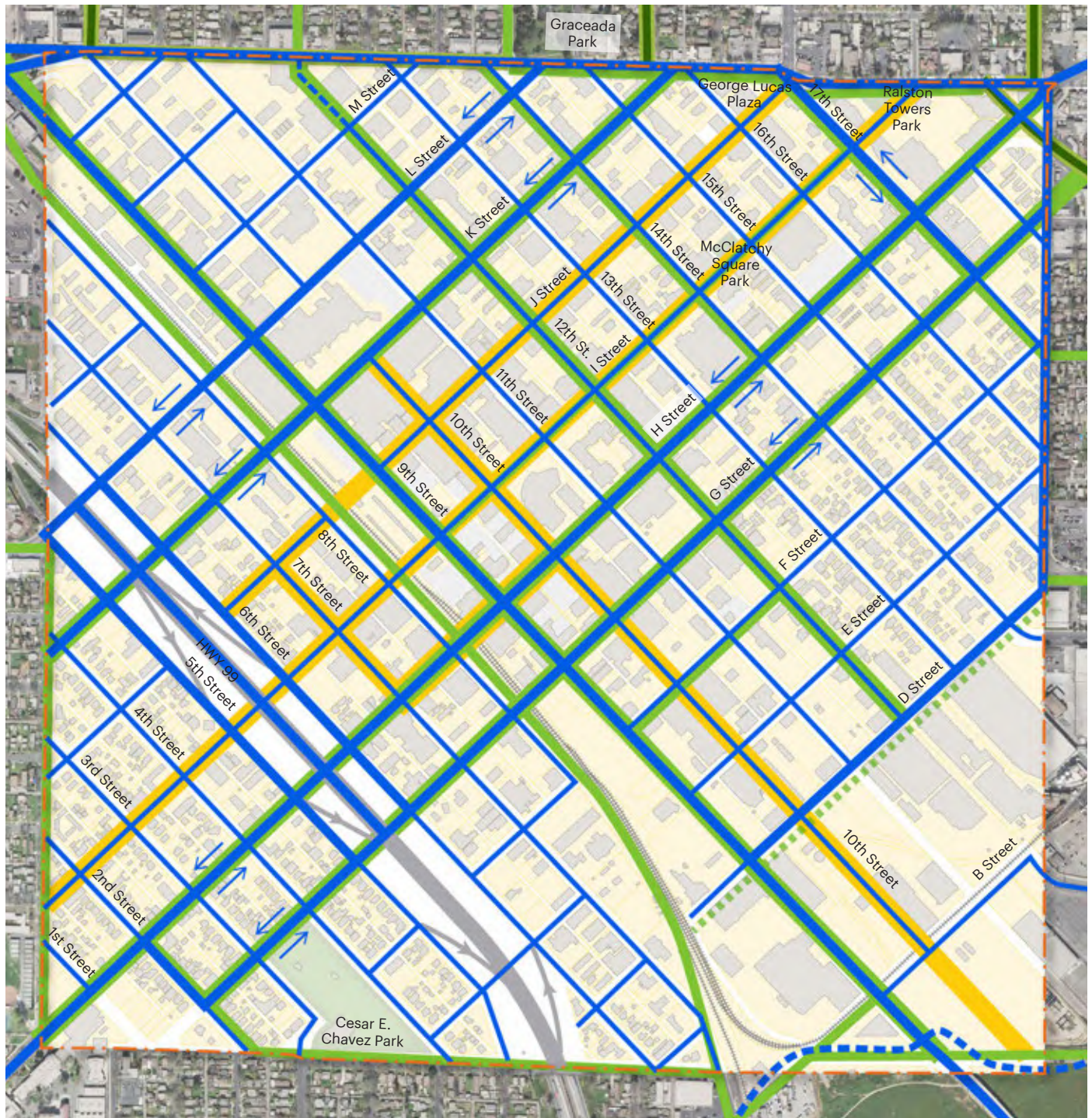
- Maintain access to Highway 99;
- Reduce circuitous movements for visitors; and
- Provide adequate facilities for heavy vehicles and transit.

Figure 4.3 on the facing page illustrates the overall circulation framework, reflecting the modal priorities discussed above. The individual networks for bicycle, pedestrian and vehicular circulation have been discussed in the following sections of this chapter.

Figure 4.2 Low-cost pilot projects

are an effective strategy to test out design concepts and to gain community support without incurring significant capital costs. In many cases, low-cost techniques such as paint, movable bollards, or even sturdy planters as shown in this example can be effective in creating a separated bikeway. This is an approach recommended for H Street and K Streets.



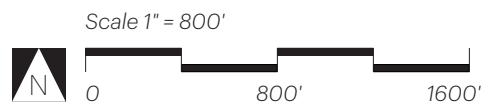


Legend

- Vehicular - crosstown circulation
- Vehicular - local access
- Temporary closures allowed/ concept to be studied
- Major bikeways
- Minor bikeways
- Potential future connection
- Proposed pedestrian enhancements

Figure 4.3 Street Prioritization Plan

The overall street network for downtown, showing modal priorities that reflect recommended improvements.



4.2 Bicycle Network and Facilities

Creating a comfortable, connected bicycle network for people of all ages and abilities to navigate to and throughout downtown Modesto will provide new mobility options that are currently lacking.

Overall Approach

Creating a connected, legible bicycle network for downtown Modesto will create a more equitable transportation system for its residents and visitors. Currently, motor vehicles occupy the largest portion of the right-of-way system in downtown Modesto in travel lanes and parking. Some of this space can easily be repurposed for bikeways, providing transportation options for those who choose to, or need to, cycle as their mode of transportation. Additionally, bikeways have demonstrated proven economic benefit in communities.

The recommended bikeway network aims to attract residents in adjacent neighborhoods within easy bicycling distance (under three miles) by creating separated bikeway facilities on select

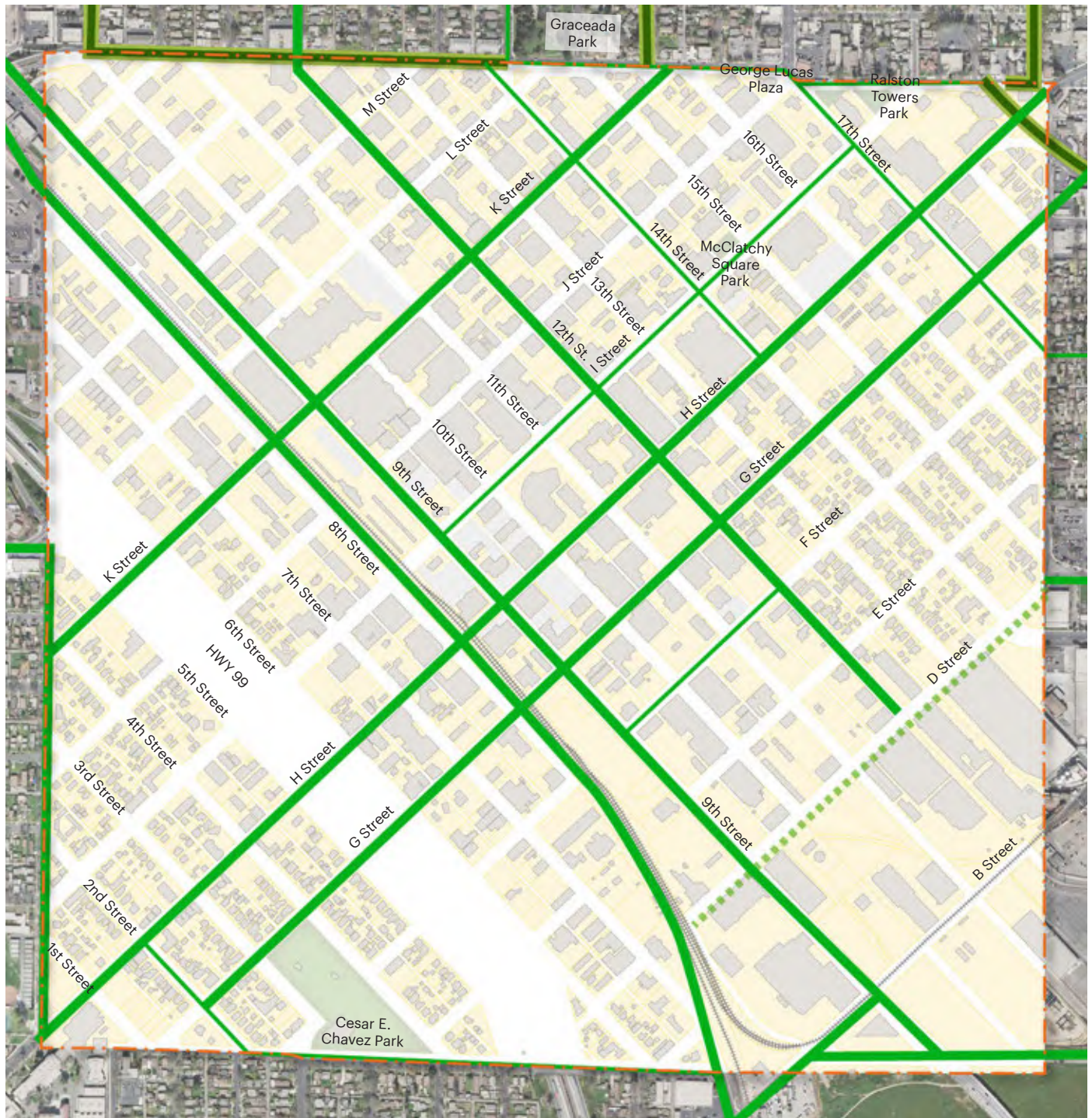
roadways. The intent is to complete gaps in the existing network to make these facilities usable by bicyclists of all ages and abilities. The bikeway network should also support accessibility by other low-speed mobility devices such as electric scooters.

The existing bikeway network within downtown and within a one-mile buffer was reviewed to identify gaps in accessibility to key destinations. The lack of bikeway facilities in downtown Modesto creates a “donut-hole” effect where major regional bikeway facilities such as the Virginia Corridor Trail, College Avenue and North 9th Street separated bikeways, and the Dry Creek Trail all terminate at the edges of downtown. Options were reviewed to establish how these bikeways could be best connected

Figure 4.4 An integrated network

Integrating new bicycle facilities with existing trails and other transportation modes improves mobility for residents across the whole city. Separating bicycle lanes from vehicular traffic communicates safety and encourages use of the bikeway.





Legend





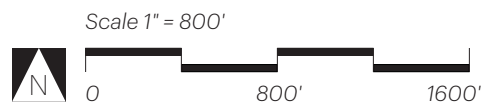
-  Existing bikeways
-  Proposed major bikeways (separated/multi-use paths)
-  Proposed minor bikeways (striping/painted lanes)
-  Potential future connection

Figure 4.5 Proposed Bicycle Network Plan

This map illustrates recommended improvements to the existing bicycle network and type of bicycle facilities suitable for downtown.



into and through downtown. Figure 4.5 shows the recommended improvements to the existing bicycle network. A planned bikeway improvement on Paradise Road provides a key opportunity to connect west and south Modesto to downtown. Identified major facilities for regional connectivity include 9th Street, 12th Street, G Street, H Street, K Street, a rail-with-trail opportunity, and the extension of the Dry Creek Trail along the Tuolumne River.

Once the major existing facilities were connected, downtown bicycle circulation was reviewed to identify key downtown

destinations. A local downtown bikeway network was established to complement and enhance accessibility to and from regional facilities. Local-serving bikeway facilities include 14th Street, 17th Street, I Street, F Street, and a new future facility adjacent to D Street. Other peripheral roadways that provide access to the local network include Maze Boulevard, Washington Street, 1st Street/ Sierra Drive, and Needham Street.

Table 4A summarizes key recommended improvements to the existing bicycle network.

Table 4A. Recommended Bicycle Network Improvements	
Major Regional Bikeways	
9th Street	Two-way Class IV Separated Bikeway
12th Street	One-way Class IV Separated Bikeways
G Street	Class II Buffered Bicycle Lanes (includes one-way to two-way street conversion)
H Street	One-way Class IV Separated Bikeways (includes one-way to two-way street conversion)
K Street	One-way Class IV Separated Bikeways (includes one-way to two-way street conversion)
Cross-Downtown Rail-Trail	Class I Multi-use Path on the south side of the Union Pacific Railroad
Dry Creek Trail Extension/ Tuolumne River Trail	Class I Multi-use Path including Morton Boulevard Side Path
Virginia Corridor Trail extension	Class I Multi-use Path
Minor Local Downtown Bikeways	
14th Street	Class II Bicycle Lanes
17th Street	Class II Bicycle Lanes (includes one-way to two-way street conversion)
I Street	Class I Multi-use Side Path and enhanced civic/park spaces
F Street	Class II Bicycle Lanes
D Street	Assess feasibility of Class I Multi-use Path or Class IV Separated Bikeway alignment in the future roadway
Maze Boulevard	One-way Class IV Separated Bikeways
Washington Street	Two-way Class IV Separated Bikeway
Needham Street/ Downey Avenue	Class II Bicycle Lanes
1st Street/ Sierra Drive	Class III Bicycle Boulevard with traffic calming

Shared Use Path (Class I)

Multi-use paths are two-way facilities physically separated from motor vehicle traffic and used by pedestrians, cyclists, and other non-motorized users. These paths may cross roadways at grade, at under- or over-crossings. Multi-use paths are often located along creeks and former rail corridors but may also be constructed along roadways.



Separated Bicycle Lane (Class IV)

These are a protected bicycle facility that combines the user experience of a multi-use path with the on-street infrastructure of a conventional bicycle lane. They are physically separated from vehicular traffic with curbs, flexposts, etc., and are distinct from the sidewalk. This type is most appropriate for roadways accommodating more than 6,000 vehicles per day, at speeds of 35 mph or more.



Buffered Bicycle Lane (Class II)

These are similar to standard bicycle lanes but provide increased riding space and comfort by painting a striped buffer between the bicycle lane and adjacent travel lane. This type of facility is most appropriate for roadways accommodating up to 6,000 vehicles per day, at speeds of up to 30 mph.



Bicycle Lane (Class I)

Bicycle lanes provide dedicated space for cyclists in the roadway, delineated with lines and symbols on the roadway surface. Bicycle lanes are usually provided in both directions on two-way streets and on one side of one-way streets.



Bicycle Routes (Class III)

Bicycle routes accommodate both bicycles and motor vehicles in a shared roadway. They may be marked with shared lane markings or signage, and include additional traffic calming and crossing treatments. These enhanced facilities may be called bicycle boulevards. This type of facility is most appropriate for roadways with fewer than 3,000 vehicles per day, at speeds less than 25 mph.



Figure 4.6 Types of bicycle facilities

In California, bicycle facilities are classified according to the type of separation they provide from motor vehicles. Different facilities are appropriate for different roadways based on the speed and volume of vehicles on the roadway. The bicycle facilities shown here are presented in the order of separation, from maximum to minimum separation.



4.3 Pedestrian Network Enhancements



Figure 4.7 A pedestrian-friendly environment
 Small, targeted investments in the public realm can make it more inviting to people on foot.

Enhancing the pedestrian experience throughout downtown is accomplished by creating welcoming areas with wider sidewalks, pedestrian-scale lighting, rest areas, activated store fronts, and cross-downtown accessibility.

Overall Approach

Key corridors were identified to provide good walking routes from downtown to south Modesto, to the Tuolumne River, to the Modesto Transit Center, along the J Street business corridor, across downtown on a new civic corridor on I Street, and within a new transit-oriented district along 7th Street. Together, these focused improvements, as shown in Figure 4.9, serve the core area of downtown and provide access to critical destinations while encouraging a “Park Once and Walk” environment.

Most existing roadways within downtown Modesto have complete sidewalk infrastructure on both sides of the roadway. However, many roadways lack critical pedestrian-supportive amenities

to make the pedestrian environment feel safe and secure, especially at night. In fact, most of the existing lighting within downtown is centered toward the middle of street. The pedestrian recommendations developed during the charrette process are intended to focus infrastructure improvements to select areas that provide critical connections within or to downtown and key destinations. These priority corridors not only need widened sidewalks but should also include amenities like landscaping, public art, pedestrian-scale lighting, wayfinding, and activated storefronts or businesses with outdoor space to make people feel more welcome.

Table 4B on the next page summarizes key recommended pedestrian enhancements to existing streets.

Figure 4.8 Street life and urban form
 Building frontages, sidewalk dimensions, and landscaping all contribute to creating a place where people want to be.





Legend

- Proposed pedestrian enhancements
- Existing pedestrian facilities

Figure 4.9 Pedestrian Enhancement Plan

This map illustrates recommended improvements to the existing pedestrian facilities in downtown.

Scale 1" = 800'



Table 4B. Recommended Pedestrian Enhancements	
Key Pedestrian Street Improvements	
J Street	<p>Create a shared or flush street from the Transit Center entrance on 9th Street till 11th Street to visually connect transit users to the primary downtown shopping and business corridor.</p> <p>Explore the potential of a new underpass beneath the railroad tracks the Transit Plaza and 9th Street to the new 7th Street transit corridor.</p> <p>Widen sidewalks east of 11th Street to create larger pedestrian walkways and spaces for outdoor dining or entertainment spaces.</p> <p>Public art, pedestrian-scale lighting, wayfinding, bicycle corrals, parklets, and shade spaces should also be considered along J Street.</p>
I Street	<p>Create a civic corridor with enhanced green spaces, widened sidewalks, and multi-use path that can be programmed for various community activities.</p> <p>This new civic space should be developed to promote a park-like atmosphere by creating a 16-foot wide greenway on one-side while leaving space to frame views of the Modesto Arch in the center of the corridor.</p> <p>Pedestrian-scale lighting similar to the ones used at the Gallo Center should be used along the corridor. Public art and wayfinding should be considered along I Street.</p> <p>Planters and pedestrian-scale lighting should also be added to the Interstate 99 overpass to better extend the connection between downtown and west Modesto.</p>
H Street	<p>Implement pedestrian improvements to better connect west Modesto residents to downtown by installing more pedestrian-scale lighting, shortening crossing distances with landscaped curb extensions at intersections, and installing ADA-accessible bi-directional curb ramps.</p> <p>To lend a unique identity to this corridor, create branded wayfinding that celebrates the west Modesto community along with public art.</p> <p>Planters and pedestrian-scale lighting should also be added to the Interstate 99 overpass to better extend the connection between both communities.</p>
7th Street	<p>Develop a pedestrian-focused corridor that enhances accessibility to transit by widening sidewalks, installing pedestrian-scale lighting, and implementing intersection safety improvements such as curb extensions.</p> <p>Potential new land-uses and residential developments should be oriented toward the street to increase the security of people walking along the corridor.</p> <p>Wayfinding should be developed to brand the district and provide easily identifiable connections to the Transit Center and new underpass that connects to J Street.</p>

Table 4B. Recommended Pedestrian Enhancements	
Key Pedestrian Street Improvements	
10th Street	<p>Extend the existing portions of this corridor in the core of downtown that currently serve as a priority pedestrian area to connect with the riverfront area mixed-use node and ballpark.</p> <p>The new segments south of I Street should include widened sidewalks, street trees and landscaping, benches, wayfinding, and pedestrian-scale lighting.</p> <p>Intersection crossing improvements such as curb extensions and high-visibility crosswalks should also be included.</p>
12th Street	<p>Connect existing businesses and underutilized parking areas including the parking garage to major pedestrian corridors by installing pedestrian-scale lighting and wayfinding.</p> <p>Explore the feasibility of temporary street closure for the segment of 12th Street between Needham and N Street owned by Crosspoint Communities as part of their proposed design concept to create a church campus in that location.</p>



Figure 4.10 Pedestrian-priority streets
 An example of a curbless or “flush” street in Redmond, WA with delineated spaces for different modes, pedestrian-scale lighting, and outdoor activated business or dining areas.

4.4 Vehicular Priority Network

Priority roadways provide access between adjacent neighborhoods, to Interstate 99, and key destinations within downtown. These roadways can provide critical circulation functions as well as capacity functions while not degrading the experience or safety of other roadway users.

Overall Approach

The existing roadway network consists of multiple one-way couplets that provide high-speed, high-volume access through downtown to Interstate 99. These connections are critical to providing access for people working and living not just in downtown but also for those living in surrounding neighborhoods.

To balance accessibility and comfort for all roadway users, one-way couplets were assessed for potential two-way conversions. This maintains the current capacity by spreading the volume of traffic during peak periods on two roadways rather than focusing all traffic

on one roadway in each couplet. This also decreases vehicular rear-end crash risk by creating dedicated left-turn spaces.

This conversion of one-way streets to two-way will enable wayfinding, help visitors to navigate downtown more easily, and also find parking spaces with less circuitous paths of travel.

Recommended improvements to the vehicular network are listed in Table 4C and shown in Figure 4.13.



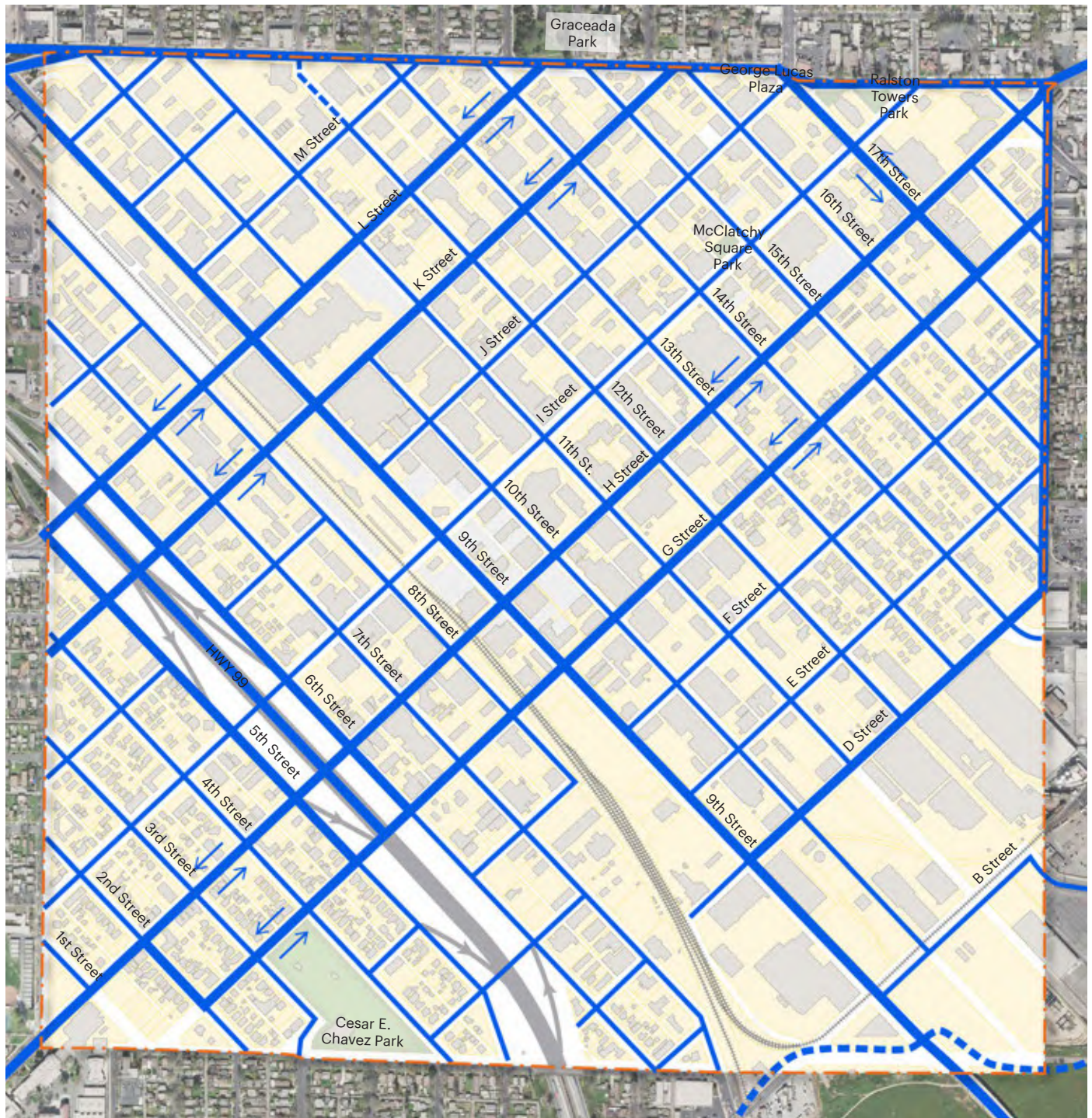
Figure 4.11 Vehicular transportation network
Businesses in downtown Modesto rely on a strong vehicular transportation network to move goods.



Figure 4.12 Prioritization and wayfinding
Clear prioritization and wayfinding to destinations and parking can enable smooth multimodal circulation; as shown in this example from Emeryville, CA.

Table 4C. Recommended Vehicular Network Improvements

H Street/ G Street one-way to two-way conversion	Convert the H Street/ G Street one-way couplet to two-way vehicular travel on each roadway. At intersections, remove parking on one side to provide dedicated turn lanes where needed.
K Street/ L Street one-way to two-way conversion	Convert the K Street/ L Street one-way couplet to two-way vehicular travel on each roadway. At intersections, remove parking on one side to provide dedicated turn lanes where needed.
17th Street one-way to two-way conversion	Convert 17th Street from a one-way facility to a two-way vehicular travel roadway.
9th Street transit and heavy-vehicle accessibility	Enhance navigation and accessibility for transit buses and heavy-vehicles by redesigning the roadway with wider outside travel lanes and removing parking conflicts.



Legend





-  Crosstown circulation
-  Local access
-  Temporary closure permitted
-  One-way to two-way street conversion

Figure 4.13 Vehicular Circulation Plan

This map illustrates recommended improvements to the existing vehicular network in downtown, including recommended street conversions.

Scale 1" = 800'



Intersection Improvements

Skewed intersections at the confluence of street grids with different alignments should be redesigned to make them safer for all modes.

Figure 4.14 Needham Street/ Park Avenue- 14th Street/ Sycamore Avenue- 15th Street intersection

As described above, this intersection is a particularly challenging one to navigate for all modes. The skew makes vehicular turning movements challenging, sight lines more difficult, and creates long pedestrian crossing distances. Redesigning the intersection to be perpendicular, as shown here, would create a safer, more comfortable, and more predictable environment for all modes.



Recommended Improvements

- 1** Where L Street and 14th Street meet, carry just one street north to Needham and signalize the intersection.
- 2** Remove the one-way west-bound lane on the south side of Needham Street to create a more generous pedestrian realm along Needham, more predictable street network, and a safer intersection at Needham and 15th Streets. This would also create an opportunity to provide access from Needham Street to the surface parking lot south of Needham.
- 3** Create a perpendicular, signalized intersection of 15th and Needham Streets. This will improve sight lines, reduce pedestrian crossing distances (particularly across Needham), and improve operations.

A number of intersections along the edge of downtown Modesto are difficult to navigate, particularly for pedestrians and cyclists. Intersections where the north-south grid of greater Modesto meets the northwest-southeast grid of downtown Modesto are to be particularly challenging due to the skewed configuration and challenging sight lines.

The intersections of Needham with 14th and 15th Streets are examples of what happens when the grids converge and motor vehicles are prioritized. Similarly, intersections such as Downey Street/ H Street/ Burney Street/ La Loma Avenue, where several streets meet within a short distance, are confusing and difficult to navigate by car, on bicycle, and on foot.



Figure 4.15 Downey Street/ H Street/ Burney Street/ La Loma Avenue intersection

The Downey / H / Burney / La Loma intersections are very confusing and difficult to navigate whether by car, bicycle, or foot. This area could be substantially improved by rethinking the intersections as a whole and creating two roundabouts, as shown here.

Roundabouts would better process the traffic through this area, create better separation of motor vehicles, pedestrians, and bicyclists, and provide an opportunity to create a “gateway” at this area of downtown Modesto. The tradition of lighting the large tree in the existing traffic island for the holidays could continue with the new roundabout.



Recommended Improvements

- 1 Replace confusing intersections with two roundabouts.
- 2 Create a fully separated shared use path for pedestrians and cyclists to navigate the area.
- 3 Create tabled, high visibility crossings on all streets approaching the roundabout.
- 4 Consider creating a “gateway” treatment in the center of the roundabout at La Loma and Burney, noting the arrival into downtown.
- 5 Preserve the existing monument and park features.



Figure 4.16 Example of a roundabout

4.5 Managing Curb Space: Parking, Loading and Other Uses

Recommendations for Managing Curb Space

Priorities for Use

The City should adopt a clear methodology to guide decision-making on how to prioritize the use of limited curb space. In general, the needs of the following uses should be addressed before devoting curb space to long-term parking (shown in order from highest to lowest priority):

- Bicyclists, pedestrians, and transit;
- Active freight and passenger loading, including paratransit and ridehailing services;
- Placemaking uses, such as parklets and sidewalk dining;
- Short-term parking.

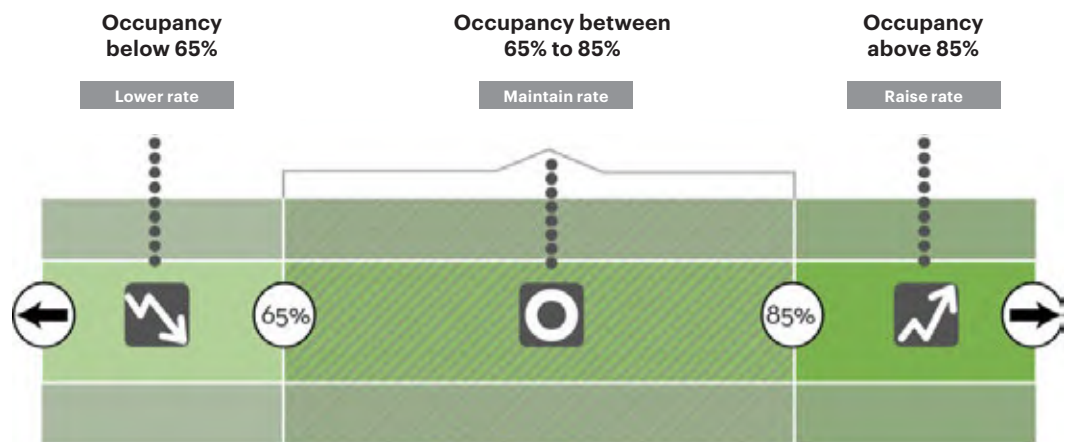
Curb Parking that is Well-Used but Readily Available

The City should charge for curb parking, which is the most convenient, and set prices with the aim of ensuring that curb parking is well used, but readily available. Where necessary to maintain availability, the City should:

1. Implement performance-based parking pricing with rates that may vary by time of day, day of the week and by block;
2. Charge for parking wherever and whenever necessary – including evenings and weekends, if needed – to achieve a target occupancy range of approximately 65 to 85 percent occupancy on each block;
3. Use prices rather than time limits to maintain curb parking availability; and

Figure 4.17 Performance-based curb parking

Performance-based curb parking pricing sets rates at the lowest price needed to make parking readily available on each block. If curb parking occupancy on a block is within the recommended target occupancy range of 65 to 85 percent, then parking is well-used but readily available, and the meter rate for that block should be left unchanged. If the occupancy figures are routinely less than 65 percent, then the rate should be reduced. If the occupancy figures are routinely more than 85 percent, then the rate should be increased.



4. Use all net new parking revenues (i.e., after covering parking program expenses) to fund public facilities and services that benefit the blocks where the parking revenue is generated.

Protecting Existing Residents from Spillover Parking

To protect existing neighborhoods from excessive spillover parking from new development, and to balance the supply of and demand for curb parking, the City should establish Residential Parking Benefit Districts on blocks which are primarily residential. Residential Parking Benefit Districts provide existing residents with curb parking permits for free or a nominal fee, while allowing a limited number of non-residents to pay to park. In each district, the City should:

- Use all net new parking revenues to fund public facilities and services that benefit the district; and
- Issue no more than one residential parking permit for each existing curb parking space, to help prevent overcrowding.

The City should also require new development to assist in funding the establishment of Residential Parking Benefit Districts, where necessary, to prevent spillover parking from new

developments into nearby residential streets, including those within a 1350-foot walking distance (i.e., a five-minute walk) of the Plan Area boundary. Residential Parking Benefit Districts should be established only in neighborhoods where a majority of residents support their creation.

Improve Enforcement and Data Collection

To ensure that parking for customers, employees and other downtown users remains readily available, parking laws must be enforced, and supply and demand must be monitored. The City should continue to improve parking enforcement and collect regular (e.g. quarterly) parking inventory and occupancy data on all downtown parking—public and private, on-street and off-street. This can be done by deploying modern technologies (e.g. license plate recognition systems) with appropriate policies to safeguard privacy.

Improve Parking Signage and Wayfinding

The City should continue efforts to improve parking signage and install real-time electronic parking wayfinding signs, to help direct motorists away from overcrowded blocks of curb parking and into underutilized nearby lots and garages.



Figure 4.18 Parking strategies in Redwood City
Redwood City uses performance-based parking prices: no time limits needed.



Figure 4.19 Curb parking in Old Pasadena
In Old Pasadena, curb parking revenues keep parking available and keep streets safe and clean, by funding security, steam cleaning, and marketing.



Figure 4.20 Curb space management
Good curb space management keeps spaces available for shoppers.

4.6 Managing City-Operated Lots and Garages

The following recommendations apply to City-owned and leased parking lots and garages.

Recommendations for Managing City-Operated Parking Facilities

Public Parking

The City should continue to operate public lots and garages, with the goal of ensuring the efficient sharing of parking between land uses with different times of peak parking demand.

Short-Term Improvements

Short-term improvements, such as updating and improving Parking Access and Revenue Control Systems, lighting, cleaning, signage and landscaping, should be implemented in City-operated lots and garages.

Off-Street Parking Enterprise Operation

City-owned or operated lots and garages should continue to operate as an enterprise activity, which pays for itself through direct user fees paid by motorists. City lots and garages should not be subsidized by other taxpayer dollars or by curbside parking revenues.

User fees should be set for each parking facility to achieve the following goals: ensure parking availability and make City-operated parking self-supporting. To implement these policies, existing parking subsidy programs should be phased out over time. To ease the transition, consider letting low-income employees and residents and/or existing parking permit holders continue purchasing parking permits at below-cost rates.

Parking Wayfinding

The City should implement an integrated wayfinding system for off-street parking facilities, including both static and dynamic (changeable electronic display) signage to provide guidance and real-time parking availability information.

Assess Highest and Best Use

The City should regularly assess whether continued use of each City-owned or operated parking lot or garage as a parking facility is the highest and best use of that property. The City should consider whether each parking facility should be converted to another use and the parking replaced elsewhere or discontinued.

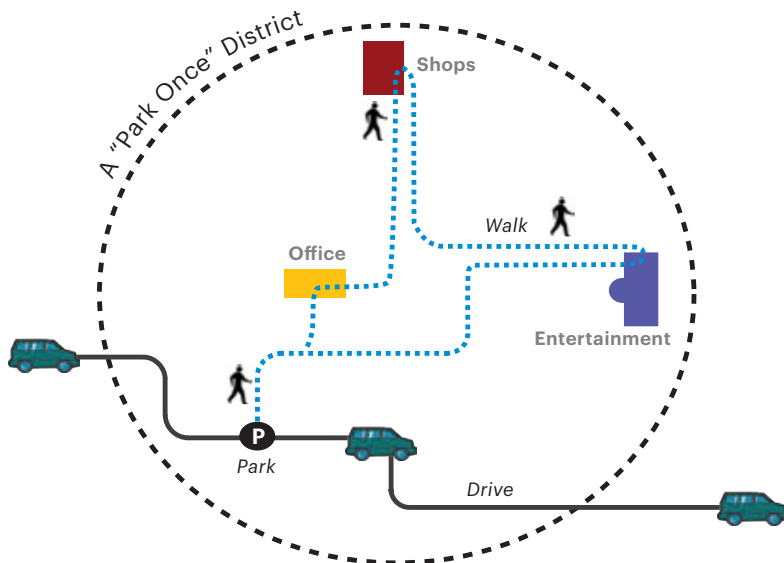


Figure 4.21 “Park-Once” district uses shared garages where motorists park once and visit many destinations on foot. Image source: Nelson/Nygaard Consulting; Walter Kulash.

Converting Private Parking into Shared Public Parking

The City should consider providing incentives for converting underused private parking into shared public parking. These can include the City taking on the liability insurance, maintenance, operation, enforcement, and/or revenue collection costs of the parking facility; making one-time improvements, such as landscaping and/or improving access for people with disabilities; or requiring that the parking facility be made available to the public (at some or all hours) as a condition of approval of a new development or change of use.

Reserve Sites for Additional Parking If and When Needed

The City should reserve sites for future public parking lots and garages if and when needed. New parking facilities should not be built until all lower-cost options have been implemented, including the conversion of underused private parking into shared public parking; providing downtown employees with free transit passes, parking cash-out benefits, and the full suite of transportation benefits described elsewhere in this chapter; and phasing out below-cost parking prices for existing public parking. If built, future

public parking should be designed to allow easy conversion to other uses, such as offices or homes, when parking demand falls.

Facilitate Greater Use of Electric Vehicles lower Greenhouse Gas (GHG) Emissions

With the aim of meeting the GHG emission reduction targets set forth by recent measures such as Senate Bill 350, the City needs to make investments to encourage the adoption of shared zero emission mobility options for Modesto residents.

The City has installed fourteen electric charging stations at several places in Modesto, but downtown has only one, located on I Street at the library, not near most downtown shops and restaurants. The City should consider improving electric charging infrastructure in downtown, and installing electric charging stations in City-owned lots and garages. Potential sites include City-owned garages and City-owned parking lots at 11th and K Streets, 9th and K Streets, and mid-block on 11th street between J and I Streets.



Figure 4.22 San Francisco parking wayfinding signage
Image source: SF Park



Figure 4.23 Singapore parking wayfinding signage
Image source: Rudy Hernan

Regulating Private Parking

Parking Standards

To encourage new investment in downtown, there should be no minimum parking requirements for new development or for the reuse of existing buildings. This will allow the emergence of a market for parking, where spaces are bought and sold, rented and leased.

Removing minimum parking requirements will increase the feasibility of new development, improve urban design, reduce motor vehicle trips and pollution, and increase housing affordability.

4.7 Infrastructure Approach and Improvements

This section examines existing utility infrastructure and capacities in the downtown area, and identifies required improvements to implement the Master Plan vision, focusing on streets that have been identified for key improvements in the preceding sections.

Overall Approach

Existing infrastructure capacities were analyzed for the streets for which design improvements have been recommended. This helped to highlight potential deficiencies, and necessary upgrades.

Water Infrastructure

Existing Water Infrastructure

Downtown Modesto has a reliable water service system that consists mainly of 4-inch to 16-inch diameter pipes. Most of the network is located in the roadway; however, there are also smaller water lines in the alleys that support the buildings on that block. The pipes in the systems are constructed of various materials: cast iron pipe (CIP), ductile iron pipe (DIP), asbestos cement pipe (ACP), polyvinyl chloride (PVC), and steel (STL).

There are fire hydrants on each block, and there are several active wells within the downtown area. One well is located on the block bounded by 10th, F, 11th, and G Streets, and another is on the block bounded by 16th, G, 17th, and H Streets.

Table 4D gives information on the existing water infrastructure specifically in the rights-of-way of the proposed street improvements identified in previous sections of this Master Plan.

Recommended Water Infrastructure Improvements

The City has identified some necessary improvements to the downtown Modesto water system in the Water Master Plan that will help support future development and modernize the system, as shown in Figure 4.24. Included in these improvements is the strengthening and replacement of pipes, fire flow improvements, and grid improvements on several streets and in some alleys.

The City will no longer allow connections to 4-inch water lines, and existing 6-inch water lines will need to be upsized in order to handle the fire suppression requirements. Replacement pipes will be minimum 8-inch in diameter.

In many cases, the existing water line is located two to three feet from the existing face of curb. In order to accommodate the recommended wider sidewalks in the streetscape upgrades on I, J, and 10th Streets, the existing water lines will need to be removed or abandoned so that the pipe is within the paved area of the road.

The fire hydrants will need to be relocated to approximately two feet behind the back of curb. Since the sidewalks on K, H, 9th, and 14th Streets are not intended to be widened, the water line and fire hydrants should be able to remain in their existing locations. However, the design of these



Figure 4.24 Recommended improvements to existing downtown water infrastructure

- Existing water line
- Existing fire hydrant
- Active well
- Out-of-service well
- Lower priority fire flow improvements
- Future fire flow improvements
- Grid improvements
- - - Future grid improvements

Table 4D. Existing Water Infrastructure for Streets with Proposed Improvements

H Street [9th Street to Burney Street]	12" DIP from 9th Street to 17th Street 10" PVC from 17th Street to 18th Street 8" PVC and ACP from 18th Street to Burney Street
I Street [9th Street to Downey Avenue]	10" CIP from 9th Street to 11th Street 8" CIP from 11th Street to north of 13th Street 6" CIP/ACP from south of 14th Street to Downey Avenue 10" ACP from north of 16th Street to south of Downey Avenue
J Street [9th Street to Needham Street/Downey Avenue]	6" CIP from 9th Street to 12th Street 10" ACP from 12th Street to Needham Street/Downey Avenue 4" CIP from 9th Street to 10th Street 12" DIP from 10th Street to 11th Street
K Street [9th Street to Needham Street]	12" ACP from 9th Street to 12th Street 10" ACP from 12th Street to north of 15th Street 6" CIP from 9th Street to north of 12th Street
9th Street [D Street to L Street]	6" CIP from D Street to F Street 12" PVC from F Street to west of I Street 12" ACP from I Street to L Street
10th Street [D Street to J Street]	16" STL from D Street to E Street 10" CIP from D Street to J Street
12th Street [D Street to L Street]	12" CIP from D Street to E Street 16" STL from E Street to L Street

streets should aim to avoid installing landscaped or hardscaped buffers that conflict with the existing water lines if at all possible.

One consideration to keep in mind when relocating the water lines in streets with a narrower paved area is that the City requires a minimum of 10 linear feet of horizontal clearance between pipes. I, J, and 10th Streets all have other existing utilities running parallel to them in the roadway that will need to be taken into account.

Sanitary Sewer Infrastructure

Existing Sanitary Sewer Infrastructure

Sanitary sewer service in the downtown area is provided mostly by 6-inch to 33-inch diameter pipes constructed of reinforced concrete pipe (RCP), vitrified clay pipe (VCP) and, more recently, PVC. The system is made up of public mains in the road and smaller alley mains that service the surrounding buildings and feed into the mains in the roadway. There are several existing storm drain cross connections within the downtown area that discharge stormwater runoff into the sanitary sewer system. The City has expressed a desire to remove these cross connections in the future so that stormwater runoff stays within the storm drain system.

Table 4E gives information on the existing sewer infrastructure specifically in the rights-of-way of the proposed street improvements identified in previous sections of this Master Plan.

Recommended Sewer Infrastructure Improvements

There is one main capacity issue that the City has identified in the Wastewater Collection System Master Plan in the downtown area, shown in Figure 4.25. The existing 12-inch pipe in J Street is undersized, which causes surcharging. Approximately 2,400 linear feet of this

pipe will be replaced with a 15-inch pipe. The City has identified this as a high priority project. The other capacity and rehabilitation issues are on the far west and far south borders of downtown and do not affect the project scope.

In general, the sewer mains in the downtown area were installed very close to the centerline of the roadways; therefore, the streetscape enhancements on I, J, and 10th Streets should not require the relocation of any sewer lines. There are two existing parallel sewer mains in J Street, a 12-inch/15-inch VCP and a 6-inch/8-inch VCP, which will remain. These will need to be considered when redesigning the street. Landscaped and hardscaped buffers in K, H, 9th, and 14th Streets should aim to avoid conflicts with the existing sewer system if possible.

Alley sewers will likely need to be abandoned, removed, or upsized depending on the nature of the development that occurs in the future. Recommended improvements to existing sanitary sewer infrastructure are shown in Figure 4.25.

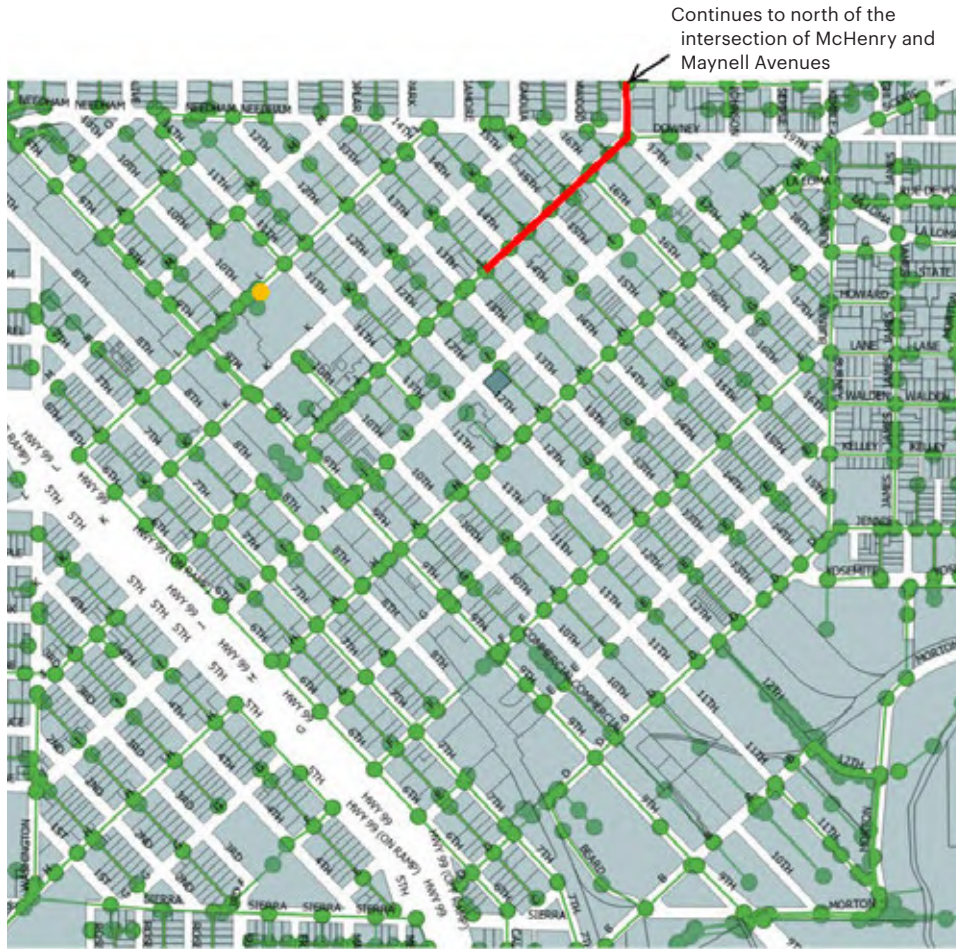


Figure 4.25 Recommended improvements to existing downtown sewer infrastructure

- Existing sanitary sewer line
- Sanitary sewer manhole
- Sanitary sewer lift station
- Existing system deficiencies

Table 4E. Existing Sewer Infrastructure for Streets with Proposed Improvements

H Street [9th Street to Downey Avenue]	12" VCP from 9th Street to north of 18th Street 6" VCP from south of 19th Street to Downey Avenue
I Street [9th Street to 10th Street]	6" VCP from 9th Street to 10th Street
J Street [9th Street to Needham Street/ Downey Avenue]	15" VCP from 9th Street to 12th Street 12" VCP from 12th Street to Downey Avenue 8" VCP from 9th Street to north of 16th Street 6" VCP from south of 17th Street to Downey Avenue
K Street [9th Street to Needham Street]	No existing sewer line in K Street
9th Street [D Street to L Street]	16" VCP from D Street to E Street 14" VCP from E Street to H Street 12" VCP from H Street to J Street 8" VCP from J Street to L Street 27" RCP from K Street to L Street
10th Street [J Street to K Street]	6" VCP from J Street to K Street
12th Street [D Street to L Street]	No existing sewer line in 12th Street

Storm Drain Infrastructure

Existing Storm Drain Infrastructure

The downtown Modesto storm drain service, as shown in Figure 4.26, is provided by a network of 8-inch to 42-inch diameter pipes constructed of RCP and non-reinforced concrete. Catch basins are located primarily at major road intersections, and manholes connect midblock alleys to the mains in the roadway. Cross streets are typically constructed so that the high point is located near the midpoint of the block, allowing water to drain toward the catch basins at the intersections.

Table 4F gives information on the existing storm drain infrastructure specifically in the rights-of-way of the proposed street improvements identified in previous sections of this Master Plan.

Recommended Storm Drain Infrastructure Improvements

The City of Modesto does have a Stormwater Infrastructure Master Plan; however, it does not focus on the downtown core. The storm drain system appears to be sized adequately in most of the downtown area.

One exception is the storm drain line in 9th Street, which has been recognized as being undersized and should be upsized. The main limitation in the system is the catch basins. They are smaller structures that are easily clogged, causing the intersections to flood on occasion during heavy storms. It is recommended that these structures are upsized when replaced.

Similar to the sewer mains, the storm drain lines tend to be installed close to

Table 4F. Existing Storm Drain Systems for Streets with Proposed Improvements

H Street [16th Street to Downey Avenue]	30" RCP from 16th Street to 17th Street 21" RCP from 17th Street to La Loma Avenue 15" RCP from La Loma Avenue to Burney Street Catch basins at intersections with 16th, 17th, and 18th Streets, La Loma Avenue, Downey Avenue, Burney Street
I Street [9th Street to 12th Street]	24" RCP from 9th Street to 11th Street 18" RCP from 11th Street to 12th Street Catch basins at intersections with 9th, 10th, 11th, 12th Streets
J Street [9th Street to 16th Street]	36" RCP from 9th Street to 11th Street 30" RCP from 11th Street to 13th Street 24" RCP from 13th Street to 14th Street 18" RCP from 14th Street to 16th Street Catch basins at all major intersections
K Street [13th Street to 15th Street]	24" RCP from 13th Street to 14th Street 18" RCP from 14th Street to 15th Street Catch basins at 13th, 14th, and 15th Streets
9th Street [D Street to L Street]	42" RCP from D Street to L Street Catch basins at all major intersections
10th Street [E Street to K Street]	12" DIP from E Street to F Street 18" DIP from F Street to G Street 15" DIP from J Street to K Street, 12" DIP at I Street
12th Street [E Street to H Street]	8" line from E Street to F Street 10" line from G Street to H Street

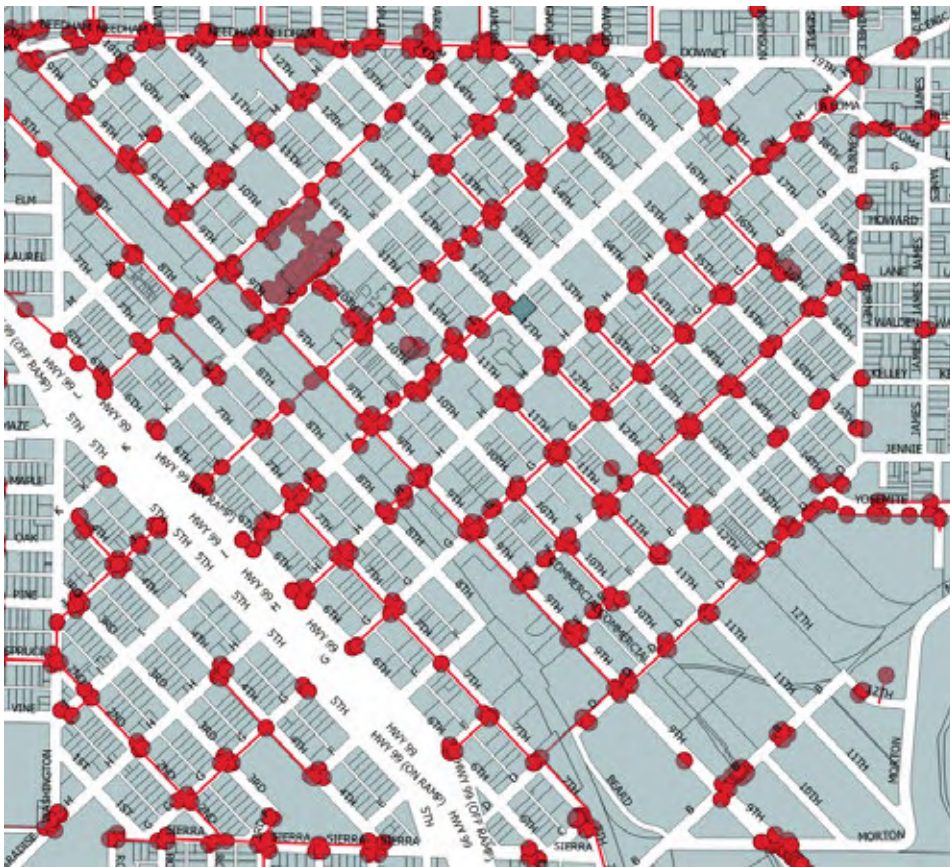
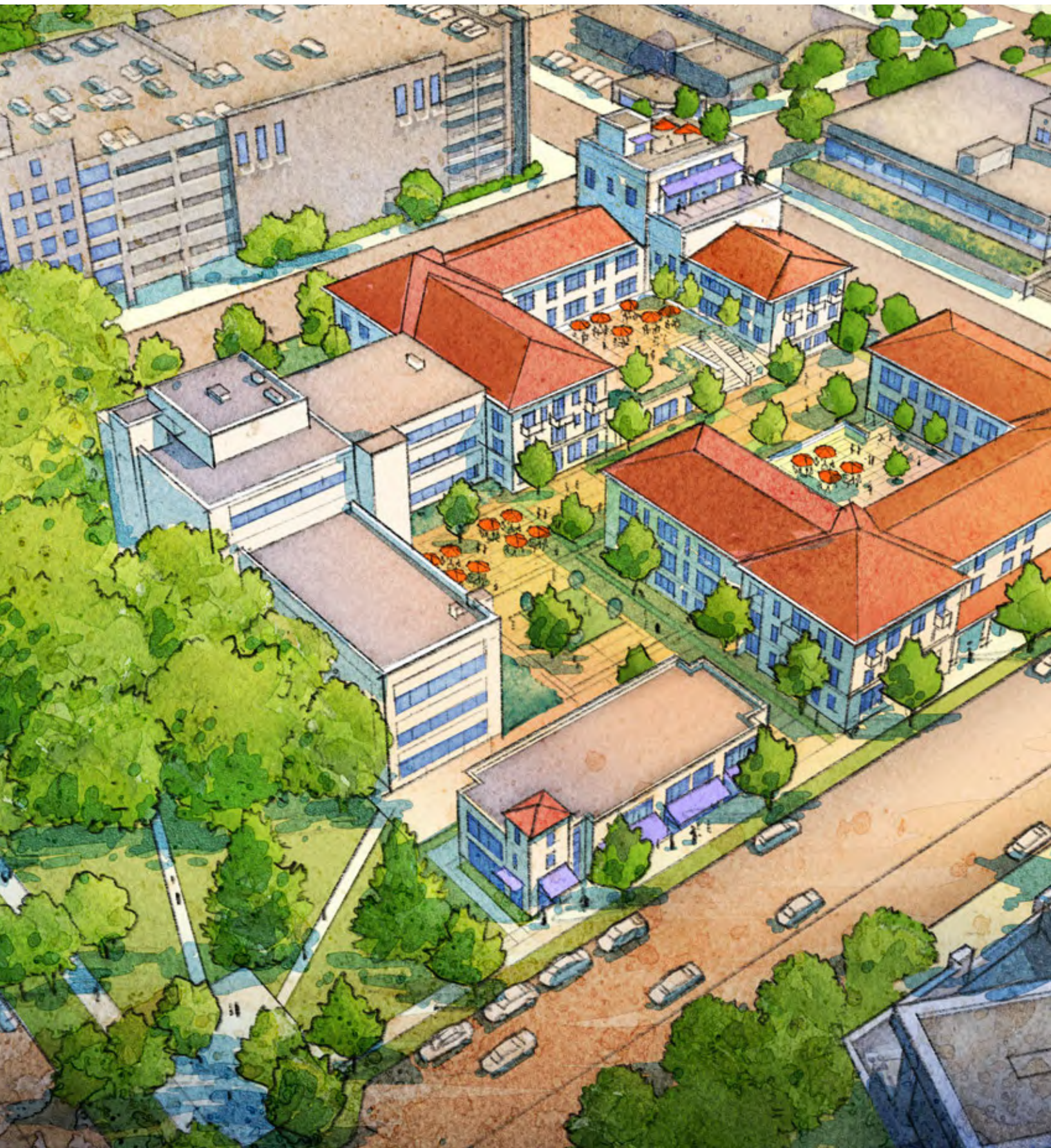


Figure 4.26 Existing downtown stormwater infrastructure

- Existing storm drain line
- Storm drain structure

the centerline of the road; so, the streetscape improvements should not require the abandonment or removal of any storm drain lines. Catch basins will need to be moved and replaced with upgraded structures to accommodate the widened sidewalks on I, J, and 10th Streets.

The creation of buffered bicycle lanes on 9th, 14th, K, and H Streets will alter the existing drainage pattern of the roads. New catch basins will need to be installed along the new curb lines with connections to the existing storm drain system to accommodate this new drainage pattern.





Implementation Strategies

CHAPTER
5

In this chapter

5.1 Overview of Plan Implementation	108
5.2 Downtown Revitalization and Economic Growth	110
5.3 Strategy for Downtown Parking Improvements	118
5.4 Strategy for Downtown Utility Improvements	120
5.5 Funding and Financing of Downtown Improvements	121
5.6 Summary of Major Downtown Projects	130

5.1 Overview of Plan Implementation

This section outlines the overarching strategy for the implementation of the Downtown Master Plan including prioritization of catalyst projects.

Implementation Approach

Implementation of the Downtown Plan will be a long-term project that will require collaboration between the City of Modesto, property owners, and the development community. It will be a combination of strategic catalyst projects as well as facilitating smaller-scale infill opportunities.

The Downtown Master Plan does not recommend a rigid phasing strategy for implementation. This is to provide a degree of flexibility to City staff to be able to pursue development as opportunities arise. Also, for many of the proposed improvements, it would be practical and cost-effective to initiate a pilot project for a defined timeline to truth-test the concepts for viability, without incurring any substantial capital costs.

The Plan thus recommends the following as a simple implementation strategy:

- **Catalyst Projects.** Prioritize development projects within the four key opportunity sites identified during the Master Plan process and initiate catalyst projects. Complete major approved and ongoing projects, such as the proposed 200-room hotel at 11th and K Streets (RDA Catalyst Site 3), and the new Courthouse project (Superior Court of Stanislaus County Courthouse) between 9th, 10th, G and H Streets.
- **Public Realm Improvements.** Define key public realm improvements

necessary to implement the Plan vision, and assign a prioritization (high, medium, low) for each project as well as a timeline (near-term: 2020 to 2030 and long-term: 2030 to 2040). Explore grant funding opportunities and initiate these projects in partnership with other public and/ or private entities as feasible.

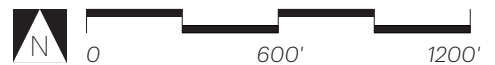
- **Incremental Infill.** Analyze downtown for underutilized parcels that could be small-scale infill opportunities. In particular, under-used surface parking lots should be tested for feasibility, such as the lot behind the library on H Street between 15th and 16th Streets. Explore partnerships with the private sector to facilitate incremental development, as opportunities and interest arise.
- **Pilot Projects and Tactical Urbanism.** Use pilot projects and strategies such as short-term or temporary uses to test out concepts and build community support for design ideas.
- **Retain Community Character.** Establish policies to protect local businesses, historic resources, and to prevent displacement of local residents.

Figure 5.1 indicates the highest-priority catalyst projects recommended for carrying out the Plan vision. This is a recommendation based on conditions at the time of the drafting of the Plan, and can be changed over the life of the Plan as conditions change, and to avail of new opportunities over the life of the Plan.



Figure 5.1 Highest-priority catalyst projects
 The highest-priority projects to carry out the implementation of the Master Plan include:

Scale 1" = 600'



Public Investment Projects

[Public realm improvements]

- 1 J Street Improvements**
Near-term (2020 to 2030)
- 2 9th Street Improvements**
Near-term and long-term (2020 to 2040)
- 3 10th Street Improvements**
Near-term (2020 to 2030)

Public-Private Partnerships

[Key development projects]

- 4 Transit Station Area transformation**
Near-term and long-term (2020 to 2040)
- 5 Old Courthouse redevelopment**
Near-term and long-term (2020 to 2040)

5.2 Downtown Revitalization and Economic Growth

The Master Plan recommends the following set of strategies for the City to consider in order to have balanced, sustained economic growth. Many of these reference previously set goals in the 2007 RDA Plan.

Background

Over the course of the last half century, prevailing trends in urban development favored suburbanization, resulting in sustained and systemic disinvestment in historic downtowns. Following the end of the World War II (WWII), the population of most cities began moving outwards towards newly developed suburban residential developments.

As the resident population base shifted, so did the commercial center of gravity within the community. This led to the development of extensive mall complexes and strip retail centers on what were at the time the outskirts of the city. This shifting of demographic and economic energies away from central cities has progressively reduced the level of economic vibrancy in historic central city areas.

However, over the course of the past decade, many communities throughout the nation have experienced a resurgence in demand for urban living, shopping, and entertainment. Many people are rediscovering the benefits that come from high density urbanization, such as, walkability, and demographic, social, and economic diversity. While much of the new demand for urban living is coming from younger Millennial households, others like “Empty Nesters” and retirees are also beginning to show a renewed interest in central city living. This is having a marked impact on the commercial

and cultural vibrancy of many historic downtowns. Many communities are capitalizing on these trends through proactive and progressive planning; and are beginning to recognize that a robust planning process can help to coalesce the community around a clear vision for the future. This can then be compared against the current and reasonably anticipated future market opportunities and constraints.

To achieve the vision outlined in this plan, the City of Modesto will need to work with the community to strategically moderate near-term expectations, while also identifying and prioritizing strategic public investments that will help to move the community towards their identified goals. The first step in this process is the creation of a clear vision, as is outlined in this plan, followed by a well articulated investment strategy.

This will signal to the business and development communities that local government and civic leaders are serious about reinvestment in the downtown. These improvements will also help to add value to prospective development projects that will help incremental and catalyst developments to achieve feasibility. This can, in turn, begin the cycle of attracting (more) investment into the downtown sooner than might otherwise be achievable by the market alone.

Overarching Strategies

The following summarizes a variety of high-level strategies that the City of Modesto may want to consider, recognizing the stated goals of the City, local conditions within the Plan Area, and the various demographic and economic trends discussed above.

1

Facilitate a Mixed-Use Downtown with a Diversified Economy

- Expand the Housing Stock
- Retain and Support Downtown Office
- Retain Key Civic Uses
- Create Opportunities for Industrial Development

2

Develop a “District” Character and Integrate New Uses

- Develop “Downtown Districts”
- Encourage Specialty and Experiential Retail
- Create an Entertainment District
- Create a Downtown Marketing Strategy

3

Make the Most of What Downtown Has

- Pursue Creative Catalyst Projects
- Transit Center Development
- Leverage Opportunity Zone Designation
- Explore Tactical Urbanism and Temporary Uses

Strategy

1

Facilitate a Mixed-Use Downtown with a Diversified Economy

To be economically successful, downtown businesses need to have a variety of patrons - office workers during the day, shoppers and people dining at night, residents shopping throughout the week. A diversified economy with a mix of retail, entertainment and employment options will keep downtown vibrant and resilient in the long run.

1A. Expand the Housing Stock

Businesses in the existing downtown rely too much on daytime worker spending and evening/weekend spending by visitors from outside of the neighborhood.

Expanding the amount of high-quality housing that is affordable to households at a variety of income levels will expand the downtown consumer pool and encourage more economic activity during off-peak times and days.

In particular, courtyard building types can work well in downtown's setting, based on average existing lot sizes and the fact

that most parcels have alley access. This building type can provide a high quality residential environment, with access to a shared open space, at an attainable price point. In a survey conducted by the DoMo Partnership in 2018, the number one reason for potential home buyers in Modesto to not consider buying a home in downtown was the perception that they would have no access to private/semi-private open space. The courtyard building type can address this concern, and be used to increase housing options for downtown.

Figure 5.2 Courtyard housing is recommended as a new housing type for downtown Modesto.



This building type can be designed with an active frontage to accommodate residential or non-residential uses at the ground floor, and has a built form and scale that is appropriate for downtown.

Courtyard buildings ranging from two to four stories in height were tested for downtown parcels during the Design Charrette, and are depicted in the Illustrative Plan (Figure 3.1) and building type studies (Figure 3.6) in Chapter Three: Downtown Vision: Urban Design and Opportunity Sites.

1B. Retain and Support Downtown Office

Continue to take steps to retain and expand the pool of office-based businesses in the downtown, recognizing that downtown Modesto functions as a business center for the broader Stanislaus County and region.

Currently, clusters of downtown offices exist along 10th Street. The proposed improvements will further encourage such uses to increase and diversify employment opportunities in downtown.

1C. Retain Key Civic Uses

While many communities have moved local government and civic functions

to new suburban locations that provide cheaper development opportunities, retaining these uses in downtown can help to reinforce the district’s unique identity and preserve core components of the existing downtown consumer base (e.g., day-time workers and people visiting government offices).

I Street has the potential to be a civic corridor, giving a unique identity to downtown Modesto, and establishing its regional importance with the new County Courthouse nearby.

1D. Create Opportunities for Industrial Development

The City should take steps to not only preserve important existing industrial uses, but should also allow, if not facilitate, establishment of certain desirable industrial or quasi-industrial uses, such as “maker” spaces, specialty food manufacturing (such as bakeries, chocolatiers, breweries, distilleries, etc.).

Such uses should be explored for the area between 6th and 8th Streets, and in the lower 10th Street area in particular, between F and D Streets as a transition to more entertainment and recreational uses.



Figure 5.3 Downtown office workers help support downtown businesses during the daytime, particularly restaurants.



Figure 5.4 Existing civic uses in downtown add to its character and signify regional importance.



Figure 5.5 Maker spaces are an attractive way of repurposing underutilized industrial spaces, creating new activity at low cost, and encouraging local entrepreneurs.

Strategy

2

Develop a “District” Character and Integrate New Uses

The existing downtown can be subjectively subdivided into a variety of unique districts. The City should consider formalizing these distinctions and leveraging them to develop a downtown brand identity. This can translate into marketing materials, as well as the built environment.

2A. Develop “Downtown Districts”

Downtown Modesto has several neighborhoods and areas within it that have unique characteristics, and this can be developed further to establish a strong downtown identity.

Such areas include, among others, the heart of downtown around J and 10th Street, the lower 10th Street area, the civic node around the Old Courthouse, the Farmer’s Market and library area, and residential neighborhoods. By enhancing the unique attributes and memorable character of each area, the overall image and identity of downtown can be reinforced.

2B. Encourage Specialty and Experiential Retail

Due to the rise of online shopping, brick and mortar retail is shifting away from “commodity” retail products towards more “specialty” retail products and “experiential” retail.

The City should recognize this and prioritize improvements that leverage the linkages between retail and entertainment, such as walkability, streetscape and public space improvements, parking management, etc.

Currently, downtown retail is concentrated in the vicinity of J and 10th Streets.

Figure 5.6 Experiential retail is based on the concept of market differentiation by providing a unique or interactive experience for visitors. In this example of a Lush store, patrons can touch and try on skincare products prior to purchase. Image source: www.lightspeedhq.com



Development of the 10th Street corridor will provide new opportunities for retail nodes that would help expand the downtown consumer base.

2C. Create an Entertainment District

In the event that the City is successful in negotiations for development of a new minor-league baseball stadium in downtown, the City will want to plan for the creation of a dynamic mixed-use entertainment district adjacent to the park that can leverage and capture some of the associated economic activity.

For example, in the event that a stadium were sited in the 10th Street area, the City may wish to update the zoning and/or infrastructure capacity along 10th Street, between G and D Streets, in order to facilitate the long-term development of an adjacent sports, arts, and entertainment district that combines food and beverage sales with other supportive uses, like live action entertainment.

This will strengthen the identity of 10th Street as a major corridor linking downtown to the Tuolumne riverfront, and in turn spur residential and mixed-use development projects.

2D. Create a Downtown Marketing Strategy

The City should create and implement a comprehensive marketing campaign with the aim of reintroducing existing Modesto residents to downtown. The focus on existing residents will help to build greater resilience within the downtown market and support development of an authentic “Modesto brand” that would appeal to a broader spectrum of consumers. This can include print, radio, and television advertising, as well as event sponsorships, and downtown events programming.

The events calendar should also be approached in a way that highlights the unique offerings and experiences available in downtown, versus being stand-alone activities. These efforts should be coordinated with the Downtown Modesto Partnership and Downtown Business Improvement District, as well as major employers and cultural institutions.

Streetscape and public space improvements should be coordinated with programming of activities and events, to both publicize the improvements, and to ensure that the spaces are maintained through active use. For events, activities, and new uses, themes unique to Modesto should be considered, to reinforce downtown’s identity.



Figure 5.7 Downtown identity can be created in a variety of ways to provide a unique experience for residents and visitors. Nevada City, for instance (left), hosts a Victorian Christmas in its downtown which attracts many visitors during the holiday season. Image source: www.travelmag.com

Strategy

3

Make the Most of What Downtown Has

Downtown Modesto is already an important civic and commercial center and can be a regional entertainment destination. Recognizing these strengths, the City and its partners should focus on reinforcing and leveraging downtown as a destination.

3A. Pursue Creative Catalyst Projects

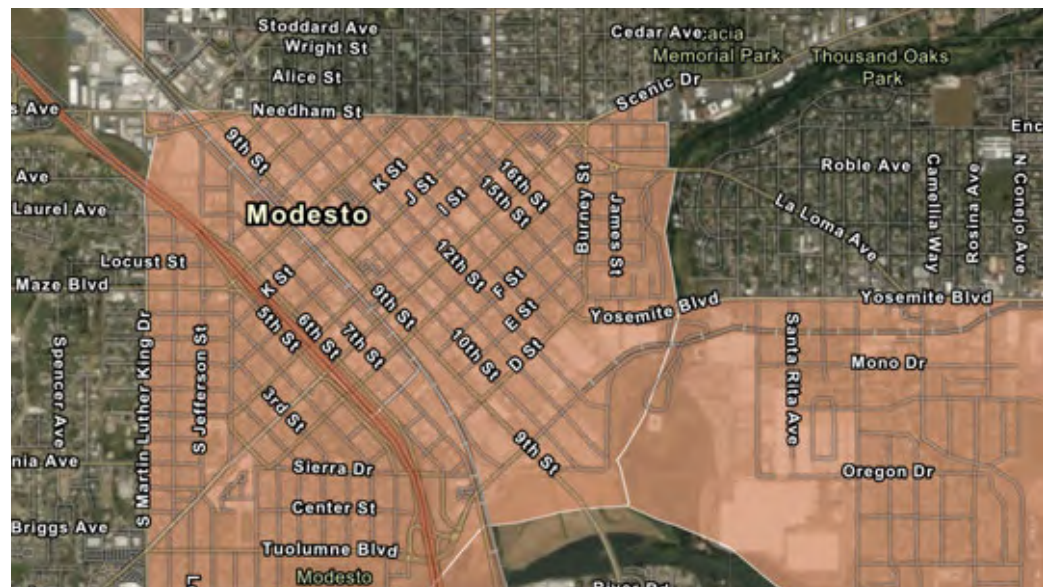
Recognizing the limited feasibility of new development in the downtown under current market conditions, the City should focus on identifying and supporting creative interim and catalyst projects. For example, such projects can include the adaptive reuse of challenging or historic properties, or the creative interim use of a long-term development site, like the Grub Hub.

The General Plan vision for downtown Modesto is for it to be the focal point

of community life and the social, cultural, business, governmental and entertainment center of Stanislaus County. This vision is to be achieved through public-private partnerships; with the City taking the lead through strategic investments in public infrastructure and by recruiting and assisting with new private investment.

In addition to commercial and office projects, the City will want to encourage small-scale residential projects. In all cases, the City will want to emphasize development to be of high-quality for long-term benefit.

Figure 5.8 Opportunity Zone
 Downtown Modesto is one of the seventeen census tracts in the Modesto area certified by the U.S. Department of Treasury as Opportunity Zones. Projects constructed in these zones are offered tax relief as a development incentive for potential investors.
 Image source: www.eig.org



3B. Transit Center Development

The City should carefully plan for development of the Transit Center area with a focus on creating a new mixed-use node with transit-oriented uses. Though the intensity of development is likely contingent upon the delivery of ACE train service to Modesto, in any scenario the development in this area should focus on mixed-use office and related uses. In addition, uses such as residential and specialty commercial can be considered.

The plan should also include better bicycle and pedestrian connectivity to key downtown destinations and should help reconnect the downtown to the neighborhood between 8th Street and Highway 99.

3C. Leverage Opportunity Zone Designation

Downtown Modesto is one of the seventeen census tracts in the Modesto area certified by the U.S. Department of Treasury as an Opportunity Zone. Projects constructed in these zones are offered tax relief as a development incentive for potential investors. The City of Modesto should research and facilitate opportunities to attract Opportunity

Zone funding. This may include direct establishment of, or coordination with, a Qualified Opportunity Fund (QOF).

3D. Explore Tactical Urbanism and Temporary Uses

To keep up the momentum of downtown development, the City should target short-term tactical activation, temporary uses, low-cost pilot projects, and similar strategies in addition to longer-term planning and environmental enhancements. The City should explore all creative opportunities to expand outreach and engagement with both local residents and visitors.



Figure 5.9 Temporary activation of vacant and underutilized parcels can play a big role in improving the identity of a neighborhood. This can be achieved in a variety of ways and at low cost with tactical urbanism ideas such as food trucks, maker spaces, retail kiosks selling specialty and artisan products, etc.

5.3 Strategy for Downtown Parking Improvements

A clear and understandable parking strategy, in coordination with a wayfinding strategy, can encourage visitors and non-downtown residents to visit the area for commercial and cultural activities.

Implementation Strategy

The Master Plan recommends a series of strategies to implement the parking-related improvements in downtown. These are listed in Table 5A, along with the required steps to achieve each strategy.

Financing Strategies

All recommended curb parking management improvements are anticipated to be self-funding. The improvements described in Chapter Four: Downtown Vision: Mobility, Parking and Utilities, the capital costs (for improvements such as parking meters, signage, striping, license plate recognition systems, etc.) and operating costs (such as enforcement staff) will be paid for by the revenues the meters generate.

All recommended off-street parking improvements (improving existing lots and garages, and building additional capacity

if necessary) are anticipated to be self-funding. The capital and operating costs will be paid for by parking fee revenues.

The transportation management program improvements recommended in Chapter Four may be funded by an array of sources, including parking revenues, transportation impact fees assessed on new development, employer contributions (e.g., for employee carpool, vanpool, and transit pass programs) and/or user fees (e.g., for carshare and bikeshare services).

Federal, state and regional transportation funds (e.g., gas tax revenues) may also be used to assist in funding transportation management program improvements.

Table 5D in Section 5.6 summarizes approximate capital costs associated with the recommended parking-related improvements.

Table 5A. Recommended Steps for Implementation of Improvements related to Parking and Traffic Reduction

1. Manage curb parking	<p>1A. Adopt a clear methodology to guide decisions on prioritizing the use of available curb space.</p> <p>1B. Set curb parking prices with the objective of ensuring that curb parking is well-used but readily available, by achieving a target occupancy range of approximately 65 to 85 percent on each block. Charge the lowest rates needed to achieve this goal.</p> <p>1C. Return parking revenue to downtown to pay for public services.</p> <p>1D. Establish residential parking benefit districts. Revenues help pay for neighborhood improvements.</p> <p>1E. Improve parking signage and install real-time electronic parking wayfinding system.</p> <p>1F. Designate additional passenger and delivery loading zones, as warranted by demand.</p>
2. Manage City-operated lots and garages	<p>2A. Implement short-term improvements to City-managed lots and garages.</p> <p>2B. Operate City lots and garages as a self-funding Enterprise Operation. Set user fees to ensure availability and make City-owned parking self-supporting (with assistance for low-income employees).</p> <p>2C. Assess highest and best use of City-owned lots and garages.</p> <p>2D. Offer incentives for converting underutilized private parking into shared public parking.</p> <p>2E. Reserve sites for future public parking lots and garages if and when needed.</p>
3. Regulate parking standards for private development	<p>3A. Remove minimum parking regulations.</p> <p>3B. Set maximum parking regulations.</p> <p>3C. At new developments, require unbundling of parking costs from the cost of other goods and services.</p> <p>3D. At new developments, if parking is to be provided, require provision of spaces for carshare vehicles and carpools, and preferential parking for electric vehicles and charging stations.</p> <p>3E. At new developments where tenants choose to subsidize employee parking, encourage parking cash-out programs.</p> <p>3F. At new developments, encourage provision of free transit passes to residents and employees.</p> <p>3G. At new developments greater than 25,000 square feet in size, encourage Transportation Demand Management (TDM) plans.</p> <p>3H. Monitor compliance with traffic reduction regulations required for new private developments and results achieved.</p>
4. Improve transportation choices	<p>4A. Strengthen Modesto's existing transportation management programs, in order to minimize traffic congestion, parking demand, and pollution.</p> <p>4B. Make infrastructure investments to encourage greater use of electric vehicles.</p>

5.4 Strategy for Downtown Utility Improvements

The strategies discussed below can be used to finance potential upgrades and improvements to the existing utility infrastructure that will be needed to implement the Plan vision.

Water Infrastructure Improvements

The City of Modesto has a Capital Improvement Program (CIP) to categorize and prepare budgets for water system improvements. The improvements for the existing water system in the downtown area that have previously been identified for strengthening, replacement, or fire flow improvements (See Section 4.3 in Chapter Four: Downtown Vision: Mobility, Parking and Utilities) are included within an established and approved CIP.

CIP Category 9 is the source created to “strengthen and replace the water system”¹. Category 9 “provides funding to replace and upgrade deficient water mains, which may also include ‘looping’ improvements”². Fire flow and grid improvements are included in Category 9.

Water line and fire hydrant relocation that is associated with the streetscape upgrades on I, J, and 10th Streets described earlier in this Master Plan document are not included in the approximate capital costs shown in Table 5E in Section 5.6 of this chapter. However, if the projects can be combined, there would be a significant cost savings.

Sanitary Sewer Improvements

The City of Modesto has a Capital Improvement Program (CIP) to prepare budgets for sewer system improvements. Replacing the existing 2,400 linear feet of 12-inch sewer main on J Street with a 15-inch sewer main is included in the established and approved CIP. The cost allotted for this project is \$800,000.

The cost of and responsibility for abandoning, removing, or upsizing alley sewers has not been accounted for in the CIP and will be determined at the time of development planning.

Storm Drain Improvements

The City of Modesto does have a Stormwater Infrastructure Master Plan; however, it does not focus on the downtown core. Because of this, the City does not have a specific budget for updating the storm drain system downtown. The cost of and responsibility for any upgrades or revisions to the storm drain network as a result of the streetscape enhancements will be determined at the time of development planning.

^{1,2} Taken from West Yost Associates (2017), *Water Master Plan*

5.5 Funding and Financing of Downtown Improvements

This section identifies appropriate sources of funding and financing mechanisms to carry out the public improvements needed to implement the Downtown Plan.

Funding for proposed public improvements will represent a key challenge. The City will play a key role in the development of infrastructure to support build-out of the Downtown Plan, by planning and designing infrastructure system improvements, providing a framework to allocate the burden for public improvements among various parties, leveraging private investments with available public resources, and providing tools to raise funds and finance the necessary improvements.

Funding Sources and Financing Tools

Various funding sources will contribute towards the cost of public improvements in the Downtown Plan area. For the types public improvements included in the plan, such as streetscape improvements and creation of public plazas, which provide general or areawide benefit, it is necessary for the City to identify funding sources and financing mechanisms. For other types of improvements that more narrowly benefit specific properties, the property owner or developer will be expected to directly fund or provide the necessary improvements.

Funding for public improvements can accrue on either a one-time basis (e.g., grants, payments from developers) or an ongoing basis (e.g., annual property assessments).

The Downtown Plan recognizes that there may be a mismatch between the timing/availability of funds from certain revenue sources and when it will be necessary to pay certain costs, so that public improvements can be developed and ready when needed to serve new development. Often, it is necessary to “front load” development of public improvements, meaning that the improvements must be built in advance of the development that will ultimately benefit from them and generate the revenues that will help to pay for them. To address this, municipalities often employ various debt financing tools to obtain necessary funds early in the development process, with the debt to be paid off over time by the development that is served.

The following sub-sections outline various funding sources and financing mechanisms that may be utilized in the Downtown Plan area. Ultimately, the necessary funding and financing for these improvements will be selected in a way that assures the most responsible and efficient use of public resources. The final financing program will most likely be a combination of various financing methods and funding sources, the mix of which will be determined through negotiations with the landowners and developers of affected properties. Because there is uncertainty about the availability of funding from various grant programs, including future grant programs

which are not known at this time, the funding strategy must be flexible and adaptable, and a key role for the City of Modesto will be to monitor and pursue funding opportunities for downtown improvements. Phasing for individual improvements may be adjusted based on funding availability and changes in City priorities.

Local Funding Sources

Following is a listing of potential funding sources that are controlled by, or available to, local governments. The City should consider using locally controlled funds strategically, in a way that leverages local monies to secure funds available from other sources.

Private Funding

The planned roadway improvements within the Downtown Plan area may partially be installed and funded through developer payments or by them directly constructing and then dedicating the completed improvements when their need is tied to private development activity. In the case of developer improvements that provide area-wide benefits, they may be partially reimbursable, or fee creditable, to some extent, through the City's Development Impact Fee Program.

For example, if developers are required to make intersection improvements or improve street frontage adjacent to their property a portion of the cost associated with general benefits for the large downtown area or the Modesto community at large could be eligible for reimbursement or fee credits. When it is determined that reimbursement or fee credits are due, a development reimbursement agreement shall be executed between the City and the developer. Infrastructure that is the developer's responsibility, as dictated by the project's conditions of approval, is not eligible for reimbursement. When private property owners and developers must

construct improvements to support their project, the City will encourage them to complete these improvements as soon as practical by tying building permit issuance or building occupancy to completion of certain improvements.

Development Fee Program (also known as Impact or Mitigation Fees)

The City of Modesto Development Fee Program establishes the relationship between contemplated new development, facilities needed to serve new development including parks and trails, and the estimated costs of those improvements. The purpose of the fees, sometimes also referred to as AB 1600 fees, is to finance public facilities to mitigate the impacts caused by new development. These capital improvement impact fees are adopted pursuant to California Government Code Section 66000, et. seq.

The Development Fee Program is updated periodically to ensure that required facilities are adequately funded and costs are apportioned to the various types of new development. The updated Development Fee Program information is used to determine the amount of fees available for the funding of proposed projects, and could be amended to include public improvements identified for the Downtown Plan area that create city-wide benefits.

As the City collects impact fees over time, the City can then expend the funds on eligible expenditures included in the Impact Fee Program's capital improvement plan (CIP). When a developer is required to construct public improvements that not only benefits their specific project, but also provides an area-wide benefit not specific to the project, the cost of the infrastructure may offset some portion of the fees that would otherwise be due, or may be partially reimbursable.

Development Agreements and Community Benefit Payments

Structured negotiations between cities and developers are often conducted to obtain desired improvements in exchange for development rights. The extent to which a new project can contribute to the provision of infrastructure depends on the project's specific economics, including the relationship between development costs and the revenues that the developer would collect from either leasing or selling the completed development; the amount of funding to be provided through development agreements will have to be negotiated.

While development agreements often memorialize a developer's obligations to construct or pay for public improvements that directly mitigate specific project impacts, in some cases the City and developers may be able to negotiate community benefit payments, which the City is able to use to more flexibly to fund necessary community enhancements that are not strictly necessary to mitigate project impacts, but nevertheless reflect a negotiated exchange of value between the City and the developer. For example, the City might negotiate a community benefit payment as part of a development agreement for a project located outside of the downtown, which would provide funds that the City could use to make improvements in the downtown which benefit the community at large.

Municipal Bonds

General Obligation Bonds, or G.O. Bonds, are tax-free municipal bonds backed either by the full faith and credit of the issuing jurisdiction, or by a pledge by the local jurisdiction to levy additional ad valorem property taxes in an unlimited amount, as necessary to satisfy debt service. Due to the broad pledge of revenues associated with General Obligation Bonds, the State Constitution requires two-thirds voter approval prior to

issuance. General Obligation Bonds have historically provided the lowest borrowing costs due to the broad security pledge. By comparison, revenue bonds are tax-free municipal bonds that are issued to cover the costs of construction for revenue-generating public facilities, where the anticipated cash flow is sufficient to cover operating costs and debt service. Revenue bonds are often used to finance construction of paid municipal parking facilities, among other revenue generating uses.

Revenues from bond issuance can fund a wide variety of activities. However, bonds are best suited for one-time infrastructure investments, rather than ongoing maintenance or operations. General obligation bonds may be well suited to paying for major streetscape improvements (e.g., adding curb cuts, ramps and railings, landscaping, and parklets), in building and maintaining new parking structures, and in building and improving park spaces. Revenue bonds may also be used for similar purposes, but are best suited for use in combination with other public and private funding for planning and construction of specific revenue generating improvements, such as parking structures. In these cases, revenue bonds are issued based on the anticipated revenue raised through parking fees or special districts.

General Fund Allocations

The General Fund is the main operating fund for the City of Modesto and is the least restrictive of all potential funding sources. The use of General Fund monies is at the discretion of the City Council. Subject to the need to balance many budgeting needs, the City Council could decide to spend General Fund dollars on any of the desired implementation items. The total budget in the current 2019-2020 fiscal year was \$138.3 million, including both assigned and unassigned funds. Major expenditure categories

within the General Fund include Finance and Administration, Community and Economic Development, the Fire and Police Departments, Parks and Recreation, and Public Works.

Major General Fund revenue sources include Property Tax, Sales Tax, Property Tax In-Lieu of Vehicle License Fees (ILVLF), Transient Occupancy Tax (TOT), Utility Users Tax, Business License Tax, Impact Fees and Construction Revenues, and other revenues associated with special assessments, among other sources. While General Fund resources are available for use at the City's discretion, the use of such monies would divert resources from other City funding priorities, such as police and fire services, planning, public works, or other core municipal services; thus, it should be expected that General Fund allocations for plan implementation will be limited.

Transient Occupancy Tax (TOT)

This special tax is charged to visitors who rent overnight accommodations (e.g., hotels, motels, AirBnB, etc.) for 30 days or less. Revenues are collected at the time of payment by the lodging operator and lodging establishments located within the City of Modesto remit the TOT collections to the City. The applicable TOT rate is set by the local jurisdiction and can be increased or decreased with local voter approval. Many communities, when proposing an increase in the TOT rate, designate subsequent revenue for a specific use, such as community marketing, tourism development, or wayfinding improvements.

However, revenue from a TOT measure may be either restricted or unrestricted. While TOT revenue is more often used to fund ongoing branding and tourism development efforts, such revenue may also be used over time to offset capital improvement costs for things like gateway improvements and branding, implementation of the wayfinding strategy,

parking management, and other efforts geared toward improving the downtown as a visitor destination.

Special Assessment Districts

A Special Assessment District can be used to fund any improvement that provides a "direct and special" benefit to the assessed property. By this definition, improvements like parking facilities, sidewalks, and lighting can be funded via Special Assessments, while "general" benefits like parks and schools may not.

There are two primary challenges in establishing Special Assessment Districts, particularly for those in already developed areas. The first is that total property taxes can only increase a certain amount before they begin to disadvantage new development relative to properties not subject to an assessment. The second is that assessment districts require a majority vote of property owners, weighted by property value. All the affected properties must stand to benefit from that particular improvement, and no assessment can exceed "reasonable cost".

Business Improvement Districts (BIDs)

A Business Improvement District (BID) is a common type of self-taxing Special Assessment District that assesses business and/or property owners to fund maintenance, marketing, and other activities, including additional public services or improvements. A property-based business improvement district (PBID) assesses the owners of property within the district. Although not common, BIDs and PBIDs can be established in overlapping areas. The Modesto Downtown Improvement District already covers much of the Plan Area. Given the broad applicability of BID revenues, the City should continue to coordinate closely with the BID to align goals and leverage resources, where appropriate.

Landscaping and Lighting Assessment Districts (LLADs)

A landscaping and lighting assessment district (LLAD) is another type of Special District established by a local government to finance the costs of landscaping and lighting public areas. Revenues are most often used toward the installation and maintenance of landscaping, statues, fountains, general lighting, traffic lighting, recreational and playground equipment, and public restrooms. Revenues can also be used to back revenue bonds, which can fund acquisition of land for parks and open space, as well as the construction of community centers, auditoriums, and other similar public uses. By law, the levy associated with an LLAD cannot be tied to the value of land or improvements, but must be established using a “benefit formula” that allocates benefits and costs to providing service to each parcel. LLADs that provide ongoing services may remain in place for as long as service is provided. A majority vote is required to establish an LLAD, as well as to increase the assessment rate.

Mello-Roos Community Facilities Districts (CFDs)

Community Facilities Districts (CFDs or Mello-Roos) are another form of Special Tax District that can be used to fund infrastructure improvements and ongoing operations and maintenance. California law allows CFDs to fund a much wider range of improvements than Special Assessment Districts - including park facilities and open space as well as infrastructure. CFDs also differ from Assessment Districts in that they do not require that a strict nexus be established between the special tax paid and the benefits conferred on a given parcel. A two-thirds vote of registered voters is required to form the District. CFDs are most commonly formed in undeveloped areas, where a two-thirds vote of property owners is required (so long as there are no more than twelve registered voters

living within the proposed district). If bonds are sold by the district, property owners located within the district will pay the yearly special tax until the bonds are paid in full. Therefore, a CFD could be used to back issuance of community facilities bonds, or the revenue may be used to fund improvements or ongoing maintenance on a pay-as-you-go basis.

Community Revitalization Investment Authority (CRIA)

A Community Revitalization Investment Authority (CRIA) is a new form of redevelopment in California. As of January 2016, local agencies are authorized to designate “community revitalization and investment areas” to carry out infrastructure, affordable housing, and economic revitalization activities with tax increment financing. Similar to the prior redevelopment law, 25 percent of tax increment revenues must be spent on affordable housing. Formation of a CRIA is allowed in areas where at least 80 percent of the land contains any combination of Census Tracts and/or Block Groups where at median household income is less than 80 percent of the state-wide, city-wide or county-wide annual median income, and the area meets at least three of the following criteria:

- Unemployment rate at least three percentage points higher than the state-wide average annual unemployment rate
- Crime rates for violent or property crime offenses, at least five percent higher than state-wide average
- Deteriorated or inadequate infrastructure
- Deteriorated or inadequate residential structures

Enhanced Infrastructure Financing Districts (EIFDs)

The Enhanced Infrastructure Financing District (EIFD) is another new funding mechanism that was signed into law to serve as a post-redevelopment tool, on September 2014. Its main purpose is to finance a wide array of infrastructure projects with “community-wide significance,” from parks and brownfield remediation to transit improvements and affordable housing. Unlike a CRIA, an area designated for an EIFD does not have to meet stringent qualifying criteria. An EIFD can be created by a city, county, or Joint Powers Authority to fund specific infrastructure and economic development projects.

EIFDs can also leverage multiple funding streams to achieve these goals — including tax increment, assessment revenues, increases in Property Tax In-Lieu of Vehicle License Fees (ILVLF), service fees/charges, and other sources, such as state and federal grants. EIFDs share a number of similarities to CRIAs. For example, the governing structure must include at least two members of the public, any taxing entity other than a school district can participate, and they may not form until the successor redevelopment agency has wound down. Unlike a CRIAs, however, an EIFD can be established without voter approval, and does not require an affordable housing set-aside. EIFDs may not issue debt without a 55 percent vote of the District’s registered voters, nor can revenues be used to fund ongoing maintenance and operations.

The City would need to determine the percent of the ad valorem property tax increment that the City (and other cooperating agencies) controls, and the magnitude of tax increment that could be generated over time, in order to evaluate the potential efficacy of establishing an EIFD for areas within downtown.

Local Transportation Funds (LTF)

Local Transportation Development (LTF) Funds are equal to one-quarter cent of the state-wide retail sales tax receipts. The funds are returned to each county by the State Board of Equalization based on the pro-rata share of state-wide retail sales and use taxes collected within each area. Administration of LTF funds is undertaken by StanCOG. LTF can be used for the administration of the Transportation Development Act (TDA), pedestrian and bicycle facilities, the public transit system (both operations and capital), and for streets and roads projects. TDA requires that two percent of the annual estimate be set aside for bicycle and pedestrian improvements. Claims for administrative, pedestrian and bicycle, and public transit are to be funded first. Any remaining funds, after deducting operating costs, may be allocated for streets and road purposes. Projects eligible for funding are identified in the CIP.

State and Regional Funding Sources

Following are descriptions of a number of State and Regional funding sources, for which selected Plan components may be eligible projects.

Infrastructure State Revolving Loan Fund (ISRF)

The California Infrastructure and Economic Development Bank (I-Bank) loans money (ranging from \$50,000 to \$25 million) to public agencies and non-profits for infrastructure projects. The I-Bank is the state’s general purpose financing authority that finances public infrastructure and private development projects that promote economic development and revitalization. Eligible project categories may include rehabilitation of city streets and state highways; new parks and recreational facilities; educational, cultural and social facilities; goods movement related infrastructure; and expanded

public transit. Applications are accepted continuously.

Strategic Growth Council Housing and Sustainable Communities (AHSC) Program

The Affordable Housing and Sustainable Communities (AHSC) program provides grants and affordable housing loans for compact transit-oriented development and related infrastructure and programs that reduce greenhouse gas (GHG) emissions. Administered by the Strategic Growth Council, the program is funded through the Greenhouse Gas Reduction Fund (GGRF).

The program has two main objectives. The first is to reduce GHG emissions and vehicle miles traveled (VMT). The second is to increase the accessibility of housing, employment centers and key destinations through low-carbon transportation options, such as walking, cycling, and transit. Assistance is provided through housing loans and capital grants.

Strategic Growth Council Transformative Climate Communities (TCC) Program

The Transformative Climate Communities (TCC) Program managed by the California Strategic Growth Council is funded with through the California Cap and Trade Program. The program takes a place-based strategy to reducing greenhouse gas emissions. Eligible projects must significantly reduce greenhouse gas emissions over time, leveraging additional funding, and promote additional health, environmental, and economic benefits. Example projects include affordable housing developments, transit stations and related facilities/improvements, bicycle and carshare programs, urban greening projects, bicycle and pedestrian facilities, and health and well-being projects, among others. To be eligible, at least 51 percent of the designated project area must be located within Census Tracts that are among the top 10 percent of the

identified “disadvantaged communities” in California. According to *CalEnviroScreen 3.0*, the two Census Tracts that cover the Downtown Plan area are among the top five percent of Disadvantaged Census Tracts in California, which would make the area eligible for participation in the TCC program. Under round three of the program, the SGC anticipates awarding two implementation grants of \$28.2 million each, and three planning grants of \$200,000 each.

Caltrans Active Transportation Program

The Caltrans Active Transportation Program (ATP) consolidates funding from various transportation programs at both the State and Federal level, including the Federal Transportation Alternatives Program (TAP), Bicycle Transportation Account (BTA), and State Safe Routes to School program. Approximately \$220 million was awarded through the 2019 ATP and distributed into three categories: Statewide competition (50 percent), Metropolitan Planning Organization (MPO) projects for regions with 200,000 or more residents (40 percent), and small urban and rural regions with populations of less than 200,000 (10 percent). The goal of the ATP is to encourage increased use of active modes of transportation, including walking and cycling, as well as the safety and mobility of non-motorized users. Eligible projects may include establishing bicycle lanes and separated bikeways and walkways, as well as adding new landscaping, traffic control devices, street calming, and enhanced street lighting.

Federal Funding Sources

Following are some examples of federal funding sources for which at least some Plan components may be eligible.

Community Development Block Grants

For cities that participate in the Community Development Block Grant (CDBG) entitlement program, the Department of Housing and Urban

Development (HUD) offers grants that can support a wide array of infrastructure improvements, so long as they provide benefit to low- and moderate-income persons, prevent or eliminate slums or blight, and help to remediate urgent threats to the health or welfare of the community for which other funds are not available.

Land and Water Conservation Fund

The Land and Water Conservation Fund (LWCF) provides matching funds to state and local government agencies that contribute to development of public outdoor recreational facilities. Funded activities include technical studies and planning, as well as land acquisition, and development of recreational facilities. Approximately 75 percent of the funds distributed by the LWCF were used to facilitate development of local recreational facilities.

Other Private/Non-Profit Funding Sources

In addition to public funding sources from various levels of government, private funding may play a role in the Downtown Plan's implementation.

Private Donations

Contributions from private donors, such as individuals or charitable foundations, whose interests align with the goals of the Downtown Plan are another potential source of funds that could support either capital improvements or ongoing operations and maintenance. Donations can take the form of cash contributions or in-kind donations of time or materials. One particular type of improvement identified in the Downtown Plan that should be targeted for private in-kind funding is construction and maintenance of parklets. The City should identify property owners and/or business owners whose properties front onto main pedestrian streets, who would like to construct parklets in the adjacent right-of-way. Owners of eating

and drinking establishments in particular should be attracted to undertake these types of projects, because they can provide additional seating capacity, and make their businesses more visible and attractive. In exchange for these benefits, the owners should be willing to design, construct, and maintain the parklets at their cost, in accordance with City/Caltrans guidelines.

Sponsorship Programs

Similar to private donation drives, organized sponsorship programs solicit larger donations from individuals, business, and organizations which can be used to fund improvements. Sponsorship campaigns often include some form of public recognition, such as participation in ribbon cutting ceremonies, naming rights to a park or public space, or a commemorative plaque or a piece of public art work. Some of the specific items that may benefit from sponsorship programs include the creation of new park spaces and plazas.

Private Charities and Foundations

In addition to donations from private individuals and named sponsors, additional voluntary donations may be available from private charities and foundations. Funds are often secured through the submission of applications to charities and foundations with stated missions which align with the goals of the project in question.

User Fees and Concessions

To the extent that new facilities charge fees for access or usage of facilities, said fees can be used to offset the costs of operations and maintenance. User fees may include new parking fees, as well as admission fees, such as for baseball games or special events. If concessions are provided, such as snack stands, food trucks, or vending machines, concession fees may also be used to offset operations and maintenance costs, such as for supporting an event series, or providing

security and maintenance services. User and concession fees are typically insufficient to offset construction costs for most types of public facilities, but can be part of a balanced and multifaceted financing strategy. However, in the event that a new baseball stadium is developed, concession/user fees could be used to back low-cost bond issuance.

Public-Private Partnerships

Public-private partnerships are recommended in the Modesto General Plan as a means of implementing development projects in downtown. Collaboration between a City of Modesto agency and a private-sector company can be used to finance, build, and operate projects such as streetscape and public realm improvements, mixed-use projects, convention centers, etc. Financing a project through a public-private partnership increases the certainty of the built outcome, and timely delivery.

Summary

The discussion above identified funding sources and financing tools that could be utilized to develop public improvements to support implementation of the Downtown Plan. Implementation of the Plan will also require on-site improvements to be developed or constructed by developers or builders in conjunction with the improvements necessary to support their projects. Several funding mechanisms and tools have been identified that will assist in developing financing plans for the future improvements.

Factors that the City shall consider when prioritizing funding and selecting the techniques to fund and finance, and matching funding sources with individual improvements include:

- Required timing of improvements compared to location and anticipated rate of development and absorption of completed products.
 - The ability to leverage locally generated funds with funds available from regional, state, or federal grants not otherwise available to the City.
 - The beneficiaries of the planned improvements and the targeted sources of funding, including available grants
 - Feasibility of constructing improvements on a “pay as you go” basis versus the need for up-front funding and construction of certain improvements.
 - Consistency with applicable standards and best practices for bond financing, including lien to value ratios, debt service coverage ratios, limitations on overall property owner tax burden, and diversification of the ownership base of participating properties.
 - Integration of projects requiring public funding with overall city-wide priorities.
 - Preferences of a developer or individual landowners will be balanced with the overall requirements for efficient and equitable implementation of the Downtown Plan.
- Potential for improvements to serve as catalysts and facilitate development of a range of properties versus improvement projects that have more limited benefits.

5.6 Summary of Major Downtown Projects

Table 5B. Major Projects by Opportunity Site

Opportunity Site 1: Transit Center Area

Program (based on illustrative plan + lot testing on infill sites)		850 new residential units 447,800 SF new non-residential uses		
Major Capital Projects		Timing ¹	Priority	Cost Estimate
1A	New mixed-use commercial development facing 9th Street on the site of the existing Transit Center (office with ground floor retail, average height four stories)	Near-term	High	Private development
1B	New parking structure at the north-east corner of 9th and I Streets (parking with ground floor retail/ office liner, five stories)	Long-term	Low	Requires further analysis
1C	Transit Plaza along 9th Street fronting station building, with a pedestrian crossing table at 9th and J intersection	Near-term	High	Requires further analysis
1D	Relocate bus station access from 9th to 8th Street, including the relocation of bus bays, bus parking and passenger facilities	Near-term	High	Requires further analysis
1E	Evaluate feasibility of bicycle/pedestrian tunnel underneath the train tracks to connect J Street across Transit Station	Near-term	Medium (assess feasibility)	Requires further analysis
1F	J Street improvements as a Shared Street from 9th to 11th (permeable paving, street furniture, etc.) and other improvements on J (priority section: till 14th/Needham) ²	Near-term	High	\$10,000,000
1G	7th Street improvements as a pedestrian priority street from L to G Streets ²	Near-term	Medium	\$3,000,000
1H	9th Street improvements from L to H Streets, connect with existing facility from Tully Road to H Street ²	Near-term	High	\$880,000

Opportunity Site 2: Old Courthouse Block

Program (based on illustrative plan and lot testing on infill sites)		72 new residential units 52,800 SF new non-residential uses		
Major Projects		Timing ¹	Priority	Cost Estimate
2A	Assess existing building for historic status and integrity; and make necessary improvements to front wing	Near-term	Medium	Requires further analysis

¹ Near-term: 2020 - 2030
Long-term: 2030 - 2040

² Please also refer Table 5C for major streetscape improvements

³ To be constructed only if needed after analysis of existing parking capacity

Table 5B. Major Projects by Opportunity Site

2B	New mixed-use development at north-west corner and southern half of block (residential with ground floor retail; two stories at north-west corner, five stories in southern half of block)	Near-term	High	Private development
2C	Create landscaped park and plaza facing I Street including street furniture, lighting and pedestrian amenities	Near-term	Medium	Requires further analysis
2D	Restore historic brick plaza in the interior of the block, create pedestrian mid-block connection to H Street	Long-term	Medium	Requires further analysis
2E	12th Street improvements (Needham Street to D Street) ²	Near-term	High	\$3,400,000
2F	I Street improvements (9th Street to 17th Street) ²	Near-term	High	\$6,600,000
2G	H Street improvements (10th Street to 19th Street) ²	Near-term	High	\$1,300,000

Opportunity Area 3: 10th Street Node

Program (based on illustrative plan and lot testing on infill sites) 398 new residential units
222,000 SF new non-residential uses

Major Projects	Timing ¹	Priority	Cost Estimate
3A New minor-league ballpark with retail (or similar use) at the north-west corner of F and 10th Streets	Near-term/ Long-term	Medium	Requires further analysis
3B New parking structure on south-west corner of 10th and D Streets (800 parking spaces with retail liner, five stories)	Long-term ³	Low	Requires further analysis
3C New mixed-use development (residential with ground floor retail, five stories)	Long-term	High	Private development
3D 9th Street improvements (H Street to Morton Boulevard) ²	Near-term	High	\$800,000
3E 10th Street improvements (I Street to Morton Boulevard) ²	Near-term	High	\$4,800,000

¹ Near-term: 2020 - 2030
Long-term: 2030 - 2040

² Please also refer Table 5C for major streetscape improvements

³ To be constructed only if needed after analysis of existing parking capacity

Table 5B. Major Projects by Opportunity Site				
Opportunity Area 4: West Modesto Node				
Program (based on illustrative plan and lot testing on infill sites)		40 new residential units 37,850 SF new non-residential uses		
Major Projects		Timing¹	Priority	Cost Estimate
4A	New mixed-use buildings on both block corners at 5th and H Streets (residential with ground floor retail, two stories)	Near-term/ Long-term	Medium	Private development
4B	New mixed-use building on north-east corner of H and 4th Streets (residential with ground floor retail, two stories)	Near-term/ Long-term	Medium	Private development
4C	New mixed-use buildings on block corners on both sides of H on 1st Street (residential with ground floor retail, two floors)	Near-term/ Long-term	Medium	Private development
4D	Incremental infill on interior lots (“missing middle” building types)	Near-term/ Long-term	Medium	Private development
4E	H Street improvements (1st Street to 10th Street) ²	Near-term	High	\$7,600,000
4F	I Street improvements (Washington Street to 9th Street) ²	Near-term	High	\$2,700,000
4G	J Street improvements (6th Street to 8th Street) ²	Near-term	High	\$400,000
Other infill sites		190 new residential units 19,550 SF new non-residential uses		
Total new development		1,550 new residential units 780,000 SF new non-residential uses		

1 Near-term: 2020 - 2030
Long-term: 2030 - 2040

2 Please also refer Table 5C for major streetscape improvements

Table 5C. Recommended Improvements - Streetscape and Active Transportation					
Street/ Corridor	Recommended Improvements				Cost Estimate
	Bicycle	Pedestrian	Vehicular	Parking	
9th Street Tully Road to Morton Boulevard	Two-way separated bikeway	NA	NA	Parking removed (both sides)	\$3,500,000
Cross-downtown rail-trail Needham Street/root lateral to Tuolumne Boulevard	Multi-use path	NA	NA	NA	\$3,400,000
12th Street Needham Street to D Street	One-way separated bikeways	NA	Center turn lane removed	Parking removed (one side)	\$3,400,000
14th Street Needham Street to D Street	Bicycle lanes	NA	Center turn lane removed	NA	\$300,000
17th Street Needham Street to Burney Street	Bicycle lanes	NA	One-way to two-way conversion (two one-way lanes changed to one lane in each direction)	NA	\$200,000
Lane Street Burney Street to Morton Boulevard	Bicycle boulevard	NA	NA	NA	\$50,000
Needham Street/ Downey Avenue Park Avenue to Kimble Street	Bicycle lanes	NA	NA	Parking removed (one side)	\$170,000
Morton Boulevard La Loma Avenue to Yosemite Boulevard	Bicycle boulevard	NA	NA	NA	\$110,000
Dry Creek Trail Extension La Loma Avenue to 11th Street	Multi-use path	NA	NA	NA	\$2,500,000
Tuolumne River Trail Extension Tioga Drive to Rouse Avenue	Multi-use path	NA	NA	NA	\$2,500,000
Morton Boulevard Waterfront Trail 7th Street to 11th Street	Multi-use path	NA	NA	NA	\$1,200,000
B Street 7th Street to 9th Street	One-way separated bikeways	NA	Street reconstruction	NA	\$670,000
D Street/ Jennie Street 9th Street to Morton Boulevard (alignment to be decided)	One-way separated bikeways	NA	NA	Parking removed (both sides)	\$1,680,000
Maze Boulevard Helen White Memorial Trail to Washington Street	Two-way separated bikeway	NA	Center turn lane removed	Parking removed (both sides)	\$820,000
Washington Street Maze Boulevard to H Street	Two-way separated bikeway	NA	NA	NA	\$1,100,000

Table 5C. Recommended Improvements - Streetscape and Active Transportation					
Street/ Corridor	Recommended Improvements				Cost Estimate
	Bicycle	Pedestrian	Vehicular	Parking	
Sierra Drive 3rd Street to 7th Street	Bicycle lanes	NA	NA	NA	\$140,000
1st Street/ Sierra Drive Washington Street to 3rd Street	Bicycle boulevard	NA	NA	NA	\$70,000
Virginia Trail root lateral extension College Avenue to 9th Street	Multi-use path	NA	NA	NA	\$460,000
K Street Washington Street to Needham Street	One-way separated bikeways	NA	One-way to two-way conversion (two one-way lanes changed to one lane in each direction)	Parking removed (one side)	\$3,100,000
I Street 9th Street to 17th Street	Shared-use side path	Widen sidewalk	One lane in each direction	NA	\$9,300,000
H Street/ Paradise Road 1st Street to 19th Street (*sidewalk improvements from Washington Street to 10th Street)	One-way separated bikeways	Widen sidewalk*	One-way to two-way conversion (two one-way lanes changed to one lane in each direction)	Parking removed (one side)	\$8,900,000
F Street 9th Street to 17th Street	Bicycle lanes	NA	NA	NA	\$170,000
Park Avenue/ Enslen Avenue/ Morris Avenue Virginia Trail to Needham Street	Bicycle boulevard	NA	NA	NA	\$140,000
Virginia Avenue Morris Avenue to Needham Street	Advisory bicycle lanes	NA	NA	NA	\$110,000
7th Street G Street to L Street	NA	Widen sidewalk	NA	NA	\$3,000,000
J Street 6th Street to 8th Street, 11th Street to 14th Street	NA	Widen sidewalk	NA	NA	\$2,400,000
J Street Shared Street 9th Street to 11th Street	NA	Flush/ shared street	NA	NA	\$8,200,000
10th Street I Street to S. Morton Boulevard	NA	Widen sidewalk	NA	NA	\$4,800,000
Total					\$62,390,000

Improvement Type	Timing ¹	Funding	Potential Partnerships
Curb parking management improvements (license plate recognition systems, meters, signage, striping)	Near-term	City (self-funding)	Caltrans BID Private development
Electronic parking wayfinding signage system	Near-term	City (parking fee revenues)	Caltrans Private development
Short-term City lot and garage improvements (e.g., lighting, renovation, landscaping)	Near-term	City (parking fee revenues)	Caltrans BID Private development
Additional City parking supply, if and when needed	Long-term	City (parking fee revenues)	Caltrans Private development

¹ Near-term: 2020 - 2030
Long-term: 2030 - 2040

Improvement Type	Improvement Description	Quantity	Estimated Capital Costs ^{b,c}
High Priority Fire Flow Improvements			
Pipeline improvements	New 8-inch diameter pipelines	2,160 LF	\$392,100
Pipeline improvements	New 12-inch diameter pipelines	30 LF	\$7,300
Subtotal		2,190 LF	\$399,400
Low Priority Fire Flow Improvements			
Pipeline improvements	New 12-inch diameter pipelines	8,980 LF	\$2,182,200
Subtotal		8,890 LF	\$2,182,200
Fire Flow Improvements			
Pipeline improvements	New 8-inch diameter pipelines	70 LF	\$12,800
Pipeline improvements	New 12-inch diameter pipelines	11,370 LF	\$2,763,000
Subtotal		11,440 LF	\$2,775,800
Strengthen and Replace (S&R) Improvements			
Pipeline improvements	Upsize existing small diameter pipelines to 8-inch diameter pipes	59,640 LF	\$10,824,700
Subtotal		59,640 LF	\$10,824,700
Grid Improvements			
Distribution/ transmission improvements	Construct new 12-inch diameter pipelines along the following: - 5th Street between G Street and H Street - H Street between 5th Street and South Washington Street	2,100 LF (in downtown area)	~\$510,300 (in downtown area)
Subtotal		2,100 LF	\$510,300
Total		84,260 LF	\$16,692,400

^a Taken from West Yost Associates (2017), Water Master Plan, Tables 11-2 and 11-3.

^b Costs shown include a mark up equal to 50 percent.

^c Costs shown are rounded up to nearest \$100.





References + Glossary

CHAPTER

6

In this chapter

6.1 Reference Documents	138
6.2 Definitions of Specialized Terms and Phrases	140

6.1 Reference Documents

Public Visioning Workshop: July 22, 2019

- **Focus Group Notes**
<https://www.modestogov.com/DocumentCenter/View/14597/DMP-Focus-Groups-Notes-7-22-19-PDF>
- **Workshop Presentation**
<http://www.modestogov.com/DocumentCenter/View/14601/DMP-Workshop-Presentation-7-22-19-PDF>
- **Visioning Workshop Exercise Notes**
<https://www.modestogov.com/DocumentCenter/View/14596/DMP-Public-Workshop-summary-7-22-19-PDF>

Community Design Charrette: September 30 - October 4, 2019

- **Charrette Opening Presentation**
http://www.modestogov.com/DocumentCenter/View/14754/Charrette_Opening_Presentation_20190930-PDF
- **Brown Bag Presentation: Economics**
http://www.modestogov.com/DocumentCenter/View/14755/Charrette_Economics_BrownBag_20191001-PDF
- **Brown Bag Presentation: Mobility**
http://www.modestogov.com/DocumentCenter/View/14753/Charrette_Mobility_BrownBag_20191002-PDF
- **Brown Bag Presentation: Parking and Transportation Demand Management (TDM)**
http://www.modestogov.com/DocumentCenter/View/14752/Charrette_Parking_TDM_BrownBag_20191002-PDF
- **Charrette Closing Presentation**
http://www.modestogov.com/DocumentCenter/View/14903/Charrette_Closing_Presentation_20191004-PDF

City Council Workshop: December 17, 2019

- **City Council Downtown Master Plan Workshop Presentation**
<http://www.modestogov.com/DocumentCenter/View/15259/Council-Workshop-Presentation-12-17-19PDF>

City of Modesto Documents

- **Downtown Form-Based Code**
<http://www.modestogov.com/DocumentCenter/View/1393>
- **General Plan and Master EIR**
<https://www.modestogov.com/784/General-Plan-Master-EIR>
- **Non-Motorized Transportation Master Plan**
<https://www.modestogov.com/DocumentCenter/View/1722>
- **Redevelopment Master Plan**
<https://www.modestogov.com/DocumentCenter/View/1486/Attachment-I-2007-RDA-Master-Plan-Sections-1-4-PDF>
- **Downtown Passenger Rail Station Feasibility Study**
<https://www.modestogov.com/DocumentCenter/View/1360/Downtown-Passenger-Rail-Station-Feasibility-Study-PDF>

6.2 Definitions of Specialized Terms and Phrases

A

Alley. A secondary lane behind buildings, offering space for services and utilities (garbage collection, electricity, off-street parking, etc.).

B

Block-form, building. A building that is individually as large as a block or individual buildings collectively arranged along a street to form a continuous facade as long as most or all of a block.

Building elevation/facade. The exterior wall of a building not adjacent to a street, the front or side along a private street, or civic space.

Building form. The overall shape and dimensions of a building.

Building frontage. The length of the building site line of any one premises parallel to and along each street and/or open space which it borders.

Building type. A structure defined by its combination of configuration, disposition and function.

Bungalow court. This building type consists of a series of small, detached structures, providing multiple units arranged to define a shared court that is typically perpendicular to the street. The shared court takes the place of a private rear yard and is an important community-enhancing element. It provides well-designed higher densities appropriately scaled for primarily single-family or medium-density neighborhoods. [See Modesto Zoning Code: 10-7.512 (a)]

C

Carshare parking space. A parking space required to be dedicated for current or future use by a carshare service through a deed restriction, condition of approval or license agreement. Such deed restriction, condition of approval or license agreement shall grant priority use to any carshare service that can make use of the space, although such spaces may be occupied by other vehicles so long as no carshare organization can make use of the dedicated carshare spaces.

Carshare service. A service that provides a network of motor vehicles available to rent by members by reservation on an hourly basis, or in smaller intervals.

Catalyst project. A development project undertaken with the intention of beginning a trend of further development in a particular area, often initiated or implemented by the City with or without public-private partnerships.

Center. Concentration of ground floor retail, restaurants, and services, with additional offices and housing located above, within a Walkable Urban context.

Charrette. A multiple-day collaborative design and planning workshop held on-site of the area being planned and inclusive of all affected stakeholders.

Civic. A term defining not-for-profit organizations that are dedicated to arts, culture, education, religious activities, recreation, government, transit, and public parking facilities.

Civic building. A structure operated by governmental or not-for-profit organizations and limited to civic and related uses.

Civic space. Publicly accessible open space. Can be used interchangeably with “public open space”.

Commercial. A term defining service and retail uses collectively.

Commercial block building. A medium- to large-sized structure, typically attached, intended to provide a vertical mix of uses with ground-floor retail or service uses and upper-floor service or residential uses. [See Modesto Zoning Code: 10-7.512 (b)]

Complete street. A street design concept that takes a multimodal approach to the planning and design of roadways to ensure that the needs of all users are balanced, and that people walking, cycling, driving, and using transit can travel safely, comfortable, and conveniently, regardless of age and ability.

Connectivity. The system of connecting paths that people use to move through a town. More connections offer more options for getting from Point A to Point B, and thus improved connectivity.

Context. Factors encompassing a particular site that affect how development on the site will interact with its surroundings. Includes neighboring buildings, natural features, vegetation, climate, topography, cultural factors, etc.

Courtyard. An unroofed area that is completely or partially enclosed by walls or buildings on at least two sides and often shared by multiple residential units or commercial suites.

Courtyard building. A medium- to large-sized multi-family structure arranged to share one or more common courtyards. The courtyard serves as a semi-public space, as its use is shared among units. Each unit may have its own individual

entry, or up to three units may share a common entry. [See Modesto Zoning Code: 10-7.512 (c)]

D

Duplex. A small- to medium-sized structure that consists of two dwelling units, one on top of the other or side-by-side, both of which face and are entered from the street. This type has the appearance of a medium to large single-family home and is appropriately scaled to fit within primarily single-family neighborhoods or medium-density neighborhoods. [See Modesto Zoning Code: 10-7.512 (d)]

E

No specialized terms beginning with the letter E are defined at this time.

F

Facade. See Building Elevation/Facade.

Flex space/ flex curb zone. The area along the edge of the street, typically between travel lanes and a sidewalk, which can be allocated for a variety of uses including outdoor seating, bicycle parking, and loading for goods or ridesharing services.

Floor-area ratio (FAR). The relationship between the total amount of usable square footage in a building and the total area of the lot. Higher ratios tend to be more urban.

Form. The shape of a building that defines the space around it.

Form-based code. A form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town, or county law.

[Definition from the Form-Based Codes Institute (FBCI)]

Front yard house. A small- to medium-sized detached structure on a medium-sized lot that incorporates one unit. It is typically located within a primarily single-family residential neighborhood in a walkable urban setting, potentially near a neighborhood main street. [See Modesto Zoning Code: 10-7.512 (e)]

Frontage. How the front facade of a building and the privately-owned land between the building and the sidewalk relate to the streetscape. [Definition from FBCI]

Frontage, private. The area between the building facade and the back of the sidewalk abutting a street or public open space.

Frontage, public. The area between the on-street parking and the back of the sidewalk.

Frontage type. Physical element(s) configured to connect the building facade to the back of the sidewalk abutting a street or public open space.

G

Gateway. A structure marking a transition into a particular realm, such as a city or neighborhood.

Green infrastructure. A cost-effective, resilient approach to managing wet weather impacts that provides many community benefits. While single-purpose gray stormwater infrastructure—conventional piped drainage and water treatment systems—is designed to move urban stormwater away from the built environment, green infrastructure reduces and treats stormwater at its source while delivering environmental, social, and economic benefits.

Ground floor. The floor of a building located nearest to the level of the ground around the building.

H

Headway. The time between scheduled arrivals of individual transit vehicles (e.g. buses) along the same route.

Height. The distance measured from closest adjacent street to top of cornice, parapet, or eave line of a peaked roof with the following exceptions:

1. Rooftop mechanical equipment and utility structures that are:
 - Enclosed, generally centrally located on the roof and not visible from adjacent streets;
 - Screened from public view; and
 - Provided with measures where possible with reasonable efforts to buffer noise from adjacent existing residential uses.
2. Small rooftop amenity structures such as, clubhouses or cafeterias, located in public or private open spaces areas that are:
 - Generally centrally located on the roof and not visible from adjacent streets;
 - No more than five percent of the open space area within which they are located or 5,000 square feet total, whichever is less; and
 - No taller than 12 feet above the maximum allowed heights.

Highest and best use. "The reasonably probable and legal use of vacant land or an improved property that is physically possible, appropriately supported, financially feasible, and that results in the highest value" [Definition from the Appraisal Institute].

Hotel. A facility containing guest rooms or suites, used by guests on a transient occupancy basis for less than 30 days. Also includes guest amenities such as

swimming pools, gyms, restaurants, bars, meetings rooms, etc.

House-form, building. A detached building that is compatible in scale to a single-unit house.

I

Improvement. The product of any modification to a site structure or building.

J

No specialized terms beginning with the letter J are defined at this time.

K

No specialized terms beginning with the letter K are defined at this time.

L

Livability. The ability of a community to meet “broad human needs ranging from food and basic security to beauty, cultural expression, and a sense of belonging to a community or place” [Definition from *Community and Quality of Life: Data Needs for Informed Decision Making*. National Research Council, 2002].

Live/work. A small- to medium-sized attached or detached structure consisting of one dwelling unit above or behind a flexible ground floor space for residential, service, or retail uses. Both the primary ground-floor flex space and the second unit are owned by one entity. [See Modesto Zoning Code: 10-7.512 (f)]

M

Main street building. See commercial block building.

Major. Having a greater size, scope, effect, characteristic or quality relative to the other corresponding sizes, scopes, effects, characteristics or qualities; or being the greater of two or more.

Mansion apartments. A detached building with the appearance from the street of a large house which contains more than four dwellings. [See Modesto Zoning Code: 10-7.512 (g)]

Minor. Having a lesser size, scope, effect, characteristic or quality relative to the average size, scope, effect, characteristic or qualities; or being the lesser of two or more.

Missing middle housing. House-scale buildings with multiple units in walkable neighborhoods: “missing” because they have typically been illegal to build since the mid-1940s and “middle” because they sit in the middle of a spectrum between detached single-family homes and mid-rise to high-rise apartment buildings.

Mixed-use (development, building).

Mixed-use development typically refers to pedestrian-oriented places that layer compatible land uses, public amenities, and utilities together at various scales and intensities. This variety of uses allows for people to live, work, play and shop in one place, which makes such places attractive destinations. A mixed-use building accommodates multiple functions within the same building. Common forms include “vertical” mixed-use buildings (different uses on different floors of the same building), “horizontal” mixed-use blocks (individual buildings may have the same use; but a block has several buildings, each with different uses); or mixed-use “walkable neighborhoods” (a combination of vertical and horizontal mixed-use within a five to ten-minute walking distance of a center).

Multimodal. Supporting several different means of mobility (e.g., walking, bicycles, cars, buses, trains). A multimodal station offers people the ability to switch from one transportation mode to another, while a multimodal corridor accommodates multiple modes along its length.

N

No specialized terms beginning with the letter N are defined at this time.

O

One-way cycle track. A bikeway at street level intended for cyclists moving in one direction, protected from passing vehicular traffic by a variety of methods including parking lanes or other barriers.

Open space, private. A portion of a development held in common and/or single ownership and not reserved for the exclusive use or benefit of an individual tenant or owner and is available for use by all occupants of the building.

Open space, public. Open space that is publicly accessible, whether it is located on publicly-owned or privately-owned land. Can be used interchangeably with “civic space.”

Opportunity site. A site with high potential for development to create new value, often owing to underuse, current or impending vacancy, or expressed interest on the part of the current property owner.

P

Parking benefit district. A defined geographic area in which public parking revenues raised within the district are reinvested back into the district to pay for public facilities and services that benefit the district. The funds may be used for purposes including, but not limited to, maintaining and improving public buildings and the public realm, parking and transportation facilities and services that improve access to the district, and marketing the district to customers and visitors. A Parking Benefit District may be created using a variety of mechanisms (e.g., a parking meter zone and/or Business Improvement District and/or a Vehicle Parking District, as provided for under state law) or may be established by

tracking revenues and expenditures using the City’s regular accounting procedures (e.g., by designating a separate fund in the City’s accounting system).

Parking district. A defined geographic area established by a government entity for the purpose of managing, regulating, pricing, funding, and/or providing public parking. Examples include Parking Benefit Districts, Parking Meter Zones (as defined by California Vehicle Code 22507), Preferential Parking Permit Districts (as defined by California Vehicle Code 22508), and various types of legally constituted parking districts as authorized under the Codes of the state, such as the Vehicle Parking District Law of 1943, the Parking Law of 1949, the Parking District Law of 1951, the Parking and Business Improvement Area Laws of 1965 and 1989, and the Property and Business Improvement District Law of 1994.

Parklet. A public space that is typically at sidewalk level, created by extending a sidewalk into parking spaces along the roadway.

Pipeline project. A project for which the development process is already progressing, with a reasonable expectation of being completed in the near future.

Placemaking. An approach to planning and design that focuses on public spaces and public amenities as ways to promote health and well-being, community engagement, and other social goods.

Planning horizon. The time frame within which the elements contained in a plan are expected to be fulfilled.

Planting strip. A landscaped or grassy area located between a street and a sidewalk.

Public realm. A term broadly used to describe spaces in a community that are publicly owned and freely accessible, including streets, sidewalks, parks, plazas, etc. The concept encompasses the social

interaction and processes that occur in public spaces, as part of community living.

Public use. A use undertaken by a political subdivision, its agents, or assigns.

Q

Quadplex. A medium structure that consists of four units: typically two on the ground floor and two above with a shared entry. [See Modesto Zoning Code: 10-7.512 (d)]

Quality of life. “The relationship between economic and social well-being and the complex nature of individual and social material and immaterial well-being.” Includes factors such as traffic, crime rate, employment opportunities, amount of open space, quality of housing, etc.

R

Rear. Opposite of front.

Recessed entry. An entrance to a building that is set back from the facade of the building.

Regulating plan. A map that identifies the zoning and standards to be applied to specific locations.

Retail. Businesses that provide products and services (including restaurants) which are for sale to the general public.

Ridehailing. A service using small vehicles to provide transportation to passengers on an individual basis (e.g., Lyft, Uber).

Right-of-way (ROW). Land that contains the public street, sidewalk, and utilities, typically abutting the property lines of adjacent properties.

Road diet. A transportation planning strategy in which the effective width of a street is reduced for traffic-calming and improving pedestrian safety. This can be achieved through a variety of ways, typically converting a travel lane to

a median, a parking lane, bicycle lanes, sidewalk extensions, etc.

Roundabout. A form of an intersection, typically circular in shape, in which vehicles circulate in a single direction around a central island with entering traffic yielding to circulating traffic. Roundabouts avoid the need for a signalized intersection, and are favored by traffic engineers since they allow uninterrupted traffic flow, with decreased potential for collisions.

Row house. Row houses are two or more attached two- or three-story dwellings with zero side yard setbacks. Each dwelling is designed for use by a single family. This type is typically located within medium-density neighborhoods or in a location that transitions from a primarily single-family neighborhood into a neighborhood main street. [See Modesto Zoning Code: 10-7.512 (h)]

S

Shared parking. Any parking spaces assigned to more than one user, where different persons utilizing the spaces are unlikely to need the spaces at the same time of day.

Shared street. A thoroughfare that is designed to minimize or remove the segregation between different modes of users such as pedestrians, cyclists, and motor vehicles, often by removing curbs and other road surface delineations.

Sidewalk. A paved area along a street intended exclusively for pedestrian use and often installed between a street and building site frontages.

Site. One or more adjacent lots under common ownership.

Small, medium, and large. A design concept that promotes hierarchy in the built environment based on building form, scale, and placement.

Stakeholder. Anyone impacted by the outcome of a project, particularly those who live, conduct business, or spend time in the environment under consideration. A stakeholder's interest in the project outcome need not be financial; hence, this term is often used in deliberate contrast to "shareholder".

Stoop. A frontage type that is appropriate for residential uses with small setbacks. The stoop is elevated above the sidewalk to provide privacy along the sidewalk-facing rooms. Stairs or ramps from the stoop may lead directly to the sidewalk or may be side-accessed. [See Modesto Zoning Code: 10-7.513 (e)]

Storefront. The portion of a shopfront frontage composed of the display window and/or entrance and its components, including windows, doors, transoms and sill pane. [See Modesto Zoning Code: 10-7.513 (d)]

Story. That portion of a building between the bottom surface of a floor and the upper surface of the floor next above. If the finished floor level directly above a basement or cellar is more than six feet above natural grade for more than 50 percent of the total perimeter, such basement or cellar shall be considered a story.

Street. A public or permanent private thoroughfare which affords a primary means of access to property.

Street network. See Connectivity.

Street tree. A tree of any species or size planted in open spaces, parkways, sidewalk areas, easements, and streets. Pruned to provide a canopy for shade and open space underneath for people and vehicles to circulate.

Streetscape. The overall experience of a street, defined by elements such as building frontages, sidewalk and roadway design, landscape elements, street furniture, lighting, etc.

Structure. An improvement permanently attached to real property.

T

Tactical urbanism. Low-cost, temporary interventions to the built environment that by nature can be implemented faster and more easily than more permanent urban interventions. Tactical urbanism projects frequently serve as proof-of-concept for longer-term goals.

Thoroughfare. A road or path or corridor forming a route between two places. Thoroughfares range from wide boulevards and avenues to pedestrian passages and trails. Thoroughfares include sidewalks and alleys.

Townhouse. See Row House.

Transit-oriented development (TOD).

A type of urban development around a transit station that clusters an optimal mix of complementary uses, such as retail, office, residential and recreational, within a five to ten minute walking distance (one quarter to one half mile) from the transit station. Such development typically results in a higher intensity, mixed-use, walkable built environment.

U

Unit. A discrete part of a building, individually leased or purchased; e.g., an individual apartment, house, or condominium.

Upper floor. A floor in a building containing habitable space that is located above the ground floor.

Use. The purpose for which land, premises, or structure thereon is designed, arranged, or intended, or for which it is or may be occupied or used.

V

No specialized terms beginning with the letter V are defined at this time.

W

Walkability. A characteristic of an area that is highly interconnected to other areas and appeals to pedestrians for recreational walking or for walking to work, transit, errands, shopping, or restaurants. Factors influencing walkability include the design of the street network, streetscape, building frontages, and pedestrian facilities.

Walkable urban context. Areas that are pedestrian-oriented in nature, where bicycling and walking are viable, daily options because services, retail, or restaurants are within a short walking distance of most residences.

X

No specialized terms beginning with the letter X are defined at this time.

Y

No specialized terms beginning with the letter Y are defined at this time.

Z

Zoning. The process of zoning is a land use planning tool typically used by local governments to divide land in a municipality into zones, with each zone having defined characteristics that govern the development of property within that zone. Zoning ordinances are local laws that can be bypassed only with a variance.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-335**

RESOLUTION AUTHORIZING STAFF TO RELEASE A REQUEST FOR PROPOSALS (RFP) FOR THE PREPARATION OF THE COMPREHENSIVE GENERAL PLAN 2050 UPDATE AND DIRECTING STAFF TO RETURN TO THE COUNCIL WITH THE RESULTS OF THE RFP AND REQUEST FOR APPROVAL OF AWARD AND APPROPRIATION OF THE BUDGET AT THAT TIME

WHEREAS, a new General Plan for the City of Modesto entitled “City of Modesto Urban Area General Plan,” as recommended by the Modesto City Planning Commission, was adopted by the Council of the City of Modesto by Resolution No. 95-409 on August 15, 1995, and

WHEREAS, said General Plan has been amended by Modesto City Council Resolution Nos. 95-584, 96-20, 96-338, 96-639, 97-3, 97-137, 97-158, 98-293, 99-162, 99-564, 2000-303, 2000-633, 2001-47, 2001-476, 2002-154, 2002-526, 2003-101, 2003-122, 2004-233, 2005-70, 2007-066, 2007-599, 2008-142, 2008-583, 2009-419, 2011-253, 2011-254, 2011-435, 2012-430, 2014-17, 2014-422, 2015-262, 2016-34, 2017-21, and 2019-109 copies of which are on file in the office of the City Clerk, and

WHEREAS, no comprehensive update to the City of Modesto General Plan has occurred since 1995, and

WHEREAS, expert consultant assistance is necessary in order for staff to prepare a comprehensive General Plan update.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to prepare and release a Request for Proposals (RFP) for the preparation of the comprehensive General Plan 2050 update.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby directs staff to return to the Council with the results of the RFP and request for approval of award and appropriation of the budget at that time.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 2020, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-336**

RESOLUTION APPROVING A MEASURE L COOPERATIVE AGREEMENT WITH STANISLAUS COUNCIL OF GOVERNMENTS FOR THE PROJECT INITIATION DOCUMENT (PID) AND PROJECT APPROVAL AND ENVIRONMENTAL DOCUMENT (PA&ED) PHASES OF THE BRIGGSMORE AT STATE ROUTE 99 INTERCHANGE RECONSTRUCTION PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the State Route 99/Briggsmore Interchange Project (Project) has been constructed incrementally in response to changing demands and available funding over time, and

WHEREAS, the purpose of this Project is to reduce traffic congestion, improve regional and interregional traffic operation, and enhance safety on the SR99 highway and within the vicinity of the local transportation network of the SR99/Briggsmore Avenue interchange through reconstruction, and

WHEREAS, the first phase of the Project is termed Project Initiation Document (PID) phase, and

WHEREAS, the outcome of the project initiation process is a document that establishes a well-defined purposes-and-need statement, proposed project scope tied to a reliable cost estimate, and a schedule, and

WHEREAS, the use of State funds for capital improvements on the State Highway System (SHS) requires an approved PID, and

WHEREAS, the Department of Transportation (Caltrans) requires development of a PID prior to approval to being the environmental project phase or PA&ED, and

WHEREAS, the Project Approval and Environmental Document (PA&ED) phase develops and establishes the State and Federal approvals necessary for the Project to move to the final PS&E project phase, and

WHEREAS, Stanislaus Council of Governments (StanCOG) is the designated Regional Transportation Planning Agency (RTPA), the designated Metropolitan Planning Organization (MPO) and the designated Council of Governments for Stanislaus County, and

WHEREAS, in November, 2016 Stanislaus County voters approved Measure L, a 25-year, ½ cent sales tax to maintain and improve transportation systems, and

WHEREAS, the Measure L Strategic Plan designates the Project as a priority project for delivery in Measure L's first 10 years, and

WHEREAS, the 2019 Strategic Plan Update designated this project to receive up to \$14,832,000 of regional Measure L funds over the next several years, and

WHEREAS, StanCOG has agreed to provide funding for the PA&ED and PID phase of the Project in accordance with the terms and conditions set forth in the Agreement between the City and StanCOG, **attached** hereto, and

WHEREAS, StanCOG's Policy Board approved the Agreement on June 17, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Measure L Cooperative Agreement between the City of Modesto and the Stanislaus Council of Governments for the PID and PA&ED Phases of the Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute the Agreement in a form approved by the City Attorney.

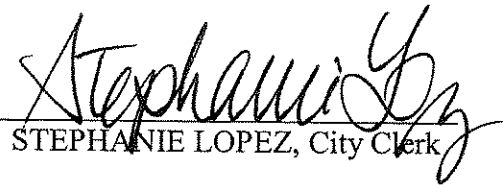
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

MEASURE L
REGIONAL CONTROL PROJECT COOPERATIVE AGREEMENT
FOR THE PROJECT INITIATION DOCUMENT (PID) AND PROJECT
APPROVAL AND ENVIRONMENTAL DOCUMENT (PA&ED) PHASES OF
THE BRIGGSMORE AT STATE ROUTE 99 (SR 99) INTERCHANGE
RECONSTRUCTION PROJECT CITY OF MODESTO

This Cooperative Agreement (“Agreement”) is made and entered into on June __, 2020 by and between the CITY OF MODESTO (“Sponsor”) and the STANISLAUS COUNCIL OF GOVERNMENTS, acting as the Local Transportation Authority (“Authority”).

RECITALS

WHEREAS, Authority and Sponsor desire to enter into a Cooperative Agreement for funding of the Project Initiation Document (PID); Project Approval and Environmental Document (PA&ED) and for associated support services described in Exhibit “A”, attached hereto and incorporated herein, pursuant to the authority provided by Measure “L” Local Roads First Transportation Funding Measure Ordinance and Expenditure Plan (“Measure L”), which was approved by the voters of Stanislaus County on November 8, 2016; and

WHEREAS, Sponsor desires to receive funding from the Authority for the PID and PA &ED Phases of the transportation improvement project entitled “Briggsmore at State Route 99 (SR 99) Interchange Reconstruction Project”, the PID and PA&ED phases of which are described in Exhibit “A” and are referred to respectively herein as the “PID” and “PA&ED” phases and collectively the “Project”; and

WHEREAS, the Project is an eligible project of the Regional Control category of Measure L; and

WHEREAS, the Project is identified in the 2019 Measure L Strategic Plan Update; and

WHEREAS, the Authority is authorized to issue Measure L funds to the Sponsor; and

WHEREAS, Authority shall issue Measure L reimbursement payments as provided in Section 2.1 to the Sponsor pursuant to a request for reimbursement submitted by the Sponsor; however, the Sponsor understands that in no event shall reimbursement payments for eligible expenses under this Agreement, when aggregated with the previously approved reimbursement requests, exceed \$549,000; and

WHEREAS, any cost savings which result in less than \$549,000 being spent on the Project will be retained by the Authority and may be re-programmed for other Measure L eligible projects; and

WHEREAS, the Sponsor agrees to abide by the terms and conditions of the Authority as set forth herein for the receipt of Measure L funds; and

WHEREAS, Authority agrees to provide funding for the transportation improvements of the Sponsor's Project according to the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual promises and undertakings herein made and the mutual benefits to be derived therefrom, the parties hereto represent, covenant and agree as follows:

AGREEMENT

SECTION I Covenants of Sponsor

1.1. Project Application. The complete Project description, scope of work, delivery schedule, estimate of cost by activity, anticipated amount and type of funds that will supplement Measure L funds, and the anticipated timing for release of Measure L funds are specified in the application, which is attached as Exhibit "A," and incorporated herein by this reference.

1.2. Change In Project Scope. A change in the Project scope as described in Exhibit "A" may not be implemented until it has been approved in writing by the Authority. Changes in scope implemented prior to Authority approval will not be eligible for reimbursement and in no event will a change in scope result in the Authority reimbursing more than \$549,000.

1.3. Eligible Reimbursement Costs. Eligible reimbursement costs are the costs as specified in Exhibit "A" or as may be approved from time to time by the Authority pursuant to Section 1.2. In no event shall expenses incurred by Sponsor prior to the execution of this Agreement be considered eligible reimbursement costs.

1.4. Invoices and Progress Reports. Starting one month after the execution of this Agreement, Sponsor will submit monthly progress reports and invoices for activities conducted over the prior unbilled month. These documents will include the following specified information:

1.4.1. Invoices. Sponsor will provide the Authority with one (1) copy of all invoices submitted to Sponsor by every contractor, subcontractor, consultant, or subconsultant performing work related to the Project, timecards reflecting hours invoiced for reimbursement by Sponsor's employees and staff, and invoices supporting direct expenses billed to project by Sponsor.

1.4.2. Progress Reports. The monthly progress reports will include a brief description of the status of the Project including the work completed to date. This summary may be included on the invoices submitted to the Authority or be attached to those invoices.

1.5. Use of Funds. Sponsor will use existing Measure L funds consistent with the Project scope of work described in Exhibit “A” or approved by the Authority pursuant to Section 1.2. Sponsor shall encumber the funds no later than the Project schedule as listed in Exhibit “A.” Sponsor may submit extension requests which will be considered and evaluated by Authority.

1.6. Submittal of Documents. Sponsor will provide copies to the Authority of all executed contracts which relate to the Project scope as described in Exhibit “A” or approved by the Authority pursuant to Section 1.2. Sponsor will retain records pertaining to the Project for a five (5) year period following completion of the Project.

1.7. Completion of Project. Sponsor will be responsible for the timely completion of the Project, including meeting any timely use of funds deadlines, if applicable, set forth in Exhibit “A” and provide management of consultant and contractor activities, including responsibility for schedule, budget and oversight of the services, consistent with the scope of work. Since Sponsor is responsible for the Project management and oversight, any and all costs which exceed \$549,000, as set forth in Exhibit “A” shall be the sole responsibility of Sponsor. This provision shall apply in all instances, including situations where a change in scope has been approved by the Authority pursuant to Section 1.2.

1.7.1. Letter of PID and PA&ED Completion. Sponsor will submit to Authority a “Letter of PID and PA&ED Completion” which includes final costs of the PID and PE&AD Phases. This letter shall accompany the final invoice for payment from the Authority to Sponsor and will act as notice of account closing by Authority for the PID and PA&ED Phases of the Project.

1.8. Cost Savings and Excess Costs.

1.8.1. Cost Savings. After payment of the final invoice by the Authority, any positive difference between the cost, as listed in Exhibit “A” or approved by the Authority pursuant to Section 1.2, and the total amount invoiced to the Authority shall be considered cost savings. One Hundred Percent (100%) of the cost savings will be re-credited to the Measure L program for re-programming by the Authority on other eligible projects.

1.8.2. Excess Costs. In the event the actual Project cost exceeds the estimate shown in Exhibit “A,” this amount will be considered an excess cost. Sponsor is solely responsible for all costs over the amount identified in Section 1.2.

1.8.3. Reconciliation of Excess Costs. Excess project costs to complete a project are not eligible for reimbursement. The amount of Measure L funds as identified in Section 1.2 are the ‘maximum’ funds available for reimbursement to the Sponsor and will not be exceeded by the

Sponsor without an approved amendment to this Agreement. The Sponsor shall request an amendment if needed for this purpose in writing to the Authority. Such amended Agreement shall be effective only if approved by the governing body of and signed by the duly authorized representatives of both the Authority and the Sponsor.

1.9. Errors and Omissions. Sponsor shall diligently monitor and manage all aspects of the Project and shall aggressively pursue any and all remedies, including full restitution and damages from any consultant, contractor or sub-contractor and their insureds and sureties suspected of any acts, errors, or omissions committed during business activities that economically or legally damage the Project.

SECTION II Covenants of Authority

2.1. Reimbursement Payments. The Authority shall make reimbursement payments to Sponsor for eligible Project costs as specified in Exhibit "A". To receive monthly reimbursement payments for work completed on the Project, Sponsor shall comply with the following reimbursement procedures:

2.1.1. Deadline to Submit Reimbursement Requests. All invoices and progress reports shall be submitted to Authority on or before 5:00 p.m. on the tenth (10th) calendar day of the month in which the Sponsor requests reimbursement payments. Copies of invoices must be complete and legible, or the Reimbursement Request will be returned. Reimbursement requests should be accompanied by a cover letter stating the time period for which reimbursement is requested, name of the project, total amount requested and contact name and telephone number. Authority shall issue reimbursement payments to Sponsor on or before the last day of the month for all timely submittals. Invoices are deemed ineligible without the accompanying progress reports. The Authority reserves the right to stop reimbursement payments of invoices without progress reports.

2.1.2. Late Submittals. If Sponsor fails to submit documents to Authority as set forth in Section 2.1.1, above, then Authority may provide reimbursement payments for late submittals in the following calendar month.

2.1.3. Ineligible Costs. The Authority reserves the right to adjust current or future reimbursement payments to Sponsor if an invoice includes ineligible costs. Measure L funds will not be used to reimburse costs if funding sources, other than Measure L, have been secured, granted, committed or provided to fund that specific cost or element as such costs are deemed ineligible costs.

2.1.4. Reimbursement Amount. The amount of reimbursement payments to Sponsor shall not exceed \$549,000 of eligible expenditures submitted to the Authority as specified in Exhibit "A". All reimbursements will be made subject to available Measure L

program cash-flow. Reimbursement of expenditures may be spread over three fiscal years consistent with the adopted Measure L Strategic Plan.

2.1.5. Suspension of Reimbursement. If the Authority determines that any costs in an invoice are not allowable, or the lack of supporting documentation or progress reports, the Authority shall return the invoice to Sponsor, with an invoice dispute notice outlining the reason for the return and the proposed remedy, if one exists, which would make the invoice acceptable for payment. Sponsor may re-submit the invoice for payment after reviewing the invoice dispute notice and making any necessary corrections. Sponsor may also immediately submit a new invoice representing only the amounts which are not in dispute, while setting aside the disputed amounts for review in accordance with the provisions set forth in this Section 2.1.

2.1.5.1. Meeting. Once a dispute has occurred, the Authority shall arrange a meeting between the Authority and the Sponsor staff to discuss and attempt to resolve the dispute. If the invoice was received on or before 5:00 p.m. on the 10th day of the month, the meeting shall be held no later than the 20th day of the same month. If the invoice was received after this date and time, then the meeting shall be held no later than the 20th day of the following month.

2.1.5.2. Executive Committee. If an agreement cannot be reached at the meeting, then the Sponsor or the Authority shall have the option to take the dispute to the Authority's Executive Committee, with the understanding that by doing so the reimbursement for the disputed cost item(s) will be delayed until a resolution of the matter is reached.

2.1.5.3. Authority's Board Decision. If the Sponsor or the Authority disagrees with the resolution by the Executive Committee then the dispute shall be submitted to the Authority's Board for resolution. If the Board determines that the disputed cost item(s) is ineligible, the Authority shall not provide reimbursement payment to the Sponsor for the disputed item(s). If the Board determines that the disputed cost item(s) is eligible, then the Authority shall provide reimbursement payment to the Sponsor for the disputed cost.

2.1.5.4. Reservation of Rights. By utilizing the above procedures, the Sponsor does not surrender any rights to pursue available legal remedies if the Sponsor disagrees with the Board decision.

2.1.5.5. Acceptance of Work Does Not Result In Waiver. Neither acceptance of the work nor issuance of reimbursement payments will result in a waiver of the right of the Authority to require fulfillment of all terms of this Agreement.

2.2. Right to Conduct Audit. The Authority shall have the right to conduct an audit of all Sponsors' records pertaining to the Project at any time during the course of the Project and up to a five (5) year period after completion of the Project. For purposes of audit, the date of completion of the Agreement shall be the date of the Authority's payment of Sponsor's final billing (so noted on the invoice) under this Agreement. This audit provision shall extend to and/or be included in contracts with Sponsor's contractors.

2.3. Maximum Obligation. Authority's maximum obligation for all costs under this Agreement shall not exceed Five Hundred Forty-Nine Thousand Dollars (\$549,000.00), unless such maximum obligation is increased by an amendment to this Agreement. The parties agree that Measure L funds shall not be used for reimbursement of expenses incurred by the Sponsor for the Project that are not covered by this Agreement.

SECTION III Mutual Covenants

3.1. This Agreement shall remain in effect until discharged or terminated as provided in Section 3.2 or Section 3.15.

3.2. Discharge. This Agreement shall be subject to discharge as follows:

3.2.1. Termination by Mutual Consent. This Agreement may be terminated at any time only by mutual consent of the parties.

3.2.2. Discharge Upon Completion of Project. Except as to any rights or obligations which survive discharge as specified in Section 3.14, this Agreement shall be discharged, and the parties shall have no further obligation to each other, upon completion of the Project and payment of the final invoice by the Authority.

3.3. Indemnity. It is mutually understood and agreed, relative to the reciprocal indemnification of Authority and Sponsor:

3.3.1. Sponsor shall fully defend, indemnify and hold harmless Authority, and any officer or employee of Authority, against any damage or liability occurring by reason of anything done or omitted to be done by Sponsor under the Agreement. It is also fully understood and agreed that, pursuant to Government Code Section 895.4, Sponsor shall fully defend, indemnify and hold the Authority harmless from any liability imposed for injury as defined by Government Code Section 810.8 occurring by reason of anything done or omitted to be done by Sponsor under this Agreement or in connection with any work, authority, or jurisdiction delegated to Sponsor under this Agreement.

3.3.2. Authority shall fully defend, indemnify and hold harmless Sponsor, and any officer or employee of Sponsor, against any damage or liability occurring by reason of anything done or omitted to be done by Authority under or in connection with any work, authority or jurisdiction delegated to Authority under the Agreement. It is also understood and agreed that, pursuant to Government Code Section 895.4, Authority shall fully defend, indemnify and hold the Sponsor harmless from any liability imposed for injury as defined by Government Code Section 810.8 occurring by reason of anything done or omitted to be done by Authority under this

Agreement or in connection with any work, authority, or jurisdiction delegated to Authority under this Agreement.

3.4. Liability. As Authority is not the primary or responsible agency for carrying out the Project herein identified, the Authority is not liable for any loss, cost, liability, damage, claim, lien, action, cause of action, demand or expense which may arise as a result of the acts or omissions of Sponsor or its agents, contractors, consultants, engineers, or representatives. Nor shall the Authority be liable for any loss, cost, liability, damage, claim, lien, action, cause of action, demand or expense which may arise as a result of Authority's provision of funds which may be utilized in, but not limited to the acquisition of, the design, implementation, or construction of the Project herein described.

3.5. Notices. Any notice which may be required under this Agreement shall be in writing and shall be given by personal service, or by certified or registered mail, return receipt requested, to the addresses set forth below:

TO AUTHORITY:
1111 "I" Street, Suite 308
Modesto, CA 95354
Attention: Executive Director

TO SPONSOR:
1010 Tenth Street, Suite 3100
Modesto, CA 95354
Attention: Joseph Lopez, City Manager

Either party may change its address by giving notice of such change to the other party in the manner provided in this Section 3.5. All notices and other communications shall be deemed communicated as of actual receipt or after the second business day after deposit in the United States mail.

3.6. Additional Acts and Documents. Each party agrees to do all such things and take all such actions, and to make, execute and deliver such other documents and instruments, as shall be reasonably requested to carry out the provisions, intent and purpose of the Agreement.

3.7. Integration. This Agreement represents the entire Agreement of the parties with respect to the subject matter hereof. No representations, warranties, inducements or oral agreements have been made by any of the parties except as expressly set forth herein, or in other contemporaneous written agreements.

3.8. Amendment. This Agreement may not be changed, modified or rescinded except in writing, signed by all parties hereto, and any attempt at oral modification of this Agreement shall be void and of no effect.

3.9. Independent Agency. Sponsor and Authority renders services under this Agreement each as an independent agency under the terms of this Agreement. None of the Sponsor's agents

or employees shall be agents or employees of the Authority and none of the Authority's agents or employees shall be agents or employees of Sponsor.

3.10. Assignment. The Agreement may not be assigned, transferred, hypothecated, or pledged by any party without the express written consent of the other party.

3.11. Binding on Successors. This Agreement shall be binding upon the successor(s), assignee(s) or transferee(s) of the Authority or Sponsor, as the case may be. This provision shall not be construed as an authorization to assign, transfer, hypothecate or pledge this Agreement other than as provided above.

3.12. Severability. Should any part of this Agreement be determined to be unenforceable, invalid, or beyond the authority of either party to enter into or carry out, such determination shall not affect the validity of the remainder of this Agreement which shall continue in full force and effect; provided that, the remainder of this Agreement can, absent the excised portion, be reasonably interpreted to give effect to the intentions of the parties.

3.13. Counterparts. This Agreement may be executed in one or more counterparts and shall become effective when one or more counterparts have been signed by all of the parties; each counterpart shall be deemed an original but all counterparts shall constitute a single document.

3.14. Survival. The following provisions in this Agreement shall survive discharge:

3.14.1. Sponsor. As to Sponsor, the following sections shall survive discharge: Section 1.5 (obligation to apply funds to Project), Section 1.6 (obligation to provide copies and retain records), Section 1.7 (obligation to continue to manage Project).

3.14.2. Authority. As to Authority, the following section shall survive discharge: Section 2.2 (right to conduct audit).

3.14.3. Both Parties. As to both parties, the following section shall survive discharge: Section 3.3. (mutual indemnities).

3.15. Limitation. All obligations of Authority under the terms of this Agreement are expressly contingent upon the Authority's continued authorization to collect and expend the sales tax proceeds provided by Measure L and the availability of Measure L funds from which reimbursement can be made. If for any reason the Authority's right or ability to collect or expend such sales tax proceeds is terminated or suspended in whole or part, or the amount of sales tax proceeds declines such that it materially affects the Authority's ability to fund the Project, the Authority shall promptly notify Sponsor, and the parties shall consult on a course of action. If, after twenty-five (25) working days, a course of action is not agreed upon by the parties, this Agreement shall be deemed terminated by mutual or joint consent. Any future obligation to fund

this Project or any other project or projects of Sponsor, not already specifically covered by separate Agreement, shall arise only upon execution of a new Agreement.

3.16. Attorneys' Fees. Should any litigation commence between the parties concerning the rights and duties of any party pursuant to, related to, or arising from, this Agreement, the prevailing party in such litigation shall be entitled, in addition to such other relief as may be granted, to a reasonable sum as and for its attorneys' fees and costs of such litigation, or in a separate action brought for that purpose.

3.17. Time. Time is and shall be of the essence of this Agreement and each and all of its provisions in which performance is a factor.

3.18. Remedies Cumulative. No remedy or election of remedies provided for in this Agreement shall be deemed exclusive, but shall be cumulative with all other remedies at law or in equity. Each remedy shall be construed to give the fullest effect allowed by law.

3.19. Applicable Law. This Agreement shall be governed by, and construed and enforced in accordance with the laws of the State of California.

3.20. Captions. The captions in this Agreement are for convenience only and are not a part of this Agreement. The captions do not in any way limit or amplify the provisions of this Agreement and shall not affect the construction or interpretation of any of its provisions.

3.21. No Continuing Waiver. The waiver by any party of any breach of any of the provisions of this Agreement shall not constitute a continuing waiver or a waiver of any subsequent breach of the same, or of any other provision of this Agreement.

3.22. No Rights in Third Parties. Nothing in this Agreement, express or implied, is intended to confer any rights or remedies under or by reason of this Agreement on any third party, nor is anything in this Agreement intended to relieve or discharge the obligation or liability of any third party to any party to this Agreement, nor shall any provision of this Agreement give any third party any right of subrogation or action over or against any party to this Agreement.

3.23. Signator's Warranty. Each party warrants to each other that he or she is fully authorized and competent to enter into this Agreement in the capacity indicated by his or her signature and agrees to be bound by this Agreement as of the day and year first mentioned above upon the execution of this Agreement by each other party.

***** Signatures contained on next page *****

///

///

///

///

///

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the day and year first written above.

CITY OF MODESTO

Stanislaus Council of Governments, acting as the
LOCAL TRANSPORTATION AUTHORITY:

By: _____
Joseph Lopez
City Manager

By: _____
Jeremy Young
Chairperson

ATTEST:

ATTEST:

By: _____
Stephanie Lopez
City Clerk

By: _____
Rosa De León Park
Executive Director

APPROVED AS TO FORM:

By: _____
Jose Sanchez
City Attorney

By: _____
Monica J. Streeter
General Counsel



PROJECT SCOPE, COST, SCHEDULE AND FUNDING PLAN

**Project Name: BRIGGSMORE AT STATE ROUTE 99 (SR 99) INTERCHANGE
RECONSTRUCTION PROJECT CITY OF MODESTO**

Project Contact: Vickey Dion, City Engineer, City of Modesto

PROJECT SCOPE

Responsible Agency: City of Modesto

Project Limits: _____

Project Phase:

Project Initiation Document (PID) and
Project Approval and Environmental Document (PA&ED)

Project Phase Scope:

In coordination with Caltrans and StanCOG, the City of Modesto will perform preliminary engineering studies and draft project report, perform environmental studies and prepare draft environmental documents, circulate draft environmental documents and select preferred project alternative identification, prepare and approve project report and final environmental documents, obtain permits, agreements, and route adoptions.

Project Purpose:

The purpose of this project is to complete the project initiation document (PID) and project approval and environmental document (PA&ED) phases of the Briggsmore at State Route 99 (SR 99) Interchange Reconstruction Project City of Modesto.

PROJECT COST AND FUNDING PLAN

Fund Source	Fund Amount
Measure L Regional Funds	\$549,000
• Project Initiation Document	\$100,000
• Project Approval and Environmental Document	\$449,000
RSTP Funds	\$4,596,832
TOTAL PID and PA&ED FUNDS	\$5,145,832

PROJECT SCHEDULE

<u>Project Phase</u>	<u>Start</u>	<u>End</u>	<u>Timely Use of Funds Deadline (if applicable)</u>
PID	07/01/2020	07/01/2023	N/A
PA&ED	07/01/20	07/01/2023	N/A

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-337**

**RESOLUTION ACCEPTING THE FEDERAL REGIONAL SURFACE
TRANSPORTATION (RSTP) FUNDS FOR THE BRIGGSMORE AT STATE
ROUTE 99 INTERCHANGE RECONSTRUCTION PROJECT AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT
THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, the State Route 99/Briggsmore Interchange has been constructed incrementally in response to changing demands and available funding over time, and

WHEREAS, the purpose of this project is to reduce traffic congestion, improve regional and interregional traffic operation, and enhance safety on the SR99 highway and within the vicinity of the local transportation network of the SR99/Briggsmore Avenue interchange through reconstruction, and

WHEREAS, the first phase of the project is termed Project Initiation Document (PID) phase, and

WHEREAS, the outcome of the project initiation process is a document that establishes a well-defined purposes-and-need statement, proposed project scope tied to a reliable cost estimate, and a schedule, and

WHEREAS, the use of State funds for capital improvements on the State Highway System (SHS) requires an approved PID, and

WHEREAS, the Department of Transportation (Caltrans) requires development of a PID prior to approval to being the environmental project phase or PA&ED, and

WHEREAS, the Project Approval and Environmental Document (PA&ED) phase develops and establishes the State and Federal approvals necessary for the project to move to the final PS&E project phase, and

WHEREAS, the City has been awarded Federal Regional Surface Transportation (RSTP) funds for the initial phase of the project in the amount of \$2,298,879 in Fiscal Year 2020-2021 and \$2,297,953 in Fiscal Year 2021-2022.

WHEREAS, the City Council shall consider accepting the Federal Regional Transportation (RSTP) funds for the Briggsmore at State Route 99 Interchange Reconstruction project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Federal Regional Surface Transportation (RSTP) funds in Fiscal Year 2020-2021 and 2021-2022 for a total amount of \$4,596,832 for the Briggsmore at State Route 99 Interchange Reconstruction project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-338**

RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET, PROJECT #101271 IN THE AMOUNT OF \$2,847,879 FOR THE PROJECT INITIATION DOCUMENT (PID) AND PROJECT APPROVAL AND ENVIRONMENTAL DOCUMENT (PA&ED) PHASES OF THE BRIGGSMORE AT STATE ROUTE 99 INTERCHANGE RECONSTRUCTION PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the State Route 99/Briggsmore Interchange has been constructed incrementally in response to changing demands and available funding over time, and

WHEREAS, the purpose of this project is to reduce traffic congestion, improve regional and interregional traffic operation, and enhance safety on the SR99 highway and within the vicinity of the local transportation network of the SR99/Briggsmore Avenue interchange through reconstruction, and

WHEREAS, Stanislaus Council of Governments (StanCOG) has designated the SR99 Briggsmore Interchange as a priority project for delivery in Measure L's first 10 years, and

WHEREAS, StanCOG has designated this project to receive up to \$14,832,000 of the regional project share of Measure L funds, and

WHEREAS, the first phase of the project is termed Project Initiation Document (PID) phase, and

WHEREAS, the outcome of the project initiation process is a document that establishes a well-defined purposes-and-need statement, proposed project scope tied to a reliable cost estimate, and a schedule, and

WHEREAS, the use of State funds for capital improvements on the State Highway System (SHS) requires an approved PID, and

WHEREAS, the Department of Transportation (Caltrans) requires development of a PID prior to approval to being the environmental project phase or PA&ED, and

WHEREAS, the Project Approval and Environmental Document (PA&ED) phase develops and establishes the State and Federal approvals necessary for the project to move to the final PS&E project phase, and

WHEREAS, StanCOG has agreed to provide \$549,000 to the City and the City has been awarded Federal Regional Surface Transportation (RSTP) funds in the amount of \$2,298,879 in Fiscal Year 2020-2021 and \$2,297,953 in Fiscal Year 2021-2022 for the initial phase of the project, and

WHEREAS, the City Council shall consider amending the Capital Improvement Program (CIP) budget for Project #101271 in the amount of \$549,000 for Regional Measure L funds upon execution of the Cooperative Agreement with StanCOG and \$2,298,879 for Federal Regional Transportation (RSTP) funds upon the receipt of the Authorization/Agreement Summary (E-76) for the Briggsmore at State Route 99 Interchange Reconstruction project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2020-2021 Capital Improvement Program (CIP) Budget, Project #101271 in the amount of \$2,847,879 for the PID and PA&ED phases of the Briggsmore at State Route 99 Interchange reconstruction project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-339**

RESOLUTION APPROVING A MEASURE L COOPERATIVE AGREEMENT WITH STANISLAUS COUNCIL OF GOVERNMENTS FOR THE PROJECT INITIATION DOCUMENT (PID) AND PROJECT APPROVAL AND ENVIRONMENTAL DOCUMENT (PA&ED) PHASES OF THE STANDIFORD AT STATE ROUTE 99 INTERCHANGE RECONSTRUCTION PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the State Route 99/Standiford Interchange Project (Project) has been constructed incrementally in response to changing demands and available funding over time, and

WHEREAS, the purpose of this Project is to reduce traffic congestion, improve regional and interregional traffic operation, and enhance safety on the SR99 highway and within the vicinity of the local transportation network of the SR99/Standiford Avenue interchange through reconstruction, and

WHEREAS, the first phase of the Project is termed Project Initiation Document (PID) phase, and

WHEREAS, the outcome of the project initiation process is a document that establishes a well-defined purposes-and-need statement, proposed project scope tied to a reliable cost estimate, and a schedule, and

WHEREAS, the use of State funds for capital improvements on the State Highway System (SHS) requires an approved PID, and

WHEREAS, the Department of Transportation (Caltrans) requires development of a PID prior to approval to being the environmental project phase or PA&ED, and

WHEREAS, the Project Approval and Environmental Document (PA&ED) phase develops and establishes the State and Federal approvals necessary for the Project to move to the final PS&E project phase, and

WHEREAS, Stanislaus Council of Governments (StanCOG) is the designated Regional Transportation Planning Agency (RTPA), the designated Metropolitan Planning Organization (MPO) and the designated Council of Governments for Stanislaus County, and

WHEREAS, in November, 2016 Stanislaus County voters approved Measure L, a 25-year, ½ cent sales tax to maintain and improve transportation systems, and

WHEREAS, the Measure L Strategic Plan designates the Project as a priority project for delivery in Measure L's first 10 years, and

WHEREAS, the 2019 Strategic Plan Update designated this project to receive up to \$7,141,000 of regional Measure L funds over the next several years, and

WHEREAS, StanCOG has agreed to provide funding for the PA&ED and PID phase of the Project in accordance with the terms and conditions set forth in the Agreement between the City and StanCOG, **attached** hereto, and

WHEREAS, StanCOG's Policy Board approved the Agreement on June 17, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Measure L Cooperative Agreement with Stanislaus Council of Governments for the Project Initiation Document (PID) and Project Approval and Environmental Document (PA&ED) phases of the Standiford at State Route 99 Interchange Reconstruction Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

MEASURE L
REGIONAL CONTROL PROJECT COOPERATIVE AGREEMENT
FOR THE PROJECT INITIATION DOCUMENT (PID) AND PROJECT
APPROVAL AND ENVIRONMENTAL DOCUMENT (PA&ED) PHASES OF
THE STANDIFORD AT STATE ROUTE 99 (SR 99) INTERCHANGE
RECONSTRUCTION PROJECT CITY OF MODESTO

This Cooperative Agreement (“Agreement”) is made and entered into on June __, 2020 by and between the CITY OF MODESTO (“Sponsor”) and the STANISLAUS COUNCIL OF GOVERNMENTS, acting as the Local Transportation Authority (“Authority”).

RECITALS

WHEREAS, Authority and Sponsor desire to enter into a Cooperative Agreement for funding of the Project Initiation Document (PID) and Project Approval and Environmental Document (PA&ED) and for associated support services described in Exhibit “A”, attached hereto and incorporated herein, pursuant to the authority provided by Measure “L” Local Roads First Transportation Funding Measure Ordinance and Expenditure Plan (“Measure L”), which was approved by the voters of Stanislaus County on November 8, 2016; and

WHEREAS, Sponsor desires to receive funding from the Authority for the PID and PA &ED Phases of the transportation improvement project entitled “Standiford at State Route 99 (SR 99) Interchange Reconstruction Project”, the PID and PA&ED phases of which are described in Exhibit “A”, and are referred to respectively herein as the “PID” and “PA&ED” phases and collectively the “Project”; and

WHEREAS, the Project is an eligible project of the Regional Control category of Measure L; and

WHEREAS, the Project is identified in the 2019 Measure L Strategic Plan Update; and

WHEREAS, the Authority is authorized to issue Measure L funds to the Sponsor; and

WHEREAS, Authority shall issue Measure L reimbursement payments as provided in Section 2.1 to the Sponsor pursuant to a request for reimbursement submitted by the Sponsor; however, the Sponsor understands that in no event shall reimbursement payments for eligible expenses under this Agreement, when aggregated with the previously approved reimbursement requests, exceed \$1,098,000; and

WHEREAS, any cost savings which result in less than \$1,098,000 being spent on the Project will be retained by the Authority and may be re-programmed for other Measure L eligible projects; and

WHEREAS, the Sponsor agrees to abide by the terms and conditions of the Authority as set forth herein for the receipt of Measure L funds; and

WHEREAS, Authority agrees to provide funding for the transportation improvements of the Sponsor's Project according to the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual promises and undertakings herein made and the mutual benefits to be derived therefrom, the parties hereto represent, covenant and agree as follows:

AGREEMENT

SECTION I Covenants of Sponsor

1.1. Project Application. The complete Project description, scope of work, delivery schedule, estimate of cost by activity, anticipated amount and type of funds that will supplement Measure L funds, and the anticipated timing for release of Measure L funds are specified in the application, which is attached as Exhibit "A," and incorporated herein by this reference.

1.2. Change In Project Scope. A change in the Project scope as described in Exhibit "A" may not be implemented until it has been approved in writing by the Authority. Changes in scope implemented prior to Authority approval will not be eligible for reimbursement and in no event will a change in scope result in the Authority reimbursing more than \$1,098,000.

1.3. Eligible Reimbursement Costs. Eligible reimbursement costs are the costs as specified in Exhibit "A" or as may be approved from time to time by the Authority pursuant to Section 1.2. In no event shall expenses incurred by Sponsor prior to the execution of this Agreement be considered eligible reimbursement costs.

1.4. Invoices and Progress Reports. Starting one month after the execution of this Agreement, Sponsor will submit monthly progress reports and invoices for activities conducted over the prior unbilled month. These documents will include the following specified information:

1.4.1. Invoices. Sponsor will provide the Authority with one (1) copy of all invoices submitted to Sponsor by every contractor, subcontractor, consultant, or subconsultant performing work related to the Project, timecards reflecting hours invoiced for reimbursement by Sponsor's employees and staff, and invoices supporting direct expenses billed to project by Sponsor.

1.4.2. Progress Reports. The monthly progress reports will include a brief description of the status of the Project including the work completed to date. This summary may be included on the invoices submitted to the Authority or be attached to those invoices.

1.5. Use of Funds. Sponsor will use existing Measure L funds consistent with the Project scope of work described in Exhibit “A” or approved by the Authority pursuant to Section 1.2. Sponsor shall encumber the funds no later than the Project schedule as listed in Exhibit “A.” Sponsor may submit extension requests which will be considered and evaluated by Authority.

1.6. Submittal of Documents. Sponsor will provide copies to the Authority of all executed contracts which relate to the Project scope as described in Exhibit “A” or approved by the Authority pursuant to Section 1.2. Sponsor will retain records pertaining to the Project for a five (5) year period following completion of the Project.

1.7. Completion of Project. Sponsor will be responsible for the timely completion of the Project, including meeting any timely use of funds deadlines, if applicable, set forth in Exhibit “A” and provide management of consultant and contractor activities, including responsibility for schedule, budget and oversight of the services, consistent with the scope of work. Since Sponsor is responsible for the Project management and oversight, any and all costs which exceed \$1,098,000, as set forth in Exhibit “A” shall be the sole responsibility of Sponsor. This provision shall apply in all instances, including situations where a change in scope has been approved by the Authority pursuant to Section 1.2.

1.7.1. Letter of PID and PA&ED Completion. Sponsor will submit to Authority a “Letter of PID and PA&ED Completion” which includes final costs of the PID and PE&AD Phases. This letter shall accompany the final invoice for payment from the Authority to Sponsor and will act as notice of account closing by Authority for the PID and PA&ED Phases of the Project.

1.8. Cost Savings and Excess Costs.

1.8.1. Cost Savings. After payment of the final invoice by the Authority, any positive difference between the cost, as listed in Exhibit “A” or approved by the Authority pursuant to Section 1.2, and the total amount invoiced to the Authority shall be considered cost savings. One Hundred Percent (100%) of the cost savings will be re-credited to the Measure L program for re-programming by the Authority on other eligible projects.

1.8.2. Excess Costs. In the event the actual Project cost exceeds the estimate shown in Exhibit “A,” this amount will be considered an excess cost. Sponsor is solely responsible for all costs over the amount identified in Section 1.2.

1.8.3. Reconciliation of Excess Costs. Excess project costs to complete a project are not eligible for reimbursement. The amount of Measure L funds as identified in Section 1.2 are the ‘maximum’ funds available for reimbursement to the Sponsor and will not be exceeded by the

Sponsor without an approved amendment to this Agreement. The Sponsor shall request an amendment if needed for this purpose in writing to the Authority. Such amended Agreement shall be effective only if approved by the governing body of and signed by the duly authorized representatives of both the Authority and the Sponsor.

1.9. Errors and Omissions. Sponsor shall diligently monitor and manage all aspects of the Project and shall aggressively pursue any and all remedies, including full restitution and damages from any consultant, contractor or sub-contractor and their insureds and sureties suspected of any acts, errors, or omissions committed during business activities that economically or legally damage the Project.

SECTION II Covenants of Authority

2.1. Reimbursement Payments. The Authority shall make reimbursement payments to Sponsor for eligible Project costs as specified in Exhibit "A". To receive monthly reimbursement payments for work completed on the Project, Sponsor shall comply with the following reimbursement procedures:

2.1.1. Deadline to Submit Reimbursement Requests. All invoices and progress reports shall be submitted to Authority on or before 5:00 p.m. on the tenth (10th) calendar day of the month in which the Sponsor requests reimbursement payments. Copies of invoices must be complete and legible, or the Reimbursement Request will be returned. Reimbursement requests should be accompanied by a cover letter stating the time period for which reimbursement is requested, name of the project, total amount requested and contact name and telephone number. Authority shall issue reimbursement payments to Sponsor on or before the last day of the month for all timely submittals. Invoices are deemed ineligible without the accompanying progress reports. The Authority reserves the right to stop reimbursement payments of invoices without progress reports.

2.1.2. Late Submittals. If Sponsor fails to submit documents to Authority as set forth in Section 2.1.1, above, then Authority may provide reimbursement payments for late submittals in the following calendar month.

2.1.3. Ineligible Costs. The Authority reserves the right to adjust current or future reimbursement payments to Sponsor if an invoice includes ineligible costs. Measure L funds will not be used to reimburse costs if funding sources, other than Measure L, have been secured, granted, committed or provided to fund that specific cost or element as such costs are deemed ineligible costs.

2.1.4. Reimbursement Amount. The amount of reimbursement payments to Sponsor shall not exceed \$1,098,000 of eligible expenditures submitted to the Authority as specified in Exhibit "A". All reimbursements will be made subject to available Measure L

program cash-flow. Reimbursement of expenditures may be spread over three fiscal years consistent with the adopted Measure L Strategic Plan.

2.1.5. Suspension of Reimbursement. If the Authority determines that any costs in an invoice are not allowable, or the lack of supporting documentation or progress reports, the Authority shall return the invoice to Sponsor, with an invoice dispute notice outlining the reason for the return and the proposed remedy, if one exists, which would make the invoice acceptable for payment. Sponsor may re-submit the invoice for payment after reviewing the invoice dispute notice and making any necessary corrections. Sponsor may also immediately submit a new invoice representing only the amounts which are not in dispute, while setting aside the disputed amounts for review in accordance with the provisions set forth in this Section 2.1.

2.1.5.1. Meeting. Once a dispute has occurred, the Authority shall arrange a meeting between the Authority and the Sponsor staff to discuss and attempt to resolve the dispute. If the invoice was received on or before 5:00 p.m. on the 10th day of the month, the meeting shall be held no later than the 20th day of the same month. If the invoice was received after this date and time, then the meeting shall be held no later than the 20th day of the following month.

2.1.5.2. Executive Committee. If an agreement cannot be reached at the meeting, then the Sponsor or the Authority shall have the option to take the dispute to the Authority's Executive Committee, with the understanding that by doing so the reimbursement for the disputed cost item(s) will be delayed until a resolution of the matter is reached.

2.1.5.3. Authority's Board Decision. If the Sponsor or the Authority disagrees with the resolution by the Executive Committee then the dispute shall be submitted to the Authority's Board for resolution. If the Board determines that the disputed cost item(s) is ineligible, the Authority shall not provide reimbursement payment to the Sponsor for the disputed item(s). If the Board determines that the disputed cost item(s) is eligible, then the Authority shall provide reimbursement payment to the Sponsor for the disputed cost.

2.1.5.4. Reservation of Rights. By utilizing the above procedures, the Sponsor does not surrender any rights to pursue available legal remedies if the Sponsor disagrees with the Board decision.

2.1.5.5. Acceptance of Work Does Not Result In Waiver. Neither acceptance of the work nor issuance of reimbursement payments will result in a waiver of the right of the Authority to require fulfillment of all terms of this Agreement.

2.2. Right to Conduct Audit. The Authority shall have the right to conduct an audit of all Sponsors' records pertaining to the Project at any time during the course of the Project and up to a five (5) year period after completion of the Project. For purposes of audit, the date of completion of the Agreement shall be the date of the Authority's payment of Sponsor's final billing (so noted on the invoice) under this Agreement. This audit provision shall extend to and/or be included in contracts with Sponsor's contractors.

2.3. Maximum Obligation. Authority's maximum obligation for all costs under this Agreement shall not exceed One Million Ninety-Eight Thousand Dollars (\$1,098,000.00), unless such maximum obligation is increased by an amendment to this Agreement. The parties agree that Measure L funds shall not be used for reimbursement of expenses incurred by the Sponsor for the Project that are not covered by this Agreement.

SECTION III Mutual Covenants

3.1. This Agreement shall remain in effect until discharged or terminated as provided in Section 3.2 or Section 3.15.

3.2. Discharge. This Agreement shall be subject to discharge as follows:

3.2.1. Termination by Mutual Consent. This Agreement may be terminated at any time only by mutual consent of the parties.

3.2.2. Discharge Upon Completion of Project. Except as to any rights or obligations which survive discharge as specified in Section 3.14, this Agreement shall be discharged, and the parties shall have no further obligation to each other, upon completion of the Project and payment of the final invoice by the Authority.

3.3. Indemnity. It is mutually understood and agreed, relative to the reciprocal indemnification of Authority and Sponsor:

3.3.1. Sponsor shall fully defend, indemnify and hold harmless Authority, and any officer or employee of Authority, against any damage or liability occurring by reason of anything done or omitted to be done by Sponsor under the Agreement. It is also fully understood and agreed that, pursuant to Government Code Section 895.4, Sponsor shall fully defend, indemnify and hold the Authority harmless from any liability imposed for injury as defined by Government Code Section 810.8 occurring by reason of anything done or omitted to be done by Sponsor under this Agreement or in connection with any work, authority, or jurisdiction delegated to Sponsor under this Agreement.

3.3.2. Authority shall fully defend, indemnify and hold harmless Sponsor, and any officer or employee of Sponsor, against any damage or liability occurring by reason of anything done or omitted to be done by Authority under or in connection with any work, authority or jurisdiction delegated to Authority under the Agreement. It is also understood and agreed that, pursuant to Government Code Section 895.4, Authority shall fully defend, indemnify and hold the Sponsor harmless from any liability imposed for injury as defined by Government Code Section 810.8 occurring by reason of anything done or omitted to be done by Authority under this

Agreement or in connection with any work, authority, or jurisdiction delegated to Authority under this Agreement.

3.4. Liability. As Authority is not the primary or responsible agency for carrying out the Project herein identified, the Authority is not liable for any loss, cost, liability, damage, claim, lien, action, cause of action, demand or expense which may arise as a result of the acts or omissions of Sponsor or its agents, contractors, consultants, engineers, or representatives. Nor shall the Authority be liable for any loss, cost, liability, damage, claim, lien, action, cause of action, demand or expense which may arise as a result of Authority's provision of funds which may be utilized in, but not limited to the acquisition of, the design, implementation, or construction of the Project herein described.

3.5. Notices. Any notice which may be required under this Agreement shall be in writing and shall be given by personal service, or by certified or registered mail, return receipt requested, to the addresses set forth below:

TO AUTHORITY:
1111 "I" Street, Suite 308
Modesto, CA 95354
Attention: Executive Director

TO SPONSOR:
1010 Tenth Street, Suite 3100
Modesto, CA 95354
Attention: Joseph Lopez, City Manager

Either party may change its address by giving notice of such change to the other party in the manner provided in this Section 3.5. All notices and other communications shall be deemed communicated as of actual receipt or after the second business day after deposit in the United States mail.

3.6. Additional Acts and Documents. Each party agrees to do all such things and take all such actions, and to make, execute and deliver such other documents and instruments, as shall be reasonably requested to carry out the provisions, intent and purpose of the Agreement.

3.7. Integration. This Agreement represents the entire Agreement of the parties with respect to the subject matter hereof. No representations, warranties, inducements or oral agreements have been made by any of the parties except as expressly set forth herein, or in other contemporaneous written agreements.

3.8. Amendment. This Agreement may not be changed, modified or rescinded except in writing, signed by all parties hereto, and any attempt at oral modification of this Agreement shall be void and of no effect.

3.9. Independent Agency. Sponsor and Authority renders services under this Agreement each as an independent agency under the terms of this Agreement. None of the Sponsor's agents

or employees shall be agents or employees of the Authority and none of the Authority's agents or employees shall be agents or employees of Sponsor.

3.10. Assignment. The Agreement may not be assigned, transferred, hypothecated, or pledged by any party without the express written consent of the other party.

3.11. Binding on Successors. This Agreement shall be binding upon the successor(s), assignee(s) or transferee(s) of the Authority or Sponsor, as the case may be. This provision shall not be construed as an authorization to assign, transfer, hypothecate or pledge this Agreement other than as provided above.

3.12. Severability. Should any part of this Agreement be determined to be unenforceable, invalid, or beyond the authority of either party to enter into or carry out, such determination shall not affect the validity of the remainder of this Agreement which shall continue in full force and effect; provided that, the remainder of this Agreement can, absent the excised portion, be reasonably interpreted to give effect to the intentions of the parties.

3.13. Counterparts. This Agreement may be executed in one or more counterparts and shall become effective when one or more counterparts have been signed by all of the parties; each counterpart shall be deemed an original but all counterparts shall constitute a single document.

3.14. Survival. The following provisions in this Agreement shall survive discharge:

3.14.1. Sponsor. As to Sponsor, the following sections shall survive discharge: Section 1.5 (obligation to apply funds to Project), Section 1.6 (obligation to provide copies and retain records), Section 1.7 (obligation to continue to manage Project).

3.14.2. Authority. As to Authority, the following section shall survive discharge: Section 2.2 (right to conduct audit).

3.14.3. Both Parties. As to both parties, the following section shall survive discharge: Section 3.3. (mutual indemnities).

3.15. Limitation. All obligations of Authority under the terms of this Agreement are expressly contingent upon the Authority's continued authorization to collect and expend the sales tax proceeds provided by Measure L and the availability of Measure L funds from which reimbursement can be made. If for any reason the Authority's right or ability to collect or expend such sales tax proceeds is terminated or suspended in whole or part, or the amount of sales tax proceeds declines such that it materially affects the Authority's ability to fund the Project, the Authority shall promptly notify Sponsor, and the parties shall consult on a course of action. If, after twenty-five (25) working days, a course of action is not agreed upon by the parties, this Agreement shall be deemed terminated by mutual or joint consent. Any future obligation to fund

this Project or any other project or projects of Sponsor, not already specifically covered by separate Agreement, shall arise only upon execution of a new Agreement.

3.16. Attorneys' Fees. Should any litigation commence between the parties concerning the rights and duties of any party pursuant to, related to, or arising from, this Agreement, the prevailing party in such litigation shall be entitled, in addition to such other relief as may be granted, to a reasonable sum as and for its attorneys' fees and costs of such litigation, or in a separate action brought for that purpose.

3.17. Time. Time is and shall be of the essence of this Agreement and each and all of its provisions in which performance is a factor.

3.18. Remedies Cumulative. No remedy or election of remedies provided for in this Agreement shall be deemed exclusive, but shall be cumulative with all other remedies at law or in equity. Each remedy shall be construed to give the fullest effect allowed by law.

3.19. Applicable Law. This Agreement shall be governed by, and construed and enforced in accordance with the laws of the State of California.

3.20. Captions. The captions in this Agreement are for convenience only and are not a part of this Agreement. The captions do not in any way limit or amplify the provisions of this Agreement and shall not affect the construction or interpretation of any of its provisions.

3.21. No Continuing Waiver. The waiver by any party of any breach of any of the provisions of this Agreement shall not constitute a continuing waiver or a waiver of any subsequent breach of the same, or of any other provision of this Agreement.

3.22. No Rights in Third Parties. Nothing in this Agreement, express or implied, is intended to confer any rights or remedies under or by reason of this Agreement on any third party, nor is anything in this Agreement intended to relieve or discharge the obligation or liability of any third party to any party to this Agreement, nor shall any provision of this Agreement give any third party any right of subrogation or action over or against any party to this Agreement.

3.23. Signator's Warranty. Each party warrants to each other that he or she is fully authorized and competent to enter into this Agreement in the capacity indicated by his or her signature and agrees to be bound by this Agreement as of the day and year first mentioned above upon the execution of this Agreement by each other party.

***** Signatures contained on next page *****

///

///

///

///

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the day and year first written above.

CITY OF MODESTO

Stanislaus Council of Governments, acting as the
LOCAL TRANSPORTATION AUTHORITY:

By: _____
Joseph Lopez
City Manager

By: _____
Jeremy Young
Chairperson

ATTEST:

ATTEST:

By: _____
Stephanie Lopez
City Clerk

By: _____
Rosa De León Park
Executive Director

APPROVED AS TO FORM:

By: _____
Jose Sanchez
City Attorney

By: _____
Monica J. Streeter
General Counsel



PROJECT SCOPE, COST, SCHEDULE AND FUNDING PLAN

**Project Name: STANDIFORD AT STATE ROUTE 99 (SR 99) INTERCHANGE
RECONSTRUCTION PROJECT CITY OF MODESTO**

Project Contact: Vickey Dion, City Engineer, City of Modesto

PROJECT SCOPE

Responsible Agency: City of Modesto

Project Limits: _____

Project Phase:

Project Initiation Document (PID) and
Project Approval and Environmental Document (PA&ED)

Project Phase Scope:

In coordination with Caltrans and StanCOG, the City of Modesto will perform preliminary engineering studies and draft project report, perform environmental studies and prepare draft environmental documents, circulate draft environmental documents and select preferred project alternative identification, prepare and approve project report and final environmental documents, obtain permits, agreements, and route adoptions.

Project Purpose:

The purpose of this project is to complete the project initiation document (PID) and project approval and environmental document (PA&ED) phases of the Standiford at State Route 99 (SR 99) Interchange Reconstruction Project City of Modesto.

PROJECT COST AND FUNDING PLAN

Fund Source	Fund Amount
Measure L Regional Funds	\$1,098,000
• Project Initiation Document	\$100,000
• Project Approval and Environmental Document	\$998,000
City CFF Funds	\$3,000,000
TOTAL PID and PA&ED FUNDS	\$4,098,000

PROJECT SCHEDULE

<u>Project Phase</u>	<u>Start</u>	<u>End</u>	<u>Timely Use of Funds Deadline (if applicable)</u>
PID	07/01/2020	07/01/2023	N/A
PA&ED	07/01/20	07/01/2023	N/A

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-340**

RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET IN THE AMOUNT OF \$1,098,000 FOR THE PROJECT INITIATION DOCUMENT (PID) AND PROJECT APPROVAL AND ENVIRONMENTAL DOCUMENT (PA&ED) PHASES OF THE PROJECT #101182 FOR THE STANDIFORD INTERCHANGE PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the State Route 99/Standiford Interchange has been constructed incrementally in response to changing demands and available funding over time, and

WHEREAS, the purpose of this project is to reduce traffic congestion, improve regional and interregional traffic operation, and enhance safety on the SR99 highway and within the vicinity of the local transportation network of the SR99/Standiford Avenue interchange through reconstruction, and

WHEREAS, Stanislaus Council of Governments (StanCOG) has designated the SR99 Standiford Interchange as a priority project for deliver in Measure L's first 10 years, and

WHEREAS, StanCOG has designated this project to receive up to \$7,141,000 of the regional project share of Measure L funds, and

WHEREAS, the first phase of the project is termed Project Initiation Document (PID) phase, and

WHEREAS, the outcome of the project initiation process is a document that establishes a well-defined purposes-and-need statement, proposed project scope tied to a reliable cost estimate, and a schedule, and

WHEREAS, the use of State funds for capital improvements on the State Highway System (SHS) requires an approved PID, and

WHEREAS, the Department of Transportation (Caltrans) requires development of a PID prior to approval to being the environmental project phase or PA&ED, and

WHEREAS, the Project Approval and Environmental Document (PA&ED) phase develops and establishes the State and Federal approvals necessary for the project to move to the final PS&E project phase, and

WHEREAS, the project is included in the City's Capital Facilities Fee (CFF) Program and is also included in the Measure L Strategic Plan, and

WHEREAS, StanCOG has agreed to provide \$1,098,000 to the City and the City has been already budgeted \$500,000 of Capital Facility Fee funds for the initial phase of the project, and

WHEREAS, the City Council shall consider amending the Capital Improvement Program (CIP) budget for Project #101182 in the amount of \$1,098,000 for Regional Measure L funds upon execution of the Cooperative Agreement with StanCOG for the Standiford Interchange Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2020-2021 Capital Improvement Program (CIP) Budget in the amount of \$1,098,000 for the PID and PA&ED Phases of the project #101182 for the Standiford Interchange Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-341**

RESOLUTION ACCEPTING THE PROPERTY CONVEYED VIA QUIT- CLAIM DEED FROM STANISLAUS COUNTY FOR ASSESSORS PARCEL NUMBER 067-016-022 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CERTIFICATE OF ACCEPTANCE AND OTHER DOCUMENTS NECESSARY TO RECEIVE AND RECORD OWNERSHIP OF THE PARCEL

WHEREAS, APN 067-016-022 was acquired by Stanislaus County via tax sale in 1977, and

WHEREAS, the City of Modesto annexed the Scenic Bend area into the City in 1977, and

WHEREAS, APN 067-016-022 lies within the Scenic Bend area but was not transferred to the City of Modesto at the time of annexation in 1977, and

WHEREAS, the City of Modesto owns and maintains all streets and roads immediately adjacent to APN 067-016-022, and

WHEREAS, Stanislaus County has transferred ownership of APN 067-016-022, a political subdivision within the State of California to the City of Modesto by quit-claim deed dated April 1st, 2019, and

WHEREAS, upon recordation of the quit claim deed and certificate of acceptance, City Staff will perfect the right-of-way at the Scenic Bend curve, and

WHEREAS, perfection of the Scenic Bend curve right-of-way will promote the safe and orderly maintenance of City streets and roads and enable neighboring resident's request to subdivide existing while maintaining street access.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby accept the property conveyed via quit-claim deed from Stanislaus County for Assessor's Parcel Number 067-016-022,

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Certificate of Acceptance and other documents necessary to receive and record ownership of the parcel.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-342**

RESOLUTION GRANTING A PORTION OF REAL PROPERTY LOCATED WITHIN ASSESSORS PARCEL NUMBER 067-016-022 TO THE STEVEN J. AND EVE A. RINGHOFF TRUST, AS DESCRIBED AND DEPICTED IN ATTACHED EXHIBITS A AND A-1, AND GRANTING A PORTION OF REAL PROPERTY LOCATED WITHIN ASSESSORS PARCEL NUMBER 067-016-022 TO JOSEPH R. MURATORE, TRUSTEE OF THE ESTHER ROSE SAINT CLAIR TRUST DATED JANUARY 25, 2018 AS DESCRIBED AND DEPICTED IN ATTACHED EXHIBITS B AND B-1 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO COMPLETE AND RECORD THE TRANSFER

WHEREAS, the Residents at 2801 Scenic Bend Drive Modesto, CA have initiated a request to correct right-of-way deficiencies located on Scenic Bend Drive, and subdivide their existing parcel, and

WHEREAS, the City of Modesto accepted ownership of certain real property located at Scenic Bend Drive in Modesto from the County of Stanislaus transferred by quit-claim deed dated April 01, 2019 on July 07, 2020, and

WHEREAS, to perfect the right-of-way at Scenic Bend Drive and fulfill Residents' request to subdivide existing APN 067-016-023 in the desired manner, the City of Modesto will need to grant portions of certain real property identified in **attached exhibits A, A-1, B, and B-1** to Residents at 2801 (Ringhoff) and 2809 (Muratore) Scenic Bend respectively, and

WHEREAS, the City of Modesto owns and maintains all streets and roads immediately adjacent to APNs 067-016-022, 067-016-023 and 067-016-025.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby grants a portion of real property located within APN 067-016-022 to

the Steven J. and Eve A. Ringhoff Trust, as described and depicted in **attached exhibits A and A-1**, and

BE IT FURTHER RESOLVED that it does hereby grants a portion of real property located within APN 067-016-022 to Joseph R. Muratore, Trustee of the Esther Rose Saint Clair Trust dated January 25, 2018 as described and depicted in **attached Exhibits B and B-1**

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute any documents necessary to complete and record the transfer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney



GIOMI, INC.
APPRAISER - CONSULTANT

March 26, 2020

Steven Ringhoff, ESQ.
2801 Scenic Road
Modesto, CA 95351

Re: Excess Land Area – Owned by City of Modesto

Dear Mr. Ringhoff:

You have asked me to determine the value, if any, of a 4,666 square foot surplus piece of land that is contiguous to your property. The property was acquired by the City via a gift from the County of Stanislaus who acquired the property years ago through a tax sale at a very low cost. This would be considered excess or surplus property. In analyzing the property and discussing it with potential planners, both city and county, it was learned that the site at 4,666 square feet would be substandard for a stand alone developable parcel. There would be set back requirements making this site impossible to use, other than the current owner, the city or the contiguous property owner, the Ringhoff.

My job as an appraiser was to determine whether or not this substandard sized parcel would have a market value if exposed to the open market under the basic definition of market value. The question is whether or not a typical market participant would buy this property and is there value.

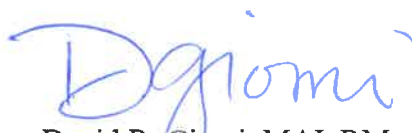
It should be noted that Stanislaus County purchased this parcel several years ago at a tax sale for \$60.00 total. The county then gave it to the City of Modesto for no cost.

After interviewing city and county officials and market participants it was determined that due to the size, set back requirements, and other factors, it would not be a stand alone parcel and could not be developed under current city and county regulations, Therefore, the only value if any, would be to the contiguous property owner or to the city for potential road widening use. This conclusion is based upon the market value definition. No market buyer would purchase this substandard parcel because you can not build on it.

Therefore, there are only two potential owners or buyers of this property. Obviously searching the market indicates no sales in the marketplace that would exhibit any comparability to this property. Therefore it is left to judgment, in my opinion and based upon of over 40 years of valuing properties in this area, that the site due to its size, shape and the fact it cannot be built upon would only have a nominal value. In using judgment it is my opinion that this nominal value would be \$500 to the Ringhoff.

I trust this is sufficient for your needs at this time. if more data is required please feel free to give me a call. Thank you for this opportunity to be of service.

Sincerely,
GIOMI, INC.

A handwritten signature in blue ink that reads "Dgiomi". The signature is written in a cursive, flowing style.

David R. Giomi, MAI, RM
State of California AG004978
Expiration Date: July 12, 2020

CERTIFICATION OF APPRAISAL

The undersigned certifies as follows:

1. David R. Giomi, MAI, RM, has inspected the subject property and comparable sales and rental data used in this report.
2. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics & Standards of Professional Appraisal Practice of the Appraisal Institute, which include the Uniform Standards of Professional Appraisal Practice.
3. The statements of fact contained in this report are true and correct.
4. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
5. I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.
6. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
7. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
8. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
9. My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
10. I have made a personal inspection of the property that is the subject of this report.
11. No one provided significant professional assistance to the person signing this report.

12. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
13. The Appraisal Institute conducts a voluntary program of continuing education for its designated members. David R. Giomi, MAI, is subject to this voluntary program. He is currently certified and meets all the requirements of a General Real Estate Appraiser for the State of California.
14. My employment was not conditioned upon the appraisal producing a specific value or a value within a given range or prospects of future employment or a loan application being approved.
15. I have not appraised this property within the last five years.



DAVID R. GIOMI, MAI, RM
CERTIFIED GENERAL REAL ESTATE APPRAISER
STATE OF CALIFORNIA (NO. AG004978)
EXPIRATION DATE: JULY 12, 2020

ASSUMPTIONS AND LIMITING CONDITIONS

For purposes of these Assumptions and Limiting Conditions the following words shall have the following meanings:

“Appraisal” means the appraisal report and opinion of value stated therein; or the letter opinion of value, to which these Assumptions and Limiting Conditions relate.

“Property” means the subject(s) of the Appraisal.

“Appraiser” means the employees of Giomi, Inc. who prepared and signed the Appraisal.

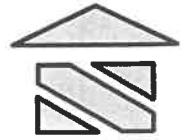
This appraisal is made subject to the following assumptions and limiting conditions:

1. No responsibility is assumed for the legal description or for any matters which are legal in nature. Title to the Property is assumed to be good and marketable and the Property is assumed to be free and clear of all liens unless otherwise stated.
2. The information contained in the Appraisal or upon which the Appraisal is based has been gathered from sources the Appraiser assumes to be reliable and accurate. Some of such information may have been provided by the owner of the Property. Neither the Appraiser nor Giomi, Inc. shall be responsible for the accuracy or completeness of such information, including the correctness of estimates, opinions, dimensions, sketches, exhibits and other factual matters. The Appraisal and the opinion of value stated therein are as of the date stated in the Appraisal. Changes since that date in external and market factors can significantly affect property value.
3. This report and all matters contained herein were prepared for the sole and exclusive benefit of the client(s) specified herein, and is intended for their use only. Neither all, nor any part of the contents of this report, or copy thereof, shall be used for any purpose by anyone but the client(s) specified herein nor shall it be conveyed or disseminated by anyone to the public through advertising, public relations, news, sales, or other media, without the express written consent and approval of the Appraiser. No one, except for the client(s) specified herein, may rely on this report for any purpose. Any person or entity who obtains or reads this report, or a copy thereof, other than the client(s) specified herein expressly assumes all risk of damages to himself or third persons arising out of reliance thereon or use thereof and waives the right to bring any action based on the Appraisal, directly or indirectly, and the Appraiser shall have no liability to any such person or entity.

4. No part of the Appraisal or the identity of the Appraiser shall be conveyed to the public through advertising, public relations, news, sales or other media or used in any material without Giomi, Inc.'s prior written consent. Reference to the Appraisal Institute, the MAI, or RM designation is prohibited.
5. The Appraiser shall not be required to give testimony in any court or administrative proceedings relating to the Property or the Appraisal.
6. The Appraisal assumes (a) responsible ownership and competent management of the Property; (b) there are no hidden or unapparent conditions of the Property, subsoil or structures that render the Property more or less valuable (no responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them); (c) full compliance with all applicable federal, state and local zoning and environmental regulations and laws, unless noncompliance is stated, defined and considered in the Appraisal; and (d) all required licenses, certificates of occupancy and other governmental consents have been or can be obtained and renewed for any use on which the value estimate contained in the Appraisal is based.
7. This report is intended to serve our exclusive client(s), and no third parties are authorized to rely upon it for any purpose whatsoever.
8. The appraiser is not a building or environmental inspector. The appraiser provides an opinion of value. The appraisal does not guarantee that the property is free of defects or environmental problems. The appraiser performed an inspection of visible and accessible areas only. Mold or other problems may be present in areas that the appraiser could not see. A professional inspection is recommended.
9. The physical condition of the improvements considered in the Appraisal is based on visual inspection by the Appraiser or other person identified in the Appraisal. Giomi, Inc. assumes no responsibility for the soundness of structural members nor for the condition of mechanical equipment, plumbing or electrical components.
10. The projected potential gross income referred to in the Appraisal may be based on lease summaries provided by the owner or third parties. The Appraiser has not reviewed lease documents and assumes no responsibility for the authenticity or completeness of lease information provided by others. Giomi, Inc. suggests that legal advice be obtained regarding the interpretation of lease provisions and the contractual rights of parties.

11. Report users are cautioned that any forecasts shown herein are intended to illustrate the apparent attitudes and projections of those persons and entities comprising the market at the date of this report. Such attitudes and projections change from time to time consistent with changes in the real estate market caused by supply and demand, interest rate fluctuation, inflation, investors' attitudes, tax benefits and general economic conditions. The projections shown are thought to approximate investor attitudes and current trends and conditions at the date of valuation. Inasmuch, however, as the projections are based upon assumptions and estimates of future events, no opinion is offered or expressed on the achievability of the projections and estimates. Inevitably some assumptions will not materialize and unanticipated events and circumstances will occur; therefore, the actual results achieved during the forecast period will vary from the forecast, and the variation may be material.
12. Unless otherwise stated in the Appraisal, the existence of potentially hazardous or toxic materials which may have been used in the construction or maintenance of the improvements or may be located at or about the Property was not considered in arriving at the opinion of value stated in the Appraisal. These materials (such as formaldehyde foam insulation, asbestos insulation and other potentially hazardous materials) may affect the value of the Property. The Appraiser is not qualified to detect such substances and Giomi, Inc. urges that an expert in this field be employed to determine the economic impact of these matters on the opinion of value stated in the Appraisal.
13. This report in no way should be considered or used as a feasibility analysis of the development.
14. Appraiser disclaims responsibility for the ability or inability of the present owner or any future purchaser or lessee to obtain the permits, licenses, environmental impact studies, or other approvals necessary for the successful development of the Property to its highest and best use or to the use contemplated by any owner, purchaser or lessee. The Appraiser disclaims responsibility for, and renders no opinion on conformity to specific governmental requirements, such as fire, building and safety, earthquake, or occupancy codes, which conformity cannot be assumed without provision of specific professional or governmental inspection.
15. If the Appraisal is submitted to a lender or investor with the prior approval of Giomi, Inc., such party should consider the Appraisal as one factor together with its independent investment considerations and underwriting criteria, in its overall investment decision.
16. Unless otherwise stated in the Appraisal, compliance with the requirements of the American With Disabilities Act of 1990 (ADA) has not been considered at arriving at the opinion of value stated in the Appraisal. Failure to comply with the requirements of the ADA may negatively affect the value of the Property. Giomi, Inc. recommends that an expert in this field be employed.

17. The information provided in this report leading to a conclusion of value and other conclusions is provided as a matter of opinion. Appraiser does not warrant or guarantee the accuracy of the opinion or the underlying data and no person shall rely upon the same as a guarantee or warranty of value.



24 - PM - 62^r

SCENIC BEND ESTATES

PARCEL 3
RINGHOFF
REVOCABLE TRUST
DOC. NO. 2017-0005194

PARCEL 6
JOE MURATORE, TRUSTEE
ESTHER ROSE ST. CLAIR TRUST
DOC. NO. 2018-0006055

10

PROPOSED RIGHT-OF-WAY

CITY OF MODESTO
TO ST. CLAIR TRUST
668 SF.±

ST. CLAIR TRUST
TO CITY OF MODESTO
AS RIGHT OF WAY
215 SF.±

CITY OF MODESTO
TO RINGHOFF TRUST
4,666 SF.±

CITY OF MODESTO
RIGHT OF WAY
2,247 SF.±

R=205.00
TRAVELLED WAY

R=230.00
TRAVELLED WAY

EX. RIGHT-OF-WAY

EX. CENTER LINE

EX. RIGHT-OF-WAY

NOTE:
AREAS SHOWN ARE APPROXIMATE
AND SUBJECT TO CHANGE
PENDING A FIELD SURVEY AND
FILING OF A RECORD OF SURVEY.

DRAWN: DLS
DATE: 02MAY19
SCALE: 1" = 40'
JOB #: 632-18
DWG: CITY-SCENIC BEND

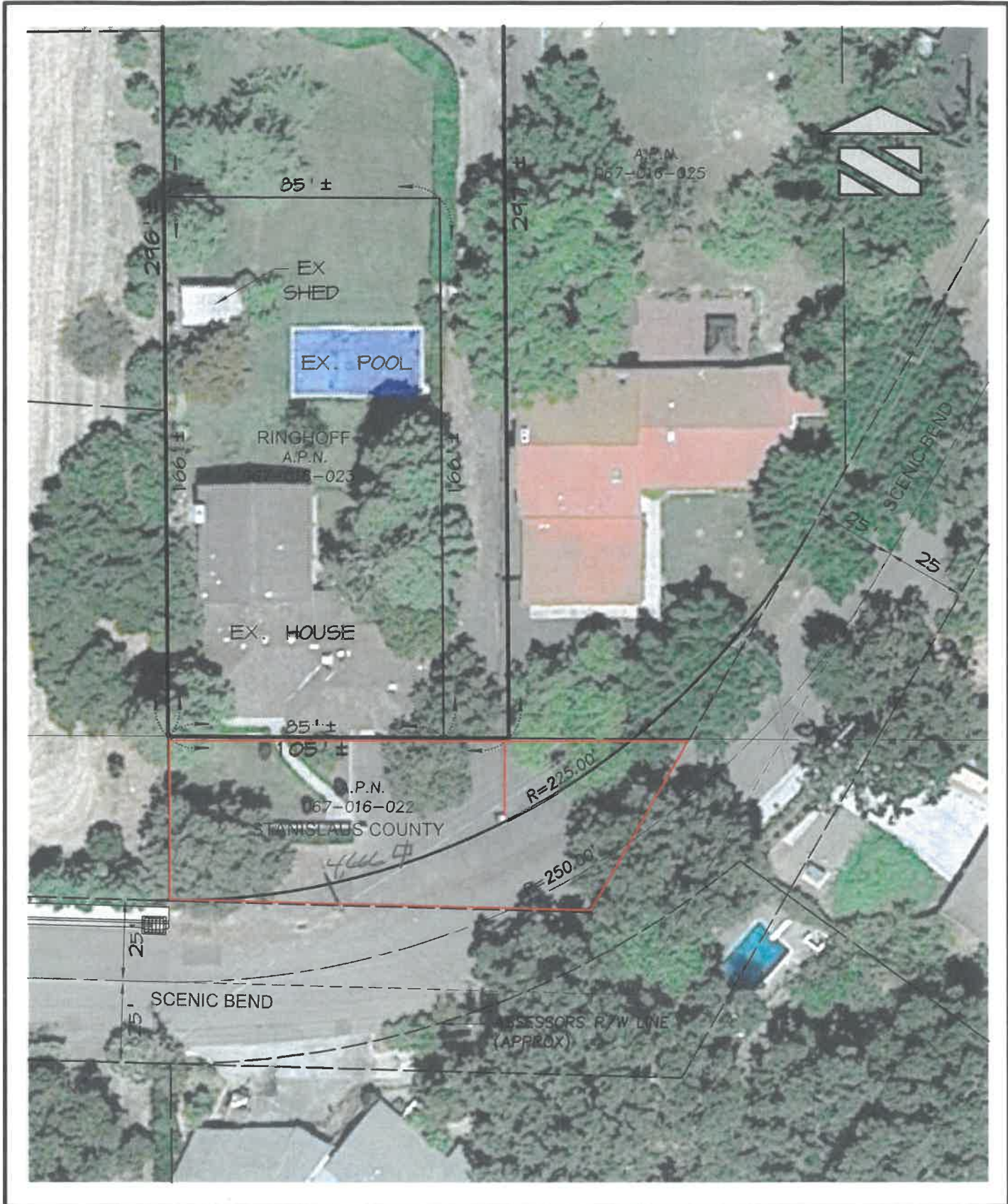
CITY OF MODESTO DISBURSEMENT CONCEPT

SCENIC BEND
MODESTO, CALIFORNIA



ASSOCIATED ENGINEERING GROUP

4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com



DRAWN:	DLS
DATE:	7/20/18
SCALE:	N/A
JOB #:	632A-18
DWG:	SB-STANCO

SCENIC BEND CONCEPT
 (PHOTO OVERLAY - APPROXIMATE NO SCALE)

**ASSOCIATED
ENGINEERING
GROUP**

4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
 PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-343**

RESOLUTION ACCEPTING A PORTION OF REAL PROPERTY FROM JOSEPH R. MURATORE TRUST LOCATED WITHIN ASSESSORS PARCEL NUMBER 067-016-025 AS DEPICTED AND DESCRIBED IN ATTACHED EXHIBITS A & B AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO RECEIVE AND RECORD THE OWNERSHIP OF THE PARCEL

WHEREAS, the Residents at 2801 Scenic Bend Drive Modesto, CA have initiated a request to correct right-of-way deficiencies located on Scenic Bend Drive, and subdivide their existing parcel, and

WHEREAS, the City of Modesto accepted ownership of certain real property located at Scenic Bend Drive in Modesto from the County of Stanislaus transferred by quit-claim deed dated April 01, 2019 on July 07, 2020, and

WHEREAS, to perfect the right-of-way at Scenic Bend Drive and fulfill Residents' request to subdivide existing APN 067-016-023 in the desired manner, the City of Modesto will need to both grant and receive certain portions of real property identified in **attached exhibits** to and from Residents at 2801 (Ringhoff) and 2809 (Muratore) Scenic Bend Drive respectively, and

WHEREAS, the City of Modesto owns and maintains all streets and roads immediately adjacent to APNs 067-016-022, 067-016-023 and 067-016-025.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby accept portions of real property from Joseph R. Muratore Trust located within APN 067-016-025 as depicted and described in **attached Exhibits A & B** and

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Certificate of Acceptance and other documents necessary to receive and record ownership of the parcel.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney



DRAWN: DLS
 DATE: 7/20/18
 SCALE: N/A
 JOB #: 632A-18
 DWG: SB-STANCO

SCENIC BEND CONCEPT
 (PHOTO OVERLAY - APPROXIMATE NO SCALE)



**ASSOCIATED
 ENGINEERING
 GROUP**

4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
 PHONE: (209) 545-3390 FAX: (209) 545-3075 www.aecogroup.com



GIOMI, INC.
APPRAISER - CONSULTANT

March 26, 2020

Steven Ringhoff, ESQ.
2801 Scenic Road
Modesto, CA 95351

Re: Excess Land Area – Owned by City of Modesto

Dear Mr. Ringhoff:

You have asked me to determine the value, if any, of a 4,666 square foot surplus piece of land that is contiguous to your property. The property was acquired by the City via a gift from the County of Stanislaus who acquired the property years ago through a tax sale at a very low cost. This would be considered excess or surplus property. In analyzing the property and discussing it with potential planners, both city and county, it was learned that the site at 4,666 square feet would be substandard for a stand alone developable parcel. There would be set back requirements making this site impossible to use, other than the current owner, the city or the contiguous property owner, the Ringhoff.

My job as an appraiser was to determine whether or not this substandard sized parcel would have a market value if exposed to the open market under the basic definition of market value. The question is whether or not a typical market participant would buy this property and is there value.

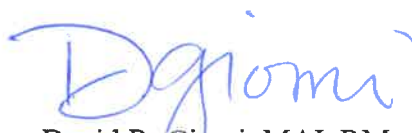
It should be noted that Stanislaus County purchased this parcel several years ago at a tax sale for \$60.00 total. The county then gave it to the City of Modesto for no cost.

After interviewing city and county officials and market participants it was determined that due to the size, set back requirements, and other factors, it would not be a stand alone parcel and could not be developed under current city and county regulations, Therefore, the only value if any, would be to the contiguous property owner or to the city for potential road widening use. This conclusion is based upon the market value definition. No market buyer would purchase this substandard parcel because you can not build on it.

Therefore, there are only two potential owners or buyers of this property. Obviously searching the market indicates no sales in the marketplace that would exhibit any comparability to this property. Therefore it is left to judgment, in my opinion and based upon of over 40 years of valuing properties in this area, that the site due to its size, shape and the fact it cannot be built upon would only have a nominal value. In using judgment it is my opinion that this nominal value would be \$500 to the Ringhoff.

I trust this is sufficient for your needs at this time. if more data is required please feel free to give me a call. Thank you for this opportunity to be of service.

Sincerely,
GIOMI, INC.

A handwritten signature in blue ink that reads "Dgiomi". The signature is written in a cursive style with a large, stylized 'D' and a small 'i' at the end.

David R. Giomi, MAI, RM
State of California AG004978
Expiration Date: July 12, 2020

CERTIFICATION OF APPRAISAL

The undersigned certifies as follows:

1. David R. Giomi, MAI, RM, has inspected the subject property and comparable sales and rental data used in this report.
2. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics & Standards of Professional Appraisal Practice of the Appraisal Institute, which include the Uniform Standards of Professional Appraisal Practice.
3. The statements of fact contained in this report are true and correct.
4. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
5. I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.
6. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
7. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
8. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
9. My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
10. I have made a personal inspection of the property that is the subject of this report.
11. No one provided significant professional assistance to the person signing this report.

12. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
13. The Appraisal Institute conducts a voluntary program of continuing education for its designated members. David R. Giomi, MAI, is subject to this voluntary program. He is currently certified and meets all the requirements of a General Real Estate Appraiser for the State of California.
14. My employment was not conditioned upon the appraisal producing a specific value or a value within a given range or prospects of future employment or a loan application being approved.
15. I have not appraised this property within the last five years.



DAVID R. GIOMI, MAI, RM
CERTIFIED GENERAL REAL ESTATE APPRAISER
STATE OF CALIFORNIA (NO. AG004978)
EXPIRATION DATE: JULY 12, 2020

ASSUMPTIONS AND LIMITING CONDITIONS

For purposes of these Assumptions and Limiting Conditions the following words shall have the following meanings:

“Appraisal” means the appraisal report and opinion of value stated therein; or the letter opinion of value, to which these Assumptions and Limiting Conditions relate.

“Property” means the subject(s) of the Appraisal.

“Appraiser” means the employees of Giomi, Inc. who prepared and signed the Appraisal.

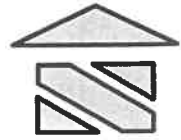
This appraisal is made subject to the following assumptions and limiting conditions:

1. No responsibility is assumed for the legal description or for any matters which are legal in nature. Title to the Property is assumed to be good and marketable and the Property is assumed to be free and clear of all liens unless otherwise stated.
2. The information contained in the Appraisal or upon which the Appraisal is based has been gathered from sources the Appraiser assumes to be reliable and accurate. Some of such information may have been provided by the owner of the Property. Neither the Appraiser nor Giomi, Inc. shall be responsible for the accuracy or completeness of such information, including the correctness of estimates, opinions, dimensions, sketches, exhibits and other factual matters. The Appraisal and the opinion of value stated therein are as of the date stated in the Appraisal. Changes since that date in external and market factors can significantly affect property value.
3. This report and all matters contained herein were prepared for the sole and exclusive benefit of the client(s) specified herein, and is intended for their use only. Neither all, nor any part of the contents of this report, or copy thereof, shall be used for any purpose by anyone but the client(s) specified herein nor shall it be conveyed or disseminated by anyone to the public through advertising, public relations, news, sales, or other media, without the express written consent and approval of the Appraiser. No one, except for the client(s) specified herein, may rely on this report for any purpose. Any person or entity who obtains or reads this report, or a copy thereof, other than the client(s) specified herein expressly assumes all risk of damages to himself or third persons arising out of reliance thereon or use thereof and waives the right to bring any action based on the Appraisal, directly or indirectly, and the Appraiser shall have no liability to any such person or entity.

4. No part of the Appraisal or the identity of the Appraiser shall be conveyed to the public through advertising, public relations, news, sales or other media or used in any material without Giomi, Inc.'s prior written consent. Reference to the Appraisal Institute, the MAI, or RM designation is prohibited.
5. The Appraiser shall not be required to give testimony in any court or administrative proceedings relating to the Property or the Appraisal.
6. The Appraisal assumes (a) responsible ownership and competent management of the Property; (b) there are no hidden or unapparent conditions of the Property, subsoil or structures that render the Property more or less valuable (no responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them); (c) full compliance with all applicable federal, state and local zoning and environmental regulations and laws, unless noncompliance is stated, defined and considered in the Appraisal; and (d) all required licenses, certificates of occupancy and other governmental consents have been or can be obtained and renewed for any use on which the value estimate contained in the Appraisal is based.
7. This report is intended to serve our exclusive client(s), and no third parties are authorized to rely upon it for any purpose whatsoever.
8. The appraiser is not a building or environmental inspector. The appraiser provides an opinion of value. The appraisal does not guarantee that the property is free of defects or environmental problems. The appraiser performed an inspection of visible and accessible areas only. Mold or other problems may be present in areas that the appraiser could not see. A professional inspection is recommended.
9. The physical condition of the improvements considered in the Appraisal is based on visual inspection by the Appraiser or other person identified in the Appraisal. Giomi, Inc. assumes no responsibility for the soundness of structural members nor for the condition of mechanical equipment, plumbing or electrical components.
10. The projected potential gross income referred to in the Appraisal may be based on lease summaries provided by the owner or third parties. The Appraiser has not reviewed lease documents and assumes no responsibility for the authenticity or completeness of lease information provided by others. Giomi, Inc. suggests that legal advice be obtained regarding the interpretation of lease provisions and the contractual rights of parties.

11. Report users are cautioned that any forecasts shown herein are intended to illustrate the apparent attitudes and projections of those persons and entities comprising the market at the date of this report. Such attitudes and projections change from time to time consistent with changes in the real estate market caused by supply and demand, interest rate fluctuation, inflation, investors' attitudes, tax benefits and general economic conditions. The projections shown are thought to approximate investor attitudes and current trends and conditions at the date of valuation. Inasmuch, however, as the projections are based upon assumptions and estimates of future events, no opinion is offered or expressed on the achievability of the projections and estimates. Inevitably some assumptions will not materialize and unanticipated events and circumstances will occur; therefore, the actual results achieved during the forecast period will vary from the forecast, and the variation may be material.
12. Unless otherwise stated in the Appraisal, the existence of potentially hazardous or toxic materials which may have been used in the construction or maintenance of the improvements or may be located at or about the Property was not considered in arriving at the opinion of value stated in the Appraisal. These materials (such as formaldehyde foam insulation, asbestos insulation and other potentially hazardous materials) may affect the value of the Property. The Appraiser is not qualified to detect such substances and Giomi, Inc. urges that an expert in this field be employed to determine the economic impact of these matters on the opinion of value stated in the Appraisal.
13. This report in no way should be considered or used as a feasibility analysis of the development.
14. Appraiser disclaims responsibility for the ability or inability of the present owner or any future purchaser or lessee to obtain the permits, licenses, environmental impact studies, or other approvals necessary for the successful development of the Property to its highest and best use or to the use contemplated by any owner, purchaser or lessee. The Appraiser disclaims responsibility for, and renders no opinion on conformity to specific governmental requirements, such as fire, building and safety, earthquake, or occupancy codes, which conformity cannot be assumed without provision of specific professional or governmental inspection.
15. If the Appraisal is submitted to a lender or investor with the prior approval of Giomi, Inc., such party should consider the Appraisal as one factor together with its independent investment considerations and underwriting criteria, in its overall investment decision.
16. Unless otherwise stated in the Appraisal, compliance with the requirements of the American With Disabilities Act of 1990 (ADA) has not been considered at arriving at the opinion of value stated in the Appraisal. Failure to comply with the requirements of the ADA may negatively affect the value of the Property. Giomi, Inc. recommends that an expert in this field be employed.

17. The information provided in this report leading to a conclusion of value and other conclusions is provided as a matter of opinion. Appraiser does not warrant or guarantee the accuracy of the opinion or the underlying data and no person shall rely upon the same as a guarantee or warranty of value.



24 - PM - 62^r

SCENIC BEND ESTATES

PARCEL 3
RINGHOFF
REVOCABLE TRUST
DOC. NO. 2017-0005194

PARCEL 6
JOE MURATORE, TRUSTEE
ESTHER ROSE ST. CLAIR TRUST
DOC. NO. 2018-0006055

10

PROPOSED RIGHT-OF-WAY

CITY OF MODESTO
TO ST. CLAIR TRUST
668 SF.±

ST. CLAIR TRUST
TO CITY OF MODESTO
AS RIGHT OF WAY
215 SF.±

CITY OF MODESTO
TO RINGHOFF TRUST
4,666 SF.±

CITY OF MODESTO
RIGHT OF WAY
2,247 SF.±

R=205.00
TRAVELLED WAY

R=230.00
TRAVELLED WAY

EX. RIGHT-OF-WAY

EX. CENTER LINE

EX. RIGHT-OF-WAY

NOTE:
AREAS SHOWN ARE APPROXIMATE
AND SUBJECT TO CHANGE
PENDING A FIELD SURVEY AND
FILING OF A RECORD OF SURVEY.

DRAWN: DLS
DATE: 02MAY19
SCALE: 1" = 40'
JOB #: 632-18
DWG: CITY-SCENIC BEND

CITY OF MODESTO DISBURSEMENT CONCEPT

SCENIC BEND
MODESTO, CALIFORNIA



ASSOCIATED ENGINEERING GROUP

4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com



DRAWN:	DLS
DATE:	7/20/18
SCALE:	N/A
JOB #:	632A-18
DWG:	SB-STANCO

SCENIC BEND CONCEPT
 (PHOTO OVERLAY - APPROXIMATE NO SCALE)

**ASSOCIATED
ENGINEERING
GROUP**

4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
 PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-344**

RESOLUTION APPROVING THE FINAL MAP OF THE TRAILS AT FALLING LEAF SUBDIVISION, APPROVING THE SUBDIVISION AGREEMENT WITH THE OWNERS, MODESTO GAFL, LLC AND BONAVENTURE FUND I, LLC, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A SUBDIVISION AGREEMENT AND AUTHORIZING THE CITY CLERK TO CERTIFY THE FINAL MAP AND RECORD IT WITH THE STANISLAUS COUNTY RECORDER'S OFFICE

WHEREAS, Modesto GAFL, LLC, a California limited liability company (“Subdivider”), and Bonaventure Fund I, LLC, are in possession of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 5.72 acres, known as The Trails at Falling Leaf Subdivision (“Subdivision”), and

WHEREAS, a tentative map of Subdivision was approved by the Planning Commission of the City of Modesto on May 1, 2017 with conditions of approval as noted in Planning Commission Resolution Number 2017-11, and

WHEREAS, the Secretary of the Planning Commission and the City Engineer of the City of Modesto have certified that the final map of Subdivision (“Final Map”) substantially conforms to the approved tentative map, and

WHEREAS, the project is currently under construction and the public improvements have not been completed, and

WHEREAS, as required by Section 4-4.605 of the Modesto Municipal Code, the Subdivider has executed a Subdivision Agreement, and

WHEREAS, the City Engineer of the City of Modesto has certified that the Final Map meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and the City Surveyor has determined that the map is technically correct, and

WHEREAS, the Subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities are in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Final Map be approved; that the dedications for public streets and easements as shown thereon within the boundaries of Subdivision be accepted on behalf of the public for public use.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Subdivision Agreement be approved, and authorize the City Manager or his designee to execute the Subdivision Agreement in a form approved by the City Attorney.

BE IT ALSO RESOLVED that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-345**

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR THE HAULING OF NON-HAZARDOUS BRINE SERVICES TO SUN VALLEY TRANSPORT INC, HUGHSON, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST OF \$88,000, AND A TOTAL AMOUNT NOT TO EXCEED \$485,915 OVER FIVE (5) YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the City currently contracts with Environgen, Inc., to operate an ion exchange system that uses food grade salt (similar to a water softener) to backwash the ion exchange media and reduce high nitrate levels in the Grayson water system; and

WHEREAS, the system must be flushed regularly, which creates a non-hazardous brine waste product; and

WHEREAS, this waste is then hauled under contract to East Bay Municipal Utility District, an approved waste disposal facility located in Oakland, California; and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing Hauling of Non-Hazardous Brine services; and

WHEREAS, on May 1, 2020, the Purchasing Division issued RFB No. 1920-28 on the Planet bids website under various commodity codes associated with material hauling services; and

WHEREAS, six (6) prospective bidders viewed the bid document, none of which were local, five (5) companies chose to download the RFB document; and

WHEREAS, on June 16, 2020, in an effort to slow the spread of COVID-19, bids were formally opened by the City Clerk and broadcast via WebEx Livestream; and

WHEREAS, four (4) companies chose to respond, all four (4) companies provided responsive and responsible bids; and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the Hauling of Non-Hazardous Brine services for the Utilities Department, Water Division, to Sun Valley Transport Inc., Hughson, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$88,000, and over five (5) years of \$458,915, which includes CPI increases; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to follow the formal bid procedures. The award of RFB 1920-28 and agreement for Hauling of Non-Hazardous Brine Services to Sun Valley Transport Inc., Hughson, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and Sun Valley Transport was deemed the lowest responsive and responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and agreement for Hauling of Non-Hazardous brine services to Sun Valley Transport Inc, Hughson, CA, for a two-year agreement with three one-year extension options, for an estimated annual cost of \$88,000, for a total amount not to exceed \$458,915 over five years.

BE IT FURTHER RESOLVED, that the City Manager, or his designee is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-346**

RESOLUTION ACCEPTING THE 2021 OTS SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT IN THE AMOUNT OF \$440,000 TO INCREASE ENFORCEMENT FOR SPEED, DRIVING UNDER THE INFLUENCE, AND OTHER SPECIAL TRAFFIC ENFORCEMENT OVERTIME OPERATIONS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS

WHEREAS, the City of Modesto Police Department (Police Department) desires to undertake a certain project designated as the Selective Traffic Enforcement Program (STEP) grant from the California Office of Traffic Safety (OTS), and

WHEREAS, the Police Department was awarded a grant in the sum of \$440,000 from OTS (Grant), and

WHEREAS, acceptance the Grant will increase enforcement for speed, DUI, and other special traffic enforcement operations, while also reducing collisions with speed, DUI, and special operations, and

WHEREAS, the Grant will pay overtime for officers, training, and equipment to assist in traffic studies and other traffic related enforcement equipment, and

WHEREAS, the term of the Grant will be from October 1, 2020, through September 30, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Selective Traffic Enforcement Program Grant in the amount of \$440,000 from the California Office of Traffic Safety to increase enforcement for speed, DUI, and other special traffic enforcement operations.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-347**

RESOLUTION AMENDING THE FISCAL YEAR 2020-21 OPERATING AND MULTI-YEAR BUDGET TO APPROPRIATE REVENUE AND EXPENSES IN THE AMOUNT OF \$440,000 RELATED TO THE 2021 OTS SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP); AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City of Modesto Police Department acquired a grant award in the amount of \$440,000 from the California Office of Traffic Safety (OTS) to increase enforcement for speed, DUI, and other special traffic enforcement operations (Grant), and

WHEREAS, the Grant will pay overtime for officers for special enforcement operations, DUI saturation patrols, and other traffic related enforcement supplies, and

WHEREAS, there is no local match required for the Grant, and

WHEREAS, certain budgetary adjustments are necessary to account for the programming of revenues and offsetting expenses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2020-2021 Operating and Multi-Year Budget by \$440,000 to the revenue and expense budget of the 2021 California Office of Traffic Safety STEP Grant Project, 101278.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-348**

RESOLUTION ACCEPTING THE 2021 OTS PEDESTRIAN AND BICYCLE SAFETY GRANT IN THE AMOUNT OF \$100,000 TO HELP REDUCE THE NUMBER OF COLLISIONS AND REDUCE THE NUMBER OF PERSONS INJURED OR KILLED THROUGH EDUCATION AND PUBLIC OUTREACH; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS

WHEREAS, the City of Modesto Police Department (Police Department) desires to undertake a certain project designated as the Pedestrian and Bicycle Safety grant from the California Office of Traffic Safety (OTS), and

WHEREAS, the Police Department was awarded a Pedestrian and Bicycle Safety grant in the sum of \$100,000 from OTS (Grant), and

WHEREAS, acceptance the Grant will help to reduce the number of collisions within the City of Modesto, and reduce the number of persons injured or killed through education and public outreach, and

WHEREAS, the Grant will pay overtime for Community Service Officers, training, and equipment to educate citizens and children in classrooms, at bicycle rodeos and community events, and will also fund educational materials and bicycle safety equipment for children and adults, and

WHEREAS, the term of the Grant will be from October 1, 2020, through September 30, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Pedestrian and Bicycle Safety Grant in the amount of \$100,000 from the California Office of Traffic Safety.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-349**

RESOLUTION AMENDING THE FISCAL YEAR 2020-21 OPERATING AND MULTI-YEAR BUDGET TO APPROPRIATE REVENUE AND EXPENSES IN THE AMOUNT OF \$100,000 RELATED TO THE 2021 OTS PEDESTRIAN AND BICYCLE SAFETY GRANT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the Police Department acquired a grant award in the amount of \$100,000 from the California Office of Traffic Safety (OTS) to help reduce the number of collisions and also reduce the number of persons injured or killed in the City of Modesto through education and public outreach (Grant), and

WHEREAS, the Grant will pay overtime for Community Service Officers for educating citizens and children in classrooms, at bicycle rodeos and community events. The Grant will also fund educational materials for children and adults, as well as pedestrian and bicycle safety equipment, and

WHEREAS, there is no local match required for the Grant, and

WHEREAS, certain budgetary adjustments are necessary to account for the programming of revenues and offsetting expenses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment to the Fiscal Year 2020-2021 Operating and Multi-Year Budget by \$100,000 to the revenue and expense budget of the 2021 California Office of Traffic Safety Pedestrian and Bicycle Safety Grant Project, 101279.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-350**

RESOLUTION APPROVING ADJUSTMENTS TO VARIOUS AIRPORT RATES AND FEES FOR SPECIFIC ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT (AIRPORT), EFFECTIVE SEPTEMBER 1, 2020, AND RESCINDING RESOLUTION NO. 2019-217

WHEREAS, the Modesto City-County Airport (Airport) is an enterprise fund and is expected to be self-supporting. The Airport has based its computing of fair market values from the National Consumer Price Index (CPI) for all Urban Consumers, West Urban Area published by the U.S. Department of Labor, Bureau of Labor Statistics, and

WHEREAS, the CPI revealed a deficiency in Airport Rates and Fees at Modesto City-County Airport thus the implementation of the increase to Airport rates and fees, and

WHEREAS, adjusting Airport Rates and Fees will increase revenue that will allow the airport to recover growing operational expenses and address deferred maintenance items.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves adjustments to various Airport Rates and Fees for specific activities and services at the Modesto City-County Airport as noted in **Attachment A, attached** hereto.

BE IT FURTHER RESOLVED that Resolution 2019-217 shall be rescinded on September 1, 2020 at 12 am.

BE IT FURTHER RESOLVED that this resolution shall go into effect and be in full force and operation on September 1, 2020.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

Modesto City-County Airport Rates & Fees
Effective September 1, 2020

Attachment B

SECTION 1. HANGARS. Rental charges for the rental of hangars at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(a) T-Hangars and Storage Units as of July 2020

Small T-Hangars (No electricity provided) Hangar A Units 2-12 Hangar B Units 2-9 Hangar C Units 2, 3, 7 Hangar D Units 2-5 & 7-9	\$189.19 per month
Small T-Hangars (Electricity provided) Hangar A Unit 1 Hangar C Units 4-6 Hangar D Unit 6	\$221.52 per month
Medium T-Hangars (no electricity provided) Hangar B Units 1, 10 Hangar C Unit 8 Hangar D Unit 10	\$235.56 per month
Medium T-Hangars (electricity provided) Hangar C Unit 1 Hangar D Unit 1 Hangar E Units 1-10 Hangar F Units 1-10 Hangar G Units 1-8, 10 Hangar H Units 1-8, 10 Hangar J Units 1-10 Hangar L Units 1-10	\$296.66 per month
Large T-Hangars (Electricity provided) Hangar G Unit 9 Hangar H Unit 9 Hangar K Units 2-6, 8-11	\$348.58 per month
Large Modified Box Hangar (electricity provided) Hangar K Unit 1	\$423.95 per month

**Modesto City-County Airport Rates & Fees
Effective September 1, 2020**

Attachment B

Extra Large T-Hangars (Electricity provided) Hangar I Units 1-8 Hangar K Unit 7	\$502.90 per month
Storage Units	
Hangar G Storage Unit	\$52.38 per month
Hangar H Storage Unit	\$52.38 per month
Hangar I Storage Unit	\$137.70 per month
Hangar J Storage Unit	\$52.38 per month
Hangar L Storage Unit	\$52.38 per month

All T-Hangars leased under Section 1 subparagraphs (a) with no electricity which later have electricity installed will increase to the electricity provided rate with corresponding T-Hangar size.

(b) Corporate Executive Commercial Box Hangars

Hangar 1	\$1,821.42 per month
Hangar 2	\$1,483.40 per month
Hangar 3	\$813.79 per month
Hangar 4	\$1,386.19 per month
Hangar 5	\$1,379.17 per month
Hangar 6	\$807.69 per month
Hangar 7	\$92.29 per month (ground lease)

(c) Portable Hangars and Ground Lease

Portable Hangars 1-14	\$74.52 per month
Ground Lease - Developed (per sq. ft.)	\$.061 per month
Ground Lease – Undeveloped (per sq. ft.)	\$.028 per month

A five percent (5%) discount will be made in any of the above rental charges when a year's lease is entered into and the year's rental charges are paid in advance.

SECTION 2. AIRPORT KEYS

- (a) Two (2) hangar keys and one (1) gate proximity card are included in initial lease
- (b) \$45.00 for each additional proximity card
- (c) \$45.00 for each additional hangar key

SECTION 3. TIE-DOWN FEES. Tie-down charges and fees at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

- (a) Aircraft less than 12,500 lbs. maximum certificated gross landing weight
 - Permanent \$49.16 per month
 - Transient \$8.10 per day
- (b) Aircraft greater than 12,501 lbs. maximum certificated gross landing weight
 - Permanent \$82.94 per month
 - Transient \$16.07 per day

A five-percent (5%) discount will be made in the rental charges set forth in Section 1 subparagraphs (a), (b), and (c), when a year's lease is entered into and the year's rental charges are paid in advance.

A volume discount may be given to Fixed Base Operators (FBO) that operate flight schools for light single and multi-engine aircraft (less than 12,500 lbs. of maximum certificated gross landing weight) for tie-down spaces as set forth in subsections (a) and (b) above. For every

**Modesto City-County Airport Rates & Fees
Effective September 1, 2020**

Attachment B

two tail-in spaces the FBO agrees to lease, one taxi-in tie-down may be leased for the same price as a tail-in tie-down.

Overnight tie-down of aircraft belonging to or in the custody or possession of a lessee at the Modesto City-County Airport/Harry Sham Field shall be subject to the normal tie-down charge as specified by this section.

SECTION 4. OFFICE SPACE. The monthly charge for office space(s) at the Modesto City-County Airport/Harry Sham Field are hereby established as follows:

Old Administration Building	\$1.03 per sq. ft.
Utilities furnished by Airport		
Office Building(s) 1 & 2	\$1.03 per sq. ft.
Utilities furnished by Tenant		

SECTION 5. TEMPORARY USE OF AIRPORT PASSENGER TERMINAL.

Organization and service providers desiring to temporarily use the passenger terminal will be charged a daily rate:

(a) Ticket counter	\$1.03 per sq. ft.
(b) Other areas	\$1.03 per sq. ft.

SECTION 6. AIRCRAFT CARRYING PASSENGERS AND/OR CARGO FOR HIRE.

Aircraft landing at the Modesto City-County Airport/Harry Sham Field shall pay a landing fee as follows:

- (a) All aircraft weighing less than 12,500 lbs. maximum certificated gross landing weight - \$0.00 per landing
- (b) All aircraft weighing greater than 12,501 lbs. maximum certificated gross landing weight – \$1.17 per 1,000 pounds per landing

**Modesto City-County Airport Rates & Fees
Effective September 1, 2020**

Attachment B

- (c) All transient aircraft owned and operated by individuals, companies, and corporations carrying their own products shall not be charged for the first two (2) trips per calendar months. All other trips for the same calendar month shall be charged at the same rates applied to nonscheduled aircraft carrying cargo for hire.
- (d) No landing fee shall be charged for any aircraft, which lands at the airport due to any mechanical or other emergency, except weather, provided that such emergency is reported to the Airport Control Tower prior to landing.

SECTION 7. PASSENGER FACILITY CHARGE (PFC). Commercial air carrying passengers excluding “frequent flyers” or similar airline bonus award enplaning at Modesto City-County Airport/Harry Sham Field shall pay a PFC as approved by Federal Aviation Regulations (FAR) Part 158.

- (a) Enplaned passenger by airline - \$4.63 per ticketed passenger

SECTION 8. ADVERTISEMENT CALLBOARD. Firms wishing to advertise in the airport passenger terminal shall have an approved agreement with the City of Modesto. A monthly charge shall be assessed for the use of the advertisement callboard as follows

<u>Display Size</u>	<u>Display Only</u>	<u>Display & Telephone</u>
7.5” x 9.5”	\$20.00	\$30.00
7.5” x 21”	\$40.00	\$60.00
19” x 21”	\$50.00	\$70.00

SECTION 9. MODESTO CITY-COUNTY AIRPORT BASED COMMERCIAL SERVICES Any person engaging in a commercial enterprise based at the Modesto City-County Airport/Harry Sham Field shall pay to the City a fee equivalent to the City Business License Fees set forth in Chapter 1 of Title 6 of the Modesto Municipal Code, except that a minimum fee of \$100 will be paid for each aircraft sold, for the privilege of engaging in business in the City of Modesto and on the Airport. Said sum shall be payable at the time and in the manner provided for in Chapter 1 of Title 6 of the Modesto Municipal Code.

**Modesto City-County Airport Rates & Fees
Effective September 1, 2020**

Attachment B

SECTION 10. FUEL FLOWAGE FEES. A fuel flowage fee of seven cents (\$.07357) per gallon of fuel sold or dispensed on the Airport shall be collected for the City of Modesto by the fuel vendors, except that reduced fuel flowage fees collected from scheduled air carriers can be negotiated for volume purchases.

SECTION 12. TEMPORARILY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise, temporarily based at the Modesto City-County Airport/Harry Sham Field, shall pay to the City a license fee in the sum of two hundred and no/100ths (\$200.00) dollars, payable in advance.

Each such operator shall also pay to the City as a minimum an additional sum of ninety and no/100ths (\$90.00) dollars per month, or any portion thereof, payable in advance, for the privilege of using the Airport and its facilities.

SECTION 12. OFF-AIRPORT CAR RENTAL OPERATOR FEE. Off-airport operators picking up customers at the Modesto City-County Airport/Harry Sham Field will pay to the City of Modesto ten percent (10%) of gross receipt for each vehicle rental. Additionally, the operators will be assessed a parking fee at the same rate on-airport car rental operators are charged for vehicles left in the public parking area overnight.

SECTION 13. MOTOR VEHICLE STORAGE CHARGES. Any person who parks a motor vehicle in Terminal Building Parking Lots at the Modesto City-County Airport/Harry Sham Field shall pay seven and no/100ths (\$7.00) dollars per day or forty-two and no/110ths (\$42.00) dollars per week.

SECTION 14. PENALTIES. A five percent (5%) per month penalty charge shall be made on any of the charges and fees established by this resolution when such charges and fees

**Modesto City-County Airport Rates & Fees
Effective September 1, 2020**

Attachment B

are not paid within thirty (30) days after they are due and payable. No penalties will be collected on the PFC.

SECTION 15. ADJUSTMENT OF RENTS, FEES AND CHARGES.

Rates and fees for the Airport may be adjusted from time to time by Resolution of the City Council.

For other than fair market value adjustments, said rents, fees, and charges shall be adjusted in the following manner: The base for computing the adjustment is the National Consumer Price Index for All Urban Consumers, West Urban Area, published by the United States Department of Labor, Bureau of Labor Statistics (“Index”), with a base year of 1982 – 1984 = 100 (“Beginning Index”). In no case shall the minimum rents, fees and charges be less than existing approved and adopted rents, fees and charges.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-351**

RESOLUTION APPROVING AN AGREEMENT WITH ENGEO, INC., OF LATHROP, CA, FOR GEOTECHNICAL SERVICES ASSOCIATED WITH THE EAST MORRIS SEWER REHABILITATION PROJECT IN THE AMOUNT OF \$45,900 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS \$4,590 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A TOTAL NOT TO EXCEED AMOUNT OF \$50,490 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, after completing a comprehensive closed-circuit television evaluation on the six and eight-inch diameter sewer mains in the East Morris neighborhood, Design and Operations staff determined the area to be a high priority for rehabilitation, and

WHEREAS, City design staff will be preparing improvement plans for the replacement or rerouting of severely damaged and/or hydraulically deficient sewer mains in the East Morris neighborhood, and

WHEREAS, the proposed improvements will include the installation of approximately 70,000 linear feet of sewer mains, approximately 275 manholes, and an approximately 25-foot deep sewer lift station near the intersection of Grant Street and Johnson Street, and

WHEREAS, to move forward with final design, the subsurface conditions of the site must be characterized, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, staff issued a Request for Qualifications & Proposals, and

WHEREAS, the selection committee, consisting of Utilities engineering staff, evaluated the proposals and determined Engeo, Inc. to be the most qualified and responsive, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Engeo, Inc., of Lathrop, CA for geotechnical services associated with the East Morris Sewer Rehabilitation Project in the amount of \$45,900, for the identified scope of services, plus \$4,590 for additional services, if needed, for a total not to exceed amount of \$50,490.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-352**

RESOLUTION APPROVING AN AGREEMENT WITH WEST YOST ASSOCIATES, INC., OF PLEASANTON, CA, FOR CONSULTANT SERVICES FOR DEVELOPMENT OF THE 2020 JOINT URBAN WATER MANAGEMENT PLAN AND WATER CONSERVATION PLAN UPDATE IN THE AMOUNT OF \$151,200 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS \$15,120 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A TOTAL NOT TO EXCEED AMOUNT OF \$166,320 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Urban Water Management Planning Act of the California Water Code requires municipal water suppliers, providing drinking water to more than 3,000 customers, or supplying more than 3,000 acre-feet of water annually, to prepare and adopt an Urban Water Management Plan (UWMP), and

WHEREAS, an UWMP is required every five years with the 2020 UWMP due to the Department of Water Resources by July 1, 2021, and

WHEREAS, the UWMP will serve as a foundational document supporting water supply assessments, local and regional planning efforts, and the City's General Plan updates, and

WHEREAS, the UWMP will report on existing water supply and demand and estimate the City's future water supply and demand projections for the next 20-25 years including those for normal year, single dry-year, and multiple drought-year scenarios, and

WHEREAS, the UWMP will also address various State Water Code mandates under SB X7-7, SB 555, SB 664, SB 606 and AB 1668 that manage water use reduction and water loss prevention measures and establish goals to achieve targets, and

WHEREAS, the Modesto Water Conservation Plan will be updated which describes our water conservation programs and to promote the Modesto One Water Initiative, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, staff issued a Request for Qualifications & Proposals through PlanetBids, and

WHEREAS, the Selection Committee, consisting of Utilities Department and Modesto Irrigation Department (MID) staff, evaluated the proposals and determined that West Yost Associates, Inc., to be the most qualified to prepare the 2020 Joint UWMP for the City and MID and to update the City's Water Conservation Plan, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with West Yost Associates Inc., of Pleasanton, CA for Consultant Services for the development of the 2020 Joint Urban Water Management Plan in the amount of \$151,200, for the identified scope of services, plus \$15,120 for additional services, if needed, for a total not to exceed amount of \$166,320.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-353**

**RESOLUTION APPROVING A COST SHARE AGREEMENT WITH THE
MODESTO IRRIGATION DISTRICT FOR EXPENSES ASSOCIATED WITH THE
DEVELOPMENT OF THE 2020 JOINT URBAN WATER MANAGEMENT PLAN
UPDATE IN THE AMOUNT OF \$39,171 AND AUTHORIZING THE CITY
MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the Urban Water Management Planning Act of the California Water Code requires municipal water suppliers, providing drinking water to more than 3,000 customers, or supplying more than 3,000 acre-feet of water annually, to prepare and adopt an Urban Water Management Plan (UWMP), and

WHEREAS, the UWMP will report on existing water supply and demand and estimate water supply and demand projections for the next 20-25 years including those for normal year, single dry-year, and multiple drought-year scenarios, and

WHEREAS, with previous UWMP updates, the Department of Water Resources allows the City and the Modesto Irrigation District (MID) to prepare a joint document where the City prepares its UWMP from the water supplier's perspective while MID prepares its portion of the UWMP from the surface water wholesaler's perspective, and

WHEREAS, the City and MID are jointly coordinating preparation of the UWMP, and

WHEREAS, the City and MID will each contribute toward the cost of this project based on the level of effort described in the scope of work.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a cost share agreement with the Modesto Irrigation District for the development of the 2020 Joint Urban Water Management Plan in the amount of \$39,171.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None


ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-354**

**RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED
DEVELOPMENT ZONE, P-D(609)**

WHEREAS, a verified application for an amendment to Section 9-3-9 of the Zoning Map was filed by EJCJ Development, LLC, on February 28, 2020, to reclassify from Low Density Residential (R-1) Zone, to Planned Development Zone, P-D(609) to allow the construction of a new 25,168 square foot, 3-story mixed-use building, property located at 3313 Coffee Road, described as follows:

R-1 to P-D(609)

ALL THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 3 SOUTH, RANGE 9 EAST, MOUNT DIABLO BASE AND MERIDIAN, PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE QUARTER CORNER COMMON TO SECTIONS 9 AND 10, ABOVE TOWNSHIP AND RANGE; THENCE SOUTH 0° 50' 30" EAST ALONG THE SECTION LINE 979.00 FEET; THENCE NORTH 89° 24' WEST, 20.00 FEET TO A POINT ON THE WEST LINE OF A 40 FOOT COUNTY ROAD AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING NORTH 89° 24' WEST, 278.00 FEET THE EAST LINE OF LAND CONVEYED TO LESLIE H. HIGH AND WIFE, BY DEED RECORDED JANUARY 8, 1948, AS INSTRUMENT NO. 382; THENCE SOUTH 0° 50' 30" EAST ALONG THE EAST LINE OF SAID HIGH LAND 158.00; THENCE SOUTH 89° 24' EAST, 278.00 FEET TO THE WEST LINE OF SAID 40 FOOT COUNTY ROAD; THENCE NORTH 0° 50' 30" WEST ALONG THE WEST LINE OF SAID COUNTY ROAD 158.00 FEET TO THE TRUE POINT OF BEGINNING

WHEREAS, after a public hearing held on July 20, 2020, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2020-05, that rezoning of the property as requested will not be detrimental to the public health, safety or welfare because the rezone to Planned Development will provide for the development of permanent housing and space for commercial opportunities, the requested zone change

will result in an orderly planned use of land because the proposed development is located on Coffee Road, an arterial and will be compatible with the surrounding commercial and high-density residential uses, and the requested change is in accordance with the community's objectives as set forth in the General Plan and any applicable specific plan(s) because the site is within the Mixed-Use (MU) land use designation of the General Plan which allows for a mixture of commercial, office and residential uses, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on September 1, 2020, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of EJCJ Development, LLC, for a Planned Development Zone will not be detrimental to the public health, safety or welfare, will result in an orderly planned use of land, and is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) for the reasons set forth in Planning Commission Resolution No. 2020-05 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3718-C.S. on the 1st day of September, 2020, reclassifying the above-described property from Low Density Residential (R-1) Zone, to Planned Development Zone, P-D(609),

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

1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(609), is hereby approved subject to the following conditions:

1. Prior to the issuance of a building permit, all development shall conform to the Development Plan titled “New Mixed-Use Building, Livewor Place, 3313 Coffee Road, Modesto CA 95355”, as stamped approved by the City Council on September 1, 2020.
2. Prior to the issuance of a building permit, any variation from the approved site plan or building elevations on file with the City must be reviewed and approved by the Director of Community and Economic Development or designee.
3. Any public improvements that are missing damaged or not to current City standards shall be designed per City standards in accordance with City Code (Article 7-1.701), standards and specifications. Such improvements may include, but not be limited to curb & gutter, drive approach, sidewalk, ADA access ramps, fire hydrants and street lights. All public improvement plans shall be designed by a Registered Engineer, reviewed and approved by the City Engineer prior to issuance of an Encroachment or Building permit.
4. The improvement plans shall include all landscaping, parking and common areas, and any and all easements required for the establishment of new utilities and the preservation of existing utilities.
5. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the utility companies and City Engineer or designee. Easements for utilities, irrigation and electrical lines to remain shall be reserved as required.
6. Prior to issuance of a building permit, plans for any new trash enclosures shall demonstrate the use of building materials, colors and finishes which are consistent or compatible with those used in the major buildings of the development, as approved by the Community and Economic Development Director.
7. The existing fence along westerly property line must be replaced by an 8-foot masonry wall.
8. Climbing vines shall be included in the landscape surrounding any new trash enclosures and CMU block walls to prevent tagging.
9. All signs shall comply with the sign requirements of the Neighborhood Commercial (C-1) Zone.
10. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan for trash enclosures to be sufficiently elevated to prevent stormwater run-on from parking lot and floor of enclosures shall be graded to drain into adjacent landscape areas.

11. All aspects of this project to comply with current City of Modesto Standards and also current California Building, Fire, Electrical, Mechanical, Plumbing, Energy codes adopted by the City of Modesto.
12. Improvement plans shall demonstrate the provision of onsite fire hydrants as required.
13. Developer shall provide bicycle parking as required by the California Green Building Standards Code.
14. All department Conditions of Approval for the project shall be included with building plans and shall be continuously maintained on-site during project construction to the satisfaction of the Chief Building Official.
15. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
16. At the time of issuance of a building permit, the developer shall pay development impact fees at the established rate. Such fees may include but are not limited to, sewer and water connection fees, community facility fees, building permit and plan check fees.
17. Prior to Certificate of Occupancy, the applicant shall enroll and participate in the City's Crime-Free Multi-Family Housing Program as administered by the Modesto Police Department.
18. Applicant shall submit Landscape and Irrigation (L&I) plans for review and approval by the City's Parks Planning and Development (PPD) Division. L&I plans shall meet the current State of California Model Water Efficient Landscape Ordinance (MWELo) requirements, Modesto Municipal Code (MMC) requirements and City of Modesto standards at time of submittal.
19. Applicant shall provide the minimum twenty-foot (20') front landscape setback on Coffee Road.
20. Applicant shall provide street trees along Coffee Road. Street tree(s) shall be spaced thirty-five (35') feet on center and located within seven feet (7') of the sidewalk or curb.
21. Applicant shall install parking lot shade trees per MMC requirements; one (1) shade tree for every eight (8) parking spaces, continuous and intermitted stall locations, within seven feet (7') of stalls.
22. Applicant shall install the required three foot (3') high screening for vehicle headlights in parking areas facing Coffee Road.
23. Low Impact Development (LID) control and treatment measures shall be planted with vegetation for erosion protection and sediment entrapment to collect/treat storm water run-off before entering the storm drain system.

Storm drainage basins shall be appropriately landscaped and irrigated to address the specific type of storm water control measure. Provide total square feet of the landscape area in project information.

24. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

In addition, the following recommended Conditions of Approval are mitigation measures from the Modesto Urban Area General Plan Master Environmental Impact Report that are applicable to the project:

25. Implement noise-reducing construction practices as conditions of approval where substantial construction-related noise impacts would be likely to occur, such as with extended periods of pile driving, or where construction is expected to continue or where sensitive receptors would be affected by construction noise. Conditions of approval may include, but are not limited to:
 - a. Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;
 - b. Require impact tools to be equipped with shrouds or shields;
 - c. Require that the quietest equipment available be used; and,
 - d. Require selection of haul routes that affect the fewest number of people. (Policy VII-G.3.b)
26. Construction activities shall comply with the requirements of the City's Stormwater Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)
27. Construction activities shall comply with the mitigations of the Initial Study Checklist C&ED No. 2020-05
2. DEVELOPMENT SCHEDULE. The following development schedule is

hereby approved for said Planned Development Zone, P-D(609):

The entire construction program be accomplished in one phase, construction to begin on or before September 1, 2022, and completion to be not later than September 1, 2024.

3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-7.108 of the Modesto Municipal Code.

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 1 of Chapter 7 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

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(609), becomes effective.

BE IT FURTHER RESOLVED that the conditions of project approval set forth herein include certain fees, dedication requirements, reservations requirements, and other exactions, and that pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions.

BE IT FURTHER RESOLVED that the applicant is hereby further notified that the ninety (90) days approval period in which a protest of these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a) can be filed, begins on September 1, 2020, and that if a protest is not filed within this ninety

(90)-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

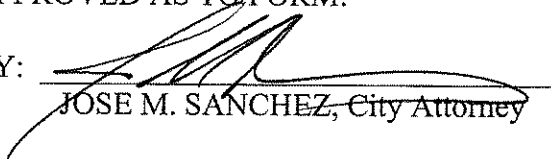
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)


APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By


Community & Economic Development Department
Planning Division

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-355**

RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2014042081): REZONE OF 3313 COFFEE ROAD FROM LOW DENSITY RESIDENTIAL (R-1) ZONE TO PLANNED DEVELOPMENT ZONE P-D(609)

WHEREAS, on March 5, 2019, by Resolution 2019-108, City Council of the City of Modesto certified the Final Master Environmental Impact Report (“Master EIR”) (SCH No. 2014042081) for the Modesto Urban Area General Plan, and

WHEREAS, EJCJ Development, LLC, has proposed the rezone of .92 acres located at 3313 Coffee Road from Low Density Residential (R-1) Zone to Planned Development Zone P-D(609) to facilitate the development of a 25,168 square foot, 3-story mixed-use building, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto’s Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2020-005 (“Initial Study”) which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning on August 12, 2020, the City caused to be published a 20-day notice of the City’s intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on September 1, 2020, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California.

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

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.
2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.
3. No new or additional mitigation measures or alternatives are required.
4. The subsequent project is within the scope of the project covered by the Master EIR.
5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2020-005

City of Modesto

Finding of Conformance with the Urban Area General Plan Master EIR (SCH No. 2014042081)

Initial Study Environmental Checklist C&ED No. 2020-05

For the proposed:

PDZ-20-001

**Rezone of 3313 Coffee Road from
Low Density Residential (R-1) Zone
to Planned Development Zone P-D(609)**

**Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division**

April 15, 2020

Blank page content

(Intentional Blank Page)

Blank page content

Blank page content

City of Modesto

Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the proposed rezone ("Project") is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2014042081) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a Finding of Conformance.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and,
2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

II. PROJECT DESCRIPTION

- A. Title: PDZ-20-001—Rezone from Low Density Residential (R-1) Zone to Planned Development Zone P-D(609)
- B. Address or Location: 3313 Coffee Road
- C. Applicant: EJCJ Development, LLC; 2301 Coffee Road, #B, Modesto CA 95355
- D. City Contact Person: Jonnie Lan, AICP, Associate Planner

Project Manager: Jonnie Lan, AICP
Department: Community and Economic Development, Planning Division
Phone Number: 209-577-5267
E-mail address: jlan@modestogov.com

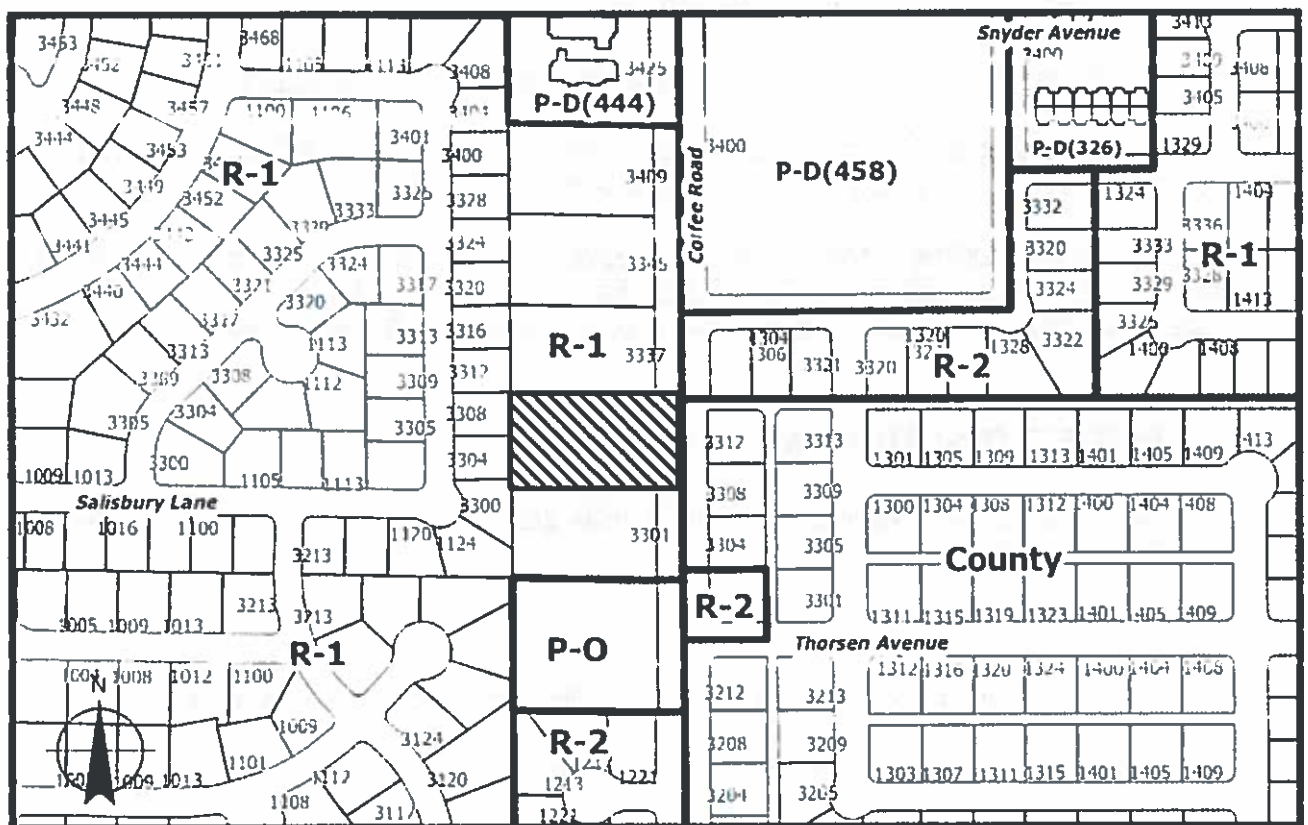
- E. Current General Plan Designation(s): Mixed Use (MU)
- F. Current Zoning Classification(s): Low Density Residential (R-1)

G. Surrounding Land Uses:

- North: Low Density Residential (R-1) Zone; former site of classrooms for school.
- South: Low Density Residential (R-1) Zone; former commercial day care.
- East: County Residential.
- West: Low Density Residential (R-1); Single family subdivision.

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

Rezone of a .92 acres parcel within the Developed Area of the City, previously developed with classrooms for an elementary charter school and associated parking, from Low Density Residential (R-1) Zone to Planned Development Zone P-D(609). Rezone is to facilitate the development of the property into a 25,168 square foot, 3 story building with commercial, office and residential uses.

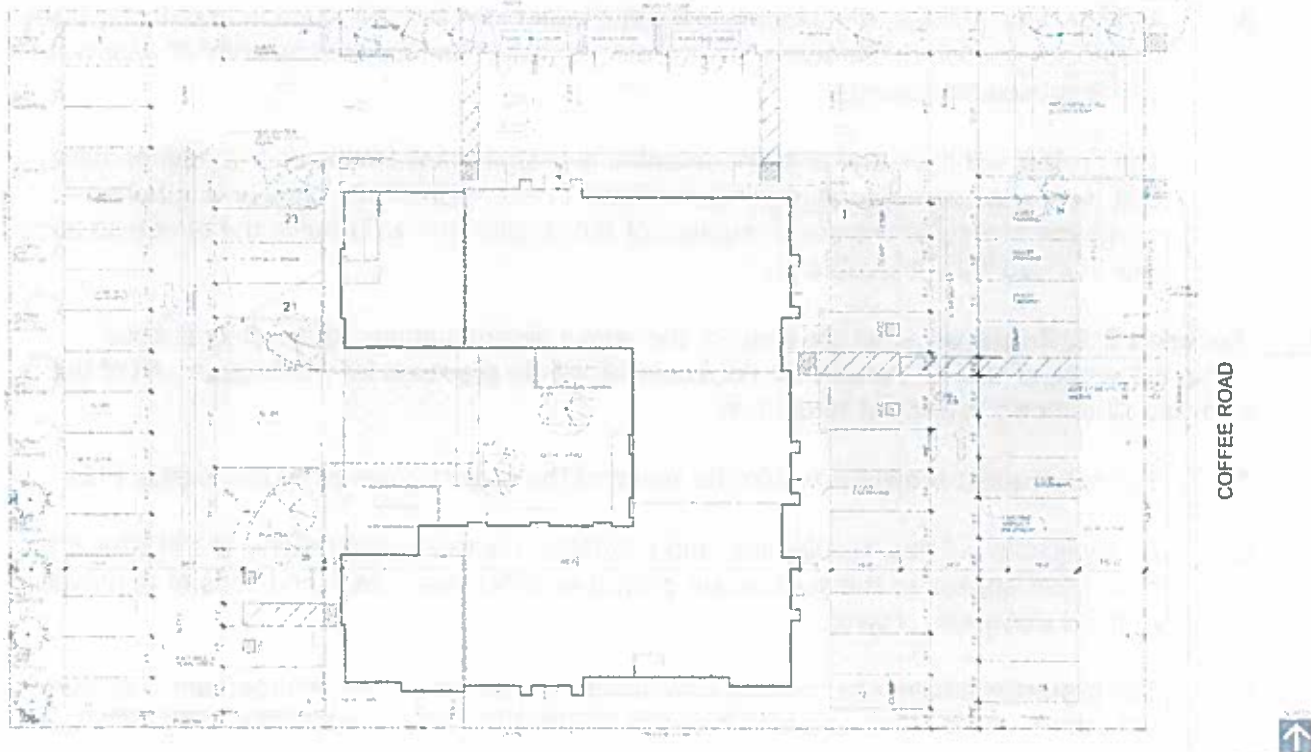


**AREA MAP
PDZ-20-001**

 **Proposed Project Location**



**AERIAL OF SITE
PDZ-20-001**



**SITE PLAN
PDZ-20-001**

I. Other Public Agencies Whose Approval is Required: None.

III. FINDINGS / DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. **Within the Scope** – The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

- A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR;
- B. No new or additional mitigation measures or alternatives are required;
- C. The subsequent project is within the scope of the project covered by the Master EIR;
- D. All applicable policies, regulations, and/or mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project; and,

2. **Mitigated Negative Declaration Required** – On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:

- A. The subsequent project is within the scope of the project covered by the Master EIR;
- B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project;
- C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less than significant level; and,

3. **Focused EIR Required** – On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

- A. The subsequent project is within the scope of the project covered by the Master EIR;
- B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project;
- C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result; and,



 Project Manager

Associated Finances

 Title

7/1/2020

 Date

4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MASTER EIR if certain criteria are met. If the following statements are found to be true for all 20 impact categories included in this Initial Study, then the proposed project is addressed by the Master EIR analysis and is within the scope of the Master EIR. Any "No" response must be discussed.

	YES	NO
(1) The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) City policies that reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place as "mitigating policies" attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using the Master EIR's mitigating policies only.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(5) The project will occur within the boundaries of the City's planning area as established in the Urban Area General Plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(6) Implementation of the project will comply with all appropriate mitigating policies contained and enumerated in the 2019 Urban Area General Plan Master EIR.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Currency of the Master EIR Document

The Master EIR should be reviewed on a regular basis to determine its currency, and whether additional analysis / mitigation should be incorporated into the Master EIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 20 of this document in light of the criteria listed below to determine whether the Master EIR is current. The analyses contained within the Master EIR are current as long as the following circumstances have not changed. Any "no" response must be explained.

	YES	NO
(1) Certification of the Urban Area General Plan Master EIR occurred less than five (5) years prior to the filing of the application for this subsequent project.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) The proposed project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(a) No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified;	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Policies that require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development, remain in full force and effect.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1) The General Plan Master EIR was last certified on March 5, 2019. The analysis contained in the Master EIR is adequate for subsequent projects, as documented in the discussion below.
- (2) The project is consistent with the analysis contained in the Master EIR. This is documented in the discussion of the 20 individual evaluation topics within this initial study.
 - (2)(a) There have been no substantive changes to the Urban Area General Plan since the Master EIR was certified that would create additional significant environmental effects that were not analyzed by the Master EIR.
 - (2)(b) There has been no new information that would affect the adequacy of the analysis contained in the Master EIR.
 - (2)(c) All policies contained in the Master EIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect(s) to the environment that was not examined in the Final Master EIR for the Urban Area General Plan, and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the Master EIR. Adoption of the findings specified in Section III.1, above, after completion of the Initial Study fulfills the City's obligation in that situation. All environmental effects cited reflect 2040 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty subject / topical areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigating policies.

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see Master EIR Table V-1-6, pages V-1-36 to V-1-39) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled (see Master EIR Tables V-1-7 through V-1-10, pages V-1-44 through V-1-45).

Cumulative Impacts

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also: Section 2, Air Quality and Greenhouse Gas Emissions; Section 3, Generation of Noise; Section 18, Energy; Section 19, Visual Resources; and, Section 20, Land Use and Planning).

b. Urban Area General Plan Mitigating Policies Applied to the Project

Traffic and Circulation-related mitigating policies pertinent to this project are found on Master EIR pages V-1-7 through V-1-30. All mitigating policies appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigation measures regarding traffic from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) that were not disclosed in the Master EIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following thresholds / criteria:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1. TRAFFIC AND CIRCULATION				
1) The proposed project would conflict with an applicable plan, ordinance or policy (including those within the Urban Area General Plan) establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system including, but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency, for designated facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment), or result in inadequate emergency access.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would result in projected Level of Service "D" or worse for non-exempt City of Modesto roadways, Caltrans facilities, and/or County of Stanislaus roadways.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The proposed project would not conflict with an applicable plan, ordinance or policy (including those within the Urban Area General Plan) establishing measures of effectiveness for the performance of the circulation system.
- (2) The proposed project would not exceed a level of service standard established by the county congestion management agency (StanCOG).
- (3) The proposed rezone is to facilitate the development of the property into a 25,168 square foot, 3 story building with commercial, office and residential uses. The project would not cause a change in air traffic patterns or change in location. The nearest public airport is the Modesto City-County Airport approximately three and a half miles to the south, and the nearest private airfield is the Yandell Ranch Airport approximately 10 miles away to the southwest.
- (4) The proposed project would not substantially increase hazards due to a design feature or incompatible uses, or result in inadequate emergency access.
- (5) The project would not conflict with a transit plan or bicycle plan.
- (6) The project would not result in a level of service of "D".

2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigating policies.

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_x), and increased carbon monoxide (CO) levels in the project area (see Master EIR Tables V-2-4 through V-2-6, pages V-2-40 through V-2-41).

Effect: Expected construction and development activities could result in increased emissions of particulate matter 10 microns or less (PM₁₀) and 2.5 microns or less in diameter (PM_{2.5}) (see Master EIR page V-2-31, "2. Significant Direct Impacts").

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO_x, PM₁₀, and PM_{2.5}.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Air quality-related mitigating policies that are relevant to the proposed project are found on pages V-2-8 through V-2-29 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigation measures regarding air quality from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS				
1) The proposed project would be inconsistent with the air quality and greenhouse gas emissions policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would conflict with or obstruct implementation of the applicable air quality plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would violate any air quality standard or contribute substantially to existing or projected violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would expose sensitive receptors to substantial pollutant concentrations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would create objectionable odors affecting a substantial number of people.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7) The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
8) The proposed project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The proposed project would not be inconsistent with the air quality and greenhouse gas emissions policies in the Urban Area General Plan.
- (2) The project would not conflict with or obstruct implementation of an applicable air quality plan.
- (3) The project would not violate any air quality standard or contribute substantially to existing or projected violation.
- (4-5) The project would not result in an increase of any criteria pollutant nor expose sensitive receptors to pollutants. The project involves rezoning of the site to facilitate the development of the property into a 25,168 square foot, 3 story building with commercial, office and residential uses.
- (6-7) The development of the property into a 25,168 square foot, 3 story building with commercial, office and residential uses could temporarily result in the emission of construction-related odors or greenhouse gasses that would affect a substantial amount of people. The nearest sensitive receptors are residential areas approximately 73 feet to the west.
- (8) The project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases.

3. GENERATION OF NOISE AND VIBRATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise and vibration impacts expected after application of mitigating policies.

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development consistent with the Urban Area General Plan will exceed the City’s noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see Master EIR Table V-3-9, pages V-3-28 through V-3-31).

Effect: New noise-generating land uses could produce noise levels that would exceed the City’s noise thresholds of acceptability at sensitive receptors in the vicinity.

Effect: Construction noise would cause a temporary or periodic increase in noise exposure above ambient noise levels.

Effect: Demolition and construction activities may expose people to excessive vibration levels.

Cumulative Impacts

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Noise policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-3-18 through V-3-24 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate policies to be applied to this project include Noise-4 and Noise-7 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the Master EIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of the proposed project's effects are based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
3. NOISE AND VIBRATION				
1) The proposed project is inconsistent with Urban Area General Plan noise and vibration policies and standards.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would generate excessive ground-borne noise and/or vibration levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would result in a permanent increase of 3 dBA where any other noise threshold or standard would be exceeded, and/or 5 dBA where noise levels would otherwise fall within acceptable limits, in ambient noise levels in the project vicinity above levels existing without the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
project.				
4) The proposed project would result in a substantial temporary or periodic increase in ambient noise levels existing without the project.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) For a project located within an airport land use plan, or where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, the proposed project would result in exposure of people residing or working in the project area to excessive noise levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) For a project within the vicinity of a private airstrip, the proposed project would expose people residing or working in the project area to excessive noise levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) For new residential development within 200 feet of active rail lines, the proposed project would result in noise levels generated during train passbys that exceed 50 dBA Lmax inside bedrooms or 55 dBA Lmax inside other occupied areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is to rezone the property to facilitate the development of the property into a 25,168 square foot, 3 story building with commercial, office and residential uses. The project would not be inconsistent with Urban Area General Plan noise and vibration policies and standards.
- (2) The project would not generate excessive ground-borne noise and/or vibration levels.
- (3-4) The proposed project would generate a temporary significant increase in ambient noise level due to project construction. The project developer would be required to abide by the City of Modesto Municipal Code noise regulation.
- (5-6) The project is not near any private or public airport or airstrip. The area is not located in an airport land use plan area or within 2 miles of a public airport. There would be no impact. No mitigation is required.
- (7) The project site is not within 200-feet of an active rail line. There would be no impact. No mitigation is required.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigating policies.

Direct Impacts

Effect: Development consistent with the Urban Area General Plan may convert up to approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,100 acres of urban development along a 350-foot wide 26-mile boundary between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto’s planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to 2040.

b. Urban Area General Plan Mitigating Policies Pertinent to the Project

Agricultural land-related mitigating policies pertinent to the proposed project are found on pages V-4-4 to and V-4-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, “Mitigating Policies Applied to Project.”

Discussion:

No mitigation measures regarding agricultural lands from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect(s) not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL RESOURCES				
1) The proposed project would be inconsistent with the Urban Area General Plan policies relating to agricultural resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would convert areas of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural uses, impair the agricultural productivity of prime	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
agricultural land, or result in substantial pesticide overspray, dust, or noise at urban uses.				
3) The proposed project would conflict with existing zoning for agricultural use, or with a Williamson Act contract.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would conflict with existing zoning for, or cause rezoning of, forest land or timberland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would result in the loss of forest land or conversion of forest land to non-forest use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would involve other changes to the environment that could result in conversion of farmland or forest land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The site is an infill lot previously occupied by a charter school and classroom buildings. The site and surrounding area consist of detached residential lots, professional office and commercial buildings and no agricultural uses. The project would not be inconsistent with the Urban Area General Plan policies relating to agricultural resources.
- (2) The project would not convert areas of Prime Farmland, Unique Farmland or Farmland of Statewide Importance. The site is within an urbanized area designated as Urban and Built-Up Land by the CA Department of Conservation.
- (3) The project would not conflict with existing zoning for an agricultural use. The site has been previously developed as a school and is not under a Williamson Act contract.
- (4-6) The site is not located within or near any forest land or timber land, nor would contribute to the conversion of forest land or farmland.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigating policies.

Direct Impacts

Effect: Implementation of the Urban Area General Plan could substantially deplete groundwater supply or interfere with recharge.

Effect: Implementation of the Urban Area General Plan could necessitate construction of new water treatment facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects.

Effect: Implementation of the Urban Area General Plan could necessitate expansion of existing water supply entitlements.

Cumulative Impacts

Effect: Groundwater withdrawals from both subbasins by the City, when combined with other users' withdrawals, may result in overdrafting.

Effect: Cumulative impacts resulting from construction of new water treatment facilities, or expansion of existing facilities, could cause significant environmental effects.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Water supply-related mitigating policies pertinent to the proposed project are found on pages V-5-11 through V-5-16 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
5. EFFECTS RELATIVE TO INCREASED DEMAND FOR LONG TERM WATER SUPPLIES				
1) The proposed project is inconsistent with the Urban Area General Plan policies relating to water supply.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would substantially deplete groundwater supply, interfere with groundwater recharge, result in water demand exceeds the capacity for recharge or that would contribute to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
overdraft of the groundwater basins.				
3) The proposed project would require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would exceed existing water supply entitlements or require expansion of entitlements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent with the Urban Area General Plan policies relating to water supply.
- (2) The project is to rezone the property to facilitate the development of the property into a 25,168 square foot, 3 story building with commercial, office and residential uses. The use would not substantially deplete groundwater supply or interfere with groundwater recharge.
- (3) The project would not require construction of new water treatment facilities.
- (4) The project would not exceed existing water supply entitlements or require expansion of entitlements. Water service to the site is provided by the City of Modesto.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigating policies.

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in exceedance of wastewater treatment requirements of the Central Valley RWQCB.

Effect: Development resulting from implementation of the Urban Area General Plan may require or result in construction of new wastewater facilities, or the expansion of existing facilities, that could cause significant effects.

Effect: Development resulting from implementation of the Urban Area General Plan may result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the projected demand in addition to the provider’s existing commitments.

Cumulative Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in cumulative effects similar to those described under "Direct Impacts," above.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Sewer service-related mitigating policies that are relevant to the proposed project are found on pages V-6-3 through V-6-7 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES				
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan, or would exceed wastewater treatment requirements of the Central Valley RWQCB.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would require or result in the construction of new wastewater facilities or the expansion of existing facilities, beyond those identified improvements needed to serve the proposed project, which would cause significant effects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the proposed project's projected demand in addition to the provider's existing commitments.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is to rezone the property to facilitate the development of the property into a 25,168 square foot, 3 story building with commercial, office and residential uses. The project would not exceed wastewater treatment requirements of the Central Valley RWQCB.
- (2) The project would not require the construction of new wastewater facilities or the expansion of existing facilities. The site is served by existing sewer lines.
- (3) The project would not result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the site. The site is served by existing sewer lines.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plant habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring increased density / intensity for new development than has occurred in the past, or that is expected in the future, would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Wildlife and plant habitat-related mitigating policies that are pertinent to the proposed project are found on pages V-7-18 through V-7-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The applicable mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
7. LOSS OF PLANT AND WILDLIFE HABITAT				
1) The proposed project is inconsistent with the Urban Area General Plan policies related to loss of sensitive plant and wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special-status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption or other means.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is not inconsistent with the Urban Area General Plan policies related to loss of sensitive plant and wildlife habitat. The site was previously developed as a charter school and classrooms. It is completely surrounded by urbanized area.
- (2-5) The project site is located within the Baseline Developed Area of the City and is completely surrounded by developed urban area consisting of commercial and residential. It is not a biologically sensitive site as defined by Figure V-7-1 of the MEIR. The California Department of Fish and Game and the U.S. Fish and Wildlife Service were consulted in the production of the MEIR.
- (6-7) The project is not in conflict with any local policies or ordinances protecting biological resources, nor is in conflict with any adopted habitat conservation plan. The city does not have a heritage tree ordinance.

8. DISTURBANCE OF ARCHAEOLOGICAL / HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological / historical sites expected after application of mitigating policies.

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historically relevant resource, or the demolition of a listed or eligible historically relevant resource.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR. The Direct impact described above could also result in a significant cumulative impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Archaeological or historic resource-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the Master EIR discloses impacts on archaeological / historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
8. ARCHAEOLOGICAL / HISTORICAL SITES				
1) The proposed project is inconsistent with the Urban Area General Plan archaeological / historical resource policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would result in a modification that would result in a substantial adverse change in the significance of the resource or demolition of a listed or eligible historic resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would have an adverse effect on any structure more than 50 years old that has been determined to have historical significance per policy AH-8 as shown in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would involve the removal of known significant resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would result in an adverse impact to undiscovered archaeological and/or paleontological resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would cause a substantial adverse change to a tribal cultural resource, as defined by State law, that is listed (or is eligible for listing) in the California Register of Historical Resources (or a local register of historical resources), or that otherwise has potential significance to a California Native American Tribe, including human remains.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent with General Plan policies pertaining to archaeological or historic resources.
- (2-6) The project site was previously developed as a charter school and classrooms that is surrounded by urban uses. The site is not classified as being of state or federal historic status nor is eligible for listing for such status.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: Existing drainage inadequacies, combined with the associated increase in impervious surface areas created by pavement and structures, have the potential to increase the rate or amount of runoff in a manner that could result in flooding in the urban area. Cumulative hydrologic impacts of storm water flows from Modesto’s urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Storm Drainage-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, “Mitigating Policies Applied to Project.”

Discussion:

The appropriate mitigating policies to be applied to this project include: SD-10 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MASTER EIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				
1) The proposed project is inconsistent with the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
Urban Area General Plan storm drainage policies.				
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in on- or off-site flooding.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would create or contribute runoff water that would exceed the capacity of existing or planned storm drainage systems or provide substantial additional sources of polluted runoff.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent with the Urban Area General Plan storm drainage policies. The site is was previously developed as a charter school with classrooms and associated parking lot, and the rezone to Planned Development is to facilitate the development of the property into a 25,168 square foot, 3 story building with commercial, office and residential uses.
- (2-3) The project would not increase the rate or amount of surface runoff as assumed in the General Plan. The project was previously developed as a charter school with classroom buildings and parking lot. Though the buildings have since been demolished, the assumptions made under the General Plan would have included the buildings. Therefore, the proposed new development would not significantly increase the amount of impervious surface compared to the school campus. In addition, the new development will be built to comply with our current State permit, requiring the application of stormwater quality measures, something the previous development would not have addressed.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Flooding and Water Quality-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 of the Master EIR. All mitigating policies

appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: FWQ-11 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
10. FLOODING AND WATER QUALITY				
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would place housing within a 100-year flood hazard area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would place structures within a 100-year floodplain as defined by FEMA.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would expose people or structures to a significant risk of loss, injury or death including flooding as a result of the failure of a levee or dam.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river that would result in flooding onsite or offsite.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would violate water quality standards, including groundwater standards administered by the SWRCB's DDW, standards for surface water quality such as the NPDES or waste discharge requirements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river in a manner that would result in substantial erosion or siltation onsite or offsite.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
8) The proposed project would create or contribute runoff water that would provide substantial additional sources of polluted runoff or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The proposed project would not be inconsistent with the flooding and water quality policies in the Urban Area General Plan.
- (2-3) The project site is not within a 100-year flood hazard zone as established by the Federal Emergency Management Agency (FEMA) Flood Rate Insurance Map 06099C0325E dated September 26, 2008.
- (4) The site is not in the vicinity of a levee or dam. The nearest waterway is Dry Creek approximately 2.5 miles to the south.
- (5, 7) The project would not alter the existing drainage pattern of the site, area or a watercourse in a manner that would result in erosion or siltation.
- (6) The project would not violate water quality standards.
- (8) The project would not increase the rate or amount of surface runoff as assumed in the General Plan. The project was previously developed as a charter school with classroom buildings and parking lot. Though the buildings have since been demolished, the assumptions made under the General Plan would have included the buildings. Therefore, the proposed new development would not significantly increase the amount of impervious surface compared to the school campus. In addition, the new development will be built to comply with our current State permit, requiring the application of stormwater quality measures, something the previous development would not have addressed.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Parks and open space-related mitigating policies that are pertinent to the proposed project are found on pages V-11-2 through V-11-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MASTER EIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE				
1) The proposed project is inconsistent with the Urban Area General Plan parks and open space policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would eliminate parks or open space.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would not provide at least three (3) total acres of parkland and open space per 1,000 people (one acre for neighborhood park facilities; two acres for community park facilities).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the parks and open space policies in the General Plan.
- (2) The project would not eliminate an existing park or designated open space. The project is on previously developed land surrounded by commercial and residential uses.
- (3) The rezone to Planned Development is to facilitate the development of the property into a 25,168 square foot, 3 story building with commercial, office and residential uses. The project would not be required to provide for additional park space.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts resulting from implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

Schools-related mitigating policies that are relevant to the proposed project can be found on pages V-12-3 through V-12-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
12. INCREASED DEMAND FOR SCHOOLS				
1) The proposed project is inconsistent with Urban Area General Plan school policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would result in new student population that exceeds the school system capacity, or if the project conflicts with established educational uses of the area, except to the limits established under SB50 / Proposition 1A as subsequently amended.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the policies relating to schools in the General Plan.
- (2) The site is was previously developed as a charter school with classrooms and associated parking lot, and the rezone to Planned Development is to facilitate the development of the property into a 25,168 square foot, 3 story building with commercial, office and residential uses. The project would be required to pay school mitigation fees to pay for its impact on the system. Though any children residing at the site would enroll in the area school districts, the project proposes a minimal number of residential units which would not result in a student population that would exceed school system capacity.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Police services-related mitigating policies that are pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigation to be applied to this project includes none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				
1) The proposed project is inconsistent with Urban Area General Plan policies relating to police service.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would result in development occurring in an area(s) that cannot be adequately served by existing or budgeted police personnel and facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent with the policies relating to police services in the General Plan.
- (2) The rezone to Planned Development is to facilitate the development of the property into a 25,168 square foot, 3 story building with commercial, office and residential uses. The site and surrounding area are developed with residential, commercial and industrial uses currently served by the Modesto Police Department.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Fire Services-related mitigating policies pertinent to the project being analyzed in this Initial Study are found on pages V-14-3 through V-14-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
14. INCREASED DEMAND FOR FIRE SERVICES				
1) The proposed project is inconsistent with Urban Area General Plan policies relating to fire service.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would result in any substantial adverse impact(s) associated with the need for – and/or provision of – new or physically altered fire service facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable response times.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent with the policies relating to fire services in the General Plan.
- (2) The rezone to Planned Development is to facilitate the development of the property into a 25,168 square foot, 3 story building with commercial, office and residential uses. The site and surrounding area are developed with residential, commercial and industrial uses currently served by the Modesto Fire Department.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Solid waste-related mitigating policies that are pertinent to the proposed project are found on pages V-15-4 through V-15-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
15. GENERATION OF SOLID WASTE				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The project would result in solid waste generation that exceeds the projected capacity of existing landfills and waste-reduction facilities, or if it would result in non-compliance with any federal, state or local statutes or regulations related to solid waste.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent with the solid waste policies in the Urban Area General Plan.
- (2) The site is was previously developed as a charter school with classrooms and associated parking lot, a use that would have required a significant amount of solid waste disposal support. The rezone to Planned Development that will facilitate the development of the property into a 25,168 square foot, 3 story building with commercial, office and residential uses won't produce more solid waste that the prior use, nor what is assumed in the General Plan. The site will contain 4 trash dumpsters in two large trash enclosures all proposed to be constructed in accordance to City Standards.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Hazardous materials-related mitigating policies that are pertinent to the proposed project are found on pages V-16-5 through V-16-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
16. HAZARDS AND HAZARDOUS MATERIALS				
1) The proposed project is inconsistent with the Urban Area General Plan hazards and hazardous materials policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would result in hazardous materials emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, would result in a safety hazard for people residing or working in the project area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) For a project within the vicinity of a private airstrip, a safety hazard would result for people residing or working in the project area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8) The proposed project would expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent with the hazardous materials policies in the General Plan.
- (2-3) No hazardous materials above normal General Plan assumptions will be involved with this project. The site is not within a quarter-mile of a school.

- (4) The site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment.
- (5-6) The site is not within an airport land use plan nor in the vicinity of any airports or private airfields.
- (7) The project would not interfere with an adopted emergency response or evacuation plan.
- (8) The project site is not located near any wildland areas nor is at risk for wildland fire.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Geology, soils, and mineral resource-related mitigating policies that are pertinent to the proposed project are found on pages V-17-7 through V-17-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
17. GEOLOGY, SOILS, AND MINERAL RESOURCES				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would expose people or structures to potential substantial adverse effects including: the risk of loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; loss of topsoil; or, result in the loss of availability of known mineral resources that would be of value to the region and the state.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent with policies relating to geology, soils, and mineral resources in the General Plan.
- (2) The project would not be located on soil that is unstable, or that would become unstable as a result of the project. There are no known mineral resources of value to the region and the state on the property.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following energy-related mitigating policies that are pertinent to the proposed project are found on pages V-18-2 and V-18-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
18. ENERGY				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent with the energy policies in the General Plan.
- (2) The project would not result in energy consumption during construction, operation, maintenance or removal that is more wasteful, inefficient and unnecessary than assumed in the General Plan.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following visual resources-related mitigating policies pertinent to the proposed project are found on pages V-19-2 and V-19-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on visual resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
19. VISUAL RESOURCES				
1) The proposed project is inconsistent with the Urban Area General Plan visual resource policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would have a substantial adverse effect on a scenic vista.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would substantially damage scenic resources, including trees, rock outcrops, and/or historic buildings along a state scenic highway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would substantially degrade the existing visual character or quality of the site and its surroundings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would create a new source of substantial light or glare that would adversely affect daytime or nighttime views.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would substantially degrade views from riverside areas and parks.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would substantially degrade views of riverside areas from public roadways and/or nearby properties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent with the policies relating the visual resources in the General Plan.
- (2) The project would not have an adverse impact on a scenic vista. The site is located within the Baseline Urbanized Area of the City and is surrounded by urban uses.
- (3-4) The project would not impact scenic resources, nor degrade the existing visual character or quality of the site and its surroundings.
- (5) The project would not cause substantial light or glare.
- (6) The project would not impact views from riverside areas and parks.
- (7) The project would not impact views of riverside areas from roadways or nearby properties.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following land use and planning-related mitigating policies pertinent to the proposed project are found on pages V-20-5 through V-20-12 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent the Urban Area General Plan land use and planning policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is designated as Mixed Use (MU) in the General Plan, which allows for commercial uses as well as residential uses.
- (2) The project would not divide an established community. The surrounding area is developed with commercial and residential uses.
- (3) The project does not conflict with the land use plan, policies and regulations of the City of Modesto designed to mitigate project impacts.
- (4) The project does not conflict with applicable habitat conservation plans or natural community conservation plans.

V. APPLICABLE URBAN AREA GENERAL PLAN MITIGATING POLICIES

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project, then Section A, below, applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration or Focused EIR must be prepared for the project, then Section B, below, applies.

A. Urban Area General Plan Mitigating Policies Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigating policies from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies that mitigate impacts shall be made part of the proposed

project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan. All applicable and appropriate mitigating policies have been applied to the project (listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect: none.

Traffic and Circulation:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category. Traffic study(ies) may be required for any given project(s).

Air Quality and Greenhouse Gases:

AQ-85. Review of new development shall be coordinated with SJVAPCD staff to ensure all projects subject to the SJVAPCD Rule 9510 (Indirect Source Review) comply fully with the rule. This rule fulfills the SJVAPCD's emission reduction commitments in the PM10 and Ozone Attainment Plans through emission reductions from the construction and use of development projects through design features and onsite measures. Rule 9510 applies to any applicant that seeks to gain a final discretionary approval for a development project, or any portion thereof, which meets certain minimum thresholds. (Policy VII.H.2.u)

AQ-86. A Construction Health Risk Assessment shall be required on a project-by-project basis if, at the direction of SJVAPCD after applicant consultation, the specific project is considered to have a potentially significant project-level health risk impact, through refined modeling using 2015 OEHHA guidance (or the latest accepted methodology), to identify impacts and, if necessary, include measures determined by SJVAPCD to reduce exposure. (Policy VII.H.2.v)

AQ-100. Reduce particulate emissions from construction, grading, excavation, and demolition to the maximum extent feasible in accordance with the requirements of SJVAPCD Regulation VIII. Regulation VIII was adopted to reduce the amount of particulate matter suspended in the atmosphere as a result of emissions generated from anthropogenic (man-made) fugitive dust sources. (Policy VII.H.2.jj)

AQ-101. Require all access roads, driveways, and parking areas serving new commercial and industrial development to be constructed with materials that minimize particulate emissions in accordance with the requirements of SJVAPCD Regulation VIII and are appropriate to the scale and intensity of use. (Policy VII.H.2.kk)

AQ-102. Reduce PM10 emissions from City-maintained roads to the maximum extent feasible. (Policy VII.H.2.ll)

AQ-103. Effectively stabilize dust emissions using water, chemical stabilizer / suppressant, cover with a tarp or other suitable cover or vegetative ground cover, all disturbed areas, including storage piles, which are not being actively utilized for construction purposes. (Policy VII.H.2.mm)

AQ-104. Effectively stabilize dust emissions using water or chemical stabilizer / suppressant, all onsite unpaved roads and off-site unpaved access roads. (Policy VII.H.2.nn)

AQ-105. Effectively control fugitive dust emissions utilizing application of water or by presoaking all land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities. (Policy VII.H.2.oo)

AQ-106. Wet all exterior surfaces of buildings that are more than six stories tall during demolition. (Policy VII.H.2.pp)

AQ-107. When materials are transported off site, cover all materials, or effectively wet them to limit visible dust emissions, and maintain at least six inches of freeboard from top of container. (Policy VII.H.2.qq)

AQ-108. Limit operations or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) (Policy VII.H.2.rr)

AQ-109. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, effectively stabilize said piles for fugitive dust emissions utilizing sufficient water or chemical stabilizer / suppressant. (Policy VII.H.2.ss)

AQ-110. Within urban areas, immediately remove trackout when it extends 50 or more feet from the site and at the end of each workday. (Policy VII.H.2.tt)

AQ-111. Prevent carryout and trackout for any site with 150 or more vehicle trips per day. (Policy VII.H.2.uu)

AQ-112. Limit traffic speeds on unpaved roads to 15 mph. (Policy VII.H.2.vv)

AQ-113. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%). (Policy VII.H.2.ww)

AQ-114. Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (Policy VII.H.2.xx)

AQ-115. Install wind breaks at windward side(s) of construction areas. (Policy VII.H.2.yy)

AQ-116. Suspend excavation and grading activity when winds exceed 20 mph (regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limit). (Policy VII.H.2.zz)

AQ-117. Limit the area subject to excavation, grading, and other construction activity at any one time. (Policy VII.H.2.aaa)

Generation of Noise and Vibration:

Noise-4. Implement noise-reducing construction practices as conditions of approval where substantial construction-related noise impacts would be likely to occur, such as with extended periods of pile driving, or where construction is expected to continue or where sensitive receptors would be affected by construction noise. Conditions of approval may include, but are not limited to:

- Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;
- Require impact tools to be equipped with shrouds or shields;
- Require that the quietest equipment available be used; and,
- Require selection of haul routes that affect the fewest number of people. (Policy VII-G.3.b)

Noise-7. Incorporate construction practices and acoustic treatment in new residential construction to reduce typical indoor noise levels to 45 dB. Developers of residential buildings within the 65 dBA contours shown in the General Plan Master EIR shall demonstrate that interior noise has been reduced to 45 dB. Other types of development should be protected against noise intrusion at least to the levels indicated on UAGP Table VII-2. (Policy VII-G.3.e)

Noise-8. For proposed non-transportation noise sources, reduce noise levels so as not to exceed the allowable noise exposure thresholds specified in Table V.3.8, below, at the property line of residential or other noise-sensitive land uses. (Policy VII-G.3.f)

TABLE V.3.8. Noise Exposure Thresholds – Non-Transportation Noise Sources

	Citywide (excludes Downtown)		Downtown only	
	Daytime (7:00am - 10:00pm)	Nighttime (10:00pm - 7:00am)	Daytime (7:00am - 10:00pm)	Nighttime (10:00pm - 7:00am)
Hourly L_{eq} , dBA	55	45	60	50
Maximum level, dBA	75	65	80	70

* Each of the noise level standards shall be reduced by five (5) dBA for pure tone noises, noise consisting primarily of speech or music, or for recurring impulsive noises. Where measured ambient noise levels exceed the standards, the standards shall be increased to the ambient levels.

** If the existing ambient noise level at the receiving use exceeds the thresholds given in Table V.3.9, then the noise level standards shall be increased to account for the ambient noise level.

Noise-9. At noise-sensitive land uses, increases in noise should not exceed 3 dBA where any other noise threshold or standard would be exceeded, and/or 5 dBA where noise levels would otherwise fall within acceptable limits, for the existing conditions scenario as compared to the buildout scenario. (Policy VII-G.3.g)

Noise-10. Additional study and/or mitigation for outdoor recreation areas will be required if:

- For single-family dwellings, noise exceeds 65 dBA L_{dn} in one or more backyards;
- For multi-family dwellings, noise exceeds 65 dBA L_{dn} at common recreation areas, such as swimming pools or play areas or at private patios and balconies; or,
- For other uses, noise exceeds the level considered "conditionally acceptable" as shown on Table VII-2 of the General Plan. (Policy VII-G.3.h)

Noise-11. Limit trucking to specific routes, times, and speeds that avoid or minimize adverse effects on sensitive receptors. (Policy VII-G.3.i)

Effects on Agricultural Lands:

N/A

Increased Demand for Long-Term Water Supplies:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category. Water studies / analyses may be required depending on the scope or location of the proposed development project.

Increased Demand for Sanitary Sewer Services:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category. Sanitary sewage generation and/or capacity studies may be required depending on the scope or location of the proposed development project.

Loss of Sensitive Wildlife and Plant Habitat:

N/A

Disturbance of Archaeological / Historic Sites:

N/A

Increased Demand for Storm Drainage:

SD-10. Construction activities shall comply with the requirements of the City's Stormwater Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)

SD-12. Ensure that new development complies with the City of Modesto's *Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures*. (Policy VI.G.5)

SD-13. Require new development to implement an appropriate selection of permanent pollution control measures in accordance with the City's implementation policies for the municipal NPDES stormwater permit. (Policy VI.G.6)

SD-14. Design development projects to preserve and, where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffers. Minimize disturbance of natural water bodies or natural drainage systems that might result from development, including road construction. (Policy VI.G.7)

SD-15. Integrate Low Impact Development principles into proposed development projects' design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered small-scale hydrologic devices. In designing development projects, minimize the amount of impervious surface in order to maximize on-site infiltration of stormwater runoff and minimize the potential for storm water runoff from the site. (Policy VI.G.8)

Flooding and Water Quality:

FWQ-11. Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)

FWQ-13. Ensure that new development complies with the City of Modesto's Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures. (Policy VI.G.5)

FWQ-14. Require new development to implement an appropriate selection of permanent pollution control measures in accordance with the City's implementation policies for the municipal NPDES stormwater permit. (Policy VI.G.6)

FWQ-16. Integrate Low Impact Development principles into proposed development projects' design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered small-scale hydrologic devices. In designing development projects, minimize the amount of impervious surface in order to maximize on-site infiltration of stormwater runoff and minimize the potential for storm water runoff from the site. (Policy VI.G.8)

Increased Demand for Parks and Open Space:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Increased Demand for Schools:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Increased Demand for Police Services:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Increased Demand for Fire Services:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Generation of Solid Waste:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Generation of Hazardous Materials:

Comply with all existing federal and state laws which regulate the generation, transportation, storage, and disposal of hazardous materials. (Policy VI.M.1)

HM-4. Require that businesses and industries using hazardous material provide mitigation measures commensurate with the hazards they bring to the community, in accordance with the most current adopted edition of the Uniform Fire Code. (Policy VI.M.2)

HM-5. In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan would be prepared by the project applicant.

The plan would (1) specify measures to be taken to protect workers and the public from exposure to potential site hazards and (2) certify that the proposed remediation measures would clean up the wastes, dispose the wastes, and protect public health in accordance with federal, state, and local requirements. Permitting or work in the areas of potential hazard shall not proceed until the site remediation plan is on file with the City.

If a parcel is found to be contaminated to a level that prohibits the proposed use, the potential for reduction of the hazard should be evaluated. Site remediation is theoretically capable of removing hazards to levels sufficiently low to allow any use at the site. In practice, both the technical feasibility of the remediation and its cost (financial feasibility) should be evaluated in order to determine the overall feasibility of locating a specific use on a specific site. In some cases, it may require restriction to industrial use or a use that involves complete paving and covering of the parcel.

In accordance with OSHA requirements, any activity performed at a contaminated site shall be preceded by preparation of a separate site health and safety plan (prepared by the project applicant and filed with the City) for the protection of workers and the public. All reports, plans, and other documentation shall be added to the administrative record. (Policy VI.M.3)

HM-6. For each specific project that would generate hazardous waste, require as a condition of building permit approval that the project sponsor prepare a hazardous material transportation program. Passage through residential streets should be minimized and parking of waste haulers on residential streets should be prohibited. The City Fire Department shall review and approve the applicant's hazardous materials transportation program or, working with the applicant, modify it to the satisfaction of both parties. (Policy VI.M.4)

HM-7. Prior to the issuance of all building permits, identify the site in relation to all Comprehensive Environmental Response, Compensation and Liability Information System sites and to known or suspected uncontrolled or abandoned hazardous waste sites. All projects within 2,000 feet of these facilities should conduct hazardous materials studies as necessary to identify the type and extent of contamination, if any, and the extent of risk to human health and public safety. If necessary, a remedial action program should be developed and implemented as in UAGP Policy VI.M.3. (Policy VI.M.5)

HM-8. Applicants for building permits should determine that a site containing or formerly containing residences or farm buildings / structures has been fully investigated for the presence of hazardous materials or wastes prior to issuance of the permit. Investigation should consist of, at minimum, a Phase I environmental site assessment and a Phase II site assessment, if found necessary as a result of the Phase I assessment. The findings of the site assessment should be reported to the City and the County's Department of Environmental Resources. The appropriate remediation should occur prior to final occupancy of the approved development. (Policy VI.M.6)

Geology, Soils, and Mineral Resources:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Energy:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Effects on Visual Resources:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Land Use and Planning:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-356**

**RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED
DEVELOPMENT ZONE, P-D(346)**

WHEREAS, a verified application for an amendment to Section 13-3-8 of the Zoning Map was filed by Jeff Sales Construction on May 14, 2020, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(346) as an addition to the existing Planned Development Zone P-D(346) to allow a 34-unit senior independent living apartment complex, property located at 2600 West Rumble Road, described as follows:

R-1 to P-D(346)

All that portion of the Northwest Quarter of Section 13, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the northeast corner of Parcel "C" of that Parcel Map for C.J. Rumble and Sons, Inc. filed in the Office of the Recorder of Stanislaus County, State of California on the 25th day of April, 1975 in Volume 21 of Parcel Maps at Page 16; thence North 89° 15' 12" East a distance of 199.40 feet to a point along the south right-of-way line of West Rumble Road and the True Point of Beginning of this description; thence South 0° 0' 0" West a distance of 319.9 feet; thence North 89° 15' 12" East a distance of 198 feet; thence North 0° 0' 0" East a distance of 239 feet; thence South 90° 0' 0" West a distance of 62 feet; thence North 0° 0' 0" West a distance of 81 feet; thence North 90° 0' 0" West a distance of 132 feet to the True Point of Beginning.

Including also the southerly half of 50-foot wide West Rumble Road and the northerly half of the 20-foot wide public alley south of the property, all being immediately adjacent to the above-described property.

Totaling 1.47 acres.

APN No. 005-037-011 and portion of APN 005-037-012

WHEREAS, after a public hearing held on July 20, 2020, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, it was found and

determined by the Planning Commission, by its Resolution No. 2020-04, that rezoning of the property as requested will not be detrimental to the public health, safety or welfare because the project will provide for needed senior housing, the requested zone change will result in an orderly planned use of land because the conditions of approval will ensure that the proposed project is compatible with the adjacent residential uses, and there are other apartment complexes located on this section of Rumble Road in close proximity to the proposed development, and the requested zone change is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) because the proposed change to Planned Development allowing for new multi-family residential uses is consistent with the Modesto Urban Area General Plan, which designates the property as Residential (R), which allows for senior housing and residential uses, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on September 1, 2020, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Jeff Sales Construction for a Planned Development Zone will not be detrimental to the public health, safety or welfare, will result in an orderly planned use of land, and is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) for the reasons set forth in Planning Commission Resolution No. 2020-04 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3719-C.S. on the 1st day of September, 2020, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(346) as an addition to the existing Planned Development Zone P-D(346),

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

1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(346), is hereby approved subject to the following conditions:

1. Prior to the issuance of a building permit, all development shall conform to the Development Plan and building elevations titled “Magnolia Gardens Senior Independent Living” stamped approved by the City Council.
2. Prior to the issuance of a building permit, an application for a Lot Line Adjustment shall be submitted to the City to move the contiguous lot line from its current position between the two properties of 2554 and 2600 W. Rumble Road (APNs 005-037-011 and 005-037-012) to the position around the residence to remain at 2554 W. Rumble Road (APN 055-037-012), as illustrated on the site plan. The square footage of the residential lot shall be at least 5,000 square feet or larger to meet the requirements of the R-1 Zone. Said Lot Line Adjustment shall be completed and recorded, with property deeds recorded after, prior to the first Certificate of Occupancy of the development.
3. Prior to the first Certificate of Occupancy, fences along the east and south property lines shall be replaced with six-foot-high wood double-alternating board fences with decorative masonry pilasters spaced no more than sixteen (16) feet on center.
4. Prior to issuance of a building permit, trash enclosures shall be designed using building materials, colors and finishes which are consistent or compatible with those used for the residential buildings, as approved by the Community and Economic Development Director.
5. The design of light fixtures and their structural supports should be architecturally compatible with the main structures on the site. Light fixtures should be architecturally integrated into the design of a

structure to the satisfaction of the Director of Community and Economic Development.

6. Along pedestrian corridors, the use of low mounted bollard light standards, which reinforce pedestrian scale, shall be used. Steps and ramps should be illuminated wherever possible, with built-in light fixtures to the satisfaction of the Director of Community and Economic Development.
7. Prior to Certificate of Occupancy of any structure, all ground mounted utility structures such as transformers and HVAC equipment shall be located out of view from a public street to the satisfaction of the Director of Community and Economic Development. Equipment shall be placed underground or adequately screened through the use of landscaping or masonry walls.
8. Exterior building elevations showing building wall materials, roof types, exterior colors and appropriate vertical dimensions shall be included in the development construction drawings.
9. Construction drawings shall demonstrate that all building drainage gutters, down spouts, vents, etc. located on exterior walls, are be completely concealed from public view or designed to be architecturally compatible (decorative) with the exterior building design and color to the satisfaction of the Director of Community and Economic Development.
10. Prior to occupancy of any structure, striping of parking stalls, aisles and driveways shall conform to the provisions of MMC Section 10-5.105, Parking Lot Design Standards. Parking area shall include two accessible parking spaces, with one space being van-accessible, provided under a carport structure.
11. Parking lot shade trees shall be provided in all new parking areas to meet current parking lot shading requirements (1 tree per 8 stalls, 50% coverage within 10 years).
12. All signs shall comply with the sign requirements of the R-3 Zone, with placement, sizing and number of monument signs in accordance to the requirements of the R-3 Zone. Prior to issuance of a sign permit, individual sign plans for the project shall be submitted for separate review and approval prior to installation.
13. Any public improvements that are missing damaged or not to current City standards shall be designed and constructed per City standards in accordance with City Code (Article 7-1.701). Such improvements

may include, but not be limited to curb and gutter, drive approach, sidewalk, ADA access ramps, fire hydrants and street lights. All public improvement plans shall be designed by a Registered Engineer, reviewed and approved by the City Engineer prior to issuance of an Encroachment permit.

14. Prior to the issuance of a building permit, improvement plans shall demonstrate that the driveway shall be designed per City of Modesto Standard Specification Table 10.1 and Commercial/Apartments flared driveway detail 1009.
15. There is an existing 10-inch water main available for connection to service this facility in Rumble road. If a new connection or an upgrade in water service size is requested, then an encroachment permit is required to be issued from the City and additional water connection fees to be paid prior to construction.
16. If an additional irrigation water service is to be constructed, a backflow prevention device shall be installed according to City Standards.
17. There is an existing 6-Inch sewer main in W. Rumble Road available for connection. If an upgrade in sewer service size is requested, then an encroachment permit is required to be issued from the City and additional sewer connection fees to be paid prior to construction.
18. Prior to the issuance of a building permit, improvement plans shall demonstrate that water run-off generated from the site shall be kept on-site according to City standards.
19. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit improvement plans conforming to design requirements of the most current edition City of Modesto Guidance Manual for Development, Stormwater Quality Control Measures and the City of Modesto Municipal Code.
20. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to integrate Low Impact Development (LID) principles into the project design. The plan shall retain, treat, and infiltrate the first 0.5” of stormwater run-off on site, and incorporate pervious landscape features into the project design wherever possible.
21. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to provide permanent, post-construction treatment (grass swale, bioretention, vegetative strip, or other

approved proprietary device) to remove pollutants from the first 0.5” of stormwater run-off from site.

22. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan for trash enclosures to be sufficiently elevated to prevent stormwater run-on from parking lot. Floor of enclosures shall be graded to drain into adjacent landscape areas.
23. Prior to the issuance of a Grading, Demolition, or Building Permit, Property Owner shall provide a signed and notarized Stormwater Treatment Device Access and Maintenance Agreement to Land Development Engineering, Stormwater for recording.
24. Prior to the issuance of a Grading, Demolition, or Building Permit, Property Owner shall obtain coverage for project under the State Water Resources Control Board (SWRCB) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, as amended by 2010-0014-DWQ and 2012-0006-DWQ.
25. The Construction General Permit requires the Property Owner to develop a Stormwater Pollution Prevention Plan (SWPPP) for the project. The SWPPP shall include a description of all erosion, sediment, and pollution control BMPs to be used at the construction or demolition site to prevent sediment and other sources of pollution from entering the City storm drain system as well as a site plan showing their placement. Prior to issuance of a Grading, Demolition, or Building Permit, provide one paper copy of SWPPP to Land Development Engineering, Stormwater.
26. Applicant shall submit Landscape and Irrigation (L&I) plans for review and approval by the City’s Parks Planning and Development (PPD) Division. L&I plans shall meet the current State of California Model Water Efficient Landscape Ordinance (MWELo) requirements, Modesto Municipal Code (MMC) requirements and City of Modesto standards at time of submittal.
27. Applicant shall install City Street Trees every thirty-five feet on center (35’ oc.) along Rumble Road.
28. Applicant shall install parking lot shade trees per MMC requirements; one (1) shade tree for every eight (8) parking spaces, continuous and intermittent stall locations, within seven feet (7’) of stalls.

29. Applicant shall install climbing vines on all walls, in a landscape planter, around the all trash or storage enclosures to discourage tagging.
30. Low Impact Development (LID) control and treatment measures shall be planted with vegetation for erosion protection and sediment entrapment to collect/treat storm water run-off before entering the storm drain system. Storm drainage basins shall be appropriately landscaped and irrigated to address the specific type of storm water control measure. Provide total square feet of the landscape area in project information.
31. Applicant shall install bicycle parking racks as part of the project development per MMC and Green Building Standards Code.
32. All department Conditions of Approval for the project shall be included with building plans and shall be continuously maintained on-site during project construction to the satisfaction of the Chief Building Official.
33. All construction documentation shall be coordinated for consistency, including but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, utility and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department.
34. Prior to issuance of a building permit, any variation from the approved site plan or building elevations on file with the City must be reviewed and approved by the Director of Community and Economic Development.
35. Prior to Certificate of Occupancy for any structure, the applicant shall enroll and participate in the City's Crime-Free Multi-Family Housing Program as administered by the Modesto Police Department.
36. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the City Engineer or designee. Easements for utilities, irrigation, and electrical lines to remain shall be reserved as required.
37. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
38. At the time of issuance of a building permit, the developer shall pay development impact fees at the established rate. Such fees may

include but are not limited to, sewer and water connection fees, community facility fees, building permit and plan check fees.

39. Prior to start of construction, all-weather, hard-surfaced roadways shall be constructed and maintained free of obstructions at all times during construction as required by Director of Community and Economic Development.
40. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

The following conditions are mitigation measures from the City of Modesto General Plan Master EIR to be applied to the project:

41. AQ-100. Reduce particulate emissions from construction, grading, excavation, and demolition to the maximum extent feasible in accordance with the requirements of SJVAPCD Regulation VIII. Regulation VIII was adopted to reduce the amount of particulate matter suspended in the atmosphere as a result of emissions generated from anthropogenic (man-made) fugitive dust sources. (Policy VII.H.2.jj)
42. AQ-103. Effectively stabilize dust emissions using water, chemical stabilizer / suppressant, cover with a tarp or other suitable cover or vegetative ground cover, all disturbed areas, including storage piles, which are not being actively utilized for construction purposes. (Policy VII.H.2.mm)
43. AQ-105. Effectively control fugitive dust emissions utilizing application of water or by presoaking all land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities. (Policy VII.H.2.oo)
44. AQ-107. When materials are transported off site, cover all materials, or effectively wet them to limit visible dust emissions, and maintain at least six inches of freeboard from top of container. (Policy VII.H.2.qq)

45. AQ-108. Limit operations or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) (Policy VII.H.2.rr)
46. AQ-109. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, effectively stabilize said piles for fugitive dust emissions utilizing sufficient water or chemical stabilizer / suppressant. (Policy VII.H.2.ss)
47. AQ-110. Within urban areas, immediately remove trackout when it extends 50 or more feet from the site and at the end of each workday. (Policy VII.H.2.tt)
48. AQ-113. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%). (Policy VII.H.2.ww)
49. AQ-114. Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (Policy VII.H.2.xx)
50. AQ-115. Install wind breaks at windward side(s) of construction areas. (Policy VII.H.2.yy)
51. AQ-116. Suspend excavation and grading activity when winds exceed 20 mph (regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limit). (Policy VII.H.2.zz)
52. Noise-4. Implement noise-reducing construction practices as conditions of approval where substantial construction-related noise impacts would be likely to occur, such as with extended periods of pile driving, or where construction is expected to continue or where sensitive receptors would be affected by construction noise. Conditions of approval may include, but are not limited to:
 - Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;
 - Require impact tools to be equipped with shrouds or shields;
 - Require that the quietest equipment available be used; and,
 - Require selection of haul routes that affect the fewest number of people. (Policy VII-G.3.b)

53. SD-10, FWQ-11. Construction activities shall comply with the requirements of the City's Stormwater Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)
54. SD-12, FWQ-13. Ensure that new development complies with the City of Modesto's Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures. (Policy VI.G.5)
55. SD-13, FWQ-14. Require new development to implement an appropriate selection of permanent pollution control measures in accordance with the City's implementation policies for the municipal NPDES stormwater permit. (Policy VI.G.6)
56. SD-15, FWQ-16. Integrate Low Impact Development principles into proposed development projects' design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered small-scale hydrologic devices. In designing development projects, minimize the amount of impervious surface in order to maximize on-site infiltration of stormwater runoff and minimize the potential for storm water runoff from the site. (Policy VI.G.8)
57. HM-3. Comply with all existing federal and state laws which regulate the generation, transportation, storage, and disposal of hazardous materials. (Policy VI.M.1)
58. HM-8. Applicants for building permits should determine that a site containing or formerly containing residences or farm buildings / structures has been fully investigated for the presence of hazardous materials or wastes prior to issuance of the permit. Investigation should consist of, at minimum, a Phase I environmental site assessment and a Phase II site assessment, if found necessary as a result of the Phase I assessment. The findings of the site assessment should be reported to the City and the County's Department of Environmental Resources. The appropriate remediation should occur prior to final occupancy of the approved development. (Policy VI.M.6)

2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(346):

The entire construction program be accomplished in one phase, construction to begin on or before September 1, 2022, and completion to be not later than September 1, 2024.

3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-7.108 of the Modesto Municipal Code.

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 1 of Chapter 7 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

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(346), becomes effective.

BE IT FURTHER RESOLVED that the conditions of project approval set forth herein include certain fees, dedication requirements, reservations requirements, and other exactions, and that pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions.

BE IT FURTHER RESOLVED that the applicant is hereby further notified that the ninety (90) days approval period in which a protest of these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a) can be

filed, begins on September 1, 2020, and that if a protest is not filed within this ninety (90)-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By 
Community & Economic Development Department
Planning Division

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-357**

RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2014042081): AN AMENDMENT TO SECTION 13-3-8 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE P-D(346) AS AN ADDITION TO THE EXISTING P-D(346) ZONE, PROPERTY LOCATED AT 2600 WEST RUMBLE ROAD, WEST OF CONANT AVENUE

WHEREAS, on March 5, 2019, by Resolution 2019-108, City Council of the City of Modesto certified the Final Master Environmental Impact Report (“Master EIR”) (SCH No. 2014042081) for the Modesto Urban Area General Plan, and

WHEREAS, Jeff Sales Construction has proposed to rezone 1.47 acres from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(346) as an addition to the adjacent existing Planned Development Zone P-D(346), to allow a 34-unit senior independent living apartment complex on property located at 2600 W. Rumble Road, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto’s Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2020-08 (“Initial Study”) which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning on August 12, 2020, the City caused to be published a 20-day notice of the City’s intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on September 1, 2020, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

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

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.
2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.
3. No new or additional mitigation measures or alternatives are required.
4. The subsequent project is within the scope of the project covered by the Master EIR.
5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.
6. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2020-08

City of Modesto

**Finding of Conformance with the
Urban Area General Plan Master EIR
(SCH No. 2014042081)**

**Initial Study Environmental Checklist
C&ED No. 2020-08**

For the proposed:

PDA-20-003

**Amendment to Planned Development Zone P-D(346):
Addition of 1.34 acres in the R-1 Zone to P-D(346) for New
34-Unit Senior Independent Living Apartment Complex**

**Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division**

May 28, 2020

(Intentional Blank Page)

City of Modesto

Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the proposed amendment to Planned Development Zone P-D(346) ("Project") is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2014042081) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a Finding of Conformance.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and,
2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

II. PROJECT DESCRIPTION

- A. Title: PDA-20-003—Addition of 1.34 acres in the Low Density Residential (R-1) Zone to Planned Development Zone P-D(346), for new 34-unit senior independent living apartment complex.
- B. Address or Location: 2600 W. Rumble Road, Modesto CA (APNs 005-037-011 and -012)
- C. Applicant: Jeff Sales, 2630 W. Rumble Road, Modesto CA 95350
- D. City Contact Person: Katharine Martin, Senior Planner

Project Manager: Katharine Martin
Department: Community and Economic Development, Planning Division
Phone Number: 209-577-5267
E-mail address: kamartin@modestogov.com

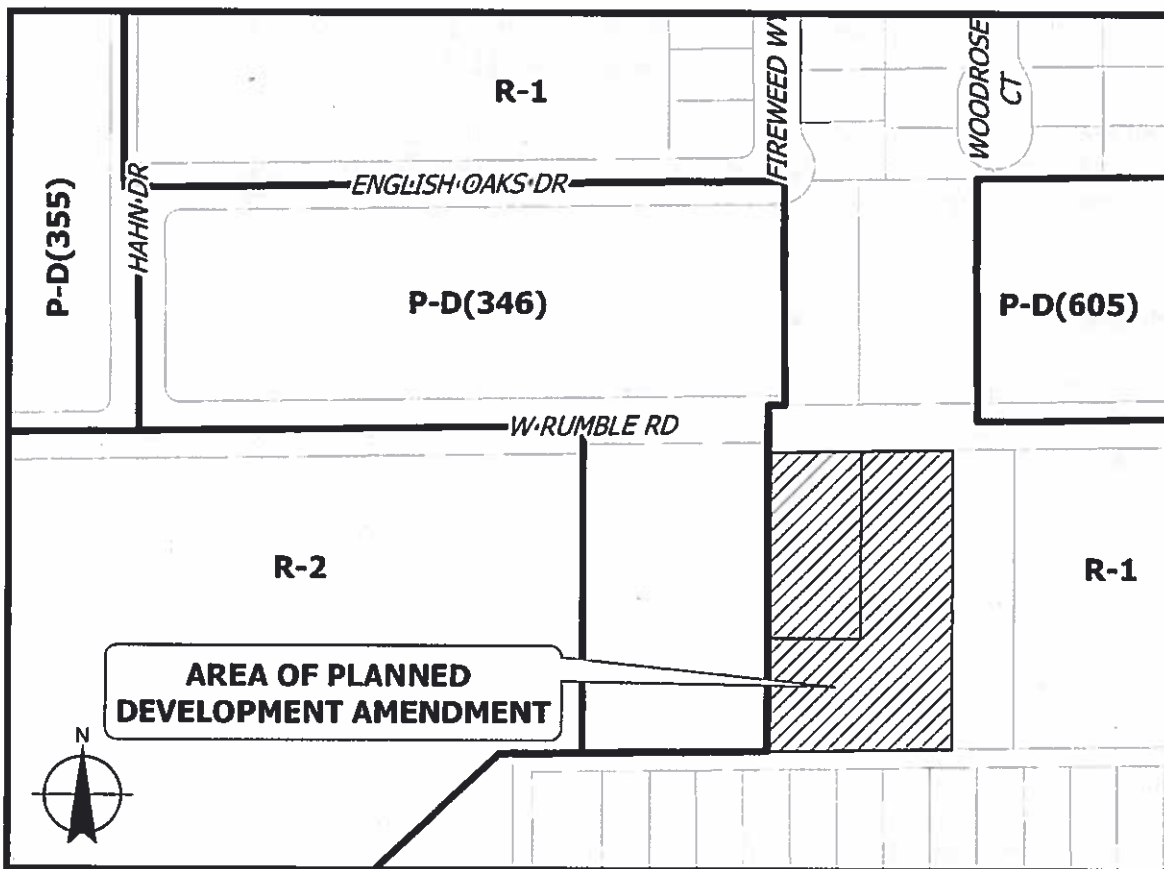
- E. Current General Plan Designation(s): Residential (R)
- F. Current Zoning Classification(s): Low Density Residential (R-1) Zone

G. Surrounding Land Uses:

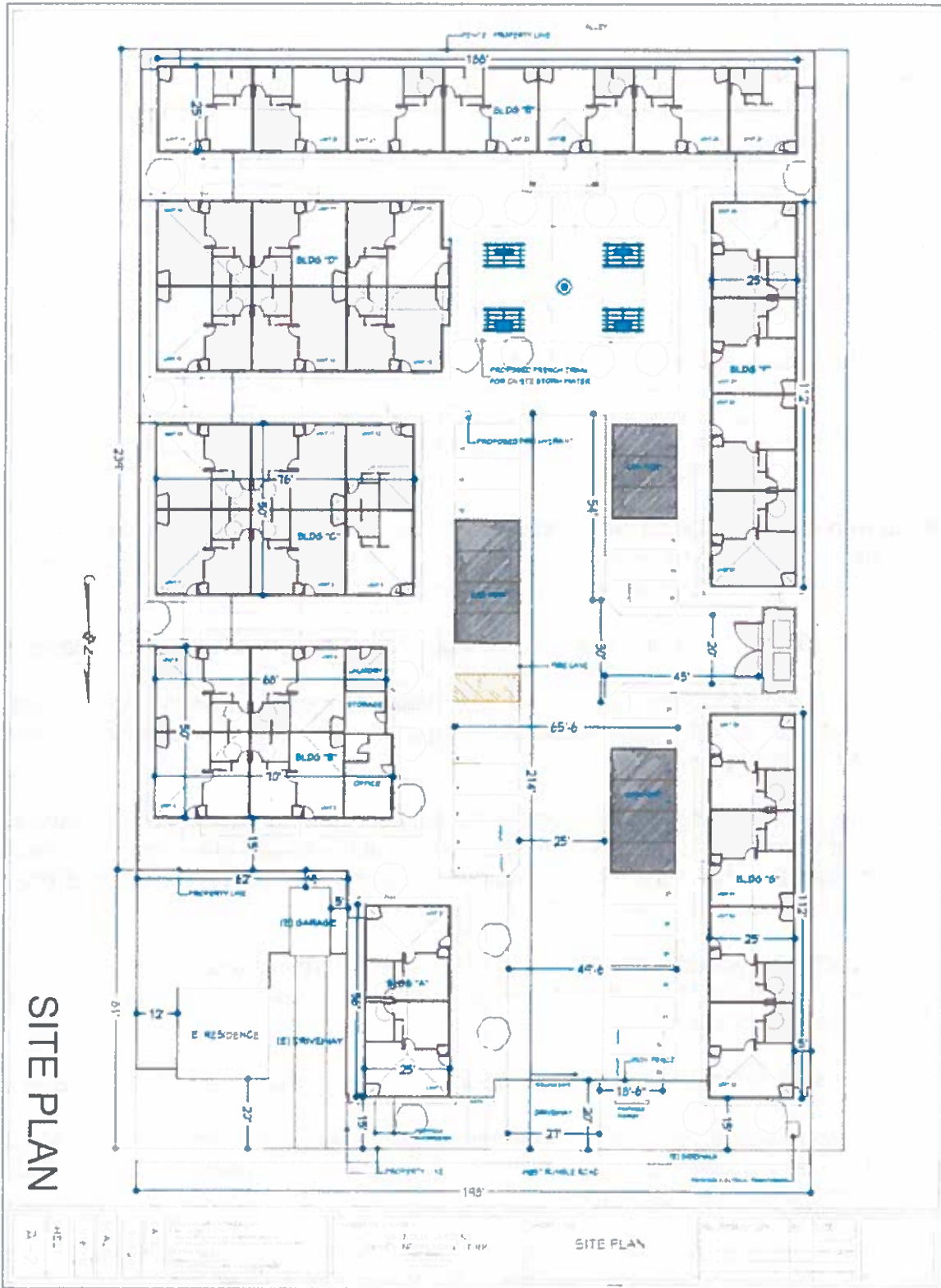
North: Low Density Residential (R-1) Zone, single family residential; Planned Development Zone P-D(346), Convalescent Hospital; Planned Development Zone P-D(605), R-3 uses, vacant land.
South: Low Density Residential (R-1) Zone, single family residential
East: Low Density Residential (R-1) Zone, single family residential
West: Planned Development Zone P-D(346), Convalescent Hospital Offices and Storage

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

Proposed rezone of 1.35 acres from Low Density Residential (R-1) Zone to existing Planned Development Zone P-D(346), to allow for the construction of a 34-unit senior independent living apartment complex. Project involves the demolition of a single-family residence and the site development of 34 single-story apartment units for senior housing.



**AREA MAP
PDA-20-003**



**SITE PLAN
PDA-20-003**

I. Other Public Agencies Whose Approval is Required: None.

III. FINDINGS / DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. X **Within the Scope** – The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

- A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR;
- B. No new or additional mitigation measures or alternatives are required;
- C. The subsequent project is within the scope of the project covered by the Master EIR;
- D. All applicable policies, regulations, and/or mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project; and,

2. **Mitigated Negative Declaration Required** – On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:

- A. The subsequent project is within the scope of the project covered by the Master EIR;
- B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project;
- C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less than significant level; and,

3. **Focused EIR Required** – On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

- A. The subsequent project is within the scope of the project covered by the Master EIR;
- B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project;
- C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result; and,


Project Manager

SENIOR PLANNER
Title

6-1-2020
Date

4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MASTER EIR if certain criteria are met. If the following statements are found to be true for all 20 impact categories included in this Initial Study, then the proposed project is addressed by the Master EIR analysis and is within the scope of the Master EIR. Any "No" response must be discussed.

	YES	NO
(1) The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) City policies that reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place as "mitigating policies" attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using the Master EIR's mitigating policies only.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(5) The project will occur within the boundaries of the City's planning area as established in the Urban Area General Plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(6) Implementation of the project will comply with all appropriate mitigating policies contained and enumerated in the 2019 Urban Area General Plan Master EIR.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Currency of the Master EIR Document

The Master EIR should be reviewed on a regular basis to determine its currency, and whether additional analysis / mitigation should be incorporated into the Master EIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 20 of this document in light of the criteria listed below to determine whether the Master EIR is current. The analyses contained within the Master EIR are current as long as the following circumstances have not changed. Any "no" response must be explained.

	YES	NO
(1) Certification of the Urban Area General Plan Master EIR occurred less than five (5) years prior to the filing of the application for this subsequent project.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) The proposed project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(a) No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified;	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(c)	Policies that require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development, remain in full force and effect.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
-----	--	-------------------------------------	--------------------------

Discussion:

- (1) The General Plan Master EIR was last certified on March 5, 2019. The analysis contained in the Master EIR is adequate for subsequent projects, as documented in the discussion below.
- (2) The project is consistent with the analysis contained in the Master EIR. This is documented in the discussion of the 20 individual evaluation topics within this initial study.
 - (2)(a) There have been no substantive changes to the Urban Area General Plan since the Master EIR was certified that would create additional significant environmental effects that were not analyzed by the Master EIR.
 - (2)(b) There has been no new information that would affect the adequacy of the analysis contained in the Master EIR.
 - (2)(c) All policies contained in the Master EIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect(s) to the environment that was not examined in the Final Master EIR for the Urban Area General Plan, and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the Master EIR. Adoption of the findings specified in Section III.1, above, after completion of the Initial Study fulfills the City's obligation in that situation. All environmental effects cited reflect 2040 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty subject / topical areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigating policies.

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see Master EIR Table V-1-6, pages V-1-36 to V-1-39) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled (see Master EIR Tables V-1-7 through V-1-10, pages V-1-44 through V-1-45).

Cumulative Impacts

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also: Section 2, Air Quality and Greenhouse Gas Emissions; Section 3, Generation of Noise; Section 18, Energy; Section 19, Visual Resources; and, Section 20, Land Use and Planning).

b. Urban Area General Plan Mitigating Policies Applied to the Project

Traffic and Circulation-related mitigating policies pertinent to this project are found on Master EIR pages V-1-7 through V-1-30. All mitigating policies appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) that were not disclosed in the Master EIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following thresholds / criteria:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1. TRAFFIC AND CIRCULATION				
1) The proposed project would conflict with an applicable plan, ordinance or policy (including those within the Urban Area General Plan) establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system including, but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency, for designated facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment), or result in inadequate emergency access.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would result in projected Level of Service "D" or worse for non-exempt City of Modesto roadways, Caltrans facilities, and/or County of Stanislaus roadways.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1) The project proposes the rezone of 1.35 acres within the Baseline Urbanized Area from R-1 to Planned Development Zone P-D(346) to allow for the development of a 34-unit senior independent living apartment complex. The project was referred to Land Development Engineering, Traffic, who indicated no concerns with traffic volumes or impacts to alternative modes of transportation.
- (2) The project would not exceed a level of service standard established by the county congestion management agency (StanCOG).
- (3) The proposed project would not result in a change in air traffic patterns. The project is proposed to be single-story. The project site is not located within a safety zone as established by the Airport Land Use Commission. The nearest airport is the City-County Airport approximately 5.5 miles away to the southeast.
- (4) The proposed project would not substantially increase hazards due to a design feature. The project was referred to the Traffic Engineering Department, who indicated no concerns.
- (5) Traffic Staff have reviewed this proposal and indicated no issues with adopted plans for alternative transportation. A bus stop is located on Norwegian Avenue at the northeast corner of the site.
- (6) There are no significant changes in the level of service or the volume-capacity ratio as a result of the project, and therefore there are no significant cumulative (long-term) traffic impacts.

2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigating policies.

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_x), and increased carbon monoxide (CO) levels in the project area (see Master EIR Tables V-2-4 through V-2-6, pages V-2-40 through V-2-41).

Effect: Expected construction and development activities could result in increased emissions of particulate matter 10 microns or less (PM₁₀) and 2.5 microns or less in diameter (PM_{2.5}) (see Master EIR page V-2-31, "2. Significant Direct Impacts").

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO_x, PM₁₀, and PM_{2.5}.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Air quality-related mitigating policies that are relevant to the proposed project are found on pages V-2-8 through V-2-29 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate policies to be applied to this project include AQ-100, AQ-103, AQ-105, AQ-107 through AQ-110, and AQ-113 through AQ-116 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS				
1) The proposed project would be inconsistent with the air quality and greenhouse gas emissions policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would conflict with or obstruct implementation of the applicable air quality plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would violate any air quality standard or contribute substantially to existing or projected violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would expose sensitive receptors to substantial pollutant concentrations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6) The proposed project would create objectionable odors affecting a substantial number of people.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7) The proposed project would generate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.				
8) The proposed project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project proposes the rezone of 1.35 acres within the Baseline Urbanized Area from R-1 to Planned Development Zone P-D(346) to allow for the development of a 34-unit senior independent living apartment complex. The proposed project would not be inconsistent with the air quality and greenhouse gas emissions policies in the Urban Area General Plan.
- (2) The proposed project would not conflict with or obstruct implementation of the applicable air quality plan.
- (3) The proposed project is residential in nature and would not violate any air quality standard or contribute substantially to existing or projected violation.
- (4) The proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard.
- (5-6) The project is in proximity to a convalescent care facility; however, any impact by the project would be construction-related and at a less than significant level with application of the above mitigation measures.
- (7) The proposed project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- (8) The project would not exceed emissions thresholds established by the SJVUAPCD, and is consistent with the development standards for a residential use as established by the General Plan.

3. GENERATION OF NOISE AND VIBRATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise and vibration impacts expected after application of mitigating policies.

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development consistent with the Urban Area General Plan will exceed the City's noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see Master EIR Table V-3-9, pages V-3-28 through V-3-31).

Effect: New noise-generating land uses could produce noise levels that would exceed the City's noise thresholds of acceptability at sensitive receptors in the vicinity.

Effect: Construction noise would cause a temporary or periodic increase in noise exposure above ambient noise levels.

Effect: Demolition and construction activities may expose people to excessive vibration levels.

Cumulative Impacts

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Noise policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-3-18 through V-3-24 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate policies to be applied to this project include Noise-4 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the Master EIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of the proposed project's effects are based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
3. NOISE AND VIBRATION				
1) The proposed project is inconsistent with Urban Area General Plan noise and vibration policies and standards.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would generate excessive	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
ground-borne noise and/or vibration levels.				
3) The proposed project would result in a permanent increase of 3 dBA where any other noise threshold or standard would be exceeded, and/or 5 dBA where noise levels would otherwise fall within acceptable limits, in ambient noise levels in the project vicinity above levels existing without the project.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would result in a substantial temporary or periodic increase in ambient noise levels existing without the project.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) For a project located within an airport land use plan, or where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, the proposed project would result in exposure of people residing or working in the project area to excessive noise levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) For a project within the vicinity of a private airstrip, the proposed project would expose people residing or working in the project area to excessive noise levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) For new residential development within 200 feet of active rail lines, the proposed project would result in noise levels generated during train passbys that exceed 50 dBA Lmax inside bedrooms or 55 dBA Lmax inside other occupied areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The proposed project is not inconsistent with Urban Area General Plan noise and vibration policies and standards.
- (2-3) The project would not generate excessive ground-borne noise or vibration levels, or lead to a permanent increase in ambient noise level. The project is residential in nature with the development of 34 apartment units.
- (4) The project consists of the development of approximately 1.35 acres for a 34-unit senior independent living apartment complex. Any increase in noise would be construction-related and temporary, and less than significant impact with mitigation measures applied. The subsequent development would be required to adhere to the City's noise ordinance.
- (5) The site is not located within an airport land use plan, and is approximately 5.5 miles away from the nearest public airport.
- (6) The site is not within the vicinity of a private airstrip.

(7) The site is not within 200 feet of an active railroad line.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigating policies.

Direct Impacts

Effect: Development consistent with the Urban Area General Plan may convert up to approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,100 acres of urban development along a 350-foot wide 26-mile boundary between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to 2040.

b. Urban Area General Plan Mitigating Policies Pertinent to the Project

Agricultural land-related mitigating policies pertinent to the proposed project are found on pages V-4-4 to and V-4-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect(s) not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL RESOURCES				
1) The proposed project would be inconsistent with the Urban Area General Plan policies relating to agricultural resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would convert areas of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural uses, impair the agricultural productivity of prime agricultural land, or result in substantial pesticide overspray, dust, or noise at urban uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would conflict with existing zoning for agricultural use, or with a Williamson Act contract.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would conflict with existing zoning for, or cause rezoning of, forest land or timberland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would result in the loss of forest land or conversion of forest land to non-forest use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would involve other changes to the environment that could result in conversion of farmland or forest land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project site is a residential area within the Baseline Developed Area that is not in agricultural production, and is completely surrounded by urbanized area consisting of residential uses and the English Oaks Convalescent Care facility. The project would therefore not be inconsistent with the General Plan’s policies related to agricultural land.
- (2-3) The project site is not zoned for agricultural use, and no Williamson Act contract is in place on the property. The site is surrounded by urban area and would not cause the conversion of farmland to a non-agricultural use.
- (4-6) The project would not cause the rezoning of forest land or timberland. The project site is within an urbanized area not in the vicinity of any forest or timberland.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigating policies.

Direct Impacts

Effect: Implementation of the Urban Area General Plan could substantially deplete groundwater supply or interfere with recharge.

Effect: Implementation of the Urban Area General Plan could necessitate construction of new water treatment facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects.

Effect: Implementation of the Urban Area General Plan could necessitate expansion of existing water supply entitlements.

Cumulative Impacts

Effect: Groundwater withdrawals from both subbasins by the City, when combined with other users' withdrawals, may result in overdrafting.

Effect: Cumulative impacts resulting from construction of new water treatment facilities, or expansion of existing facilities, could cause significant environmental effects.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Water supply-related mitigating policies pertinent to the proposed project are found on pages V-5-11 through V-5-16 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
5. EFFECTS RELATIVE TO INCREASED DEMAND FOR LONG TERM WATER SUPPLIES				
1) The proposed project is inconsistent with the Urban Area General Plan policies relating to water supply.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
2) The proposed project would substantially deplete groundwater supply, interfere with groundwater recharge, result in water demand exceeds the capacity for recharge or that would contribute to overdraft of the groundwater basins.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would exceed existing water supply entitlements or require expansion of entitlements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the water supply policies in the General Plan.
- (2) The proposed project is consistent with the ground water demands assumed in the General Plan. The project would not have a significant effect on ground water recharge or depletion of long-term water supplies.
- (3-4) The project was referred to Land Development Engineering Staff who indicated no concerns with water supply to the project. The proposed development will not exceed estimates or water supplies needed to serve other entitlements and resources.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigating policies.

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in exceedance of wastewater treatment requirements of the Central Valley RWQCB.

Effect: Development resulting from implementation of the Urban Area General Plan may require or result in construction of new wastewater facilities, or the expansion of existing facilities, that could cause significant effects.

Effect: Development resulting from implementation of the Urban Area General Plan may result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the projected demand in addition to the provider’s existing commitments.

Cumulative Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in cumulative effects similar to those described under "direct Impacts," above.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Sewer service-related mitigating policies that are relevant to the proposed project are found on pages V-6-3 through V-6-7 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES				
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan, or would exceed wastewater treatment requirements of the Central Valley RWQCB.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would require or result in the construction of new wastewater facilities or the expansion of existing facilities, beyond those identified improvements needed to serve the proposed project, which would cause significant effects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the proposed project's projected demand in addition to the provider's existing commitments.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project consists of the development of approximately 1.35 acres for a senior independent living apartment complex of 34 residential units. The project would be consistent with the General Plan's policies relating to wastewater and conform to applicable City Zoning Codes and Standards.
- (2-3) The project would not generate sewage flows greater than estimates for a project of similar residential uses. The project was referred to Land Development Engineering, who indicated no concerns with the project.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plant habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring increased density / intensity for new development than has occurred in the past, or that is expected in the future, would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Wildlife and plant habitat-related mitigating policies that are pertinent to the proposed project are found on pages V-7-18 through V-7-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The applicable mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
7. LOSS OF PLANT AND WILDLIFE HABITAT				
1) The proposed project is inconsistent with the Urban Area General Plan policies related to loss of sensitive plant and wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special-status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption or other means.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project consists of the development of approximately 1.35 acres for a 34-unit apartment complex. The project would not be inconsistent with General Plan policies pertaining to wildlife and plant habitat.
- (2-5) The project site is located within the Baseline Developed Area of the City and is completely surrounded by developed urban area consisting of residential uses. It is not a biologically sensitive site as defined by Figure V-7-1 of the MEIR. The California Department of Fish and Game and the U.S. Fish and Wildlife Service were consulted in the production of the MEIR.
- (6-7) The project is not in conflict with any local policies or ordinances protecting biological resources, nor is in conflict with any adopted habitat conservation plan. The city does not have a heritage tree ordinance.

8. DISTURBANCE OF ARCHAEOLOGICAL / HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological / historical sites expected after application of mitigating policies.

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historically relevant resource, or the demolition of a listed or eligible historically relevant resource.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR. The Direct impact described above could also result in a significant cumulative impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Archaeological or historic resource-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The applicable mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the Master EIR discloses impacts on archaeological / historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
8. ARCHAEOLOGICAL / HISTORICAL SITES				
1) The proposed project is inconsistent with the Urban Area General Plan archaeological / historical resource policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would result in a modification that would result in a substantial adverse change in the significance of the resource or demolition of a listed or eligible historic resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would have an adverse effect on any structure more than 50 years old that has been determined to have historical significance per policy AH-8 as shown in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would involve the removal of known significant resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would result in an adverse impact to undiscovered archaeological and/or paleontological resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would cause a substantial adverse change to a tribal cultural resource, as defined by State law, that is listed (or is eligible for listing) in the California Register of Historical Resources (or a local register of historical resources), or that otherwise has potential significance to a California Native American Tribe, including human remains.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent with General Plan policies pertaining to archaeological or historic resources.
- (2-6) The project site consists of two residential lots each with an existing single-family residence, and is surrounded by single-family residential uses and the facilities of the English Oaks Convalescent Care center. One single-family residence is to be demolished as part of the project. The residence to be demolished was built in 1970; however, it has no known historical significance nor is eligible for listing as a historic resource.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: Existing drainage inadequacies, combined with the associated increase in impervious surface areas created by pavement and structures, have the potential to increase the rate or amount of runoff in a manner that could result in flooding in the urban area. Cumulative hydrologic impacts of storm water flows from Modesto’s urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Storm Drainage-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: SD-10, SD-12, SD-13 and SD-15 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MASTER EIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the Urban Area General Plan storm drainage policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in on- or off-site flooding.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) The proposed project would create or contribute runoff water that would exceed the capacity of existing or planned storm drainage systems or provide substantial additional sources of polluted runoff.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) Construction activities will comply with the requirements of the City’s Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board’s General Permit for Discharges of Storm Water Associated with Construction Activity. In addition, the City will ensure that new development complies with the City of Modesto’s Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures. These policies will be implemented as conditions of project approval.
- (2) The project is not located in an area that has a positive storm drainage system. The project will be required to manage storm water impacts on-site as required in accordance to current City Standards and its amendments, as a condition of approval.
- (3) The project will utilize low impact strategies and meet the standards contained in the “Guidance Manual for New Development-Storm Water Quality Control Measures.” This requirement will be implemented as a condition of project approval.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Flooding and Water Quality-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: FWQ-11, FWQ-13, FWQ-14 and FWQ-16 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
10. FLOODING AND WATER QUALITY				
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would place housing within a 100-year flood hazard area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would place structures within a 100-year floodplain as defined by FEMA.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would expose people or structures to a significant risk of loss, injury or death including flooding as a result of the failure of a levee or dam.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river that would result in flooding onsite or offsite.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would violate water quality standards, including groundwater standards administered by the SWRCB's DDW, standards for surface water quality such as the NPDES or waste discharge requirements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river in a manner that	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
would result in substantial erosion or siltation onsite or offsite.				
8) The proposed project would create or contribute runoff water that would provide substantial additional sources of polluted runoff or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The proposed project is consistent with the flooding and water quality policies in the Urban Area General Plan.
- (2-3) The project site is not within a 100-year flood hazard zone as established by the Federal Emergency Management Agency (FEMA) Flood Rate Insurance Map 06099C0325E dated September 26, 2008.
- (4) The site is not in the vicinity of a levee or dam. The nearest waterway is the Stanislaus River approximately 4 miles to the north.
- (5, 7) The project would not substantially alter the existing drainage pattern of the site, area or a watercourse in a manner that would result in erosion or siltation.
- (6) The project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures. This will be implemented as a condition of project approval.
- (8) The project is not located in an area that has a positive storm drainage system. The project will be required to manage storm water impacts on-site as required in accordance to current City Standards and its amendments, as a condition of approval.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Parks and open space-related mitigating policies that are pertinent to the proposed project are found on pages V-11-2 through V-11-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MASTER EIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE				
1) The proposed project is inconsistent with the Urban Area General Plan parks and open space policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would eliminate parks or open space.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would not provide at least three (3) total acres of parkland and open space per 1,000 people (one acre for neighborhood park facilities; two acres for community park facilities).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the parks and open space policies in the General Plan.
- (2) The project would not eliminate an existing park or designated open space.
- (3) The project consists of the development of 34 residential apartment units for senior independent living. The project would not be required to provide for additional park space.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts resulting from implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

Schools-related mitigating policies that are relevant to the proposed project can be found on pages V-12-3 through V-12-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
12. INCREASED DEMAND FOR SCHOOLS				
1) The proposed project is inconsistent with Urban Area General Plan school policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
2) The proposed project would result in new student population that exceeds the school system capacity, or if the project conflicts with established educational uses of the area, except to the limits established under SB50 / Proposition 1A as subsequently amended.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the policies relating to schools in the General Plan.
- (2) The project was referred to Modesto City Schools and the Stanislaus Union School District, who indicated no concerns with the project.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Police services-related mitigating policies that are pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigation to be applied to this project includes none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				
1) The proposed project is inconsistent with Urban Area General Plan policies relating to police service.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would result in development occurring in an area(s) that cannot be adequately served by existing or budgeted police personnel and facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the policies relating to police services in the General Plan.
- (2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Fire Services-related mitigating policies pertinent to the project being analyzed in this Initial Study are found on pages V-14-3 through V-14-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
14. INCREASED DEMAND FOR FIRE SERVICES				
1) The proposed project is inconsistent with Urban Area General Plan policies relating to fire service.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would result in any substantial adverse impact(s) associated with the need for – and/or provision of – new or physically altered fire service facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable response times.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the fire service policies in the General Plan.
- (2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Solid waste-related mitigating policies that are pertinent to the proposed project are found on pages V-15-4 through V-15-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
15. GENERATION OF SOLID WASTE				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The project would result in solid waste generation that exceeds the projected capacity of existing landfills and waste-reduction facilities, or if it would result in non-compliance with any federal, state or local statutes or regulations related to solid waste.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the solid waste policies in the General Plan.
- (2) This project was referred to the Solid Waste Division for review, who indicated no concerns over service to the project area.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Hazardous materials-related mitigating policies that are pertinent to the proposed project are found on pages V-16-5 through V-16-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: HM-3 and HM-8 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
16. HAZARDS AND HAZARDOUS MATERIALS				
1) The proposed project is inconsistent with the Urban Area General Plan hazards and hazardous materials policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
hazardous materials into the environment.				
3) The proposed project would result in hazardous materials emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, would result in a safety hazard for people residing or working in the project area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) For a project within the vicinity of a private airstrip, a safety hazard would result for people residing or working in the project area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8) The proposed project would expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the hazardous materials policies in the General Plan.
- (2-3) No hazardous materials will be involved with this project. The site is not within a quarter-mile of a school.
- (4) The project would not be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment.
- (5-6) The site is not within an airport land use plan nor in the vicinity of any airports or private airfields.
- (7) The project would not interfere with an adopted emergency response or evacuation plan.
- (8) The project site is not located near any wildland areas nor is at risk for wildland fire.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Geology, soils, and mineral resource-related mitigating policies that are pertinent to the proposed project are found on pages V-17-7 through V-17-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
17. GEOLOGY, SOILS, AND MINERAL RESOURCES				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would expose people or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
structures to potential substantial adverse effects including: the risk of loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; loss of topsoil; or, result in the loss of availability of known mineral resources that would be of value to the region and the state.				

Discussion:

- (1) The project is consistent with policies relating to geology, soils, and mineral resources in the General Plan.
- (2) The project would not be located on soil that is unstable, or that would become unstable as a result of the project. There are no known mineral resources of value to the region and the state on the property.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following energy-related mitigating policies that are pertinent to the proposed project are found on pages V-18-2 and V-18-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
18. ENERGY				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the energy policies in the General Plan.
- (2) The project would not result in energy consumption during construction, operation, maintenance or removal that is more wasteful, inefficient and unnecessary than assumed in the General Plan.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following visual resources-related mitigating policies pertinent to the proposed project are found on pages V-19-2 and V-19-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on visual resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
19. VISUAL RESOURCES				
1) The proposed project is inconsistent with the Urban Area General Plan visual resource policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would have a substantial adverse effect on a scenic vista.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would substantially damage scenic resources, including trees, rock outcrops, and/or historic buildings along a state scenic highway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would substantially degrade the existing visual character or quality of the site and its surroundings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would create a new source of substantial light or glare that would adversely affect daytime or nighttime views.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would substantially degrade views from riverside areas and parks.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would substantially degrade views of riverside areas from public roadways and/or nearby properties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the policies relating the visual resources in the General Plan.
- (2) The project would not have an adverse impact on a scenic vista. The site is located within the Baseline Urbanized Area of the City and is surrounded by urban uses.

- (3-4) The project would not impact scenic resources, nor degrade the existing visual character or quality of the site and its surroundings.
- (5) The project would not cause substantial light or glare.
- (6) The project would not impact views from riverside areas and parks.
- (7) The project would not impact views of riverside areas from roadways or nearby properties.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following land use and planning-related mitigating policies pertinent to the proposed project are found on pages V-20-5 through V-20-12 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent the Urban Area General Plan land use and planning policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is designated as Residential (R) in the General Plan, which allows for residential uses. The project is consistent with the current General Plan Land Use Designation, and therefore is consistent with land use and planning policies in the General Plan.
- (2) The project would not divide an established community. The surrounding area is developed with residential uses and is adjacent to the facilities of the English Oaks Convalescent Care center. The proposed subdivision is consistent with the surrounding uses and would not divide existing neighborhood.
- (3) The project does not conflict with the land use plan, policies and regulations of the City of Modesto designed to mitigate project impacts.
- (4) The project does not conflict with applicable habitat conservation plans or natural community conservation plans.

V. APPLICABLE URBAN AREA GENERAL PLAN MITIGATING POLICIES

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project, then Section A, below, applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration or Focused EIR must be prepared for the project, then Section B, below, applies.

A. Urban Area General Plan Mitigating Policies Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigating policies from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies that mitigate impacts shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate

document or plan. All applicable and appropriate mitigating policies have been applied to the project (listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect:

Traffic and Circulation:

NA

Air Quality and Greenhouse Gases:

AQ-100. Reduce particulate emissions from construction, grading, excavation, and demolition to the maximum extent feasible in accordance with the requirements of SJVAPCD Regulation VIII. Regulation VIII was adopted to reduce the amount of particulate matter suspended in the atmosphere as a result of emissions generated from anthropogenic (man-made) fugitive dust sources. (Policy VII.H.2.jj)

AQ-103. Effectively stabilize dust emissions using water, chemical stabilizer / suppressant, cover with a tarp or other suitable cover or vegetative ground cover, all disturbed areas, including storage piles, which are not being actively utilized for construction purposes. (Policy VII.H.2.mm)

AQ-105. Effectively control fugitive dust emissions utilizing application of water or by presoaking all land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities. (Policy VII.H.2.oo)

AQ-107. When materials are transported off site, cover all materials, or effectively wet them to limit visible dust emissions, and maintain at least six inches of freeboard from top of container. (Policy VII.H.2.qq)

AQ-108. Limit operations or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) (Policy VII.H.2.rr)

AQ-109. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, effectively stabilize said piles for fugitive dust emissions utilizing sufficient water or chemical stabilizer / suppressant. (Policy VII.H.2.ss)

AQ-110. Within urban areas, immediately remove trackout when it extends 50 or more feet from the site and at the end of each workday. (Policy VII.H.2.tt)

AQ-113. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%). (Policy VII.H.2.ww)

AQ-114. Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (Policy VII.H.2.xx)

AQ-115. Install wind breaks at windward side(s) of construction areas. (Policy VII.H.2.yy)

AQ-116. Suspend excavation and grading activity when winds exceed 20 mph (regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limit). (Policy VII.H.2.zz)

Generation of Noise and Vibration:

Noise-4. Implement noise-reducing construction practices as conditions of approval where substantial construction-related noise impacts would be likely to occur, such as with extended periods of pile driving, or where construction is expected to continue or where sensitive receptors would be affected by construction noise. Conditions of approval may include, but are not limited to:

- Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;
- Require impact tools to be equipped with shrouds or shields;
- Require that the quietest equipment available be used; and,
- Require selection of haul routes that affect the fewest number of people. (Policy VII-G.3.b)

Effects on Agricultural Lands:

NA

Increased Demand for Long-Term Water Supplies:

NA

Increased Demand for Sanitary Sewer Services:

NA

Loss of Sensitive Wildlife and Plant Habitat:

NA

Disturbance of Archaeological / Historic Sites:

NA

Increased Demand for Storm Drainage:

SD-10. Construction activities shall comply with the requirements of the City's Stormwater Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)

SD-12. Ensure that new development complies with the City of Modesto's *Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures*. (Policy VI.G.5)

SD-13. Require new development to implement an appropriate selection of permanent pollution control measures in accordance with the City's implementation policies for the municipal NPDES stormwater permit. (Policy VI.G.6)

SD-15. Integrate Low Impact Development principles into proposed development projects' design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered small-scale hydrologic devices. In designing development projects, minimize the amount of impervious surface in order to maximize on-site infiltration of stormwater runoff and minimize the potential for storm water runoff from the site. (Policy VI.G.8)

Flooding and Water Quality:

FWQ-11. Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)

FWQ-13. Ensure that new development complies with the City of Modesto's Stormwater Management Program: *Guidance Manual for New Development Stormwater Quality Control Measures*. (Policy VI.G.5)

FWQ-14. Require new development to implement an appropriate selection of permanent pollution control measures in accordance with the City's implementation policies for the municipal NPDES stormwater permit. (Policy VI.G.6)

FWQ-16. Integrate Low Impact Development principles into proposed development projects' design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered small-scale hydrologic devices. In designing development projects, minimize the amount of impervious surface in order to maximize on-site infiltration of stormwater runoff and minimize the potential for storm water runoff from the site. (Policy VI.G.8)

Increased Demand for Parks and Open Space:

NA

Increased Demand for Schools:

NA

Increased Demand for Police Services:

NA

Increased Demand for Fire Services:

NA

Generation of Solid Waste:

NA

Generation of Hazardous Materials:

HM-3. Comply with all existing federal and state laws which regulate the generation, transportation, storage, and disposal of hazardous materials. (Policy VI.M.1)

HM-8. Applicants for building permits should determine that a site containing or formerly containing residences or farm buildings / structures has been fully investigated for the presence of hazardous materials or wastes prior to issuance of the permit. Investigation should consist of, at minimum, a Phase I environmental site assessment and a Phase II site assessment, if found necessary as a result of the Phase I assessment. The findings of the site assessment should be reported to the City and the County's Department of Environmental Resources. The appropriate remediation should occur prior to final occupancy of the approved development. (Policy VI.M.6)

Geology, Soils, and Mineral Resources:

NA

Energy:

NA

Effects on Visual Resources:

NA

Land Use and Planning:

NA

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-358**

RESOLUTION APPROVING THE ANNUAL RATE ADJUSTMENT TO THE MAXIMUM RATE SCHEDULE FOR CITY SOLID WASTE COLLECTION SERVICES PROVIDED BY THE GARBAGE HAULERS, FOR AN INCREASE OF \$1.11 PER MONTH FOR RESIDENTIAL SERVICES, A DECREASE OF \$1.42 PER CUBIC YARD PER MONTH FOR COMMERCIAL SERVICES, AND AN INCREASE OF \$25.27 PER PULL FOR INDUSTRIAL SERVICES TO BECOME EFFECTIVE OCTOBER 1, 2020, AND RESCINDING RESOLUTION NO. 2019-323 FOR THE JULY 1, 2019 ANNUAL RATE ADJUSTMENT

WHEREAS, with the adoption of Ordinance No. 3068-C.S. in November of 1997, the City no longer sets rates for the collection of garbage in Modesto, and instead performs a comprehensive review of cost information submitted by the contract garbage haulers, and

WHEREAS, the City sets the maximum rate that the haulers may charge for the various types of services provided under the contracts based on cost data provided by the lowest cost hauler, and

WHEREAS, Section f (2) of the City's Service Agreements with its solid waste collectors requires that when the City makes adjustments to the collection services provided under the Agreements, any additional costs should be covered by adjustments to the maximum rates, and

WHEREAS, in addition, maximum rates for solid waste collection services are reviewed annually as per the Agreements with the City's garbage collection companies, and

WHEREAS, on July 2, 2019 by Resolution No. 2019-323, Council approved the annual rate adjustment to the Maximum Rate Schedule for Solid Waste Services based on an analysis conducted by staff utilizing the haulers FY 17/18 audited financial statements,

and thereby setting the maximum residential rate to \$35.32 per month, the maximum commercial rate to \$48.83 for one cubic yard picked up once weekly, and the maximum pick-up for industrial drop boxes and roll-off compactors at \$411.21 per pick up, to become effective July 1, 2019, and

WHEREAS, due to COVID-19 and the uncertainties the City was experiencing, the review of the FY 18/19 haulers' audited financials was delayed and did not occur by July 1, 2020, and

WHEREAS, during the Solid Waste Rate Study it was determined that residential, commercial, and industrial customers should be contributing fees based on the allocation of waste combined with the number of customers from each sector, and

WHEREAS, the allocation for FY 18/19 is 47.58% residential, 24.46% commercial, and 27.96% industrial, and

WHEREAS, the residential allocation decreased slightly and the commercial and industrial allocations increased slightly as compared to FY 17/18, and

WHEREAS, these percentage allocations were then utilized in applying fees accordingly, and

WHEREAS, to keep enterprise revenues in line with the increases in expenses each year, staff applied a Consumer Price Index (CPI) adjustment of 2.8% to the Recycling and Green Waste Diversion Program Fees, and

WHEREAS, the current maximum monthly rate for standard residential service is \$35.52 per household per month, and

WHEREAS, based on the cost structure of the lowest cost hauler, the FY 18/19 audited financial statements, and the rate analysis conducted by staff, an \$1.11 increase in

the maximum residential rate is recommended for a new maximum residential rate of \$36.63, to be effective October 1, 2020, and

WHEREAS, the current base maximum rate for commercial detachable container service is \$48.83 for one-cubic yard picked up once weekly per month, and

WHEREAS, based on the cost structure of the lowest cost hauler, the FY 18/19 audited financial statements, and the rate analysis conducted by staff, a \$1.42 decrease in the base maximum commercial rate is recommended for a new maximum rate for commercial detachable container service of \$47.41 for one-cubic yard picked up once weekly per month, to be effective October 1, 2020, and

WHEREAS, the maximum rates for industrial drop boxes and roll-off compactors are set for the pickup charge and daily rental rate only, and

WHEREAS, the actual disposal charge is negotiated directly between the garbage collection company and the customer, and

WHEREAS, the current maximum rate per pick-up is \$411.21, however, based on the cost structure of the lowest cost hauler utilizing the FY 18/19 audited financial statements and analysis conducted by staff, a \$25.27 increase in the maximum rate per pick-up is recommended for a new rate of \$436.48 per pick-up, to be effective October 1, 2020, and

WHEREAS, it was found and determined by the Council of the City of Modesto that the existing schedules of rates and charges for garbage service in the City of Modesto should be revised as recommended, and

WHEREAS, the fiscal impact related to the proposed adjustments for residential, commercial and industrial garbage and recycling services will increase revenue over the

next nine months of the fiscal year to the Carpenter Road Landfill Fund by \$61,867, the Geer Road Landfill Fund by \$1,182, the Green Waste Fund by \$139,236, the Solid Waste Fund by \$12,867, the General Fund by \$90,669, the Streets Fund by \$44,658, and the Compost Fund by \$112,800.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Maximum Charges for Garbage Services provided by the garbage haulers, as **attached** hereto as **Attachment A**, dated October 1, 2020, and incorporated herein by reference. Said Maximum Charges for Garbage Service shall include all other services as stipulated in the Service Agreements and shall become effective October 1, 2020 and shall remain in effect until revised or rescinded by Council.

BE IT FURTHER RESOLVED, that Resolution No. 2019-323 for the July 1, 2019 annual rate adjustment is hereby rescinded effective October 1, 2020.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

ATTACHMENT A

MAXIMUM CHARGES FOR GARBAGE SERVICE - OCTOBER 1, 2020

STANDARD CONTAINERS - Maximum Monthly Rate

Standard container service includes the following:

- 1 container for garbage and 1 container for organics waste recycling picked up once a week
- 2 bulky item collections per year by appointment
- City tree maintenance; collection & composting of green waste and forestry materials
- Removal of illegally dumped items in streets and alleys
- Drop off program for household hazardous waste

Base Rate	\$ 30.62
Recycling Fee	\$ 0.41
Green Waste Fee	\$ 4.98
Carpenter Rd Landfill Fee	\$ 0.48
Geer Rd Landfill Fee	\$ 0.14
MAXIMUM MONTHLY RATE	\$ 36.63

Additional Garbage Container - \$ 13.00 each per month picked up once a week

Additional Organics Container - \$8.00 each per month picked up once a week

*Containers must be placed in a location set forth in Section 5-5.111 of the MMC.

DETACHABLE CONTAINERS - Maximum Monthly Rate

Weekly rental for Detachable Containers shall not exceed the rate for 1 pick-up per week for each size container.

Base Rate	\$ 35.36
Recycling Fee	\$ 0.70
Green Waste Fee	\$ 9.71
Litter Abatement	\$ 0.57
Carpenter Rd Landfill Fee	\$ 0.83
Geer Rd Landfill Fee	\$ 0.24
MAXIMUM RATE 1 CU YD	\$ 47.41

Container Size	Regular Container Maximum Rates					
	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
1 CY	\$47.41	\$94.82	\$142.23	\$189.64	\$237.05	\$284.46
2 CY	\$94.82	\$189.64	\$284.46	\$379.28	\$474.10	\$568.92
3 CY	\$142.23	\$284.46	\$426.69	\$568.92	\$711.15	\$853.38
4 CY	\$189.64	\$379.28	\$568.92	\$758.56	\$948.20	\$1,137.84
5 CY	\$237.05	\$474.10	\$711.15	\$948.20	\$1,185.25	\$1,422.30
6 CY	\$284.46	\$568.92	\$853.38	\$1,137.84	\$1,422.30	\$1,706.76

****Residential and Commercial Fuel Component adjustments** - The fuel component is set annually as part of the base cost. It is reviewed quarterly and adjustments shall be made as needed. The adjustment shall be based on the average price of fuel for a preceding quarter as follows: July 1/January-March; October 1/April-June; January 1/July-September; April 1/October-December. Average prices shall be determined based on published prices for California from the Department of Energy, Energy Information Agency and a fuel factor based on the haulers' audited financials at annual rate review each year.

DROP BOX CONTAINERS – Maximum Rate Per Pick-Up

Actual disposal charges are paid and negotiated directly between the customer and the garbage company. The garbage company will provide up to 40CY Drop Box containers for stated charges subject only to load limit of transfer vehicle. An AB 939 Green Waste Diversion Fee of \$17.96 per ton is added to the disposal charges.

Base Rate	\$ 375.68
Recycling Fee	\$ 24.15
Carpenter Rd Landfill Fee	\$ 28.50
Geer Rd Landfill Fee	\$ 8.15
MAXIMUM RATE PER PICK-UP	\$ 436.48

Rental Fees

\$0.85 per day up to 7-day maximum rental
 \$3.00 per day for boxes kept 7 or more days without servicing
 \$10.00 per day for boxes kept 21 or more days without servicing

COMPACTORS – Maximum Monthly Rate

Front Loader Compactors

Compactor Rates						
Container	NUMBER OF COLLECTIONS PER WEEK					
Size	1	2	3	4	5	6
3 CY	\$426.69	\$853.38	\$1,280.07	\$1,706.76	\$2,133.45	\$2,560.14
4 CY	\$568.92	\$1,137.84	\$1,706.76	\$2,275.68	\$2,844.60	\$3,413.52
6 CY	\$853.38	\$1,706.76	\$2,560.14	\$3,413.52	\$4,266.90	\$5,120.28

Roll-Off Compactors

- 6CY to 40CY \$436.48 per pick-up
- Hospital waste compactors \$265.00 per pick-up
- Washing compactor \$30.00
- Disposal Charge Actual charge to be paid by customer
- AB939 Green Waste Diversion Fee \$17.96 per ton

EXTRA PICKUPS

Standard containers or equivalent \$3.50 plus \$2.30/container
 Detachable containers \$12.00 plus \$4.15/cubic yard

SPECIAL SERVICE CONDITIONS

In situations where none of the above maximum rates reasonably apply, the cost of service is to be negotiated between the garbage company and the customer.

**DETACHABLE CONTAINER ONLY
 REPLACEMENT AND CLEANING SERVICE**

1 CY	1½ CY	2 CY	3 CY	4 CY	5 CY	6 CY
\$10.12	\$11.00	\$12.10	\$15.40	\$20.24	\$25.08	\$29.92

NOTATION: Pursuant to Section 11-6.16(c)(2) of the Modesto Municipal Code, the garbage company may require a deposit equivalent to two months service charge from customers prior to beginning service. The deposit will be credited back to the customer after 18 months under specified conditions.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-359**

RESOLUTION INCREASING THE COMPOST FACILITY TIP FEE FROM \$27.59 PER TON TO \$30.35 PER TON AND THE GREEN WASTE DIVERSION TIP FEE FROM \$15.36 PER TON TO \$16.90 PER TON TO BECOME EFFECTIVE OCTOBER 1, 2020, AND RESCINDING RESOLUTION NO. 2016-308

WHEREAS, the City of Modesto owns and operates a compost facility, Modesto Composting, located at the Wastewater Treatment Facility on Jennings Road, and

WHEREAS, composting is a critical component of the City's solid waste diversion programs, and without it the City would be unable to meet the AB 939 50% diversion rate, the AB 341 75% statewide diversion goal, the AB 1826 mandatory organics recycling mandate, or the SB 1383 all organics recycling legislation, and

WHEREAS, since the facility opened, it has processed more than 1,100,000 tons of materials and has saved ratepayers approximately \$7,000,000 by keeping this material out of more costly disposal facilities, and

WHEREAS, on July 13, 2004, by Resolution No. 2004-367, Council authorized the creation of a separate Compost Enterprise Fund and established tip fees for materials received, and

WHEREAS, a combination of tip fees for residential green waste/organics, forestry/green waste, biosolids, and revenues from the sale of the compost and co-compost products is used to offset operations costs, and

WHEREAS, on August 12, 2008, by Resolution No. 2008-483, the City Council set a tip fee of \$20.35 per ton for green waste/organics and \$6.50 per ton for City forestry/green waste and \$18.71 for biosolids, and

WHEREAS, on July 12, 2016, by Resolution No. 2016-308 Council set a new tip fee of \$26.00 per ton for green waste/organics, and \$15 per ton for City forestry/green waste, and

WHEREAS, in 2018, the City conducted a Solid Waste Rate Study and on June 12th, 2018 by Resolution No. 2018-240, Council approved increasing the tip fees by the Consumer Price Index (CPI) annually, and

WHEREAS, the current tip fee is \$27.59 per ton for green waste/organics, and \$15.36 per ton for City forestry/green waste, it is not sufficient to meet the needs of the facility and the costs to repair equipment, keep the infrastructure in permit compliance, and keep up with mandatory expenditures such as personnel, fleet, ISF charges, and regulatory requirements, and

WHEREAS, sales of compost have been declining over the past five years due to the heavy contamination of glass and plastics in the finished product, and now an oversaturated market of businesses selling compost, and

WHEREAS, the compost facility revenues are not predicted to meet the expenditures over the next five years and steady increases will be needed to continue operations, and

WHEREAS, a public hearing of the City Council was held at 5:30 p.m. on September 1, 2020, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, during which this matter was discussed and at which time evidence, both oral and documentary, was received and heard by Council, and

WHEREAS, it was found and determined by Council that the tip fees at Modesto Composting should be revised as recommended.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that the tip fees at Modesto Composting will be raised by 10%, which includes the CPI adjustments, at \$30.35 per ton for green waste/organics, and \$16.90 per ton for City forestry/green waste, and shall become effective October 1, 2020 and shall remain in effect until revised by Council.

BE IT FURTHER RESOLVED that Resolution No. 2016-308 is hereby rescinded effective October 1, 2020.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-360**

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$110,000,000 PRINCIPAL AMOUNT OF WASTEWATER REVENUE REFUNDING BONDS, SERIES 2020, AUTHORIZING AND DIRECTING EXECUTION OF A FIFTH SUPPLEMENTAL WASTEWATER REVENUE BOND INDENTURE PURSUANT TO WHICH SUCH BONDS ARE ISSUED, APPROVING A BOND PURCHASING AGREEMENT, AN OFFICIAL STATEMENT AND A CONTINUING DISCLOSURE AGREEMENT, AND AUTHORIZING OTHER OFFICIAL ACTION

WHEREAS, the City of Modesto is a charter city and a municipal corporation organized and existing under the laws of the State of California (the “City”); and

WHEREAS, pursuant to Section 200 of the Charter of the City of Modesto and 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 is authorized to issue revenue bonds to finance the acquisition, construction, improvement, furnishing, equipping, remodeling, repair, reconstruction or rehabilitation of the wastewater treatment facilities of the City (the “Enterprise”) or for the purpose of refunding bonds issued for such purposes; and

WHEREAS, the City has entered into a Wastewater Revenue Bond Indenture, dated as of April 1, 2005 (the “Master Indenture”), between the City and The Bank of New York Mellon Trust Company, N.A., as successor trustee (the “Trustee”) to U.S. Bank National Association, providing for the issuance of wastewater revenue bonds thereunder and for the pledge of and first claim on the Net Revenues of the Wastewater System (as defined in the Master Indenture), which are held by the City in the Sewer Enterprise Fund established under the Master Indenture, to the payment of bonds and parity obligations issued thereunder; and

WHEREAS, in accordance with the Bond Law and the Master Indenture, as supplemented by a First Supplemental Indenture, dated as of April 1, 2005 (the “First Supplemental Indenture”), a Second Supplemental Indenture, dated as of April 1, 2005 (the “Second Supplemental Indenture”), a Third Supplemental Indenture, dated as of December 1, 2006 (the “Third Supplemental Indenture”) and a Fourth Supplemental Indenture, dated as of April 1, 2018 (the “Fourth Supplemental Indenture,” and together with the Master Indenture, the First Supplemental Indenture, the Second Supplemental Indenture and the Third Supplemental Indenture, the “Indenture”), each by and between the City and the Trustee, the City has previously issued its City of Modesto, California Wastewater Revenue Refunding Bonds, Series 2005A (the “Series 2005A Bonds”), its City of Modesto, California Wastewater Revenue Refunding Bonds, Series 2005B (Taxable) (“Series 2005B Bonds”) its City of Modesto, California Wastewater Revenue Bonds, Series 2006A (the “Series 2006 Bonds”) and its City of Modesto, California Wastewater Revenue Refunding Bonds, Series 2018A (Series 2018A Bonds”); and

WHEREAS, the Series 2005A Bonds, the Series 2005B Bonds and the Series 2006A Bonds matured, were paid timely or were redeemed prior to maturity and are no longer outstanding; and

WHEREAS, the Indenture provides that the City may issue any indebtedness, installment sale obligation, lease obligation or other obligation of the City for borrowed money having an equal lien and charge upon the Net Revenues, therefore payable on a parity with the Prior Bonds (whether or not any Bonds are Outstanding under the Indenture) (“Parity Debt”), from time to time in accordance with the terms of the Indenture; and

WHEREAS, the City previously incurred an obligation (the “2011 State Loan”), pursuant to a Project Finance Agreement, dated as of August 26, 2011, as amended, by and between the State Water Resources Control Board, an administrative and regulatory agency of the State of California (the “SWRCB”), and the City, which 2011 State Loan constitutes Parity Debt pursuant to Section 3.05(c) of the Indenture; and

WHEREAS, the City previously issued a bond (the “Series 2015 Bond”), pursuant to a Bond Purchase Agreement, dated as of October 30, 2015, among the City, Capital One Public Funding, LLC, and The Bank of New York Mellon Trust Company, N.A., as paying agent, which Series 2015 Bond constitutes Parity Debt pursuant to Section 3.05(c) of the Indenture, and which refunded all of the Series 2005A Bonds and the November 1, 2023 and 2024 maturities of the Series 2006 Bonds; and

WHEREAS, the City previously incurred an obligation (the “2016 State Loan”), pursuant to a Project Finance Agreement, dated as of June 8, 2016, by and between the SWRCB and the City, which 2016 State Loan constitutes Parity Debt pursuant to Section 3.05(c) of the Indenture; and

WHEREAS, the Indenture provides that the City may issue bonds from time to time as authorized by a supplemental indenture; and

WHEREAS, the City has determined that it is desirable and necessary and in the best interest of the City to authorize an additional series of wastewater revenue bonds in order to provide moneys to refund the 2011 State Loan, in a principal amount not to exceed \$110,000,000, to be designated “City of Modesto, California Wastewater Revenue Refunding Bonds, Series 2020 (Federally Taxable)” (the “Series 2020 Bonds”),

to be issued pursuant to the Indenture, as supplemented and amended by the Fifth Supplement (defined below); and

WHEREAS the Series 2020 Bonds are proposed to be sold to BofA Securities, Inc., Citigroup Global Markets Inc., and J.P. Morgan Securities LLC (collectively, the “Underwriters”) pursuant to the Bond Purchase Agreement described below; and

WHEREAS, it is proposed that the City execute and deliver the Continuing Disclosure Agreement described below to allow the Underwriters to comply with Rule 15c2-12(b)(5) of the Securities Exchange Act of 1934; and

WHEREAS, it is proposed that the City deem final for purposes of Rule 15c(2)-12 of the Securities Exchange Act of 1934, as amended, a Preliminary Official Statement (the “Preliminary Official Statement”) and to execute and deliver a final Official Statement (the “Official Statement”) and to authorize the distribution of the Preliminary Official Statement to prospective purchasers of the Series 2020 Bonds and the Official Statement to the actual purchasers of the Series 2020 Bonds; and

WHEREAS, The Bank of New York Mellon Trust Company, N.A. serves as Trustee and

WHEREAS, the forms of the Preliminary Official Statement, the Bond Purchase Agreement, the Continuing Disclosure Agreement and the Fifth Supplement are on file with the City Clerk; 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 2020 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 2020 Bonds for the purpose, in the manner and upon the terms herein provided.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

1. Recitals. The above recitals are true and correct.
2. Approval of Series 2020 Bonds. The City Council hereby authorizes the issuance of its Wastewater Revenue Bonds, Series 2020 (Federally Taxable) in an aggregate principal amount not to exceed \$110,000,000.
3. Fifth Supplement; Form of Series 2020 Bonds. The City Council hereby approves the form of the Fifth Supplemental Wastewater Revenue Bond Indenture (the “Fifth Supplement”) by and between 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 Norton Rose Fulbright US LLP, Bond Counsel, or by the authorized officer executing the same, whose execution thereof shall be conclusive evidence of such officer’s approval of any such additions and changes. Each of the Mayor, the City Manager or the Finance Director, or any duly authorized designee of any of such officers (each, an Authorized Officer”), acting singly, is authorized and directed to execute, and the City Clerk is authorized and directed to attest to said signature on, the final form of the Fifth Supplement for and in the name and on behalf of the City. The City hereby

authorizes the delivery and performance of the Fifth Supplement. The proposed form of the Series 2020 Bonds as set forth in the Fifth Supplement is hereby approved and any Authorized Officer, acting singly, is hereby authorized and directed to execute for and on behalf of the City the Series 2020 Bonds in substantially such forms and the City Clerk is authorized and directed to attest to said signature on the Series 2020 Bonds, and the Trustee is hereby authorized and directed to authenticate and deliver the Series 2020 Bonds to the Underwriters in accordance with the Fifth Supplement and the Bond Purchase Agreement approved herein, subject to the limitations set forth in Section 4 hereof.

4. Bond Purchase Agreement. The City Council hereby approves the form of the Bond Purchase Agreement (the “Bond Purchase Agreement”) by and between the City and BofA Securities as representative of the Underwriters in substantially the form on file with the City Clerk together with any additions thereto or changes, therein deemed necessary or advisable by Bond Counsel, or by the Authorized Officer executing the same, whose execution thereof shall be conclusive evidence of such Authorized Officer’s approval of any such additions and changes; provided, however, that the Underwriter’s discount shall not exceed 0.5% of the principal amount of the Series 2020 Bonds, the net present value savings resulting from the issuance of the Series 2020 Bonds shall be no less than 3% of the principal amount of the 2011 State Loan being refunded, and the final maturity of the Series 2020 Bonds shall be not later than November 1, 2036. Each Authorized Officer, acting singly, is authorized and directed to execute the final form of the Bond Purchase Agreement for and in the name and on behalf of the City. The City hereby authorizes the delivery and performance of the Bond Purchase Agreement.

5. Official Statement. The City Council hereby approves the form of preliminary official statement of the City relating to the Series 2020 Bonds (the “Preliminary Official Statement”) in substantially the form on file with the City Clerk. Each Authorized Officer, acting singly, is authorized to certify that the Preliminary Official Statement, with such changes therein as the Authorized Officer so certifying 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. Each Authorized Officer, acting singly, is 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 Series 2020 Bonds) as such Authorized Officer, acting singly, shall approve after consultation with Bond Counsel, such approval to be evidenced by the execution and delivery thereof. The Underwriters are authorized to distribute copies of the Preliminary Official Statement to persons who may be interested in the purchase of the Series 2020 Bonds, and the Underwriter is directed to deliver copies of any final official statement to all actual purchasers of the Series 2020 Bonds.

6. Continuing Disclosure Agreement. The City Council hereby approves the form of the Continuing Disclosure Agreement (the “Continuing Disclosure Agreement”) by and between the City and Digital Assurance Certification, L.L.C. in substantially the form on file with the City Clerk together with any additions thereto or changes therein deemed necessary or advisable by Bond Counsel, or by the Authorized Officer executing the same, whose execution thereof shall be conclusive evidence of such Authorized Officer’s approval of any such additions and changes. Each Authorized Officer, acting

singly, is 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.

7. Other Actions. All actions heretofore taken by the officers and agents of the City with respect to the issuance of the Series 2020 Bonds are hereby approved, confirmed and ratified. Each Authorized Officer 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 Indenture if an Authorized Officer, upon the advice of PFM Financial Advisors LLC, Municipal Advisor, determines that such policy, bond or agreement will result in debt service savings 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 Series 2020 Bonds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 2020, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-361**

**RESOLUTION APPROVING THE APPOINTMENT OF DEWEY BEDFORD,
OMAR SILVA, KYLE FLIFLET, AND BETH GARCIA TO THE CITIZEN'S
HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE WITH A
TERM EXPIRATION DATE OF JANUARY 1, 2024**

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, Dewey Bedford, Omar Silva, Kyle Fliflet, and Beth Garcia. meet the requirements of the position and is willing to serve on the Citizens Housing and Community Development Committee, and

WHEREAS, the Appointments Committee met on August 6, 2020, and recommended appointment of Dewey Bedford, Omar Silva, Kyle Fliflet, and Beth Garcia to the Citizens Housing and Community Development Committee.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby appoints Dewey Bedford, Omar Silva, Kyle Fliflet, and Beth Garcia are hereby appointed to the Modesto Citizens Housing and Community Development Committee with a term expiration of January 1, 2024.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto 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 8th day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-362**

**RESOLUTION APPROVING THE AMENDED CONFLICT OF INTEREST
CODE FOR THE CITY OF MODESTO; AND RESCINDING RESOLUTION NO.
2018-383**

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a Conflict of Interest Code; and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/ departments which have adopted a Conflict of Interest Code; and

WHEREAS, the Political Reform act requires every local government agency to review its Conflict of Interest Code on a biennial basis to determine if it is accurate or, alternatively, the need for amendment; and

WHEREAS, pursuant to Government Code Section 82011, the Council is the Conflict of Interest Code reviewing body for agencies, boards, and commissions of the City of Modesto; and

WHEREAS, the Council, at its meeting of September 8, 2020, considered the adoption of the Amended Conflict of Interest Code for the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amended Conflict of Interest Code for the City of Modesto **attached** hereto.

BE IT FURTHER RESOLVED that Resolution No. 2018-383, adopted by the City Council is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-363**

**RESOLUTION APPROVING AN UPDATE TO THE RECORDS RETENTION
POLICY**

WHEREAS, the City's existing record retention policy was adopted in 1994; and

WHEREAS, to address the growing number of records retained on and off-site, and to bring the policy into compliance with new laws and technologies, the City has developed the proposed update to its Record Retention Policy; and

WHEREAS, the proposed update is designed to create and maintain a sound records management system that will aid staff in completing work, facilitate the public's access to public records, and facilitate the efficient operation of the City; and

WHEREAS, the proposed update also provides tools to assist the City with maintaining an efficient and economical record management system, as well as updating its practices to keep up with changes in technology and business needs of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an update to the Records Retention Policy, as provided in **Exhibit A attached** hereto and incorporated herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki


ATTEST:


STÉPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

CITY OF MODESTO

RECORDS RETENTION PROGRAM AND POLICY

September 8, 2020



MODESTO
C A L I F O R N I A

Introduction

A sound records management system provides many benefits to City, staff, and the public who have a right to examine the City's records. This document is intended to facilitate reference to and preservation of City records, and consists of record organization, indexing, selection, retention, destruction, and permanent storage. The Record Management Program shall create a system by which records are easily accessible, aid staff in completing their work, and do not adversely impact City storage resources. Each City employee plays an active role in the Records Management Program. An effective records management system and process will facilitate the efficient operation of the City. The goal of the Program is to create the ability to provide the right record, to the right person, in an efficient amount of time and at the lowest possible cost.

Records Management Program

Authority

The City of Modesto adopted a revised Records Retention Schedule by Resolution No. 1995-048; 1995. This Resolution has been superseded by Resolution No. xxxxx.

In addition to the City's own established policies on records management, the City is obligated to ensure that it is in compliance with local, state, and federal mandates that provide direction to the City regarding record retention.

In 1968, the California Legislature passed the California Public Records Act (Government Code §6250 *et seq.*) which was modeled after the federal Freedom of Information Act (FOIA), and outlines which government records are subject to public disclosure.

In 1999, the Legislature added Section 12236 to the Government Code, which states in Section 12236 (a) that, "[t]he Secretary of State shall establish the Local Government Records Program to be administered by the State Archives to establish guidelines for local government retention and to provide archival support to local agencies in this state." The program was established, with the assistance of the City Clerks Association of California in 1999, and is overseen by the California State Archives.

Purpose and Objectives

The purpose of the Records Management Program is to control creation, utilization, maintenance, retention, preservation, and disposition of City records pursuant to the City's Records Management Manual and Retention Schedules.

Under the supervision and administration of the City Clerk and City Attorney, a Records Management Program is established for the orderly storage of inactive departmental records which must be retained for administrative, operations, legal, fiscal or research purposes. This program will:

- Reduce administrative expenses, expedite procedures;
- Reduce the volume of records stored;

- Eliminate duplicate records stored within the City;
- Enable faster retrieval of records through classification and filing systems;
- Reduce liability risks by keeping records according to an authorized retention schedule;
- Preserve records with long-term or permanent value; and
- Protect records vital to the City in the event of a disaster.
-

Goals of a Records Management Program

The goal of the Program is to create the ability to provide the right record, to the right person, in an efficient amount of time and at the lowest possible cost.

Records Management Terminology/Definitions

- **Active Records** – Records that are referred to at least once a month. A Perpetual Record that remains “active” until a specific event occurs to change its status, at which time it has fulfilled its function. (See also Perpetual Record)
- **Administrative Records** – Records commonly found in all offices and used in the conduct of daily business. These are typically retained for short time periods.
- **Archival Records** - Records with enduring value because they reflect significant historical events, document the history and development of the City, or provide valuable research data.
- **Damaged Records** – Records that have been damaged by water, fire, and other forms of contamination during natural or human caused events. Depending on the severity of the damage, records may need to be declared unrecoverable and destroyed.
- **Discovery** – The pretrial disclosure of pertinent facts or documents by one or both parties to a court action or proceeding. Discovery prohibits the destruction of selected records until released by the opposing attorney or the court.
- **Inactive Records** – Records that are accessed an average of less than once per month, but that have not completed their full retention period. These records may be stored in a separate location from active files. Also – a Perpetual Record that has fulfilled its function. (See also Perpetual Record)
- **Non-Records** – Materials not kept in the ordinary course of business, such as: transitory documents, voicemail, e-mail, unofficial copies of documents kept only for convenience or reference, working papers, stocks of publications, blank forms, and library or museum material intended solely for reference or exhibition. Also, documents such as rough notes, calculations or drafts assembled or created and used in the preparation or analysis of other documents.
- **Permanent Records** – Records that are required to be kept in perpetuity, usually identified by statute or other written guidance. Examples include original minutes, ordinances, resolutions, and land grant deeds.
- **Perpetual Records** – Records retained as active files for an indefinite period of time, and then stored or destroyed after a specific event occurs.

- **Program Records** - Records that relate to the primary function of the Department in executing its day to day programmatic functions.
- **Public Records** – As defined by the California Public Records Act, is any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.
- **Records** - All papers, maps, exhibits, magnetic or paper tapes, photographic films, and prints, punched cards, and other documents produced, received, owned or used by the City, regardless of physical form or characteristics.
- **Records Retention Schedule** - A list of all records produced or maintained by each Department, and the action taken with regard to those records. A retention schedule is each Department’s legal authority to receive, create, retain, and dispose of official public records. It assists the Department by documenting which records require office or temporary storage, which records have historical or research value, and which records should be destroyed because they no longer have any administrative, fiscal, historical, or legal value.
- **Retention Period** – The length of time a record must be retained to fulfill its administrative, fiscal historical, and/or legal function. A record should be disposed of as soon as possible in accordance with an approved Records Retention Schedule.
- **Vital Records** – Records required for a Department’s daily operations, and to resume those operations after a disaster.

Records Management Policy

In order to manage records in an efficient manner, provide for document archiving, minimize temporary storage requirements, and remain in compliance with the California Public Records Act, the City has implemented a Citywide Records Management Policy and Records Retention Schedule pursuant to Resolution No. XXXX adopted by the City Council on xxxxx, 2019.

Records Management Principles

Official records are comprised of a collection of documentation, including legislative, historic, legal, fiscal and administrative documents, as well as vital records. Records management entails administering various document formats such as correspondence, mail, e-mails, faxed material, historical reference, and with the technical age, electronic media.

If a record series can be produced electronically and proper archival methods are in place, the original record may be destroyed, with the exception of those documents that are required to be kept permanently in their original format as outlined in the City’s record retention schedule.

It is the goal of the City to move toward an electronic imaging program, which will assist the City in reducing off-site storage costs as well as creating a more accessible and efficient records management

system. Until an electronic system is in place, a concerted effort will be made to adhere to the Record Retention Schedules and to destroy all appropriate records that are being stored in various facilities throughout the City, and prepare archival material for electronic filing. Preparation of archival material will include an index.

In all instances that record destruction is required, a City Destruction of Records Form must be completed and signed by the Department Director and approved in writing by the City Attorney and City Clerk. This form serves as a permanent record, and may be utilized in any legal proceedings as evidence of proper destruction.

In most cases, records not addressed in the Records Retention Schedules should be considered routine in nature and would be identified as general information under a specific record series. Retention for those records shall be two (2) years unless specific laws, decisions, or opinions apply to that record series.

E-mail Retention Policy

It is the City's policy that City e-mail and e-mail systems are intended to be used as a medium of internal and external communication. City e-mail systems are not intended to be and may not be used for the electronic storage or maintenance of City records.

Each employee has the responsibility to regularly purge their e-mail records from folders within Modesto's Outlook electronic mail system on a rolling ninety (90) day schedule. Upon removal from Outlook, the non-records will be disposed of in the City's ordinary course of business. Backup copies of e-mail files will be kept no longer than as established in the City's Computer Use Policy. Backup copies are for system restoration, disaster recovery, and are not designed to facilitate retrieval of deleted messages. This policy does not prohibit employees from maintaining temporary working files or folders to allow for quick reference to recent e-mails.

Databases

Databases consist of electronic files and fields of data that provide useful information to the organization. Reports are periodically prepared to reflect information from the databases that may be useful for specific purposes. Due to the large volume of information maintained in databases, reports rarely reflect all the information found in the database. Backups of databases, which are stored on City servers and backup media, are performed daily and would be used to restore the databases in the event of accidental erasure or disaster.

Databases maintained by the City could include financial information, mailing lists, customer information, employee information, work order tracking, marketing information, records management information, etc. Since reports typically do not reflect the entire content of the database, the electronic form of the database contains different information than the visible reports.

For records retention purposes, a database is an official record of the City. The retention period is established as "until superseded" (SUP) to reflect that only the current version needs to be maintained. Daily digital backup media is destroyed after five (5) days; weekly backup media is destroyed every four (4) weeks.

Periodic reports, which are produced in hard copy format from a database and used for administrative, fiscal, legal or historical purposes, may be official records. These reports must be maintained for the

requisite retention period according to the particular records series they are assigned. For example, the City's annual Budget Report is a "snapshot" of the City's financial position at the end of the fiscal year and is used to inform Council (legal), staff (administrative) and citizens (legal & historical).

Word Processing Files

For records retention purposes, draft word processing files are non-records or works-in-progress, which are not required to be retained. Draft versions should be destroyed in a relatively short period of time after the final draft has been finalized or accepted by Council. Similarly, successive drafts of a document and the successive revisions of the electronic word processing file are non-records or work-in-progress. Only the final approved or accepted, paper record should be considered an official City document for records retention purposes.

File Maintenance

Designating a Records Coordinator

Each Department shall maintain custody and control over its own records. Each Department Director shall be responsible for ensuring that their Department's records are being retained and destroyed in accordance with the Department's Records Retention Schedule. The Department Director may designate a Records Coordinator to perform necessary duties and tasks.

Choosing Files to Maintain

Maintaining filing systems can be very costly; particularly paper filing systems as they require supplies, space, and staff time to establish, manage and retrieve/file materials. Records Coordinators should be mindful when determining which records their Departments will maintain and shall consider the following:

- Is the record listed on the Department's Records Retention Schedule?
- Does the record exist digitally?
- Is the Department the office of record? If another Department is responsible for maintaining the record, the Department that is not the office of record may choose to keep it for a short time in a working file, but there is no need to maintain duplicate files.

Maintenance of Paper Files

Completeness - Papers received for filing should be checked to ensure that all papers which should be included to complete the record are attached. An attempt will be made to obtain missing papers or copies of those papers. If an attempt fails, a notation of the action taken to obtain the missing papers, and the result will be placed with the file papers.

Unnecessary material- Unnecessary documents such as used envelopes, routing slips, and extra copies will be discarded. When the original paper is available, all copies will be discarded unless an extra copy contains additional information needed for record purposes.

Inventory and Appraisal of Department Records

Inventory of Department Records

Annually, each Department shall inventory all records in their possession to determine whether there is a need to add or remove a record type or series to/from their respective Records Retention Schedule. The City Clerk's office and the City Attorney's Office shall provide support and guidance to each Department during the annual records inventory process.

The Records Inventory-Appraisal Worksheet shall provide the basis for the inventory of Department records and assist in the development of a revised Records Retention Schedule. The Inventory-Appraisal Worksheet will show:

- 1) If the record is the "record copy" or a duplicate copy.
- 2) The person, position and Department responsible for the record.
- 3) The specific location of each record.
- 4) The period of years covered by the record.
- 5) A complete description of the file(s) so they may be easily identified by a person that does not regularly work with the file(s).

Each Department Director shall sign off on inventory worksheets for their respective Department.

Record Appraisal

After the inventory has been completed, the Record Inventory-Appraisal Worksheets will be analyzed, and all records within the possession of the Department shall be appraised to determine whether the record should be added or removed from the Department's Records Retention Schedule.

In order to dispose of records at the appropriate time, it is necessary to evaluate them in relation to the period of usefulness to the Department; only records requiring frequent reference should be retained in the office's files. When records no longer fulfill this need, they should be either destroyed or transferred to storage.

Guidelines in determining the need to retain records are:

Administrative value - Is the length of time that the record is necessary for the City's administration. This time can be divided into two periods: Active, the time it is used in the Department, and Inactive, the additional time it is retained in storage.

Legal value - Represents the time that various legal bodies, from Federal to State to local, require records to be kept. In California, Government Code 34090 specifies particular records which are permanent and which may or may not be destroyed. There are numerous other code sections involved governing the retention of government records. The retention periods established by law are minimum retention periods. Individual government agencies will decide how long they wish to retain records; the period of retention may exceed the minimum periods established by law.

Fiscal value - Is determined by whether it is required for fiscal or tax purposes by the Internal Revenue Service or some other regulatory body such as the Securities and Exchange

Commission, or for internal audit purposes.

Historical or archival value - While no longer bearing any administrative, legal, or fiscal value, records can be of historical interest to individuals doing research in matters involving the history of Modesto. Often there will be a sharing of records with another local organization such as a historical society or a library.

Records Storage and Destruction

California Government Code section 34090, requires the City to retain records for a minimum of two (2) years unless otherwise required by law.

Transfer of Record to Long-Term Storage

A permanent and secure, long-term storage area will be established and maintained by each Department. An acceptable facility for this purpose may be an off-site record storage center or a secure City location designated for long-term storage. The Records Retention Schedules are to be used as a guide for the transfer of records from the Department to long-term storage.

A Records Transfer Lists must be completed and maintained for all transfers of records to long-term storage. A copy will be kept by the Department to be maintained in their files. The titles contained in the Records Transfer Lists should match the records title shown on the Records Retention Schedule. No record shall go into long-term storage if they are not shown on the Records Retention Schedule. This transfer of records to long-term storage shall take place on an annual basis, at approximately the same time each year as determined by the City Manager.

Only uniform storage boxes will be accepted into the long-term storage area. The storage boxes will handle both legal and letter size records. Each box will have a number assigned, logged, and maintained by the responsible Department. Any box placed in long-term storage must include the box number.

Preparation of Record for Transfer to an Off-Site Storage Center

It is essential that records be properly prepared prior to transfer to an Off-Site Storage Center. The following procedures shall be adhered to when transferring records to an Off-Site Storage Center:

- a) Determine records that are to be transferred to the Off-Site Storage Center. These records will generally be records that are inactive (usually two years old). Each Department should establish a schedule for purging files of inactive material. Records should be transferred to the Off-Site Storage Center as soon as they are determined to be inactive or as soon as it is determined that the records will seldom be referred to.
- b) Organize records by categories, such as numeric, alpha, subject matter, and date. Etc.
- c) Review the Record Retention Schedule and group records with similar retention periods together. Only records having similar retention periods should be stored in any single box. (i.e. Permanents records and records with long retention period should NOT be commingled with records having lesser retention periods). **Total retention time is computed from the date of the last entry in the file.**
- d) A review of the materials in the file should be made to ensure the record is complete. If the record is not complete, an effort must be made to obtain missing papers. In

addition, all unnecessary materials should be eliminated at this time. These include “reference papers,” as explained in the manual.

- e) A correspondence “chain” consists of the initial paper commencing in an action, any replies continuing the action, enclosures, and any supporting papers functioning as a part of the whole correspondence action. The final version of the papers are assembled in bottom to top order as described below:
 - i. The basic paper (letter, memorandum, etc.)
 - ii. Endorsement letter, disposition, comments in date order
 - iii. Relies upon (letter, memorandum, etc.)
 - iv. Enclosures in numerical sequence
 - v. Internal actions supporting actions (studies coordinating actions, etc.)
- f) Binders and covers should be removed to save storage space and whenever possible, should be reused for active files to reduce operation costs.

Destruction of Records

The Department Director shall send a Request for Destruction of Records to the City Clerk, listing the records to be destroyed directly from the Department.

The City Clerk shall approve or disprove of the Request for Destruction of Records. Upon approval of the City Clerk, the request shall be forwarded to the City Attorney for approval.

After final approval by the City Attorney, the City Clerk will notify the Department Director in writing that approval has been received and the documents may be destroyed.

Destruction of Records - Alternate Procedures

If a Department Director determines that records exist which are no longer needed and are not listed on the Records Retention Schedule adopted herein, or as amended from time to time, the following destruction procedures shall be followed.

1. Notwithstanding the provisions of Government Code section 34090, a Department Head having custody of public records, documents, instruments, books and papers, may without the approval of the City Council or the written consent of the City Attorney, cause to be destroyed any or all of the records, documents, instruments, books and papers, if all of the following conditions are complied with:
 - a. The record, paper, or document is photographed, micro photographed, reproduced electronically, video images on magnetic surfaces, records in the electronic data-processing system, recorded on optical disk, reproduced on film or any other medium which does not permit additions, deletions or changes to the original, or reproduced on film, optical disk, or any other medium in compliance with the minimum standards or guidelines, or both, as recommended by the American National Standards Institute of the Association of Information and Image Management for recording of permanent records or nonpermanent records, whichever applies.
 - b. The device used to reproduce the records, paper, or document on film, optical disk, or any other medium is one which accurately and legibly reproduces the original thereof in

all details and which does not permit addition, deletions, or changes to the original document images.

- c. The photographs, microphotographs, or other reproductions on film, optical disk, or any other medium are made as accessible for public reference as the original records were.
- d. A true copy of archival quality of the film. Optical disk or any other medium reproductions shall be kept in a safe and separate place for security purposes. Provided, however, that no page of any record, paper, or documents shall be destroyed if any such page cannot be reproduced on film with full legibility. Every such irreproducible page shall be permanently preserved in a manner that will afford easy reference.

For purposes of this section, every reproduction shall be deemed to be an original record, and a transcript, exemplification, or certified copy of any reproduction shall be deemed to be a transcript, exemplification.

Destruction of Record Directly from the Department

Annually, each Department's Records Coordinator, in cooperation with the City Clerk's Office and City Attorney's Office, will review original records in the Department against the Records Retention Schedule. Those records which have exceeded the record retention period, but which do not go into long-term storage, will be destroyed directly from the Department. The files may be destroyed by a designated individual from the Department on a City-owned shredder after written approval is received from the City Clerk and City Attorney.

Confidential Record

The Record Retention Schedule identifies certain records as confidential. Confidential records are exempt from disclosure under the California Public Records Act (California Government Code sections 6251-6265).

Confidential records should be stored in a manner that protects their confidentiality and shall only be accessed by authorized employees.

Confidential records must be destroyed in a manner that preserves their confidentiality. They cannot be simply discarded, but must be shredded or incinerated.

RECORDS RETENTION SCHEDULE

The purpose of the Records Retention Schedule is to provide a guide for the periodic destruction of records that have outlived their usefulness to the City from an administrative, legal, operational, and/or statutory standpoint. Each Department within the City shall possess a Records Retention Schedule that is specific to their respective Department.

City Council approval of this Records Retention Program by Resolution xxxx-xx, vests authority in the City Manager to adopt and amend, from time to time, Records Retention Schedules, with the consultation and advice of the City Clerk and City Attorney, and to dispose of records in accordance with the adopted Records Retention Program, without further reference to City Council.

Each Records Retention Schedule shall be arranged in alphabetical order according to record title. The Records Retention Schedule shall only apply to records, and shall not provide retention periods for non-records. All records require written approval for destruction. Non-records, on the other hand, do not need formal approval for destruction and may be destroyed when they are no longer of value and have served their purpose. Non-records are defined as reference papers, notes, working papers, publications, catalogs, outdated forms, and other similar material, which are of no use to the Department in relation to the duties which it performs and is not required to support or substantiate any City formal approval, provided the information is contained on original copies which are retained. All other documents are records. Any doubt as to whether a document is a record or not should be resolved by describing the document as a record or, if many similar documents are in question, the City Clerk's Office or the City Attorney's Office should be sought for advice.

Retention - The retention time represents that amount of time the record is required to be kept as it has become inactive. For example: if a record of a project begun in 2000 and completed in 2005 was required to be kept 2 years, it could be destroyed after 2007. All numbers refer to years unless otherwise indicated. The retention periods are as follows:

Legal Minimum - Number of years the record is required to be retained under state law and for legal purposes. Generally, the minimum is as follows:

TYPE OF RECORD	LEGAL MINIMUM
1) The originals of ordinances, resolutions, and minutes of the City Council and City boards and commissions:	Permanent
2) Records affecting title to real property or liens thereon:	Permanent
3) Bonds and coupons that been previously paid or canceled:	5 years
4) Other original records:	2 years
5) Federal and state-financed projects:	5 years

The above guidelines establish the minimum legal retention time a required by law, however, Departments may have additional requirements for retention periods as noted in their respective Records Retention Schedules. Retention beyond the statutory prescribed period is a matter of City policy, to be based on the continuing need for the document.

Department Minimum – Number of years or other time frame as stated that the record must be retained before it can be destroyed.

Retention Codes – the codes used in the “Retention” Columns are explained below:

- a. P - Permanent
- b. T - Temporary
- c. C- Confidential
- d. V- Vital
- e. H- Historical
- f. US -Until Superseded

3338599.1

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-364**

RESOLUTION APPROVING A SECOND AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH ALLEN, GLAESSNER, HAZELWOOD & WERTH, LLP IN THE AMOUNT OF \$150,000, FOR A TOTAL AMOUNT NOT TO EXCEED \$395,000, FOR CONTINUED REPRESENTATION AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on February 2, 2019, the City entered into a standard Legal Services Agreement with Allen, Glaessner, Hazelwood & Werth, LLP in the amount of \$30,000 for representation in the *Perkins v. City of Modesto* police case; and

WHEREAS, on August 13, 2019, by Resolution No. 2019-366, Council approved a First Amendment to the Legal Services Agreement to include additional police matters in their scope of work and an increase in the agreement budget in the amount of \$215,000, for a total not to exceed \$245,000; and

WHEREAS, the City Attorney's office has drafted a Second Amendment to the Legal Services agreement with Allen, Glaessner, Hazelwood & Werth, LLP for additional services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment to the Legal Services Agreement with Allen, Glaessner, Hazelwood & Werth, LLP in the amount of \$150,000, for a total not to exceed amount of \$395,000, for continued services as provided in **Exhibit A attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to Exhibit A.

BE IT FURTHER RESOLVED, that the City Manager or his designee, are hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

SECOND AMENDMENT TO LEGAL SERVICES AGREEMENT

This Second Amendment to the Legal Services (this “**Second Amendment**”), is made and entered into on ___ day of ___ 2020 (“**Effective Date**”), by and between the **CITY OF MODESTO**, a California Municipal Corporation (“**City**”), and **ALLEN, GLAESSNER, HAZELWOOD & WERTH, LLP** (“**Attorney**”), located at 180 Montgomery Street, Suite 1200, San Francisco, California 94104. City and Attorney are hereinafter collectively referred to as the “**Parties**,” and singularly as “**Party**”.

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement (“**Agreement**”) to provide litigation, trial counsel, legal advice, representation and assistance to City in relation to *Perkins v. City of Modesto, et al.*; and

WHEREAS, on August 13, 2019, by Resolution No. 2019-366, Council approved a First Amendment to the Legal Services Agreement to include additional police matters in their scope of work and an increase in the agreement budget in the amount of \$215,000; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees from \$245,000 to \$395,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Allen, Glaessner, Hazelwood & Werth, LLP dated February 2, 2019, and amended by Resolution No. 2019-366, is amended as follows:

1. Section 2(a) of Paragraph 2, “Fees and Costs,” Hourly Rates is amended to state as follows:

“The total of all fees paid to Attorney for the performance of all services set forth in Section 1 (hereafter the “**Service**”), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of three hundred ninety-five thousand dollars (\$395,000).”

2. **Entire Agreement.** The parties to this Second Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated February 2, 2019, remain in full force and effect to the extent they are not in conflict with this Second Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Second Amendment. No alteration to the terms of this

Second Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority.** The person signing this Second Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Second Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this Second Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By: _____

Print name: Joseph P. Lopez

Title: City Manager

APPROVED TO AS FORM:

Jose M. Sanchez, City Attorney

ATTEST:

Stephanie Lopez, City Clerk

Christina D. Alger, Director of Human Resources

[Signatures Continued on Next Page.]

**ATTORNEY:
ALLEN, GLAESSNER, HAZELWOOD & WERTH, LLP**

Federal I.D. No.

State I.D. No.

City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY (*check one*):

- Individual/Sole Proprietor
- Partnership
- Corporation
- Limited Liability Company
- Other (*please specify:* _____)

Signature of Authorized Person

Title

Additional Signature (*if required*)

Title

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-365**

RESOLUTION APPROVING A FIFTH AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH LIEBERT CASSIDY WHITMORE IN THE AMOUNT OF \$100,000, FOR A TOTAL AGREEMENT AMOUNT NOT TO EXCEED \$487,500 TO CONTINUE REPRESENTING THE CITY OF MODESTO IN LABOR AND EMPLOYMENT MATTERS, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City Attorney's Office is in need of outside counsel services that relate to labor and employment; and

WHEREAS, Liebert Cassidy Whitmore currently represents the City in one lawsuit; and

WHEREAS, the City Attorney's Office desires to amend the agreement with Liebert Cassidy Whitmore; and

WHEREAS, the City Attorney's office has drafted a Fifth Amendment to the Legal Services agreement with Liebert Cassidy Whitmore to continue services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Fifth Amendment to the Legal Services Agreement with Liebert Cassidy Whitmore in the amount of \$100,000, for a total amount not to exceed \$487,500 to continue representing the City of Modesto in labor and employment matters, as provided in **Exhibit A attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A**.

BE IT FURTHER RESOLVED, that the City Manager or his designee, are hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

FIFTH AMENDMENT TO LEGAL SERVICES AGREEMENT

This Fifth Amendment for Legal Services (this “**Fifth Amendment**”), is made and entered into on ____ day of _____ 2020 (“**Effective Date**”), by and between the **CITY OF MODESTO**, a California Municipal Corporation (“**City**”), and **LIEBERT CASSIDY WHITMORE**, (“**Attorney**”), located at 5250 N. Palm Avenue, Suite 310, Fresno, California 93704. City and Attorney are hereinafter collectively referred to as the “**Parties**,” and singularly as “**Party**”.

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement (“**Agreement**”) for services for legal advice, representation and assistance on matters involving labor and employment law; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees from \$387,500 to \$487,500.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Liebert Cassidy Whitmore, dated August 8th, 2016, amended by Resolution Nos. 2016-510, 2017-273, 2017-501 and 2018-329 is amended as follows:

1. Section 2(a) of Paragraph 2, “Fees and Costs,” Hourly Rates is amended to state as follows:

The total of all fees paid to Attorney for the performance of all services set forth in Section 1 (hereafter the “**Service**”), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of four hundred eighty-seven thousand and five hundred dollars (\$487,500).”

3. **Entire Agreement.** The parties to this Fifth Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated August 8th, 2016, remain in full force and effect to the extent they are not in conflict with this Fifth Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Fifth Amendment. No alteration to the terms of this Fifth Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority.** The person signing this Fifth Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Fifth Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this Fifth Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By: _____

Print name: Joseph P. Lopez

Title: City Manager

APPROVED TO AS FORM:

Jose M. Sanchez, City Attorney

ATTEST:

Stephanie Lopez, City Clerk

Christina D. Alger, Director of Human Resources

[Signatures Continued on Next Page.]

**ATTORNEY:
LIEBERT CASSIDY WHITMORE**

Federal I.D. No.

State I.D. No.

City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY (*check one*):

- Individual/Sole Proprietor
- Partnership
- Corporation
- Limited Liability Company
- Other (*please specify:* _____)

Signature of Authorized Person

Title

Additional Signature (*if required*)

Title

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-366**

**RESOLUTION APPROVING THE ADDITION OF SECTION 18 TO THE
HOUSING AND URBAN DEVELOPMENT POLICIES & PROCEDURES
MANUAL (CARES ACT GRANT FUNDING POLICY)**

WHEREAS, as a U.S. Department of Housing and Urban Development (HUD) entitlement community, the City is required to develop an Annual Action Plan that describes proposed activities funded with Community Development Block Grant (CDBG), Home Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funds, and

WHEREAS, on March 27, 2020 President Trump signed the Coronavirus Aid, Relief and Economic Security Act (CARES Act) (Public Law 116-136) which made available supplemental Community Development Block Grant (CDBG-CV) funding and Emergency Solutions Grants (ESG-CV1 and ESG-CV2) for the prevention of, preparation for, and response to the 2019 novel Coronavirus, and

WHEREAS, HUD requires that a policy be established when implementing any Federal funds, and

WHEREAS, the addition of Section 18 (CARES Act Grant Funding Policy) to the Housing & Urban Development Policies & Procedures Manual is being established to satisfy the requirement for a concise policy in the administration and implementation of CARES Act funded activities, and

WHEREAS, all CARES Act Grant funds awarded to a program, project, activity, and/or subrecipient must be eligible under the Code of Federal Regulations that manages the respective program funds (CDBG, ESG, or HOME) and follow the procedures

previously established unless specifically waived as outlined in **Attachment 1** - Section 18 (CARES Act Grant Funding Policy) of the HUD Policy Manual, and

WHEREAS, this policy establishes the parameters in which the City will implement funding and monitor the waivers and alternative authorities when awarding funds for the response, prevention, and preparation for COVID-19.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the addition of Section 18 to the Housing and Urban Development Policies & Procedures Manual (CARES Act Grant Funding Policy).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

Section 18

CARES Act Grant Funding

Policies & Procedures



City of Modesto
Community Development Division
1010 10th Street, Suite 3100, Modesto, CA 95354
(209) 577-5211, TDD 209-
housing@modestogov.com

City of Modesto Citizen Housing and Community Development Committee (CH&CDC) Approved XXXXXXXXXXXX
City of Modesto City Council Approved by Resolution 2020- on XXXXXXXXXXXXXXXX



Updated: 08/13/2020

Table of Contents

Introduction.....3

Background.....3

CARES Act Community Development Block Grant (CDBG-CV).....4

CARES Act Emergency Solutions Grant (ESG-CV) Round 1/Round 2.....4

Duplication of Benefits5

Contract Monitoring.....5

Program Waivers.....5

Exhibit A – Flexibilities/Waivers Granted by the CARES Act + Mega Waiver and Guidance.....7

Exhibit B – City of Modesto’s Adopted Waivers.....56

Introduction

The City of Modesto has been a participating jurisdiction in the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development (HUD) since the program was established by Congress in 1974. As such the City was directly awarded Cares Act Community Development Block Grant (CDBG-CV) and Cares Act Emergency Solutions Grants (ESG-CV) funds.

The Coronavirus Aid, Relief and Economic Security Act (CARES Act) (Public Law 116-136) makes available \$5 billion in supplemental Community Development Block Grant (CDBG) funding and \$1 Billion for Emergency Solutions Grants (ESG) for the prevention of, preparation for, and response to the 2019 novel Coronavirus.

This document is intended to satisfy the requirement for a concise policy in the administration and implementation of CARES Act funded activities.

Background

The mission of the U.S. Department of Housing and Urban Development (HUD) is "to create strong, sustainable, inclusive communities and quality, affordable homes for all." The HUD Office of Community Planning and Development (CPD) seeks to develop viable communities by promoting integrated approaches that provide decent housing, a suitable living environment, and expanded economic opportunities for low- and moderate-income persons. These goals come out of the mission of HUD to "create strong, sustainable, inclusive communities and quality, affordable homes for all." The primary means towards this end is the development of partnerships between all levels of government and the private sector, including for-profit and non-profit organizations. The COVID-19 pandemic threatens this mission and HUD implemented resources to aid in the response, prevention, and preparation for this health hazard.

City of Modesto Entitlement Programs

The City of Modesto is a participating jurisdiction in three (3) Community Planning and Development (CPD) entitlement programs:

- The Community Development Block Grant (CDBG) program supports public services and improvements that benefit low- and moderate-income individuals, families and neighborhoods. Federal regulations governing the CDBG program are in Title 24 of the Code of Federal Regulations (CFR) Part 570 (24 CFR 570).
- The Emergency Solutions Grants Program provides funding to (1) engage homeless individuals and families living on the street; (2) improve the number and quality of emergency shelters for homeless individuals and families; (3) help operate these shelters; (4) provide essential services to shelter residents, (5) rapidly re-house homeless individuals and families, and (6) prevent families/individuals from becoming homeless. Federal regulations governing the ESG program are in Title 24 of the Code of Federal Regulation Part 576 (24 CFR 576)
- The HOME Investment Partnership (HOME) program supports affordable access to homeownership and development of affordable rental housing for low- and moderate-income families. Federal regulations governing the HOME program are in Title 24 of the Code of Federal Regulations Part 92 (24 CFR 92).

Each of these programs are further managed by the City of Modesto's Housing and Urban Development Policies and Procedures Manual. All CARES Act Grant funds awarded to a Programs, Projects, Activities, and/or subrecipients must be eligible under the CFR that manages the respective program funds (CDBG, ESG, or HOME).

This policy only pertains to the waivers and alternative authorities granted by HUD for the response, prevention, and preparation for COVID-19.

CARES Act Activities¹

The City was directly awarded grants in both CDBG-CV and ESG-CV, as governed by Federal Register FR-6218-N-01, to assist with the response, prevention, and preparation for COVID-19. The city has the authority to reimburse for activities related to the coronavirus including pre-agreement costs, as long as the costs were incurred on or after January 21, 2020. Therefore, All CARES Act programs, projects, activities and funding must be used the response, prevention, and preparation for COVID-19.

Expenditure Deadlines

Funds must be expended within six years. In addition, 80% of the CDBG-CV funds must be expended within three years.

CARES Act Community Development Block Grant (CDBG-CV)

CDBG-CV Activities:

CDBG-CV programmatic requirements will mirror those of the CDBG program unless specifically identified.

- CDBG-CV funds will be used to aid in the response, prevention, and preparation for COVID-19.
- The City of Modesto will use CDBG-CV funds among the following activities: public facilities, economic development, and public services. The City will explore other eligible activities should the need arise in the City's prevention, preparation, and response to COVID-19.
- CDBG-CV funds will comply with all applicable federal requirements as established under the CDBG program.

Program Eligibility

- All CDBG-CV activities must be eligible under 24 CFR 570 Subpart C and must meet a CDBG National Objective in compliance with 24 CFR 570.208
- All Activities must be for the prevention of, preparation for, and response to COVID-19

¹ Federal Register Notice (FR-6218-N-01): <https://www.hud.gov/sites/dfiles/CPD/documents/FR-6218-N-01-CDBG-CV-clean-8-7-20-header-for-posting.pdf> – This is the Federal Register that was issued to govern the CARES Act CDBG-CV Funds.

CARES Act Emergency Solutions Grant (ESG-CV) Round 1/Round 2

ESG-CV Activities:

ESG-CV programmatic requirements will mirror those of the ESG program unless specifically identified.

- ESG-CV funds will be used in the response, prevention, and preparation for COVID-19.
- The City of Modesto will use ESG-CV funds among the following activities: street outreach, shelter operations, HMIS and homeless prevention. The City will explore other eligible activities should the need arise in the City's prevention, preparation, and response to COVID-19.
- ESG-CV funds will comply with all applicable federal requirements as established under the CDBG program.

Program Eligibility

- All ESG-CV activities must be eligible under 24 CFR 576.
- All Activities must be for the prevention of, preparation for, and response to COVID-19

Duplication of Benefits

- The City will not use funds available under the Cares Act to pay for costs that have already been paid for, or will be paid for, by another Federal program, insurance, or other sources.
- The City will not fund projects, developers, or subrecipients that can pay costs with other Federal programs, insurance, or other sources.
- The City will review the proposed budget of any program soliciting funds for CARES Act funding to ensure that the money being applied to a program or project is necessary to meet the need in the prevention of, preparation for, and or the response to COVID-19.
- The developer, subrecipient, or recipient will submit the Funding Self-Certification Form that includes the Non-Duplication of Benefits acknowledgement and COVID-19 justification with every invoice packet submitted for reimbursement.
- Any project, developer, subrecipient, or recipient found through the program monitoring process to have duplicated benefits will be required to repay funds to the City.

Contract Monitoring

The City will monitor all funds that are used in the response to, preparation for, and prevention of COVID-19 in accordance with the funding agreements issued to the subrecipient.

The City having received more than \$150,000 in CARES Act Funding will be reporting per HUD guidelines no less than 10 days after the end of each calendar quarter, a report containing at a minimum the following information:

- Amount of funds received
- Amount of funds obligated or expended for each project or activity.
- A description of all funded projects and activities
- Information on any subcontracts or subgrants awarded

Program Waivers

General Programmatic Waivers and Alternative Requirement Authority

The CARES Act authorizes the US Dept of Housing and Urban Development Secretary to issue statutory and regulatory waivers/alternative requirements when necessary to expedite or facilitate the use of grant funds to prevent, prepare for, and respond to coronavirus.

As such, the CARES Act authorized waivers and alternative requirements in the following additional programs to directly assist with the prevention of, response to, and preparation for COVID-19:

- Program year 2019 and 2020 of the Community Development Block Grant (CDBG) program
- Program year 2019 and 2020 of the Emergency Solutions Grants (ESG) Program
- Program year 2019 and 2020 of the HOME Investment Partnership (HOME) program

The City is granted waivers and alternative requirements by HUD as outlined in Exhibit A – Flexibilities/Waivers Granted by the CARES Act + Mega Waiver and Guidance for the response to, preparation for, and prevention of COVID-19.

- The City, at its discretion and in accordance with the parameters set forth by HUD, will use all applicable waivers as authorized by HUD and defined in Exhibit A.

Exhibit A – Flexibilities/Waivers Granted by the CARES Act + Mega Waiver and Guidance

Flexibilities/Waivers Granted by the CARES Act + Mega Waiver and Guidance

Table of Contents

CARES Act Allocations	4
CAPER	5
CDBG	6
CARES Act Self-implementing Flexibilities	6
Regulatory Waivers in the Mega Waiver	7
Waiver for Plan Amendments.....	7
Setting Up a Substantial Amendment for CARES Act Funding.....	7
Quick Guide - CDBG Eligible Activities to Support Infectious Disease Response.....	7
CDBG-DR COVID-19 FAQs	8
Staff Costs and Unused and Partially Utilized Space Q&A.....	8
Section 108 Q&A.....	8
Consolidated Plan – Mega Waiver	9
Citizen Participation Public Comment Period for Plan Amendment	9
Citizen Participation Reasonable Notice and Opportunity to Comment.....	9
Substantial Amendment	10
ESG-CV	11
ESG – Mega Waiver	12
HMIS Lead Activities.....	12
Re-evaluations for Homelessness Prevention Assistance.....	12
Housing Stability Case Management	13
Restriction of Rental Assistance to Units with Rent at or Below FMR.....	14
HOME	15
Waiver and Suspension Authority	15
Section I: Statutory Suspensions and Regulatory Waivers Available Only to Major Disaster Areas	15
10% Administration and Planning Cap.....	15
CHDO Set-aside Requirement	16
Limits and Conditions on CHDO Operating Expense Assistance.....	16
Matching Contribution Requirement.....	17

Section II: Regulatory Waivers Available to All Participating Jurisdictions.....	17
Citizen Participation Reasonable Notice and Opportunity to Comment.....	17
Income Documentation	18
On-Site Inspections of HOME-assisted Rental Housing	18
Annual Inspection of Units Occupied by Recipients of HOME Tenant-Based Rental Assistance (TBRA)	19
Four-Year Project Completion Requirement	19
Nine-Month Deadline for Sale of Homebuyer Units.....	20
Use of HOME Funds for Operating Reserves for Troubled HOME Projects.....	20
Timeframe for a Participating Jurisdiction’s Response to Findings of Noncompliance.....	22
HOME – TBRA – Suspensions and Regulatory Waivers.....	23
Waiver and Suspension Authority	23
Section I: Statutory Suspensions and Regulatory Waivers Available Only to Major Disaster Areas	23
Consolidated Plan – HOME Certification, Analysis of Local Market Conditions, and Citizen Participation.....	24
Tenant Selection and Targeted Assistance	25
Section II: Regulatory Waivers Available to All Participating Jurisdictions.....	25
Citizen Participation Reasonable Notice and Opportunity to Comment.....	25
Rent Reasonableness	26
Eligible Tenant-based Rental Assistance Costs and Maximum TBRA Subsidy	26
Term of Rental Assistance Contract.....	27
Tenant Protections – Lease.....	28
Housing Quality Standards.....	28
Annual Inspection of Units Occupied by Recipients of HOME TBRA	29
Income Determinations	29
HOME Investment Partnerships Program FAQs.....	30
HOPWA (Housing Opportunities for Persons with AIDS) Mega Waiver.....	31
Self-Certification of Income and Credible Information on HIV Status.....	31
FMR Rent Standard	31
Property Standards for HOPWA.....	32
Property Standards for TBRA	32
Space and Security.....	33
Time Limits for Short-Term Housing Facilities and Short-Term Rent, Mortgage, and Utility Payments.....	33
HOPWA Program Flexibilities	34
CARES Act Instructions and Related Flexibilities for HOPWA.....	34
Using HOPWA Program Funds for Infectious Disease Preparedness and Response.....	36

Formula Grant Agreement Execution	36
Competitive Grant Agreement Execution.....	37
Expectations for Competitive Grantees.....	38
Technical Assistance	38
Reporting.....	38
Additional CARES Act Reporting	39
Waivers	39
Flexibilities and Plan Amendment Waiver for HOPWA Funds Used to Support Coronavirus Response.....	39
Materials Posted: Infectious Disease Preparedness Guidance for Homeless Assistance Providers	40
Further Information	40
CoC – Mega Waiver.....	41
Fair Market Rent for Individual Units and Leasing Costs.....	41
Disability Documentation for Permanent Supportive Housing (PSH).....	41
Limit on Eligible Housing Search and Counseling Services	42
Permanent Housing-Rapid Re-housing Monthly Case Management	42
Housing Quality Standards (HQS) – Initial Physical Inspection of Unit.....	43
HQS – Re-Inspection of Units.....	43
One-Year Lease Requirement	44
Permanent Housing Rapid Re-housing Limit to 24 Months of Rental Assistance	44
Limit to be Eligible for DedicatedPLUS Project When Coming from Transitional Housing Being Eliminated.....	45
Assistance Available at Time of Renewal.....	45
Permanent Housing-Rapid Re-housing Monthly Case Management	46
Environmental Review	48

CARES ACT FUNDING ALLOCATION

[CPD CARES Act Allocations](#) page shows CPD Program Formula Allocations for FY 2020 and CARES Act Supplemental Funding. These spreadsheets provide full-year allocations for the Office of Community Planning and Development's (CPD) formula programs: Community Development Block Grants (CDBG); CDBG Recovery Housing Program (RHP); HOME Investment Partnerships (HOME); Housing Opportunities for Persons with AIDS (HOPWA); Emergency Solutions Grants (ESG); Housing Trust Fund (HTF); and Coronavirus Aid, Relief, and Economic Security (CARES Act) supplemental funding.

Congress provided \$5 billion (\$10 million taken off the top for TA) in the CARES Act for the Community Development Block Grant (CDBG) program, specifically noting three different allocation methods:

- 1) Round 1. HUD allocated the first \$2 billion based on the same formula used for the regular FY 2020 CDBG formula allocation. HUD announced allocations on April 2, 2020.
- 2) Round 2. This [document](#) describes the methodology for allocating the second round of CDBG CARES Act funding (CDBG-CV). The CARES Act requires HUD to allocate the second round of \$1 billion to state and insular area governments by May 11, 2020. The allocation targets public health, coronavirus, and housing and economic disruption needs.
- 3) Round 3. \$1.990 billion to be allocated for cities, counties, and/or states on a rolling basis based on criteria to be determined by the Secretary, prioritizing risk of transmission, coronavirus cases compared to the national average, and economic and housing market disruptions. The CARES Act does not establish a deadline to allocate funds, but HUD must obligate all funds by September 30, 2022. HUD will describe the third round of allocations in a later allocation announcement.

Congress provided \$4 billion (\$40 million taken off the top for TA) in the CARES Act for the Emergency Solutions Grant (ESG) Program with two rounds of funding:

- 1) Round 1. \$1 billion. Allocated under the normal ESG formula to the roughly 363 grantees (cities, counties, states, insulars).
- 2) Round 2. \$2.960 billion. HUD has committed \$40 million of the appropriated funds to technical assistance to recipients of ESG to build capacity and facilitate speedy implementation. The remaining \$2.96 billion is to be allocated under a formula “for the benefit of unsheltered homeless, sheltered homeless, and those at risk of homelessness, to geographical areas with the greatest need based on factors to be determined by the Secretary, such as risk of transmission of coronavirus, high numbers or rates of sheltered and unsheltered homeless, and economic and housing market conditions as determined by the Secretary.”

CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) PERFORMANCE REPORT

A waiver of the regulatory requirement at 24 CFR 91.520(a), that within 90-days of the end of a jurisdiction's program year a grantee shall submit to HUD a performance report known as the Consolidated Annual Performance and Evaluation Report (CAPER) has been authorized. The CAPER is associated with several CPD grant programs.

As a result of the COVID-19 virus, a majority of States have declared a state of emergency with most shutting down large gathering places and limiting the movement of residents. More State and local governments are operating under extenuating circumstances and may need additional time for certain administrative requirements.

Under the authority of 24 CFR 5.110 and 24 CFR 91.600, HUD may, upon a determination of good cause and subject to statutory limitations, waive regulatory provisions. The Acting Assistant Secretary for Community Planning and Development, has determined that there is good cause to waive the following regulatory requirement for the program year 2019 CAPER, subject to the condition that grantees comply with the modified requirement in the applicability section below:

Requirement: The Consolidated Annual Performance and Evaluation Report (performance report) submission to HUD within 90 days after the close of a jurisdiction's program year. Citation: 24 CFR 91.520(a).

Explanation: The regulation at 24 CFR 91.520(a) requires each grantee to submit a performance report to HUD within 90 days after the close of the grantee's program year. Justification: Under the authority at 24 CFR 91.600, HUD is authorized to waive this requirement when a determination of good cause is made and supported by documentation. Given the outbreak of the coronavirus known as SARSCoV-2 and the extenuating circumstances placed on state and local governments, and citizens, HUD has determined that there is good cause for waiving this provision. The extenuating circumstances and administrative strain supporting this waiver are well documented in the broad public news coverage related to the outbreak.

Applicability: For program year 2019 CAPERs, the requirement that grantees submit a performance report within 90 days after the close of a jurisdiction's program year is waived, subject to the condition that within 180 days after the close of a jurisdiction's program year the jurisdiction shall submit its performance report.

If you need additional information regarding this waiver, please contact your Headquarters program office desk officer(s).

<https://www.hud.gov/sites/dfiles/CPD/documents/CPD-COVID-19-CAPER-Waiver-050420-signed-JG.pdf>

CDBG - COMMUNITY DEVELOPMENT BLOCK GRANT

CARES Act Flexibilities

- **Public Services:** The CARES Act eliminates the 15 percent* cap on the amount of grant funds that can be used for public services activities. *Following enactment, the cap in section 105(a)(8) of the HCD Act and 24 CFR 570.201(e) has no effect. *While the cap is generally 15%, section 105(a)(8) of the Housing and Community Development Act of 1974, provides a different percentage cap for some grantees.*
- **Reimbursement of Costs for Coronavirus:** The CARES Act clarifies that grantees may use CDBG-CV* grant funds to reimburse allowable costs to prevent, prepare for, and respond to coronavirus that were incurred by a State or locality, regardless of the date on which the State or locality incurred the costs. *This provision does not apply to FY 20 and FY 19 CDBG grant funds. *However, for State CDBG Grantees, pre-agreement costs are reimbursable in accordance with 24 CFR 570.489(b). For Entitlement CDBG Grantees, pre-award costs are reimbursable in accordance with 24 CFR 570.200(h).*
- **Citizen Participation and Public Hearings for Consolidated Plans (including Action Plans):** The CARES Act clarifies that grantees may amend citizen participation plans to establish expedited procedures to draft, propose, or amend consolidated plans. Expedited procedures must include notice and reasonable opportunity to comment of no less than 5 days. In-person public hearings are not required. Grantees may meet public hearing requirements with virtual public hearings if: 1) national/local health authorities recommend social distancing and limiting public gatherings for public health reasons; and 2) virtual hearings provide reasonable notification and access for citizens in accordance with the grantee's certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses.
- **Deadline to Submit Consolidated Plans (including CDBG-CV Action Plans and Annual Action Plans):** The CARES Act extends the deadline for grantees to submit action plans and other updates to their consolidated plans submissions for fiscal years 2019* and 2020* to August 16, 2021. Grantees are not required to wait and HUD expects most grantees to apply for both grants promptly. **Without extension, the deadline for fiscal year 2020 grants would be August 16, 2020, in accordance with section 116(b) of the HCD Act and 24 CFR 91.15. The deadline for fiscal year 2019 passed on August 16, 2019 (plans due then have been submitted). This deadline also applies to CDBG-CV Action Plan submissions, which are amendments to the consolidated plan.*
- **Waiver and Alternative Requirement Authority:** The CARES Act authorizes the Secretary to issue statutory and regulatory waivers/alternative requirements for CDBG-CV and some CDBG FY19 and FY20 funds when necessary to expedite or facilitate the use of grant funds to prevent, prepare for, and respond to coronavirus. It prohibits waivers/alternative requirements related to fair housing, nondiscrimination, labor standards, and the environment.

Regulatory Waivers in the Mega Waiver

- **Citizen Participation Comment Period:** Reduces the period from 30 to 5 days. This only covers substantial amendments through the end of the grantees 2020 program year and only covers 2020 funds. Grantees wanting to amend prior year plans must do so with their 2021 plans.
- **Citizen Participation Reasonable Notice and Opportunity to Comment:** Allows the grantee to determine what is reasonable notice and opportunity to comment and is available through the end of the grantees 2020 program year.

Waiver for Plan Amendments

In addition to urging all States and localities not to wait to apply for their allocations, the memorandum grants a waiver for plan amendments with instructions on how a grantee may submit an amendment for allocated CDBG coronavirus response (CDBG-CV) funds. The expedited process allows a grantee to incorporate CDBG-CV funds within the most recent annual action plan, including a 2019 annual action plan.

The guide outlines the CARES Act flexibilities for CDBG grantees. The flexibilities expand the usefulness of CDBG-CV grants and fiscal years 2019 and 2020 CDBG grants for coronavirus response. The CARES Act also authorizes HUD to grant waivers and alternative requirements to be released in the forthcoming implementation notice. You can view the memo.

<https://www.hudexchange.info/resource/6018/cares-act-flexibilities-for-cdbg-funds-used-to-support-coronavirus-response/>

Setting Up a Substantial Amendment for CARES Act Funding

This guide is for CARES Act Substantial amendments in order to incorporate CDBG-CV, ESG-CV, and HOPWA-CV funding into a grantee's most recent approved Annual Action Plan (AAP). Grantees adding CARES Act funds to a new 2020 Consolidated Plan/Annual Action Plan, see the addendum to this guide. Following the process in this guide allows HUD to complete reviews most expeditiously and best enables later completion of the consolidated annual performance report (CAPER).

<https://files.hudexchange.info/resources/documents/Setting-Up-a-Substantial-Amendment-for-CARES-Act-Funding.pdf>

Quick Guide - CDBG Eligible Activities to Support Infectious Disease Response

This Quick Guide to Community Development Block Grant (CDBG) Eligible Activities to Support Infectious Disease Response provides grantees with information on implementing CDBG funds in a coordinated effort with local health authorities before undertaking any activity to support state or local pandemic response. Grantees may use CDBG funds for a range of eligible activities that prevent and respond to the spread of infectious diseases such as the coronavirus disease 2019 (COVID-19).

[Quick Guide to CDBG Eligible Activities to Support Infectious Disease Response](#)

[CDBG-DR COVID-19 FAQs](#)

These frequently asked questions (FAQs) provide information to Community Development Block Grant Disaster Recovery (CDBG-DR), CDBG National Disaster Resilience (CDBG-NDR), and CDBG Mitigation (CDBG-MIT) grantees on flexibilities HUD is granting on timelines, eligible activities, and citizen participation as communities work to prevent and respond to the spread of COVID-19.

[CDBG-DR COVID-19 FAQs](#)

[Staff Costs and Unused and Partially Utilized Space Q&A](#)

This question and answer provides information on the eligible use of Community Development Block Grant (CDBG) funds for costs associated with staff who are on leave due to the closure of the grantee or subrecipient's office, and the costs of the grantee or subrecipient's unused or partially utilized space in response to COVID-19.

[CDBG COVID-19 Q&A: Using CDBG Funds for Staff Costs and Unused and Partially Utilized Space \(PDF\)](#)

[Section 108 Q&A](#)

Many communities used Section 108 funds to make loans to businesses undertaking economic development projects. Some of these businesses are experiencing reductions in revenue due to the economic impact of coronavirus and are now requesting relief, e.g., forbearance on their payment obligations under their loans. Since repayments of the business loans are the intended source for repayment of the Section 108 loans, the ability of a community to grant relief to a business borrower may depend on the relief HUD can provide the community on the Section 108 loan.

[Section 108 Q&A for Borrowers Seeking Relief as a Result of Coronavirus](#)

CONSOLIDATED PLAN REQUIREMENTS

HOME, CDBG, HTF, ESG, AND HOPWA PROGRAMS

Citizen Participation Public Comment Period for Plan Amendment

- Requirement:** 30-day Public Comment Period.
- Citations:** 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i) and 24 CFR 91.401
- Explanation:** A CPD grantee may amend an approved consolidated plan in accordance with 24 CFR 91.505. Substantial amendments to the consolidated plan are subject to the citizen participation process in the grantee’s citizen participation plan. The citizen participation plan must provide citizens with 30 days to comment on substantial amendments.
- Justification:** Given the need to expedite actions to respond to COVID-19, HUD waives 24 CFR 91.105(c)(2) and (k), 91.115(c)(2) and (i) as specified below, in order to balance the need to respond quickly to the growing spread and effects of COVID-19 with the statutory requirement to provide reasonable notice and opportunity for citizens to comment on substantial amendments concerning the proposed uses of CDBG, HOME, HTF, HOPWA or ESG funds.
- Applicability:** This 30-day minimum for the required public comment period is waived for substantial amendments, provided that no less than 5 days are provided for public comments on each substantial amendment. The waiver is available through the end of the recipient’s 2020 program year. Recipients wishing to undertake further amendments following the 2020 program year can do so during the development of its FY 2021 Annual Action Plan.

Citizen Participation Reasonable Notice and Opportunity to Comment

- Requirement:** Reasonable Notice and Opportunity to Comment.
- Citations:** 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i) and 24 CFR 91.401
- Explanation:** As noted above, the regulations at 24 CFR 91.105 (for local governments) and 91.115 (for States) set forth the citizen participation plan requirements for recipients. For substantial amendments to the consolidated plan, the regulations require the recipient to follow its citizen participation plan to provide citizens with reasonable notice and opportunity to comment. The citizen participation plan must state how reasonable notice and opportunity to comment will be given.
- Justification:** HUD recognizes the efforts to contain COVID-19 require limiting public gatherings, such as those often used to obtain citizen participation, and that there is a need to respond quickly to the growing spread and effects of COVID-19. Therefore, HUD waives 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i) and 24 CFR 91.401 as specified below to allow these grantees to determine what constitutes reasonable notice and opportunity to comment given their circumstances.
- Applicability:** This authority is in effect through the end of the 2020 program year.

Substantial Amendment Guide

This [guide](#) is for CARES Act Substantial amendments in order to incorporate CDBG-CV, ESG-CV, and HOPWA-CV funding into a grantee's most recent approved Annual Action Plan (AAP). Grantees adding CARES Act funds to a new 2020 Consolidated Plan/Annual Action Plan, see the addendum to this guide. Following the process in this guide allows HUD to complete reviews most expeditiously and best enables later completion of the consolidated annual performance report (CAPER).

<https://files.hudexchange.info/resources/documents/Setting-Up-a-Substantial-Amendment-for-CARES-Act-Funding.pdf>

EMERGENCY SOLUTIONS GRANTS PROGRAM (ESG)

CARES Act Flexibilities

SUMMARY:

- \$4 Billion appropriation
- No Emergency Shelter/Street Outreach cap
- Increase of admin from 7.5% to 10%
- Increase of income limit from 30% to 50% AMI for Homelessness Prevention component
- Eliminates matching requirement
- Allows deviation from applicable procurement standards when procuring goods and services to prevent, prepare for, and respond to coronavirus;
- Prohibits using any funds to require people experiencing homelessness to receive treatment or perform any other prerequisite activities as a condition for receiving shelter, housing, or other services.
- No citizen participation or consultation requirements
- No minimum period of use for emergency shelters

The Coronavirus Aid, Relief and Economic Security Act (CARES Act) (Public Law 116-136) makes available \$4 billion in supplemental Emergency Solutions Grants (ESG) Program and \$65 million in supplemental Housing Opportunities for Persons With AIDS (HOPWA) funding for grants to prevent, prepare for, and respond to coronavirus (ESG-CV grants). Additionally, the CARES Act provides various flexibilities and authority for HUD to issue waivers and alternative requirements to make it easier for ESG and HOPWA grantees to use ESG-CV and HOPWA-CV grant funds and annual ESG and HOPWA grant funds for coronavirus response.

ESG and HOPWA grantees are advised to amend or prepare their plans as soon as possible. Grantees have the option of incorporating CARES Act funding into their FY20 Consolidated Plans currently being drafted. However, HUD recommends that grantees submit a substantial amendment to their most recent annual Action plan to expedite their access to CARES Act funding. Similarly, grantees should not wait for HUD to allocate the remaining \$2.96 billion of the \$4 billion provided by the CARES Act for the ESG Program

ESG and HOPWA grantees should proceed with all amendments and plans now by adding the ESG-CV and HOPWA-CV allocations into their plans as available resources for the year. This memorandum transmits the attached instructions for submitting substantial amendments in the eCon Planning Suite for CDBG, ESG, and HOPWA programs.

ESG recipients have the immediate ability to omit the citizen participation and consultation requirements for substantial amendments and new consolidated plan submissions for ESG-CV funding. However, each grantee must publish how it has used and will use its allocation, at a minimum, on the Internet at the appropriate Government website or through other electronic media. Please note that these new provisions are only applicable to ESG funding from the CARES Act.

For HOPWA, the Availability of Waivers of Community Planning and Development (CPD) Grant Program and Consolidated Plan Requirements to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19 memo allowed flexibility to waive 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i) to the extent necessary to allow the grantee to provide no fewer than 5 calendar days for citizen comment (rather than 30 days) for its substantial amendment. Grantees should post the substantial amendment on its official website along with a summary of citizen comments received within the comment period.

To expedite grantees' use of ESG-CV funds to prevent, prepare for, and respond to coronavirus as authorized by the CARES Act, HUD is waiving the requirements at 42 U.S.C. 12705(a)(2) to the extent it requires updates to the housing and homeless needs assessment, housing market analysis and strategic plan. For both ESG-CV and HOPWA-CV funds, HUD is also waiving 24 CFR 91.220 and 91.320, pursuant to its authority under 24 CFR 91.600, to the extent the action plan is limited to a specific program year to permit grantees to prepare substantial amendments to their most recent annual action plan, including their 2019 annual action plan. Grantees must identify the proposed use of all funds and how the funds will be used to prevent, prepare for, and respond to coronavirus.

To the extent necessary for the required submission of a substantial amendment to HUD in accordance with 24 CFR 91.500, the Department is also waiving 24 CFR 91.505(c), pursuant to 24 CFR 91.600, to facilitate the expedited use of ESG-CV and HOPWA-CV funds. To receive an ESG-CV or HOPWA-CV grant, a grantee must also submit a signed SF-424, SF-424D and the certifications at 24 CFR 91.225(a), (c) and (e), or 24 CFR 91.325(a), (c), and (e). HUD will provide new certifications consistent with the alternative requirements provided by the CARES Act.

Please send additional inquiries to the HUD Exchange Ask A Question (AAQ) portal.

Mega Waiver

HMIS Lead Activities

- Requirement:** ESG funds may be used to pay the costs of managing and operating the HMIS, provided that the ESG recipient is the HMIS Lead.
- Citation:** 24 CFR 576.107(a)(2)
- Explanation:** To enable ESG-funded projects to participate in HMIS as required by section 416(f) of the McKinney-Vento Homeless Assistance Act,
- 24 CFR 576.107(a)(2) authorizes the use of ESG funds for managing and operating the HMIS (e.g., hosting and maintaining HMIS software or data, upgrading, customizing, and enhancing the HMIS), only where the ESG recipient is the HMIS Lead, as designated by the CoC.
- Justification:** Waiving the rule as specified below would allow more recipients to use ESG funding to upgrade or enhance the HMIS as needed to incorporate ESG program data related to COVID-19.
- Applicability:** The condition that the recipient must be the HMIS Lead to pay costs under 24 CFR 576.102(a)(2) is waived to the extent necessary to allow any recipient to use ESG funds to pay costs of upgrading or enhancing its local HMIS to incorporate data on ESG Program participants and ESG activities related to COVID-19. This waiver is in effect for 6-months beginning on the date of this memorandum.

Re-evaluations for Homelessness Prevention Assistance

- Requirement:** Homelessness prevention assistance is subject to re-evaluation of each program participant's eligibility need for assistance not less than once every 3 months.
- Citation:** 24 CFR 576.401(b)
- Explanation:** The ESG regulations at 24 CFR 576.401(b) requires recipients or subrecipients providing homelessness prevention assistance to re-evaluate the program participant's eligibility, and the types and amounts of assistance the program participant needs not less than once every 3 months.

Justification: Waiving re-evaluation requirement for homelessness prevention assistance as specified below is necessary to help program participants remain stable in housing during the economic uncertainty caused by COVID-19.

Applicability: The required frequency of re-evaluations for homelessness prevention assistance under section 576.401(b) is waived for up to 2-years beginning on the date of this memorandum, so long as the recipient or subrecipient conducts the required re-evaluations not less than once every 6 months.

Housing Stability Case Management

To the extent that funding provided under the CARES Act for the ESG program is subject to the same requirements in 24 CFR part 576 that apply to ESG funding provided through annual appropriations, the waivers made available on March 31, 2020 for ESG are made available with respect to the CARES Act funding for the same justifications and subject to the same conditions.

Additionally, the following housing stability case management waiver is made available with respect to all ESG grants, whether funded under the CARES Act or annual ESG appropriations.

Requirement: Program participants receiving homelessness prevention or rapid re-housing assistance must meet with a case manager not less than once per month, unless certain statutory prohibitions apply.

Citation: 24 CFR 576.401(e)

Explanation: Under 24 CFR 576.401(e), the recipients or subrecipients must require program participants to meet with a case manager not less than once per month to assist them in ensuring long-term housing stability, unless the Violence Against Women Act of 1994 or Family Violence Prevention and Services Act prohibits the recipient or subrecipient from making its shelter or housing conditional on the participant's acceptance of services. As provided by the CARES Act, people experiencing homelessness cannot be required to receive treatment or perform any other prerequisite activities as a condition for receiving shelter, housing, or other services funded with ESG grants provided under the CARES Act. Accordingly, 24 CFR 576.401(e) does not apply to the extent the assistance is provided with CARES Act funding to people who qualified as homeless at the start of that assistance.

Justification: HUD originally waived this requirement for 2-months on March 31, 2020. Recipients are continuing to report limited staff capacity as staff members are home for a variety of reasons related to COVID-19 (e.g., quarantining, children home from school, working elsewhere in the community to manage the COVID-19 response). In addition, not all program participants have capacity to meet via phone or internet. Waiving the monthly case management requirement as specified below will allow recipients to provide case management on an as needed basis and reduce the possible spread and harm of COVID-19.

Applicability: This waiver is in effect for an additional three months beginning on March 31, 2020.

Restriction of Rental Assistance to Units with Rent at or Below FMR

- Requirement:** Restriction of rental assistance to units with rent at or below FMR.
- Citation:** 24 CFR 576.106(d)(1)
- Explanation:** Under 24 CFR 576.106(d)(1), rental assistance cannot be provided unless the total rent is equal to or less than the FMR established by HUD, as provided under 24 CFR Part 888, and complies with HUD's standard of rent reasonableness, as established under 24 CFR 982.507.
- Justification:** Quickly moving people into permanent housing is especially critical in preventing the spread of COVID-19. Waiving the limit on rental assistance to rents that are equal to or less than the FMR, established by HUD, will assist recipients and subrecipients in more quickly locating additional units to house individuals and families experiencing homelessness.
- Applicability:** The FMR restriction is waived for any individual or family receiving Rapid Re-housing or Homelessness Prevention assistance who executes a lease for a unit during the 6-month period beginning on the date of this memorandum. The ESG recipient or subrecipient must still ensure that the units in which ESG assistance is provided to these individuals and families meet the rent reasonableness standard.

[Availability of Waivers of CPD Grant Program and Consolidated Plan Requirements to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19 \(March 31, 2020\)](#)

[Availability of Waivers of Community Planning and Development \(CPD\) Grant Program and Consolidated Plan Requirements to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19](#)

[Availability of Additional Waivers for Community Planning and Development \(CPD\) Grant Programs to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19 \(May 22, 2020\)](#)

HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)

[HOME COVID-19 guidance](#) and the necessary statutory suspensions and regulatory waivers to enable HOME participating jurisdictions (PJs) affected by the Coronavirus Disease 2019 (COVID-19) pandemic to use HOME funds to address immediate housing needs and to help prevent spread of the virus. This is divided into two sections. Section I addresses PJs located in areas covered by a major disaster declaration made under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act). Section II describes regulatory waivers available to all HOME PJs, not just those included in a major disaster declaration. Provisions that are not specifically suspended or waived remain in full effect.

CPD Field Offices shall inform PJs of the availability of these suspensions and waivers. A PJ that intends to implement the HOME statutory suspensions and/or regulatory waivers identified below, must send written notification via e-mail to the CPD Division in its local HUD Field Office before it implements the waiver or suspension. This written notification must identify which suspensions and/or waivers the PJ plans to use.

[Waiver and Suspension Authority](#)

Section 290 of the Cranston-Gonzalez National Affordable Housing Act of 1990 (NAHA), as amended, authorizes HUD to suspend HOME statutory requirements to assist PJs in addressing the damage in an area for which the President has issued a major disaster declaration under Title IV of the Stafford Act and to assist them in disaster recovery.

Upon determination of good cause, in accordance with 24 CFR 5.110, HUD may waive regulatory provisions subject to statutory limitations. These provisions provide HUD the authority to make waiver determinations for the HOME program.

[Section I: Statutory Suspensions and Regulatory Waivers Available Only to Major Disaster Areas](#)

Pursuant to the authority provided in Section 290 of NAHA and 24 CFR 5.110, I hereby find good cause, as stated in the justifications that follow, to suspend the statutory provisions and waive the related regulatory provisions described below for PJs covered by a major disaster declaration under Title IV of the Stafford Act as a result of the COVID-19 pandemic. These suspensions and waivers are also available to any PJ that receives a major disaster declaration related to the COVID-19 pandemic after the date of this memo. These suspensions and waivers are intended to provide maximum administrative flexibility to PJs and better assist low-and very low-income households as they deal with the effects of the COVID-19 pandemic.

[10% Administration and Planning Cap](#)

- | | |
|-----------------------|---|
| Requirement: | Limitation on the Use of HOME Funds for Administrative Costs |
| Citations: | Section 212(c) of NAHA and 24 CFR 92.207 |
| Explanation: | These provisions limit the amount of HOME funds that a PJ may use for administrative and planning costs associated with its HOME award. A PJ may expend up to 10 percent of its annual HOME allocation, plus any program income received, for administrative and planning costs. These provisions are suspended to enable the PJ to expend up to 25 percent of its FY 2019 and FY 2020 allocations and program income received for administrative and planning costs. |
| Justification: | This suspension is required to provide the PJ adequate funds to pay for the increased cost of administering HOME-related activities to address the effects of COVID-19, including attempts |

to prevent the spread of the virus. The suspension is also intended to relieve the PJ of the burden of identifying other general funds to pay HOME administrative and planning costs at a time when the State and local tax revenues that provide general operating revenue are decreasing.

Applicability: This suspension and waiver applies to the FY 2019 and FY 2020 HOME allocations of PJs that are covered by a major disaster declaration.

CHDO Set-aside Requirement

Requirement: Set-aside for Community Housing Development Organizations (CHDOs)

Citations: Section 231 of NAHA and 24 CFR 92.300(a)(1)

Explanation: These provisions establish a set-aside for CHDOs. The PJ must use 15 percent of each annual allocation of HOME funds only for housing owned, developed, or sponsored by CHDOs.

Justification: The suspension and waiver are required to relieve the PJ of requirements that may impede the obligation and use of funds to expeditiously assist families affected by the COVID-19 pandemic. Suspension of the CHDO set-aside will immediately make additional HOME funds available for activities such as tenant-based rental assistance for which CHDO set-aside funds cannot be used.

Applicability: The CHDO set-aside requirement is reduced to zero percent for the fiscal year 2017, 2018, 2019, and 2020 allocations of State and local PJs.

Limits and Conditions on CHDO Operating Expense Assistance

Requirement: Operating Assistance for Community Housing Development Organizations (CHDOs)

Citations: Section 212(g) and 234(b) of NAHA; 24 CFR 92.208 and 24 CFR 92.300(e) and (f)

Explanation: Section 212(g) of NAHA and 24 CFR 92.208 limit the amount of CHDO operating assistance that a PJ may provide to 5% of each annual HOME allocation. Section 234(b) of NAHA and 24 CFR 92.300(f) limit the amount of CHDO operating assistance, in combination with certain other forms of assistance, that each CHDO may receive to the greater of 50% of its annual operating budget or \$50,000. 24 CFR 92.300(e) requires a CHDO receiving operating assistance that is not currently receiving CHDO set-aside funding for a specific project must be expected to receive such funding within 24 months.

These statutory provisions are suspended and regulatory provisions are waived to permit a PJ to provide up to 10% of its FY 2019 and FY 2020 HOME allocations as operating assistance to CHDOs and to permit a CHDO to receive funding to fill operating budget shortfalls, even if the amount exceeds the higher of \$50,000 or 50% of its annual operating budget. Furthermore, PJs will not be required to include a provision in the written agreement with the CHDO that the CHDO is expected to receive CHDO set-aside funds within 24 months of receiving the additional operating assistance, as required in 24 CFR 92.300(e).

Justification: The suspension and waiver of these requirements is required to ensure that CHDOs are able to maintain operations and retain staff capacity to own, develop and sponsor housing with CHDO set-aside funds to serve communities impacted by the COVID-19 pandemic

Applicability: PJs in areas covered by a major disaster declaration may use up to 10% of their FY 2019 and FY 2020 allocations for CHDO operating assistance. A CHDO receiving increased operating assistance must use the assistance to maintain organizational capacity during the COVID-19 pandemic. CHDOs may receive increased operating assistance under these suspensions and waivers through June 30, 2021.

Matching Contribution Requirement

Requirement: Reduction of Matching Contributions

Citation: 24 CFR 92.218 and 92.222(b)

Explanation: The provisions of 24 CFR 92.218 and 24 CFR 92.222(b) require all HOME PJs to contribute throughout the fiscal year to housing that qualifies as affordable housing under the HOME program. The contributions must total no less than 25 percent of the HOME funds drawn from the PJ's HOME Investment Trust Fund Treasury account. The COVID-19 pandemic has drastically reduced economic activity, reducing state and local tax revenues and placing financial strain on PJs as they deliver urgently needed public health, emergency housing, education, community and social services. Reducing the matching requirement for PJs in areas covered by a major disaster declaration by 100 percent for FY 2020 and FY 2021 will ease the economic burden on PJs and eliminate the need for them to identify other sources of match for HOME activities

Justification: Given the urgent housing and economic needs created by COVID-19, and the substantial financial impact the PJ will face in addressing those needs, waiver of these regulations will relieve the PJ from the need to identify and provide matching contributions to HOME projects.

Applicability: This match reduction applies to funds expended by a PJ located in Presidentially declared-disaster area between October 1, 2019 and September 30, 2021.

Section II: Regulatory Waivers Available to All Participating Jurisdictions

The following regulatory waivers are available to all PJs, not just those PJs covered by a major disaster declaration under Title IV of the Stafford Act. Pursuant to the authority provided in 24 CFR 5.110, I hereby waive the HOME regulatory requirements specified below for all HOME PJs.

Citizen Participation Reasonable Notice and Opportunity to Comment

Citation: 24 CFR 91.105(c)(2) and (k) (Local governments), 24 CFR 91.115(c)(2) and (i) (States), and, 24 CFR 91.235(e) (Insular areas) 24 CFR 91.401 (Consortia)

Explanation: The regulations at 24 CFR 91.105(c)(2) and (k) (Local governments), 24 CFR 91.115(c)(2) and (i) (States), 24 CFR 91.235(e) (Insular Areas), and 24 CFR 91.401 (Consortia) set forth the citizen participation requirements for PJs. For substantial amendments to the consolidated plan, the regulations require the PJ to follow its citizen participation plan to provide citizens with reasonable notice and opportunity to comment. The citizen participation plan must state how reasonable notice and opportunity to comment will be given. This waiver will permit PJs amending their plans as a result of the COVID-19 pandemic to reduce the comment period to 5 days.

Justification: Given the unprecedented economic disruptions caused by the COVID-19 pandemic, PJs may need to expeditiously reprogram HOME funds to activities that more directly meet their immediate housing needs, including reprogramming funds to cover increased administrative

costs or away from other development activities. Requiring these PJs to complete the required public comment period would cause undue delays in the face of urgent and growing need. PJs must have the ability to respond immediately to the unprecedented housing need caused by the COVID-19 pandemic.

Applicability: This waiver is in effect for any necessary substantial amendments to FY 2020 and earlier consolidated plans or action plans

Income Documentation

Requirement: Source Documentation for Income Determinations

Citations: 24 CFR 92.203(a)(1) and (2), 24 CFR 92.64(a) (Insular Areas)

Explanation: These sections of the HOME regulation require initial income determinations for HOME beneficiaries by examining source documents covering the most recent two months. 24 CFR 92.64(a) applies these requirements to Insular Areas.

Justification: This waiver permits the PJ to use self-certification of income, as provided at §92.203(a)(1)(ii), in lieu of source documentation to determine eligibility for HOME assistance of persons requiring emergency assistance related to COVID-19. Many families affected by actions taken to reduce the spread of COVID-19, such as business closures resulting in loss of employment or lay-offs, will not have documentation that accurately reflects current income and will not be able to qualify for HOME assistance if the requirement remains effective.

Applicability: The waiver applies to individuals and families that have lost employment or income either permanently or temporarily due to the COVID-19 pandemic and who are applying for admission to a HOME rental unit or a HOME tenant-based rental assistance program. This waiver also applies to homeless individuals and families who are applying for admission to a HOME rental unit or a HOME tenant-based rental assistance program. Timely provision of this assistance will reduce the spread of COVID-19.

If a PJ chooses to use this waiver availability, the PJ must ensure that self-certified income takes into consideration all income, including any unemployment and emergency benefits the applicant will receive. However, for purposes of an applicant's self-certification, emergency tax relief (commonly referred to as stimulus payments) is not to be included as an emergency benefit. Also, the PJ must arrange to conduct on-site rent and income reviews within 90 days after the waiver period. The PJ must include tenant income certifications in each project file. This waiver remains in effect through December 31, 2020.

On-Site Inspections of HOME-assisted Rental Housing

Requirement: Ongoing Periodic Inspections of HOME-assisted Rental Housing

Citation: 24 CFR 92.504(d)(1)(ii) and 24 CFR 92.64(a) (Insular Areas)

Explanation: These provisions require that during the period of affordability PJs perform on-site inspections of HOME-assisted rental housing to determine compliance with the property standards at §92.251 and to verify the information submitted by the owners in accordance with the income and rent requirements of §92.252. On-site inspections must occur at least once every three

years during the period of affordability. 24 CFR 92.64(a) applies these requirements to Insular Areas.

Justification: Waiving the requirement to perform ongoing on-site inspections will help protect PJ staff and limit the spread of COVID-19. To protect PJ staff and reduce the spread of COVID-19, this waiver extends the timeframe for PJs to perform on-site reviews to determine a HOME rental project's compliance with rent and income requirements if the project owner is unable to make the documentation available electronically.

Applicability: The waiver is applicable to ongoing periodic inspections and does not waive the requirement to perform initial inspections of rental properties upon completion of construction or rehabilitation. The waiver is in effect through December 31, 2020. Within 120 days of the end of this waiver period, PJs must physically inspect units that would have been subject to HQS inspections during the waiver period.

Annual Inspection of Units Occupied by Recipients of HOME Tenant-Based Rental Assistance (TBRA)

Requirement: Annual Inspections of TBRA Units

Citation: 24 CFR 92.504(d)(1)(iii); 24 CFR 92.209(i) requirement for annual re-inspections. 24 CFR 92.64(a) (Insular Areas)

Explanation: These provisions require PJs to annually inspect each unit occupied by a recipient of HOME TBRA. 24 CFR 92.64(a) applies these requirements to Insular Areas.

Justification: Waiving the requirement that these annual inspections be performed according to schedule will protect the health of both inspectors and TBRA tenants by observing physical distancing recommendations to limit the spread of COVID-19.

Applicability: The waiver is applicable to annual HQS re-inspections required to occur from the date of this memorandum through December 31, 2020. At the end of this waiver period, PJs must inspect units that would have been subject to HQS inspections during the waiver period within 90 days of the expiration of the waiver. In addition, PJs shall make reasonable efforts to address any tenant-reported health and safety issues during the waiver period.

Four-Year Project Completion Requirement

Requirement: Four-Year Project Completion Deadline

Citation: 24 CFR 92.205(e)(2) and 24 CFR 92.64(a) (Insular Areas)

Explanation: The provision requires that projects assisted with HOME funds be completed within 4 years of the date that HOME funds were committed. If the project is not complete, in accordance with the definition of "project completion" at 24 CFR 92.2, by the deadline, the project is involuntarily terminated in HUD's Integrated Data Information System (IDIS), and the PJ must repay all funds invested in the project. The regulations permit a PJ to request an extension of the deadline for up to one-year. 24 CFR 92.64(a) applies these requirements to Insular Areas.

Justification: This waiver is necessary to provide additional time to permit completion of HOME-assisted projects that may be delayed as a result of the impact of COVID-19 on project timelines. These delays may occur as a result of worker illnesses or efforts to reduce the spread of COVID-19, such as smaller construction crews or delays in local permitting or inspections due to government office closures.

Applicability: This waiver applies to projects for which the 4-year project completion deadline will occur on or after the date of this memorandum. The completion deadlines for covered projects are extended to December 31, 2020.

Nine-Month Deadline for Sale of Homebuyer Units

Requirement: Qualification as Affordable Housing: Homeownership

Citation: 24 CFR 92.254(a)(3) and 24 CFR 92.64(a) (Insular Areas)

Explanation: This provision requires that a homebuyer housing unit developed with HOME funds have a ratified contract for sale to an eligible homebuyer within 9 months of the date of completion of construction or rehabilitation. If there is no ratified sales contract with an eligible homebuyer within 9 months of completion of construction or rehabilitation, the housing must be rented to an eligible tenant in accordance with §92.252. 24 CFR 92.64(a) applies these requirements to Insular Areas.

Justification: Many PJs will not be able to meet this deadline due to the effect the COVID-19 pandemic will have on the ability of eligible households to qualify for mortgages due to income losses or to schedule inspections, titles searches, or closings during periods of business closures. The waiver is necessary to prevent the loss of homeownership opportunities for HOME-eligible families and temporarily suspend the required corrective actions of repayment of HOME funds or conversion of the homebuyer units to rental housing.

Applicability: The waiver applies to projects for which the 9-month homebuyer sale deadline occurs on or after the date of this memorandum and extends the deadline for those projects to December 31, 2020. This waiver does not apply to the remaining requirements of the regulation, including that a homebuyer must receive housing counseling, and that a PJ must determine eligibility of a family by including the income of all persons living in the housing.

Use of HOME Funds for Operating Reserves for Troubled HOME Projects

Requirement: Troubled HOME Projects

Citations: 24 CFR 92.210(a) and (b) and 24 CFR 92.64(a) (Insular Areas)

Explanation: 24 CFR 92.210 establishes provisions to permit HOME rental projects that are not financially viable (i.e., projects for which operating costs significantly exceed operating revenue) to be preserved through the use of HOME funds to recapitalize project reserves. 24 CFR 92.210(a) requires HUD to review market needs, available resources, and the likelihood of long-term viability of the project before approving this use of HOME funds. 24 CFR 92.210(b) requires a written memorandum of agreement between HUD and the PJ as a precondition of this funding and certain limitations on the amount of funding. 24 CFR 92.64(a) applies these requirements to Insular Areas.

Justification: The waiver is necessary to enable PJs to take rapid action to preserve the financial viability of HOME-assisted affordable rental projects currently under a HOME period of affordability. Because existing tenants in HOME units may be unable to meet their rent obligations due to the economic impact of the COVID-19 pandemic, HOME rental projects may experience operating deficits due to the sudden decrease in rental revenue

Applicability: The waiver applies to HOME-assisted rental projects currently within the period of affordability established in the HOME written agreement. PJs will not be required to obtain HUD approval or execute a memorandum of agreement with HUD before providing this assistance. PJs may only exercise this waiver authority when the project owner agrees to forego: 1) any distributions of residual receipts resulting from the project throughout the waiver period and for a period of 6 months thereafter; 2) any right under the existing lease agreement or State or local law to pursue legal action against tenants of HOME-assisted units for non-payment of rent and the collection of any fees associated with late payments without prior approval of the PJ; and 3) any adverse credit reporting against tenants of HOME-assisted units for nonpayment of rent or fees without prior approval of the PJ

The PJ may provide additional HOME funds to recapitalize operating deficit reserves for HOME-assisted rental projects if the PJ determines that the project is experiencing operating deficits related to the economic effects of the COVID-19 pandemic during the waiver period. The PJ may only provide this assistance to projects experiencing operating deficits that will not be covered by insurance or other sources (e.g., other private, local, state, or federal funds)

The maximum amount of HOME assistance that may be provided is equal to the total of the project's operating expenses, previously scheduled payments to a replacement reserve, and actual debt service (excluding debt service of loans in forbearance) multiplied by the proportionate share of HOME-assisted units to the total number of units in the project for the period beginning on April 1, 2020 and ending on December 31, 2020. Project operating expenses may be demonstrated by one of the following:

- The Owner's most recent year to date financials for the project;
- Certified project-level accounting records covering the most recent 3 months; and
- Copies of project-level bank statements covering the most recent 3 months.

Project operating expenses may also be adjusted due to COVID-19-related expenditures and foregone expenses due to social distancing measures and other COVID-19-related impacts. An owner may demonstrate these expenses with recent receipts, copies of work orders, revised budgets that have been certified by the project owner as true, accurate representations of current expenditures.

In order to take advantage of this waiver, PJs must amend the HOME written agreement with the project owner to include the amount of HOME funds that will be provided to an operating reserve (i.e., the proportion of total costs attributable to HOME units as described in the paragraph above), the costs eligible to be paid with HOME funds in the operating reserve (i.e., operating expenses, scheduled payments to a replacement reserve, and qualifying debt service), and the documentation the PJ is required to maintain to demonstrate the allowable amounts and eligibility of costs paid with the HOME funds in the operative reserve.

The written agreement must specify that the owner must forego: 1) any distributions of residual receipts during the period this waiver is in effect and for a period of 6 months thereafter; 2) any right under the existing lease agreement or State or local law to pursue legal action against tenants of HOME-assisted units for non-payment of rent and the collection of any fees associated with late payments without prior approval of the PJ; and 3) any adverse credit reporting against tenants of HOME-assisted units for nonpayment of rent or fees without prior approval of the PJ.

Within 6 months following the waiver period, the PJ must review the project's records of actual revenue and operating expenses, total amount of HOME funds expended from the operating reserve, and the eligibility of expenses by examining invoices and receipts. The written agreement must require the project owner to repay any expenditures for costs determined to be ineligible and any balance of HOME funds remaining in the reserve after December 31, 2020. Any HOME funds repaid to the PJ must be deposited in the local HOME account and reported as program income in IDIS.

The waiver is effective through December 31, 2020.

[Timeframe for a Participating Jurisdiction's Response to Findings of Noncompliance](#)

Requirement:	Corrective and Remedial Actions
Citations:	24 CFR 92.551(b)(1) and 24 CFR 92.64(a) (Insular Areas)
Explanation:	24 CFR 92.551(b)(1) requires that if HUD determines preliminarily that a PJ has not met a provision of the HOME regulations, the PJ must be notified and given an opportunity to respond within a time period prescribed by HUD, not to exceed 30 days. 24 CFR 92.64(a) applies this requirement to Insular Areas.
Justification:	The waiver is necessary to permit HUD to provide a PJ with an extended period to respond to findings of noncompliance in recognition of the unanticipated circumstances created by the COVID-19 pandemic. While HUD must continue its oversight function for the HOME Program, requiring PJs to respond to all findings of noncompliance within 30 days may interfere with a PJ's ability to address the unprecedented housing needs caused by the COVID-19 pandemic.
Applicability:	The waiver applies to all findings of noncompliance with the HOME regulations issued from the date of this memorandum through December 31, 2020. In the notice of findings, HUD will specify a time period for the PJ's response based on the nature of the noncompliance and required corrective action(s). HUD may also, upon request by the PJ, extend time periods imposed before the date of this memorandum.

[Availability of Waivers and Suspensions of the HOME Program Requirements in Response to COVID-19 Pandemic](#)

HOME-ASSISTED TENANT-BASED RENTAL ASSISTANCE (TBRA) FOR EMERGENCY AND SHORT-TERM ASSISTANCE

HOME – TBRA – Suspensions and Regulatory Waivers

Guidance and the necessary statutory suspensions and regulatory waivers to enable HOME participating jurisdictions (PJs) affected by the Coronavirus Disease 2019 (COVID-19) pandemic to use HOME tenant-based rental assistance (TBRA) funds to facilitate urgent housing assistance to the communities and families experiencing financial hardship. It is divided into two sections. Section I addresses PJs located in the areas covered by a major disaster declaration made under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act). Section II describes regulatory waivers available to all HOME PJs not just those PJs included in a major disaster declaration. Provisions that are not specifically suspended or waived remain in full effect.

While HOME program funds are primarily a resource for the physical development of affordable housing, the Department recognizes that the COVID-19 pandemic has caused widespread economic damage and created an unprecedented need for housing assistance among individuals and families directly affected by these unanticipated economic changes. The suspensions and waivers provided will allow PJs to use HOME funds for TBRA to individuals and families experiencing financial hardship as a result of the COVID-19 pandemic, including 1) providing immediate rental assistance to individuals and families seeking housing, 2) assisting households that have housing but face reduced or lost wages, and 3) assisting existing TBRA families that need additional assistance due to reduced or lost wages.

CPD Field Offices shall inform PJs of the availability of these suspensions and waivers. A PJ that intends to implement the HOME statutory suspensions and/or regulatory waivers identified below must send written notification via e-mail to the CPD Division in its local HUD Field Office before it implements the waiver and/or suspension. This written notification must identify which suspensions and/or waivers the PJ plans to use.

Waiver and Suspension Authority

Section 290 of the Cranston-Gonzalez National Affordable Housing Act of 1990 (NAHA), as amended, authorizes HUD to suspend, respectively, HOME statutory requirements to assist PJs in addressing the damage in an area for which the President has issued a major disaster declaration under Title IV of the Stafford Act and to assist them in disaster recovery.

Upon determination of good cause, in accordance with 24 CFR 5.110, HUD may waive regulatory provisions subject to statutory limitations. These provisions provide HUD the authority to make waiver determinations for the HOME program.

Section I: Statutory Suspensions and Regulatory Waivers Available Only to Major Disaster Areas

Pursuant to the authority provided in Section 290 of NAHA and 24 CFR 5.110, I hereby find good cause, as stated in the justifications that follow, to suspend HOME statutory requirements and waive related regulatory requirements specified below for PJs covered by a major disaster declaration under the Title IV of the Stafford Act as a result of the COVID-19 pandemic.

Consolidated Plan – HOME Certification, Analysis of Local Market Conditions, and Citizen Participation

- Citations:** Section 212(a)(3)(A)(i) of NAHA and 24 CFR 92.209(b)
24 CFR 91.105(c)(2) and (k), 24 CFR 91.215(b)(1) and (e) and 24 CFR 91.225(d)(1) (Local governments), 24 CFR 91.115(c)(2) and (i), 24 CFR 91.315(b)(1) and (e) and 24 CFR 91.325(d)(1) (States), 24 CFR 91.401, 24 CFR 91.415 and 24 CFR 91.425(2)(i) (Consortia), and 24 CFR 91.235(e) and 24 CFR 92.61 (Insular Areas)
- Explanation:** Section 212(a)(3)(A)(i) of NAHA requires that a PJ that intends to use HOME funds for TBRA certify that the provision of such assistance is an essential part of its Consolidated Plan based on an analysis of local market conditions. This requirement is codified in 24 CFR 92.209(b) and for Insular Areas 24 CFR 92.61, as well as in the Consolidated Submissions for Community Planning and Development Programs regulations at 24 CFR 91.215(b)(1) and (e) and 91.225(d)(1) (for local governments), 24 CFR 91.315(b)(1) and (e) and 91.325(d)(1) (for States), and 24 CFR 91.415 and 91.425(2)(i) (for Consortia). When amending its Consolidated Plan, a PJ must follow the citizen participation plan it developed and adopted in accordance with 24 CFR 91.105(c)(2) and (k) (for local governments), 24 CFR 91.115(c)(2) and (i) (for States), 24 CFR 91.235(e) (Insular Areas), and 24 CFR 91.401 (for Consortia). The citizen participation plan must provide citizens with reasonable notice and an opportunity to comment. The citizen participation plan must state how reasonable notice and an opportunity to comment will be given and provide a period of not less than 30 calendar days to allow citizens to submit comments.
- This suspension will eliminate: 1) the requirement for PJs to amend their Consolidated Plans to include or revise an analysis of local market conditions before implementing a TBRA program; and 2) the requirement that PJs certify that the use of HOME funds for TBRA is an essential element of the Consolidated Plan and that it has conducted an analysis of local needs. PJs that choose to use HOME TBRA to address the urgent housing needs resulting from the COVID-19 pandemic may do so by amending their Annual Action Plan to reflect the use of HOME funds for TBRA without meeting these requirements.
- Justification:** Given the unprecedented economic disruptions and associated job losses caused by the COVID-19 pandemic, there is an urgent need for TBRA assistance in communities across the country. Requiring PJs to conduct an analysis of local market conditions, amend their Consolidated Plan, and complete the required public comment period would cause undue delays in commencing TBRA programs to address the urgent and growing need. PJs must have the ability to respond immediately to the unprecedented housing needs created by the COVID-19 pandemic.
- Applicability:** This suspension and regulatory waiver is applicable to a PJ's current 5-year Consolidated Plan and any Consolidated/Action Plans being amended to reprogram funds to TBRA to address housing needs related to the COVID-19 pandemic.

Tenant Selection and Targeted Assistance

- Citation:** Section 212(a)(3)(A)(ii) of NAHA, 24 CFR 92.209(c) and 24 CFR 92.64(a) (Insular Areas)
- Explanation:** Section 212(a)(3)(A)(ii) of NAHA requires a PJ to establish written tenant selection criteria for its TBRA program. In accordance with 24 CFR 92.209(c), or 24 CFR 92.64(a) for Insular Areas, those criteria must be consistent with the local housing needs and priorities established in the PJ's Consolidated Plan. This suspension will eliminate the need for PJs to develop or revise written tenant selection criteria and will allow PJs to assist individuals requiring immediate housing assistance as a result of the COVID-19 pandemic.
- Justification:** Given the sudden onset and severe effects of the COVID-19 pandemic, PJs could not anticipate the urgent, widespread housing needs created by the pandemic or reflect those needs and priorities in the Consolidated Plan. Suspending this provision will provide PJs with greater flexibility to expeditiously use TBRA as a resource to assist individuals and families affected by the COVID-19 pandemic.
- Applicability:** Suspending Section 212(a)(3)(A)(ii) of NAHA and waiving 24 CFR 92.209(c) and 24 CFR 92.64(a) for Insular Areas eliminates the requirement for PJs to establish new or revise existing tenant selection criteria for the HOME TBRA program. The statutory suspension and regulatory waiver are in effect through December 31, 2020, for TBRA provided in response to the COVID-19 pandemic. However, a PJ must document its criteria for selecting individuals and families to be assisted by the TBRA program.

Section II: Regulatory Waivers Available to All Participating Jurisdictions

The following regulatory waivers are available to all PJs, not just those PJs covered by a major disaster declaration under Title IV of the Stafford Act. Pursuant to the authority provided in 24 CFR 5.110, I hereby waive the HOME regulatory requirements specified below for all HOME PJs.

Citizen Participation Reasonable Notice and Opportunity to Comment

- Citation:** 24 CFR 91.105(c)(2) and (k) (Local governments), 24 CFR 91.115(c)(2) and (i) (States), 24 CFR 91.235(e) (Insular Areas), and 24 CFR 91.401 (Consortia)
- Explanation:** The regulations at 24 CFR 91.105(c)(2) and (k) (Local governments), 24 CFR 91.115(c)(2) and (i) (States), 24 CFR 91.235(e) (Insular Areas), and 24 CFR 91.401 (Consortia) set forth the citizen participation requirements for PJs. For substantial amendments to the Consolidated Plan, the regulations require the PJ to follow its citizen participation plan to provide citizens with reasonable notice and opportunity to comment. The citizen participation plan must state how reasonable notice and opportunity to comment will be given. This waiver will permit PJs amending their plans as a result of the COVID-19 pandemic to reduce the comment period to 5 days.
- Justification:** Given the unprecedented economic disruptions caused by the COVID-19 pandemic, the need for this type of assistance in communities across the country is clear. Requiring these PJs to complete the required public comment period would cause undue delays in commencing TBRA programs to address an urgent and growing need. PJs must have the ability to respond immediately to the unprecedented housing need caused by the COVID-19 pandemic.
- Applicability:** This waiver applies to any approved Annual Action Plan being amended to reprogram funds to TBRA to address housing needs related to the COVID-19 pandemic.

Rent Reasonableness

- Citations:** 24 CFR 92.209(f) and 24 CFR 92.64(a) (Insular Areas)
- Explanation:** In accordance with the HOME regulations at 24 CFR 92.209(f), a PJ must disapprove a lease if the rent is not reasonable, based on an assessment of rents charged for comparable unassisted rental units. The HOME regulations at 24 CFR 92.64(a) applies this requirement to Insular Areas. This waiver will permit PJs to provide immediate rental assistance to individuals and families seeking housing and assist individuals and families that have housing but are experiencing reduced or lost wages, without requiring an assessment of rents charged for comparable unassisted rental units.
- Justification:** Given the unprecedented need for rental assistance for individuals facing financial hardship during the pandemic, requiring PJs to conduct a rent comparison prior to providing rental assistance presents an undue administrative burden. PJs must focus on providing immediate housing for income-eligible individuals currently not in stable housing, as well as assistance to income-eligible individuals that currently have housing, but are unable to pay rent and/or utilities due to lost or reduced wages. In the latter case, some households affected by sudden economic disruptions may be occupying housing with rents that would exceed a PJ's established rent reasonableness standard. Without this waiver, those households could not be assisted with HOME TBRA.
- Applicability:** This waiver is applicable to TBRA provided to individuals and tenant households experiencing financial hardship because of a reduction or loss of income. This requirement is waived through December 31, 2020, for TBRA provided in response to the COVID-19 pandemic. PJs using this waiver authority must execute a rental assistance contract with the owner or tenant.

Eligible Tenant-based Rental Assistance Costs and Maximum TBRA Subsidy

- Citation:** 24 CFR 92.209(a) and (h) and 24 CFR 92.64(a) (Insular Areas)
- Explanation:** The HOME regulations at 24 CFR 92.209(a) state that eligible TBRA costs include rental assistance and security deposit payments made to income-eligible households. PJs can also use HOME funds to provide utility deposit assistance if such assistance is provided in conjunction with TBRA or a security deposit payment. The amount of monthly utility costs included in HOME TBRA is limited by the utility allowance established by the PJ for its TBRA program, irrespective of whether those utilities are paid by the landlord or the tenant.
- In accordance with 24 CFR 92.209(h), the maximum amount of monthly assistance a PJ may pay to, or on behalf of, a tenant, may not exceed the difference between the PJ's rent standard and 30 percent of the tenant's monthly adjusted income. The PJ must establish a minimum tenant contribution to rent, and a rent standard that is based on local market conditions or the subsidy standards under the Section 8 Housing Choice Voucher Program. The HOME regulations at 24 CFR 92.64(a) apply these requirements to Insular Areas.
- This waiver will allow PJs to pay the full cost of monthly utilities in addition to rental assistance and security deposit payments for new and existing TBRA families affected by the COVID-19 pandemic. PJs may provide up to 100 percent subsidy for rent, security deposit payments, and utility bills paid by tenants affected by a reduction or loss of income from the COVID-19 pandemic. The waiver also eliminates the need for the PJ to establish utility allowances for different types and sizes of units for its TBRA program, which eliminates a significant administrative burden.

Justification: The COVID-19 pandemic has caused widespread loss or reduction of income, significantly affecting the financial stability of households, including existing TBRA families, and rendering many unable to pay rent and/or utilities. Households must be able to maintain the basic utilities required to ensure housing remains safe and sanitary. Permitting PJs to use HOME funds to pay for utilities will enable affected households to maintain decent, safe and sanitary housing, which necessarily requires electricity, water, and/or gas service during the pandemic.

As individuals experience financial hardship, the amount of assistance required to ensure they remain housed will often exceed the PJ's payment standard. In addition, individuals may be unable to pay the PJ's minimum required tenant contribution toward rent. Requiring PJ's to establish or revise payment standards and the minimum tenant contribution to rent policies in the current emergency would be burdensome and delay the provision of TBRA in response to the pandemic.

Applicability: This waiver is applicable to TBRA provided to individuals or families experiencing financial hardship, including existing TBRA families that have experienced a loss or reduction in income due to the COVID-19 pandemic. This requirement is waived through December 31, 2020, for rental assistance provided in response to the COVID-19 pandemic. PJs using this waiver authority must execute a rental assistance contract with the owner or tenant for a term mutually agreed upon by all parties, but not to exceed the December 31, 2020, waiver period. The PJ may make utility payments directly to the tenant or utility company based on utility bills submitted for the assisted unit, either by mail or electronically.

Term of Rental Assistance Contract

Citation: 24 CFR 209(e) and 24 CFR 92.64(a) (Insular Areas)

Explanation: The HOME regulations at 24 CFR 209(e) state that the term of the rental assistance contract must begin on the first day of the term of the lease. For a rental assistance contract between a PJ and an owner, the term of the contract must terminate upon termination of the lease. For a rental assistance contract between a PJ and a family, the term of the contract is not required to terminate upon the termination of the lease, but no payments may be made after lease termination until the family executes a new lease. The HOME regulations at 24 CFR 92.64(a) apply these requirements to Insular Areas. This waiver eliminates the requirement that the rental assistance contract must begin on the first day of the term of lease.

Justification: This waiver is necessary to enable PJs to assist tenants that are currently housed, including existing TBRA households, but have experienced sudden financial hardship as a result of the COVID-19 pandemic. Because affected households already have an executed lease, it is impossible for the TBRA contract to begin on the first day of the term of the lease.

Applicability: This requirement is waived through December 31, 2020, for TBRA provided in response to the COVID-19 pandemic. The PJ's requirement to execute a rental assistance contract with the owner or tenant is not waived. PJs using this waiver authority must execute a rental assistance contract with the owner or tenant for a term mutually agreed upon by all parties, but not to exceed the December 31, 2020, waiver period.

Tenant Protections – Lease

- Citation:** 24 CFR 92.209(g) and 24 CFR 92.64(a) (Insular Areas)
- Explanation:** The HOME regulations at 24 CFR 92.209(g) require that each HOME-assisted tenant have a lease that complies with the tenant protection requirements of 24 CFR 92.253(a) and (b). In accordance with 24 CFR 92.253(a), there must be a lease between the tenant and the owner of rental housing assisted with HOME TBRA. The lease must have a term of not less than one year, unless both parties mutually agree to a shorter period. The lease cannot contain any of the prohibited lease terms defined in 24 CFR 92.253(b). The HOME regulations at 24 CFR 92.64(a) apply these requirements to Insular Areas. This waiver will permit PJs to assist individuals currently housed but facing financial hardship, where an executed lease is already in place.
- Justification:** During the COVID-19 pandemic, PJs may assist individuals that are already in rental units but are unable to pay rent and/or utilities due to job loss or reduced wages. These individuals already have an executed lease that may include one or more of the prohibited lease terms included in 24 CFR 92.253(b). Requiring PJs to immediately execute or amend leases creates an undue administrative burden and may disqualify some in-place tenants from receiving TBRA.
- Applicability:** In response to the COVID-19 pandemic, the requirement that a tenant assisted by TBRA have a lease that complies with the requirements of 24 CFR 92.253(a) and (b) is waived through December 31, 2020, for rental assistance provided to tenants already housed who have an executed lease. PJs using this waiver authority are required to execute a rental assistance contract with the tenant for a term mutually agreed upon by all parties, but not to exceed the waiver period ending on December 31, 2020. PJs must still comply with all VAWA requirements contained in 24 CFR 92.359 by including, at a minimum, a lease addendum that addresses all VAWA requirements.

Housing Quality Standards

- Citation:** 24 CFR 92.209(i) and 24 CFR 92.64(a) (Insular Areas)
- Explanation:** The HOME regulations at 24 CFR 92.209(i) require that all housing occupied by households receiving HOME TBRA must meet the housing quality standards (HQS) at 24 CFR 982.401. The PJ is required to inspect the unit for compliance prior to occupancy and annually thereafter. The HOME regulations at 24 CFR 92.64(a) apply these requirements to Insular Areas. This waiver will permit the PJ to rapidly house or assist individuals affected by the COVID-19 pandemic without requiring an initial HQS inspection.
- Justification:** The COVID-19 pandemic has created an unprecedented need for rental assistance for tenant households facing financial hardship. PJs must act quickly to address these needs and requiring HQS inspections of all units where HOME TBRA assistance is provided would create an administrative burden and reduce PJs' ability to respond timely to the housing needs created by the pandemic. In addition, requiring initial HQS inspections would increase housing inspectors' risk of contracting or spreading the COVID-19 virus.
- Applicability:** This waiver is applicable to TBRA provided to tenant households experiencing financial hardship. This requirement is waived through December 31, 2020, for rental assistance provided in response to the COVID-19 pandemic. The lead-safe housing requirements of 24 CFR part 35, subpart M, made applicable to units leased by recipients of HOME TBRA by the HOME

regulation at 24 CFR 92.355, cannot be waived. Consequently, units built before 1978 must undergo visual evaluation and paint repair in accordance with 24 CFR Part 35, subpart M. PJs using this waiver authority must establish procedures to minimize the risk that tenants are in housing that does not meet HQS, as well as procedures for conducting physical inspections within 120 days following the end of the December 31, 2020, waiver period.

Annual Inspection of Units Occupied by Recipients of HOME TBRA

- Citation:** 24 CFR 92.504(d)(1)(iii); 24 CFR 92.209(i) and 24 CFR 92.64(a) (Insular Areas)
- Explanation:** Provisions require PJs to annually inspect each unit occupied by a recipient of HOME TBRA.
- Justification:** Waiving the requirement that these annual inspections be performed according to schedule will protect the health of both inspectors and tenants by observing physical distancing recommendations to limit the spread of COVID-19.
- Applicability:** The waiver applies to annual HQS re-inspections required to occur from the date of this memo through December 31, 2020. Within 120 days of the end of this waiver period, PJs must physically inspect units that would have been subject to HQS inspections during the waiver period.

Income Determinations

- Citations:** 24 CFR 92.203(a)(2) and 24 CFR 92.64(a) (Insular Areas)
The HOME regulations at 24 CFR 92.203(a)(2) require the PJ to determine a TBRA tenant's annual income by examining at least 2 months of source documentation evidencing income and projecting anticipated income forward for the next 12 months. The HOME regulations at 24 CFR 92.64(a) apply these requirements to Insular Areas. This waiver will permit PJs to follow the regulations at 24 CFR 92.203(a)(1)(ii) in lieu of requiring a review of source documentation. The HOME regulations at 24 CFR 92.203(a)(1)(ii) allow the PJ to obtain a written statement of the amount of the family's anticipated annual income and household size, along with a certification that the information is complete and accurate.
- Justification:** Given the rapid and unanticipated economic disruptions caused by the COVID-19 pandemic, source documentation from the past two months may not reflect the current financial circumstances of many households. Requiring PJs to determine an individual's annual income using source documentation would be administratively burdensome, may not reflect current or anticipated income, and may result in individuals or families being incorrectly disqualified from receiving TBRA.
- Applicability:** This waiver is applicable to TBRA provided to individuals or families experiencing financial hardship. This requirement is waived through December 31, 2020, for rental assistance provided in response to the COVID-19 pandemic. The PJ must ensure that the tenant's self-certification indicates how the tenant's financial situation has changed, (i.e., job loss or reduced wages), and includes all income, including any unemployment or emergency benefits received by the tenant as a result of the pandemic. However, for purposes of a tenant's self-certification, emergency tax relief (commonly referred to as stimulus payments) should not be included as an emergency benefit. The PJ must include tenant income certifications in each project file.

[Suspensions and Waivers to Facilitate Use of HOME-Assisted TBRA for Emergency and Short-term Assistance in Response to COVID-19 Pandemic](#)

HOME Investment Partnerships Program FAQs

These frequently asked questions (FAQs) provide guidance on Section 4024 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act which imposes a temporary moratorium on evictions.

View [HOME Investment Partnerships Program \(HOME\)](#) Frequently Asked Questions (FAQs) on the [HOME landing page](#).

In addition, these documents contain HOME FAQs organized by topic.

[HOME FAQs - All](#)

[HOME FAQs - Broadband Infrastructure](#)

[HOME FAQs - Community Housing Development Organization](#)

[HOME FAQs - COVID-19 & CARES Act](#)

[HOME FAQs - Cross Cutting Requirements](#)

[HOME FAQs - Homebuyer Housing](#)

[HOME FAQs - Homeowner Rehabilitation](#)

[HOME FAQs - Planning and Coordination](#)

[HOME FAQs - Program Requirements](#)

[HOME FAQs - Rental Housing](#)

[HOME FAQs - Tenant-based Rental Assistance](#)

[HOME FAQs - Underwriting and Project Selection](#)

<https://www.hudexchange.info/onecpd/assets/File/HOME-FAQs-COVID-19.pdf>

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)

SUMMARY:

- [HOPWA Guidance for COVID-19 can be found here.](#)
- \$65 million appropriation, of which:
 - Not less than \$50 million for formula grants (using same data elements as 2020 formula);
 - Up to \$10 million for competitive grants (for existing grantees providing permanent supportive housing, in proportionate share to existing grants; not required to spend funds on permanent supportive housing); and
 - Up to 2 percent for technical assistance (via increase to prior awards of existing technical assistance providers)
- the authority to provide housing assistance payments for rent, mortgage, utilities for up to 24 months;
- the authority to use funds to self-isolate, quarantine, or provide other CDC-recommended infection control services for household members not living with HIV/AIDS;
- the authority to use funds to provide relocation services (including lodging at hotels, motels, or other locations) for persons living with HIV/AIDS and household members not living with HIV/AIDS

HOPWA (Housing Opportunities for Persons with AIDS) Mega Waiver Self-Certification of Income and Credible Information on HIV Status

Requirement: Source Documentation for Income and HIV Status Determinations.

Citation: 24 CFR 574.530, Recordkeeping

Explanation: Each grantee must maintain records to document compliance with HOPWA requirements, which includes determining the eligibility of a family to receive HOPWA assistance.

Justification: This waiver will permit HOPWA grantees and project sponsors to rely upon a family member's self-certification of income and credible information on their HIV status (such as knowledge of their HIV-related medical care) in lieu of source documentation to determine eligibility for HOPWA assistance of families and grantees affected by COVID-19.

Applicability: Eligibility is restricted to a low-income person who is living with HIV/AIDS and the family of such person. This waiver is in effect for recipients who require written certification of the household seeking assistance of their HIV status and income, and agree to obtain source documentation of HIV status and income eligibility within 3 months of public health officials determining no additional special measures are necessary to prevent the spread of COVID-19.

FMR Rent Standard

Requirement: Rent Standard for HOPWA Rental Assistance

Citation: 24 CFR 574.320(a)(2), Rent Standard

Explanation: Grantees must establish rent standards for their rental assistance programs based on FMR (Fair Market Rent) or the HUD-approved community-wide exception rent for unit size. Generally, the rental assistance payment may not exceed the difference between the rent standard and 30 percent of the family's adjusted income.

Justification: This waiver of the FMR rent standard limit permits HOPWA grantees to establish rent standards, by unit size, that are reasonable, and based upon rents being charged for comparable unassisted units in the area, taking into account the location, size, type, quality, amenities, facilities, management and maintenance of each unit. Grantees, however, are required to ensure the reasonableness of rent charged for a unit in accordance with §574.320(a)(3).

This waiver is required to expedite efforts to identify suitable housing units for rent to HOPWA beneficiaries and HOPWA-eligible families that have been affected by COVID-19, and to provide assistance to families that must rent units at rates that exceed the HOPWA grantee's normal rent standard as calculated in accordance with §574.320(a)(2).

Applicability: Such rent standards may be used for up to one year beginning on the date of this memorandum may be used for up to one year beginning on the date of this memorandum.

Property Standards for HOPWA

- Requirement:** Property Standards for HOPWA
- Citation:** 24 CFR 574.310(b), Housing Quality Standards
- Explanation:** This section of the HOPWA regulations provides that all housing assisted with acquisition, rehabilitation, conversion, lease, or repair; new construction of single room occupancy dwellings and community residences; project or tenant-based rental assistance; or operating costs must meet the applicable housing quality standards outlined in the regulations.
- Justification:** This waiver is required to enable grantees and project sponsors to expeditiously meet the critical housing needs of the many eligible families that have been affected by COVID-19 while also minimizing the spread of coronavirus.
- Applicability:** This waiver is in effect for one year beginning on the date of this memorandum for grantees and project sponsors that are able to meet the following criteria:
- a. The grantee or project sponsor is able to visually inspect the unit using technology, such as video streaming, to ensure the unit meets HQS before any assistance is provided; and
 - b. The grantee or project sponsor has written policies to physically reinspect the unit after the health officials determine special measures to prevent the spread of COVID-19 are no longer necessary.

Property Standards for TBRA

- Requirement:** Property Standards for Tenant-Based Rental Assistance (TBRA)
- Citation:** 24 CFR 574.310(b), Housing Quality Standards
- Explanation:** This section of the HOPWA regulations provides that units occupied by recipients of HOPWA TBRA meet the Housing Quality Standards (HQS) established in this section.
- Justification:** This waiver is required to enable grantees and project sponsors to expeditiously meet the critical housing needs of the many eligible families that have been affected by COVID-19 while also minimizing the spread of the coronavirus.
- Applicability:** This waiver is in effect for one year beginning on the date of this memorandum for recipients and project sponsors that are able to meet the following criteria:
- a. The recipient or project sponsor is able to visually inspect the unit using technology, such as video streaming, to ensure the unit meets HQS before any assistance is provided; and
 - b. The recipient or subrecipient has written policies to physically re-inspect the unit after the health officials determine special measures to prevent the spread of COVID-19 are no longer necessary.

Space and Security

- Requirement:** Adequate Space and Security.
- Citation:** 24 CFR 574.310(b)(2)(iii), Space and security
- Explanation:** This section of the HOPWA regulations provide that each resident must be afforded adequate space and security for themselves and their belongings.
- Justification:** This waiver is required to enable grantees and project sponsors operating housing facilities and shared housing arrangements the flexibility to use optional appropriate spaces for quarantine services of eligible households affected by COVID-19. Optional spaces may include the placement of families in a hotel/motel room where family members may be required to utilize the same space not allowing for adequate space and security for themselves and their belongings.
- Applicability:** This space and security requirement is waived for grantees addressing appropriate quarantine space for affected eligible households during the allotted quarantined time frame recommended by local health care professionals.

Time Limits for Short-Term Housing Facilities and Short-Term Rent, Mortgage, and Utility Payments

- Requirement:** Time Limits for Short-Term Supported Housing
- Citation:** 24 CFR 574.330(a)(1), Time Limits
- Explanation:** A short-term supported housing facility may not provide residence to any individual for more than 60 days during any six-month period. Short-Term Rent, Mortgage, and Utility (STRMU) payments to prevent the homelessness of the tenant or mortgagor of a dwelling may not be provided for costs accruing over a period of more than 21 weeks in any 52-week period.
- Justification:** This waiver is required to prevent homelessness or discharge to unstable housing situations for households residing in short-term housing facilities or units assisted with STRMU if permanent housing cannot be achieved within the time limits specified in the regulation.
- Applicability:** On an individual household basis, grantees or project sponsors may assist eligible households for a period that exceeds the time limits specified in the regulations. A short-term supported housing facility may provide residence to any individual for a period of up to 120 days in a six-month period. STRMU payments to prevent the homelessness of the tenant or mortgagor of a dwelling may be provided for costs accruing up to 52 weeks in a 52-week period.
- This waiver is in effect for one year beginning on the date of this memorandum for grantees and project sponsors that are able to meet the following criteria:
- a. The grantee or project sponsor documents that a good faith effort has been made on an individual household basis to assist the household to achieve permanent housing within the time limits specified in the regulations but that financial needs and/or health and safety concerns have prevented the household from doing so; and

- b. The grantee or project sponsor has written policies and procedures outlining efforts to regularly reassess the needs of assisted households as well as processes for granting extensions based on documented financial needs and/or health and safety concerns.

[Availability of Waivers of Community Planning and Development \(CPD\) Grant Program and Consolidated Plan Requirements to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19](#)

[Availability of Additional Waivers for Community Planning and Development \(CPD\) Grant Programs to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19 \(May 22, 2020\)](#)

[HUD COVID-19 Resources and Fact Sheets](#)

HOPWA Program Flexibilities

CARES Act Instructions and Related Flexibilities for HOPWA

The purpose of this [Notice](#) is to provide instructions for implementing the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, provisions to the Housing Opportunities for Persons With AIDS (HOPWA) program, and provide additional information for HOPWA grantees and project sponsors related to coronavirus disease 2019 (COVID-19) response.

The CARES Act includes \$65 million in supplemental grant funding for the HOPWA program that the Department will distribute in the following manner:

- \$53.7 million will be allocated to formula grantees using the same data elements from the statutory allocation formula (42 U.S.C. § 12903) used to determine FY 2020 HOPWA formula allocations.
- \$10 million in additional one-time, non-renewable funding will be allocated to HOPWA permanent supportive housing competitive grantees that were initially funded with appropriated funds from FY 2010 or earlier and are currently administering grant awards. The supplemental grant funding will be allocated to such competitive renewal grantees in a manner proportionate to their existing grants.
- \$1.3 million in funding will be awarded, without competition, to increase prior awards made to existing HOPWA technical assistance (TA) providers. The purpose of the TA funding is to provide an immediate increase in capacity building and TA available to grantees.

Eligible Activities

A. General

The supplemental grant funds authorized under the CARES Act are to be used as additional funding to maintain operations, and for rental assistance, supportive services, and other necessary actions, in order to prevent, prepare for, and respond to COVID-19.

These funds may be used to provide the eligible HOPWA activities identified at 24 CFR Part 574, so long as these funds are used for activities that are consistent with grantees' community needs for COVID-19 preparedness and response, as discussed more fully below. In order to protect persons living with HIV/AIDS, the CARES Act provides

that the supplemental grant funds may be used to self-isolate, quarantine, or provide other coronavirus infection control services as recommended by the Centers for Disease Control and Prevention for household members not living with HIV/AIDS.

Grantees may consider using the supplemental grant funds authorized under the CARES Act for activities such as:

- Stays at hotels, motels, or other locations to self-isolate, quarantine, or provide other infection control for HOPWA-eligible individuals or their family members (See Section III.D);
- Providing transportation services for eligible households to access medical care, supplies, and food or to commute to places of employment;
- Assisting HOPWA-eligible households in accessing essential services and supplies such as food, medications, medical care, personal protective equipment (PPE) and information;
- Providing nutrition services for eligible households in the form of food banks, groceries, and meal deliveries;
- Educating assisted households on ways to reduce the risk of contracting or spreading COVID-19 to others; and
- Costs related to infection control measures such as cleaning and disinfectant supplies, gloves, PPE, and other safety-related supplies for staff and assisted households.

As provided by the CARES Act, these supplemental funds may be used to cover or reimburse allowable costs as of the date a grantee or project sponsor began preparing for coronavirus, which HUD shall presume to be no earlier than January 21, 2020 – the date the first confirmed case was reported in the United States according to the Centers for Disease Control and Prevention (CDC). Grantees and project sponsors must maintain documentation demonstrating when they began preparing for COVID-19, such as notes on formal planning meetings or calls, and must maintain documentation to support any costs incurred by the recipient that the recipient plans to cover or reimburse with CARES Act grant funding.

Section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155), prohibits the duplication of benefits for programs that provide financial assistance to people or entities suffering losses as a result of a Federally-declared disaster or emergency. The duplication of benefits occurs when Federal financial assistance is provided to a person or entity through a program to address losses resulting from a Federally-declared emergency or disaster, and the person or entity has received (or would receive, by acting reasonably to obtain available assistance) financial assistance for the same costs from any other source (including insurance), and the total amount received exceeds the total need for those costs. HOPWA grantees must establish and maintain adequate procedures to prevent any duplication of benefits with CARES Act funds. HUD will issue additional guidance to facilitate compliance with this requirement.

B. Administrative Costs

The CARES Act provides that a grantee may use up to six (6) percent of the supplemental grant funding received under the CARES Act for administrative purposes, and a project sponsor may use up to ten (10) percent of its subaward under the CARES Act for administrative purposes. The administrative cost limits for grantees and project sponsors specified in the CARES Act are only applicable to the supplemental grant funds received under the CARES Act and to any portion of a grantee's FY 2020 formula funds that have been approved under its Annual Action Plan (AAP) for allowable activities to prevent, prepare for, and respond to the COVID-19 pandemic as described in section V of this Notice. All other HOPWA awards remain subject to 42 U.S.C. § 12905(g), which limits costs for administrative expenses to three (3) percent of the grant amount for grantees and seven (7) percent of the amount received by project sponsors.

C. Short-Term Rent, Mortgage, and Utility Assistance

The CARES Act provides that the supplemental grant funding may be used to provide short-term rent, mortgage, and utility (STRMU) assistance payments to prevent homelessness of a tenant or mortgagor of a dwelling for a period of up to 24 months. The 24-month limit on STRMU assistance specified by the CARES Act is only applicable to the supplemental grant funds received under the CARES Act and any portion of a grantee's FY 2020 formula funds that have been approved under its Annual Action Plan (AAP) for allowable activities to prevent, prepare for, and respond to the COVID-19 pandemic as described in section V of this Notice. STRMU assistance provided under all other HOPWA awards remains subject to 42 U.S.C. § 12907(b)(3)(B), which limits STRMU assistance to a period of no more than 21 weeks of any 52-week period.

Although the CARES Act increases the term limit on STRMU assistance in 42 U.S.C. § 12907(b)(3)(B) to 24 months, the other provisions related to STRMU in § 12907 remain unchanged and in effect for the supplemental grant funds received under the CARES Act. This includes the provisions that assistance with rent, mortgage, and utility payments be provided in a manner appropriate to maintain the assisted household in their residence; and that each assisted household be provided the opportunity to receive case management services from appropriate social service agencies (see 42 U.S.C. § 12907(b)(5) and (6)).

D. Hotel/Motel Stays

The supplemental grant funding provided under the CARES Act and any portion of a grantee's FY 2020 formula funds that have been approved under its Annual Action Plan (AAP) for allowable activities to prevent, prepare for, and respond to the COVID-19 pandemic as described in section V of this Notice may be used to pay for relocation services including lodging at hotels, motels, or other locations for eligible persons living with HIV/AIDS as well as household members who are not living with HIV/AIDS. Such funding may also be used to lodge one or more household members who may need to temporarily isolate from other members of the household. Members of households that currently reside in HOPWA-subsidized units are not precluded from receiving additional assistance for hotel/motel stays if isolation is needed.

HUD recommends that grantees and project sponsors limit hotel/motel stays to no more than 60 days in a six-month period, with exceptions related to COVID-19 related health and safety concerns. Grantees should ensure they have policies in place regarding hotel/motel stays that detail time limits as well as processes for granting extensions based on documented household health and safety concerns in accordance with CDC guidance, if needed.

[Using HOPWA Program Funds for Infectious Disease Preparedness and Response](#)

This resource below describes how Housing Opportunities for Persons With AIDS (HOPWA) grantees and project sponsors may use HOPWA funds to prepare for and respond to infectious diseases such as the coronavirus disease 2019 (COVID-19).

[Using HOPWA Program Funds for Infectious Disease Preparedness and Response](#)

Formula Grant Agreement Execution

Formula grantees will sign a grant agreement in order to accept the supplemental grant funds from HUD. Each Field Office will inform their respective grantees of the process for executing the grant agreement.

Consolidated Plan Amendments for Formula Grantees

HUD is waiving 24 CFR 91.505(c) -Amendments to the Consolidated Plan- to the extent necessary to require submission of the substantial amendment to HUD for review in accordance with this Notice. To receive its supplemental CARES Act grant allocation, a grantee must submit to HUD for review a signed standard federal form SF-424, SF-424D, the certifications at 24 CFR 91.225(a) and (e) or 24 CFR 91.325(a) and (e), and a substantial FY 2019 Action Plan amendment meeting the requirements of 24 CFR part 91 and this Notice. HUD recommends that the substantial amendment and other required documents be received by HUD within 15 business days of publication of this Notice.

HUD has waived 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i) to the extent necessary to allow the grantee to provide no fewer than 5 calendar days for citizen comment (rather than 30 days) for its consolidated plan substantial amendment (see Section XII of this Notice). Grantees should post the approved substantial amendment on its official website along with a summary of citizen comments received within the comment period.

Each substantial amendment submitted to HUD will be subject to the review process set forth in 24 CFR 91.500. HUD intends to expedite its review.

If the substantial amendment is not disapproved, both HUD and the grantee will sign the grant agreement and then HUD will establish the grantee's line of credit in the amount of funds included in the FY 2019 Action Plan substantial amendment, up to the allocation amount.

HUD is exercising its authority under the CARES Act to allow HOPWA formula grantees to use a portion of their FY 2020 allocations on allowable activities to prevent, prepare for, and respond to COVID-19, including the provision of PPE, provided such activities are identified and approved in their FY 2020 AAPs and that all CARES Act funding has been expended. Grantees with previously approved FY 2020 AAPs that are interested in using a portion of their FY 2020 formula funds to prevent, prepare for, and respond to COVID-19 may amend such AAPs and resubmit for approval. All FY 2020 formula funds used for COVID-19 response will receive the same benefits and flexibilities as the CARES Act funding described in sections III.B, III.C, and III.D of this Notice.

Competitive Grant Agreement Execution

Competitive grantees will sign a grant agreement in order to accept the supplemental grant funds from HUD. Within 15 business days of the publication of this Notice, each competitive grantee is expected to submit a brief description of planned uses for the supplemental grant funds to the Office of HIV/AIDS Housing (OHH) at HUD headquarters via the HOPWA email box at HOPWA@HUD.gov.

This brief description should list the type and amount of each eligible activity the grantee anticipates undertaking with the funding, the process that will take place to carry out the work quickly, and how eligible households will access the assistance during any period of time the grantee's main operations are closed due to local public health department directive. Each grantee must also include a completed HOPWA budget form HUD-40110-B and completed forms SF-424 and SF-424D in its submission.

HUD will review the descriptive packages in accordance with the following process:

- HUD will expedite its approval or disapproval of the descriptive packages;
- HUD recommends that jurisdictions with disapproved descriptions revise and resubmit within 15 business days after HUD sends the first notification of its disapproval; and

- HUD will expedite its approval or disapproval of the revised descriptions after receiving the resubmission.

OHH will forward approved submissions to respective field offices and inform field offices when the grant agreement may move forward for execution. Local HUD field offices will inform their respective grantees of the process for executing the grant agreement after the grantee description is submitted, reviewed, and approved by OHH.

Expectations for Competitive Grantees

Competitive grantees are expected to continue implementing their current grant as approved. The supplemental grant funding provided under the CARES Act is not required to be spent on permanent supportive housing activities, but rather can be used for eligible activities under 24 CFR part 574, in accordance with the CARES Act and as set forth in section III.A of this Notice that are necessary actions in order to prevent, prepare for, and respond to COVID-19.

Project Sponsor Agreements

Grantees are expected to execute new or amend existing project sponsor agreements for the supplemental funds within fourteen calendar (14) days of execution of the formula or competitive grant agreements. The selection of project sponsors under the HOPWA program is not subject to the procurement requirements of 2 CFR part 200, subpart D (see 24 CFR 574.3).

Technical Assistance

The TA funding provided under the CARES Act will be used for the development of webinars, resource guides, and other TA materials to assist grantees in administering the supplemental grant funds and implementing activities related to COVID-19 preparedness and response. Grantees in need of individualized TA related to responding to COVID-19 or regular HOPWA program administration should submit a TA request via the “Request Program Assistance” webpage on the HUD Exchange portal: <https://www.hudexchange.info/program-support/technical-assistance/>. In the TA request submission process select “HOPWA: Housing Opportunities for Persons With AIDS” as the topic and write “Health Preparedness and Response” in the subject line.

Reporting

HOPWA grantees that accept the supplemental grant funding authorized under the CARES Act will be required to report on the activities undertaken with such funding. Consistent with 24 CFR 574.520, grantees will report information to HUD on the use of the supplemental grant funds, including the number of individuals assisted and the types of assistance provided. This information will be reported in the HOPWA Consolidated Annual Performance and Evaluation Report (Form HUD-40110-D) for formula grantees or HOPWA Annual Progress Report (Form HUD-40110-C) for competitive grantees, or similar combined data collection instrument to be specified by HUD.

24 CFR 91.520 requires HOPWA formula grantees to submit a Consolidated Annual Performance and Evaluation Report (CAPER) to HUD within 90 days after the close of the grantee’s program year. The HOPWA Grant Agreement requires competitive grantees to submit an Annual Progress Report (APR) in accordance with 24 CFR 574.520(b) within 90 days of the end of each 12-month operating period. Any HOPWA grantee with a CAPER or APR due to HUD within six months of the date of this Notice may have up to a 90-day extension to submit their reports. The extension will allow a grantee to submit their APR or CAPER within 180 days of the end of their program or operating year. Grantees that wish to utilize the extension should submit an email to HOPWA@hud.gov and notify the grantee’s local HUD Field Office.

Additional CARES Act Reporting

Section 15011 of the CARES Act requires that recipients of \$150,000 or more of CARES Act funding submit, not later than 10 days after the end of each calendar quarter, a report containing information regarding the amount of funds received; the amount of funds obligated or expended for each project or activity; a detailed list of all such projects or activities, including a description of the project or activity; and detailed information on any subcontracts or subgrants awarded by the recipient. As outlined in the Office of Management and Budget (OMB) memorandum, M20-21, existing reporting requirements are anticipated to meet the requirements of Section 15011, but the content and format for this reporting is still under development and will need to be reviewed against current program practices. The Department will work in coordination with OMB to ensure that this requirement can be fulfilled by recipients of CARES Act funding in a manner that utilizes to the greatest extent possible existing reporting streams, providing the necessary transparency and accountability with minimal additional burden. If additional reporting is necessary, further guidance will be released by the Department in the near future.

Waivers

HUD issued a memorandum providing regulatory waivers of certain HOPWA and other CPD program requirements to prevent the spread of COVID-19 and provide additional supports to eligible individuals and families who are economically impacted by COVID-19. The memorandum is available online at:

[https://www.hud.gov/sites/dfiles/CPD/documents/COVID-19 Mega Waiver 03-31-2020.pdf](https://www.hud.gov/sites/dfiles/CPD/documents/COVID-19%20Mega%20Waiver%2003-31-2020.pdf).

The memorandum includes a simplified notification process for grantees to use the waiver flexibility to expedite the delivery of assistance. Grantees wishing to utilize any of the waivers provided in the memorandum should notify their local CPD Director, by email to their COVID-19 specific email address, of their intent to utilize a specific waiver flexibility two days before they anticipate using the waiver flexibility.

Additionally, it is expected that the Department will issue further waivers addressing identified needs by grantees and guidance on the administrative flexibilities provided under Office of Management and Budget (OMB) Memo M-20-17. These waivers will be made available online at: [https://www.hud.gov/program offices/comm planning/hopwa covid-19](https://www.hud.gov/program%20offices/comm%20planning/hopwa%20covid-19).

Regulatory waiver flexibilities offered by HUD specific to the use of amounts in the HOPWA program in response to the COVID-19 pandemic may be deemed effective as of the date a grantee began preparing for coronavirus, which HUD shall presume to be no earlier than January 21, 2020 – the date the first confirmed case was reported in the United States according to the CDC. Grantees and project sponsors must maintain documentation demonstrating when the recipient began preparing for COVID-19, such as notes on formal planning meetings or calls, and must maintain documentation to support any costs incurred by the recipient that the recipient plans to cover or reimburse with CARES Act grant funding.

[Flexibilities and Plan Amendment Waiver for HOPWA Funds Used to Support Coronavirus Response All Grantees of ESG-CV, ESG Grants \(FY 2020 and older\), and HOPWA-CV and All CPD Field Office Directors](#)

Materials Posted: Infectious Disease Preparedness Guidance for Homeless Assistance Providers

HUD posted the following Centers for Disease Control and Prevention (CDC) guidance and Technical Assistance (TA) materials on the [HUD Exchange Disease Risks and Homelessness Page](#):

- [CDC: Interim Guidance for Homeless Service Providers to Plan and Respond to Coronavirus Disease 2019 \(COVID-19\)](#)
- [Questions to Assist CoCs and Public Health Authorities to Limit the Spread of Infectious Disease in Homeless Programs](#)
- [Specific Considerations for Public Health Authorities to Limit Infection Risk Among People Experiencing Homelessness](#)
- [Eligible ESG costs for Infectious Disease Preparedness](#)

Families and individuals experiencing homelessness are more vulnerable to infectious diseases due to lack of access to primary care, mobility, and poor health status from extended episodes of homelessness. HUD strongly encourages Continuums of Care (CoCs) to contact local public health departments, Healthcare for the Homeless agencies, and other local health partners to ensure the unique needs and opportunities related to the homeless service system are incorporated. CoCs can take steps now to develop preparedness and response plans to protect against infection.

Further Information

All questions related to this Notice should be directed to the “HOPWA Ask A Question” portal available online at <https://www.hudexchange.info/program-support/my-question/>. In Step 2 of the question submission process, select “HOPWA: Housing Opportunities for Persons With AIDS” from the “My question is related to” drop down list and write “Health Preparedness and Response” in the subject line.

CONTINUUM OF CARE PROGRAM (CoC)

CoC – Mega Waiver

Fair Market Rent for Individual Units and Leasing Costs

- Requirement:** Rent payments for individual units with leasing dollars may not exceed Fair Market Rent (FMR).
- Citation:** 24 CFR 578.49(b)(2)
- Explanation:** The CoC Program regulation at 24 CFR 578.49(b)(2) prohibits a recipient from using grant funds for leasing to pay above FMR when leasing individual units, even if the rent is reasonable when compared to other similar, unassisted units.
- Justification:** Waiving the limit on using grant leasing funds to pay above FMR for individual units above FMR, but not greater than the reasonable rent will assist recipients in locating additional units to house individuals and families experiencing homelessness and reduce the spread and harm of COVID-19.
- Applicability:** The FMR restriction is waived for any lease executed by a recipient or subrecipient to provide transitional or permanent supportive housing during the 6-month period beginning on the date of this memorandum. The affected recipient or subrecipient must still ensure that rent paid for individual units that are leased with CoC Program leasing dollars meet the rent reasonableness standard in 24 CFR 578.49(b)(2).

Disability Documentation for Permanent Supportive Housing (PSH)

- Requirement:** A recipient providing PSH must serve individual and families where one member of the household has a qualifying disability (for dedicated projects and DedicatedPlus projects that individual must be the head of household). Further, the recipient must document a qualifying disability of one of the household members. When documentation of disability is the intake worker's observation, the regulation requires the recipient to obtain additional confirming evidence within 45 days.
- Citation:** 24 CFR 578.103(a) and 24 CFR 578.103(a)(4)(i)(B)
- Explanation:** 24 CFR 578.103(a) requires recipients to maintain records providing evidence they met program requirements and 24 CFR 578.103(a)(4)(i)(B) establishes the requirements for documenting disability for individuals and families that meet the "chronically homeless" definition in 24 CFR 578.3. Acceptable evidence of disability includes intake-staff recorded observations of disability that, no later than 45 days from the application for assistance, is confirmed and accompanied by evidence in paragraphs 24 CFR 578.103(a)(4)(i)(B)(1), (2), (3), or (5). HUD is waiving the requirement to obtain additional evidence.
- Justification:** Waiving 24 CFR 578.103(a)(4)(i)(B)(4) as specified below will allow recipients to house people by relying on intake staff-recorded observation of disability while providing recipients' intake staff with additional time to confirm the disability. This will help households with observed

disabilities to be housed quickly and obtain the necessary documentation once healthcare workers are no longer inundated by COVID-19 responses.

Applicability: The requirement that intake staff-recorded observation of disability be confirmed and accompanied by other evidence no later than 45 days from the application for assistance documentation requirement is waived for any program participants admitted into PSH funded by the CoC Program for the 6-month period beginning on the date of this memorandum.

Note: For the purposes of individuals and families housed in PSH from the date of this memorandum until public health officials determine no additional special measures are necessary to prevent the spread of COVID-19, a written certification by the individual seeking assistance that they have a qualifying disability is considered acceptable documentation approved by HUD under 24 CFR 578.103(a)(4)(i)(B)(5).

Limit on Eligible Housing Search and Counseling Services

Requirement: With respect to program participant's debts, 24 CFR 578.53(ed)(8)(ii)(B) only allows the costs of credit counseling, accessing a free personal credit report, and resolving personal credit issues. 24 CFR 578.53(d) limits the use of CoC Program funds for providing services to only those costs listed in the interim rule.

Citation: 24 CFR 578.53(e)(8)(ii)(B) and 578.53(d)

Explanation: 24 CFR 578.53(e)(8) allows recipients and subrecipients to use CoC funds to pay for housing search and counseling services to help eligible program participants locate, obtain, and retain suitable housing. For program participants whose debt problems make it difficult to obtain housing,

24 CFR 578.53(e)(8)(ii)(B) makes eligible the costs of credit counseling, accessing a free personal credit report, and resolving personal credit issues. However, payment of rental or utility arrears is not included as an eligible cost. 24 CFR 578.53(d) limits eligible supportive service costs to those explicitly listed in 24 CFR 578.53(e), which is a more limited list than is eligible under the McKinney-Vento Act.

Justification: Waiving the limitation of housing search and counseling eligible activities to allow recipients and subrecipients to pay for up to 6 months of rental arrears and 6 months of utility arrears will help recipients and subrecipients remove barriers to obtaining housing quickly and help reduce the spread and harm of COVID-19.

Applicability: The limitation on eligible housing search and counseling activities is waived so that CoC Program funds may be used for up to 6 months of a program participant's utility arrears and up to 6 months of program participant's rent arrears, when those arrears make it difficult to obtain housing. This waiver is in effect one-year beginning on the date of this memorandum.

Permanent Housing-Rapid Re-housing Monthly Case Management

Requirement: Recipients must require program participants of permanent housing – rapid rehousing projects to meet with a case manager at least monthly.

Citation: 24 CFR 578.37(a)(1)(ii)(F)

Explanation: The CoC Program interim rule at 24 CFR 578.37(a)(1)(ii)(F) requires program participants to meet with a case manager not less than once per month to assist them in ensuring long-term housing stability. The project is exempt from this requirement already if the Violence Against Women Act of 1994 (42 U.S.C. 13925 et seq.) or the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) prohibits the recipient carrying out the project from making its housing conditional on the participant's acceptance of services.

Justification: HUD originally waived this requirement for 2-months beginning March 31, 2020. Recipients are continuing to report limited staff capacity as staff members are home for a variety of reasons related to COVID-19 (e.g., quarantining, children home from school, working elsewhere in the community to manage the COVID-19 response). In addition, not all program participants have capacity to meet via phone or internet. Waiving the monthly case management requirement as specified below will allow recipients to provide case management on an as-needed basis and reduce the possible spread and harm of COVID-19.

Applicability: This requirement in 24 CFR 578.37(a)(1)(ii)(F) that projects require program participants to meet with case managers not less than once per month is waived for all permanent housing- rapid re-housing projects for an additional three months beginning on the date of this memorandum.

Housing Quality Standards (HQS) – Initial Physical Inspection of Unit

Requirement: Recipients are required to physically inspect any unit supported with leasing or rental assistance funds to assure that the unit meets housing quality standards (HQS) before any assistance will be provided on behalf of a program participant.

Citation: 24 CFR 578.75(b)(1)

Explanation: 24 CFR 578.75(b)(1) requires that recipients or subrecipients physically inspect each unit to assure that it meets HQS before any assistance will be provided for that unit on behalf of a program participant.

Justification: Waiving the physical initial inspection requirement 24 CFR 578.75(b)(1) as specified below will allow recipients to help prevent the spread of COVID-19.

Applicability: This waiver of the requirement in 24 CFR 578.75(b)(1) that the recipient or subrecipient physically inspect each unit to assure that the unit meets HQS before providing assistance on behalf of a program participant is in effect for 6-months beginning on the date of this memorandum for recipients and subrecipients that are able to meet the following criteria:

- a. The recipient is able to visually inspect the unit using technology, such as video streaming, to ensure the unit meets HQS before any assistance is provided; and
- b. The recipient or subrecipient has written policies to physically re-inspect the unit within 3 months after the health officials determine special measures to prevent the spread of COVID-19 are no longer necessary.

HQS – Re-Inspection of Units

Requirement: Recipients or subrecipients must inspect all units for which leasing or rental assistance funds are used, at least annually to ensure they continue to meet HQS.

Citation: 24 CFR 578.75(b)(2)

- Explanation:** 24 CFR 578.75(b)(2) requires that recipients or subrecipients are required to inspect all units supported by leasing or rental assistance funding under the CoC Program at least annually during the grant period to ensure the units continue to meet HQS.
- Justification:** Waiving the annual re-inspection 24 CFR 578.75(b)(2) requirement during this public health crisis as specified below will help allow recipients to prevent the spread of COVID-19.
- Applicability:** This requirement in 24 CFR 578(b)(2) is waived for 1-year beginning on the date of this memorandum.

One-Year Lease Requirement

- Requirement:** Program participants residing in PSH must be the tenant on a lease for a term of at least one year that is renewable and terminable for cause.
- Citation:** 24 CFR 578.3, definition of permanent housing, 24 CFR 578.51(l)(1)
- Explanation:** The CoC Program regulation at 24 CFR 578.3, definition of permanent housing, and 24 CFR 578.51(l)(1) requires program participants residing in permanent housing to be the tenant on a lease for a term of one year that is renewable and terminable for cause.
- Justification:** Waiving the one-year lease requirement as specified below will allow recipients to more quickly identify permanent housing for individuals and families experiencing homelessness, which is helpful in preventing the spread of COVID-19.
- Applicability:** The one-year lease requirement is waived for six-months beginning on the date of this memorandum, so long as the initial lease term of all leases is for more than one month.

YHDP - Permanent Housing Rapid Re-housing Limit to 24 Months of Rental Assistance

To the extent Youth Homelessness Demonstration Program (YHDP) grants are subject to the same requirements in 24 CFR part 578 that apply to grants provided under the CoC Program, the same waivers made available on March 31, 2020 for grants provided under the CoC Program are made available to YHDP grants for the same justifications and subject to the same conditions. Additionally, the following waivers are available to CoC Program and YHDP recipients.

Permanent Housing Rapid Re-housing Limit to 24 Months of Rental Assistance

- Requirement:** CoC Program funds may be used to provide short-term (up to 3 months) and/or medium-term (for 3 to 24 months) tenant-based rental assistance.
- Citation:** 24 CFR 578.37(a)(1)(ii), 24 CFR 578.37(a)(1)(ii)(C), and 24 CFR 578.51(a)(1)(i)
- Explanation:** The CoC Program regulation at 24 CFR 578.37(a)(1)(ii) and 24 CFR 578.51(a)(1)(i) defines medium-term rental assistance as 3 to 24 months and 578.37(a)(1)(ii) and 24 CFR 578.37(a)(1)(ii)(C) limits rental assistance in rapid re-housing projects to medium-term rental assistance, or no more than 24 months.
- Justification:** Waiving the limit on using rental assistance in rapid re-housing projects to pay more than 24 months will ensure that individuals and families currently receiving rapid re-housing assistance do not lose their assistance, and consequently their housing, during the COVID-19 public health

crisis and the subsequent economic downturn. This will reduce the spread and harm of COVID-19 by enabling affected program participants to continue to socially isolate in their housing.

Applicability: The 24-month rental assistance restriction is waived for program participants in a permanent housing rapid re-housing project who will have reached 24 months of rental assistance beginning on the date of this memorandum until a state or local public health official has determined special measures are no longer necessary to prevent the spread of COVID-19. Program participants who have reached 24 months of rental assistance during this time and who will not be able to afford their rent without additional rental assistance will be eligible to receive rental assistance until 3 months after a state or local public health official has determined that special measures are no longer necessary to prevent the spread of COVID-19.

Limit to be Eligible for DedicatedPLUS Project When Coming from Transitional Housing Being Eliminated

Requirement: To be eligible for a DedicatedPLUS project an individual or family must meet the criteria of DedicatedPLUS in the Notice of Funding Availability under which the grant was awarded. One of the possible criteria is residing in transitional housing *that will be eliminated* and meeting the definition of chronically homeless in effect at the time in which the individual or family entered the transitional housing project.

Citation: Section III.C.3.f.(2) of the FY 2018 CoC Program Competition NOFA and Section III.C.2.g.(2) of the FY 2019 CoC Program Competition NOFA.

Explanation: Section III.C.3.f.(2) of the FY 2018 CoC Program Competition NOFA and Section III.C.2.g.(2) of the FY 2019 CoC Program Competition NOFA define a DedicatedPLUS project as a PSH project where 100 percent of the beds are dedicated to serve individuals and families residing in one of six places at intake, including residing in a transitional housing project that will be eliminated.

Justification: Waiving the requirement within the definition of DedicatedPLUS project that the transitional housing project is being eliminated will expand permanent housing options available for people moving out of transitional housing and will make more transitional housing beds available to others who need it. Expanding permanent housing options for persons in transitional housing will assist in preventing the spread of COVID-19 by allowing more people to move off the streets and into transitional housing.

Applicability: The definition of DedicatedPLUS project is waived for DedicatedPLUS projects funded in the FY 2018 and FY 2019 CoC Program Competitions to allow these projects to serve individuals and families residing in transitional housing, whether it is being eliminated or not, as long as the individual or family met the definition of chronically homeless upon entry to the TH.

Assistance Available at Time of Renewal

Requirement: With respect to renewing CoC Program awards, 24 CFR 578.33(c) requires that assistance for a renewal period will be up to 100 percent of the amount available for supportive services and HMIS costs in the final year of the prior funding period, up to 100 percent of the amount for leasing and operating in the final year of the prior funding period adjusted in proportion to changes in FMR for the geographic area, and for rental assistance up to 100 percent of the result

of multiplying the number and unit size(s) in the grant agreement by the number of months in the grant agreement and the applicable FMR.

Citation: 24 CFR 578.33(c)

Explanation: 24 CFR 578.33(c) requires that budget line item amounts a recipient is awarded for renewal in the CoC Program Competition will be based on the amounts in the final year of the prior funding period for the project.

Justification: Waiving the requirement that the renewal grant amount is based on the budget line items in the final year of the grant being renewed will allow recipients to amend their budgets temporarily to address the needs of its program participants in responding to COVID-19 (e.g., providing different supportive services necessitated by the pandemic or serving fewer people because of the layout of the housing does not meet local social distancing recommendations) without changing the original design of the project when it is not operating in a public health crisis and can resume normal operations.

Applicability: The requirement that the renewal grant amount be based on the budget line items in the final year of the grant being renewed is waived for all projects that amend their grant agreement between March 31, 2020 and October 1, 2020 to move funds between budget line items in a project in response to the COVID-19 pandemic. Recipients may then apply in the next FY CoC Program Competition based on the budget line items in the grants before they were amended.

Notification: Recipients utilizing this waiver flexibility do not need to follow the notification process outlined in Attachment #1. Instead, HUD will consider any grant agreement amendment executed between March 31, 2020 and October 1, 2020 to move funds between budget line items in response to the COVID-19 pandemic as notification to HUD.

Permanent Housing-Rapid Re-housing Monthly Case Management

Requirement: Recipients must require program participants of permanent housing – rapid rehousing projects to meet with a case manager at least monthly.

Citation: 24 CFR 578.37(a)(1)(ii)(F)

Explanation: The CoC Program interim rule at 24 CFR 578.37(a)(1)(ii)(F) requires program participants to meet with a case manager not less than once per month to assist them in ensuring long-term housing stability. The project is exempt from this requirement already if the Violence Against Women Act of 1994 (42 U.S.C. 13925 *et seq.*) or the Family Violence Prevention and Services Act (42 U.S.C. 10401 *et seq.*) prohibits the recipient carrying out the project from making its housing conditional on the participant's acceptance of services.

Justification: HUD originally waived this requirement for 2-months beginning March 31, 2020. Recipients are continuing to report limited staff capacity as staff members are home for a variety of reasons related to COVID-19 (e.g., quarantining, children home from school, working elsewhere in the community to manage the COVID-19 response). In addition, not all program participants have capacity to meet via phone or internet. Waiving the monthly case management requirement as specified below will allow recipients to provide case management on an as-needed basis and reduce the possible spread and harm of COVID-19.

Applicability: This requirement in 24 CFR 578.37(a)(1)(ii)(F) that projects require program participants to meet with case managers not less than once per month is waived for all permanent housing- rapid re-housing projects for an additional three months beginning on the date of this memorandum.

[Availability of Waivers of Community Planning and Development \(CPD\) Grant Program and Consolidated Plan Requirements to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19](#)

[Availability of Additional Waivers for Community Planning and Development \(CPD\) Grant Programs to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19 \(May 22, 2020\)](#)

[HUD COVID-19 Resources and Fact Sheets](#)

ENVIRONMENTAL REVIEW PROCESS

Guidance on conducting environmental reviews pursuant to 24 CFR Part 58 for activities undertaken in response to the public health emergency as a result of COVID-19 Please note that this guidance is in addition to OEE's guidance on:

- [Guidance for RROF and AUGF Signature and Certification Process](#)
 - 7015.15 Request for Release of Funds (RROF) forms may be signed by the Certifying Officer via an e-signature.
 - RROFs may be submitted to HUD via email.
 - HUD may submit the 7015.16 Authority to Use Grants Funds via email, including an e-signature.
- [Consultation, Review, and Comment on the Environmental Review Record \(ERR\)](#)
 - Responsible Entities (REs) may provide a copy of the ERR via email or via the RE website during the public comment period
 - Objections to HUD's release of funds may be sent via email during the objection period
 - Communication regarding Section 106 reviews should be submitted via email
- [HUD Expedited Section 106 Review of Undertakings Responding to COVID-19 Emergency Declarations](#)
 - The Advisory Council on Historic Preservation approved an extended emergency period for expedited Section 106 review.
 - HUD-assisted COVID response projects can comply with Section 106 through a 7-day comment period instead of the usual 30-day consultation and concurrence process (through May 29, 2020).

[HUD Expedited Section 106 Review of Undertakings Responding to COVID-19 Emergency Declarations](#)

HUD-assisted COVID-19 related projects that are reviewed through May 29, 2020 can comply with Section 106 through a notification and seven-day comment period for State and Tribal Historic Preservation Officers (SHPOs and THPOs) instead of the usual 30-day consultation and concurrence process. The Advisory Council on Historic Preservation approved the extended emergency period and it may be further extended if necessary. The shortened emergency review process only applies to COVID-19 response projects. <https://files.hudexchange.info/resources/documents/HUD-Extension-Regarding-Section-106-Review-of-Undertakings-Responding-to-COVID-19-Emergency-and-Disaster-Declarations.pdf>

[Guidance for RROF and AUGF Signature and Certification Process](#)

During the National Emergency concerning the Novel Coronavirus Disease (COVID-19) Outbreak, HUD's Office of Environment and Energy (OEE) is temporarily allowing for flexibilities in the signature and certification process for the 7015.15 Request Release of Funds (RROF) and 7015.16 Authority to Use Grant Funds (AUGF) forms. RROF and AUGF forms submitted using the following guidelines will meet the legal obligations for environmental review purposes. <https://files.hudexchange.info/resources/documents/RROF-AUGF-Signature-Certification-Process-COVID-19.pdf>

[Consultation, Review, and Comment on the Environmental Review Record](#)

Due to COVID-19, HUD's Office of Environment and Energy (OEE) is expanding the options for public review of the Environmental Review Record (ERR). This resource provides guidance on how to accept public comments and submit objections as well as information on Section 106 consultation.

<https://files.hudexchange.info/resources/documents/Consultation-Review-Comment-on-Environmental-Review-Record-COVID-19.pdf>

Exhibit B – City of Modesto’s Adopted Waivers

Waivers of Community Planning and Development Grant Program and Consolidated Plan Requirements to Prevent the Spread of COVID-19 and Mitigate Economic Impacts

Waiver Process and Recordkeeping Requirements:

- Grantees must email notification to the attention of CPD Director Kimberly Nash at CPD_COVID-19WaiverSFO@hud.gov
- The email notification must be sent *two calendar days* before the grantee anticipates using the waiver.
- In addition to the summarized justifications provided under each waiver section below, grantees MUST update their program records to include written documentation of the specific conditions that justify the recipient’s use of the waiver, consistent with the justifications and applicability provisions provided in the COVID-19 Waiver Memorandum. Provisions that are not specifically waived remain in full effect.

Required Information (complete all fields):

Entitlement Jurisdiction: <u>City of Modesto</u>
Requestor Name and Title: <u>Jessica Narayan, Community Development Manager</u>
Phone Number: <u>209 577 5321</u> E-mail: <u>jnarayan@modestogov.com</u>
Declared-disaster area(s) where the waivers will be used: <u>City of Modesto</u>
Date on which the grantee anticipates first use of the waiver flexibility: <u>4/8/20</u>

Grantee will utilize the following waiver flexibilities (select all that apply):

CoC Program:

- Fair Market Rent for Individual Units and Leasing Costs
- Disability Documentation for Permanent Supportive Housing (PSH)
- Limit on Eligible Housing Search and Counseling Services
- Permanent Housing-Rapid Re-housing Monthly Case Management
- Housing Quality Standards (HQS) – Initial Physical Inspection of Unit
- HQS – Re-Inspection of Units
- One-Year Lease Requirement

Description supporting request for the waiver (optional):

ESG Program:

- HMIS Lead Activities
- Re-evaluations for Homelessness Prevention Assistance
- Housing Stability Case Management
- Restriction of Rental Assistance to Units with Rent at or Below FMR

Description supporting request for the waiver (optional):

The City will implement the waivers authorized under the “Availability of Waivers of Community Planning and Development (CPD) Grant Program and Consolidated Plan Requirements to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19” for the above checked program areas.

HOPWA Program:

- Self-Certification of Income and Credible Information on HIV Status
- FMR Rent Standard
- Property Standards for TBRA
- Space and Security

Description supporting request for the waiver (optional):

HOME, CDBG, HTF, ESG, and HOPWA Program Consolidated Planning Requirements:

- Citizen Participation Public Comment Period for Consolidated Plan Amendment
- Citizen Participation Reasonable Notice and Opportunity to Comment

Description supporting request for the waiver (optional):

The City will implement the waivers authorized under the “Availability of Waivers of Community Planning and Development (CPD) Grant Program and Consolidated Plan Requirements to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19” for the above checked program areas

Notification Template: Utilization of Waivers and Suspensions of HOME Program Requirements and HOME-Assisted Tenant-Based Rental Assistance (TBRA) for Emergency and Short-Term Assistance in Response to COVID-19 Pandemic

Waiver Process and Recordkeeping Requirements:

This template allows a Participating Jurisdiction (PJ) to inform HUD of its intention to utilize statutory suspensions and regulatory waivers of HOME provisions identified in HUD’s April 10, 2020 Memoranda: *Availability of Waivers and Suspensions of the HOME Program Requirements in Response to COVID -19 Pandemic*, and *Suspensions and Waivers to Facilitate Use of HOME-Assisted Tenant-Based Rental Assistance (TBRA) for Emergency and Short-term Assistance in Response to COVID-19 Pandemic*.

The PJ must document implementation of the waivers and suspensions in program and project files.

The completed template should be emailed to the attention of Kimberly Nash, CPD Director, to: CPD_COVID-19WaiverSFO@HUD.gov

Required Information (complete all fields):

Participating Jurisdiction: <u>City of Modesto</u> Requestor Name and Title: <u>Jessica Narayan, Community Development Manager</u> Declared-disaster area(s) where the waivers will be used: <u>City of Modesto</u> Phone Number: <u>(209) 577-5321</u> E-mail: jnarayan@modestogov.com Member of a HOME Consortium: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

PJ Utilization of HOME Waiver Flexibilities:

The PJ elects to apply the following statutory suspensions and regulatory waivers (check all that apply) to its HOME program in response to the COVID-19 pandemic:

I. Statutory Suspensions and Regulatory Waivers Available Only to Participating Jurisdictions with Major Disaster Areas as a Result of COVID-19

1.	<u>10% Administration and Planning Cap</u> Citations: Section 212(c) of NAHA and 24 CFR 92.207	<input checked="" type="checkbox"/>
<p>This suspension is required to provide the PJ adequate funds to pay for the increased cost of administering HOME-related activities to address the effects of COVID-19, including attempt to prevent the spread of the virus. These provisions are suspended to enable the PJ to expend up to 25 percent of its FY 2019 and FY 2020 allocations and program income received for administrative and planning costs.</p>		

2.	<p><u>CHDO Set-aside Requirement</u> Citations: Section 231 of NAHA and 24 CFR 92.300(a)(1)</p>	☒
<p>The suspension and waiver are required to relieve the PJ of requirements that may impede the obligation and use of funds to expeditiously assist families affected by the COVID-19 pandemic. Suspension of the CHDO set-aside will immediately make additional HOME funds available for activities such as tenant-based rental assistance for which CHDO set-aside funds cannot be used. The CHDO set-aside requirement is reduced to zero percent for the fiscal year 2017, 2018, 2019, and 2020 allocations of State and local PJs.</p>		
3.	<p><u>Limits and Conditions on CHDO Operating Expense Assistance</u> Citations: Section 212(g) and 234(b) of NAHA; 24 CFR 92.208 and 24 CFR 92.300 (e) and (f)</p>	☒
<p>PJs are permitted to provide up to 10% of FY 2019 and FY 2020 HOME allocations as operating assistance to CHDOs and to permit a CHDO to receive funding to fill operating budget shortfalls, even if the amount exceeds the higher of \$50,000 or 50% of the CHDO’s annual operating budget. PJs will not be required to include a provision in the written agreement with the CHDO that the CHDO is expected to receive CHDO set-aside funds within 24 months of receiving the additional operating assistance, as required in 24 CFR 92.300(e).</p> <p>A CHDO receiving increased operating assistance must use the assistance to maintain organizational capacity during the COVID-19 pandemic. CHDOs may receive increased operating assistance under these suspensions and waivers through June 30, 2021.</p>		
4.	<p><u>Matching Contribution Requirements</u> Citations: 24 CFR 92.218 and 92.222(b)</p>	☒
<p>The matching requirement for PJs in areas covered by a major disaster declaration is reduced by 100 percent for FY 2020 and FY 2021. This match reduction applies to funds expended between October 1, 2019 and September 30, 2021.</p>		
5.	<p><u>Consolidated Plan – HOME Certification, Analysis of Local Market Conditions, and Citizen Participation</u> Citations: Section 212(a)(3)(A)(i) of NAHA and 24 CFR 92.209(b) 24 CFR 91.105 (c)(2) and (k), 24 CFR 91.215(b)(1) and (e) and 24 CFR 91.225(d)(1) (Local governments); 24 CFR 91.115(c)(2) and (i), 24 CFR 91.315(b)(1) and (e) and 24 CFR 91.325(d)(1) (States); 24 CFR 91.401, 24 CFR 91.415 and 24 CFR 91.425 (2)(i) (Consortia); and 24 CFR 91.235(e) and 24 CFR 92.61 (Insular Areas)</p>	☒
<p>This suspension will eliminate: 1) the requirement for PJs to amend their Consolidated Plans to include or revise an analysis of local market conditions before implementing a TBRA program; and 2) the requirement that PJs certify that the use of HOME funds for TBRA is an essential element of the Consolidated Plan and that it has conducted an analysis of local needs. PJs can amend their Annual Action Plan to reflect the use of HOME funds for TBRA.</p>		

This suspension and regulatory waiver is applicable to a PJ's current 5-year Consolidated Plan and any Consolidated/Action Plans being amended to reprogram funds to TBRA to address housing needs related to the COVID-19 pandemic.		
6.	<p><u>Tenant Selection and Targeted Assistance</u> Citations: Section 212(a)(3)(A)(ii) of NAHA, 24 CFR 92.209(c) and 24 CFR 92.64(a) (Insular Areas)</p>	<input checked="" type="checkbox"/>
<p>This suspension will eliminate the need for PJs to develop or revise written tenant selection criteria and allows PJs assist individuals requiring immediate housing assistance as a result of the COVID-19 pandemic. However, a PJ should document its criteria for selecting individuals and families to be assisted by the TBRA program. The statutory suspension and regulatory waiver are in effect from April 10, 2020 through December 31, 2020.</p>		

II. Regulatory Waivers Available to All Participating Jurisdictions

1.	<p><u>Citizen Participation Reasonable Notice and Opportunity to Comment</u> Citations: 24 CFR 91.105(c)(2) and (k) (Local governments), 24 CFR 91.115(c)(2) and (i) (States), and 24 CFR 91.235(e) (Insular areas), and 24 CFR 91.401 (Consortia)</p>	<input checked="" type="checkbox"/>
<p>This waiver will permit PJs amending their plans as a result of the COVID-19 pandemic to reduce the comment period to 5 days. This waiver applies to any approved Annual Action Plan being amended to address immediate housing needs related to the COVID-19 pandemic, including but not limited to reprogramming funds to TBRA. This waiver is in effect for any necessary substantial amendments to FY 2020 and earlier consolidated plans or action plans.</p>		
2.	<p><u>Income Documentation</u> Citations: 24 CFR 92.203(a)(1) and (2), 24 CFR 92.64(a) (Insular Areas)</p>	<input checked="" type="checkbox"/>
<p>This waiver permits the PJ to use self-certification of income to determine eligibility for HOME assistance of persons requiring emergency assistance related to COVID-19. The waiver applies to individuals and families that have lost employment or income either permanently or temporarily due to the COVID-19 pandemic and who are applying for admission to a HOME rental unit or a HOME tenant-based rental assistance program. This waiver also applies to homeless individuals and families who are applying for admission to a HOME rental unit or a HOME tenant-based rental assistance program. The PJ must arrange to conduct on-site rent and income reviews within 90 days after the waiver period, March 31, 2021. This waiver remains in effect through December 31, 2020.</p>		
3.	<p><u>On-Site Inspections of HOME-assisted Rental Housing</u> Citations: 24 CFR 92.504(d)(1)(ii) and 24 CFR 92.64(a) (Insular Areas)</p>	<input checked="" type="checkbox"/>
<p>This waiver extends the timeframe for PJs to perform on-going periodic inspections and on-site reviews to determine a HOME rental project's compliance with property standards and rent and income requirements. The waiver is applicable to ongoing periodic inspections and does not waive the requirement to perform initial inspections of rental properties upon</p>		

<p>completion of construction or rehabilitation. Within 120 days of the end of this waiver period, by April 30, 2021, PJs must physically inspect units that would have been subject to on-going inspections during the waiver period. The waiver is also applicable to on-site reviews to determine a HOME rental project's compliance with rent and income requirements if the project owner is unable to make documentation available electronically. The waiver is in effect through December 31, 2020.</p>		
4.	<p><u>Annual Inspection of Units Occupied by Recipients of HOME TBRA</u> Citations: 24 CFR 92.504(d)(1)(iii); 24 CFR 92.209(i) requirement for annual re-inspections, and 24 CFR 92.64(a) (Insular Areas)</p>	☒
<p>This waiver is applicable to annual HQS inspections and annual HQS re-inspections required to occur from April 10, 2020 through December 31, 2020. PJs shall make reasonable efforts to address any tenant-reported health and safety issues during the waiver period. PJs must inspect units that would have been subject to HQS inspections during the waiver period by April 30, 2021.</p>		
5.	<p><u>Four-Year Project Completion Requirement</u> Citations: 24 CFR 92.205(e)(2) and 24 CFR 92.64(a) (Insular Areas)</p>	☒
<p>This waiver provides additional time to permit completion of HOME-assisted projects that may be delayed as a result of the impact of COVID-19 on project timelines. This waiver applies to projects for which the 4-year project completion deadline will occur on or after April 10, 2020. The completion deadlines for covered projects are extended to December 31, 2020.</p>		
6.	<p><u>Nine-Month Deadline for Sale of Homebuyer</u> Citations: 24 CFR 92.254(a)(3) and 24 CFR 92.64(a) (Insular Areas)</p>	☒
<p>This waiver applies to projects for which the 9-month homebuyer sale deadline occurs on or after April 10, 2020 and extends the deadline for those projects to December 31, 2020. This waiver does not apply to the remaining requirements of the regulation, including that a homebuyer must receive housing counseling, and that a PJ must determine eligibility of a family by including the income of all persons living in the housing.</p>		
7.	<p><u>Use of HOME Funds for Operating Reserves for Troubled HOME Projects</u> Citations: 24 CFR 92.210(a) and (b) and 24 CFR 92.64(a) (Insular Areas)</p>	☒
<p>The waiver applies to HOME-assisted rental projects currently within the period of affordability established in the HOME written agreement. PJs will not be required to obtain HUD approval or execute a memorandum of agreement with HUD before providing this assistance. PJs may only exercise this waiver authority when the project owner agrees to several requirements and other actions are taken by the PJ, as listed in the April 10, 2020 Memorandum <i>Availability of Waivers and Suspensions of the HOME Program Requirements in Response to COVID -19 Pandemic</i>. By June 30, 2021 the PJ must examine the project financial records. Refer to the Memorandum for guidance on complying with this regulatory waiver. The waiver is effective through December 31, 2020.</p>		

8.	<u>Timeframe for a Participating Jurisdiction’s Response to Findings of Noncompliance</u> Citations: 24 CFR 92.551(b)(1) and 24 CFR 92.64(a) (Insular Areas)	☒
<p>The waiver applies to all findings of HOME regulatory noncompliance from April 10, 2020 through December 31, 2020. (HUD may also, upon request by the PJ, extend time periods imposed prior to April 10, 2020.)</p>		
9.	<u>Rent Reasonableness</u> Citations: 24 CFR 92.209(f) and 24 CFR 92.64(a) (Insular Areas)	☒
<p>Through this waiver, PJs can provide immediate rental assistance to individuals and families seeking housing and assist individuals and families that have housing but are experiencing reduced or lost wages, without requiring an assessment of rents charged for comparable unassisted rental units. This waiver is applicable to TBRA provided to individuals and tenant households experiencing financial hardship because of a reduction or loss of income. This waiver includes renter households with rents that exceed a PJ’s established rent reasonableness standard.</p> <p>PJs using this waiver authority must execute a rental assistance contract with the owner or tenant. This requirement is waived from April 10, 2020 through December 31, 2020.</p>		
10.	<u>Eligible TBRA Costs and Maximum TBRA Subsidy</u> Citations: 24 CFR 92.209(a) and (h) and 24 CFR 92.64(a) (Insular Areas)	☒
<p>This waiver allows PJs pay the full cost of monthly utilities in addition to rental assistance and security deposit payments for new and existing TBRA families affected by the COVID-19 pandemic. PJs may provide up to 100 percent subsidy for rent, security deposit payments, and utility bills paid by tenants affected by a reduction or loss of income from the COVID-19 pandemic. The waiver also eliminates the need for the PJ to establish utility allowances for different types and sizes of units for its TBRA program, which eliminates a significant administrative burden.</p> <p>PJs using this waiver authority must execute a rental assistance contract with the owner or tenant for a term mutually agreed upon by all parties, but not to exceed the December 31, 2020, waiver period. The PJ may make utility payments directly to the tenant or utility company based on utility bills submitted for the assisted unit, either by mail or electronically. This requirement is waived through December 31, 2020.</p>		
11.	<u>Term of Rental Assistance Contract</u> Citations: 24 CFR 209(e) and 24 CFR 92.64(a) (Insular Areas)	☒
<p>This waiver eliminates the requirement that the rental assistance contract must begin on the first day of the term of lease. The PJ’s requirement to execute a rental assistance contract with the owner or tenant is not waived. PJs using this waiver authority must execute a rental assistance contract with the owner or tenant for a term mutually agreed upon by all parties, but not to exceed the December 31, 2020, waiver period. This requirement is waived through December 31, 2020.</p>		

12.	<u>Tenant Protections – Lease</u> Citations: 24 CFR 92.209(g) and 24 CFR 92.64(a) (Insular Areas)	☒
<p>This waiver permits PJs to assist individuals currently housed but facing financial hardship, where tenants are already housed and an executed lease is already in place. PJs using this waiver authority are required to execute a rental assistance contract with the tenant for a term mutually agreed upon by all parties, but not to exceed the waiver period. PJs must still comply with all VAWA requirements contained in 24 CFR 92.359 by including, at a minimum, a lease addendum that addresses all VAWA requirements. This requirement is waived through December 31, 2020.</p>		
13.	<u>Housing Quality Standards</u> Citations: 24 CFR 92.209(i) and 24 CFR 92.64(a) (Insular Areas)	☒
<p>This waiver will permit the PJ to rapidly house or assist individuals experiencing financial hardship due to the COVID-19 pandemic without requiring an initial HQS inspection. The lead-safe housing requirements of 24 CFR part 35, subpart M, made applicable to units leased by recipients of HOME TBRA by the HOME regulation at 24 CFR 92.355, cannot be waived and units built before 1978 must undergo visual evaluation and paint repair in accordance with 24 CFR Part 35, subpart M.</p> <p>PJs using this waiver authority must establish procedures to minimize the risk that tenants are in housing that does not meet HQS, as well as procedures for conducting physical inspections by April 30, 2021 following the end of the December 31, 2020, waiver period.</p>		
14.	<u>Income Determinations (TBRA-Specific Waiver)</u> Citations: 24 CFR 92.203(a)(2) and 24 CFR 92.64(a) (Insular Areas)	☒
<p>This waiver will permit PJs to obtain a written statement of the amount of the family’s anticipated annual income and household size, along with a certification that the information is complete and accurate. This waiver is applicable to TBRA provided in response to the COVID-19 pandemic to individuals or families experiencing financial hardship.</p> <p>The PJ must ensure that the tenant’s self-certification indicates how the tenant’s financial situation has changed, (i.e., job loss or reduced wages), and includes all income, including any unemployment or emergency benefits received by the tenant as a result of the pandemic, but excluding stimulus payments. The PJ must include tenant income certifications in each project file. This requirement is waived through December 31, 2020.</p>		

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-367**

RESOLUTION APPROVING THE EXTENSION OF TERMINATION DATES OF FOUR ANNUAL PURCHASING AGREEMENTS AS DEFINED UNDER ATTACHMENT A; APPROVING TERMINATION DATES FOR THE SERVICES STATED HEREIN; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE IDENTIFIED PURCHASE AGREEMENTS TERMINATION DATES APPROVED BY COUNCIL

WHEREAS, City staff continues to review and monitor over 1,000 purchasing items and identify the best and most efficient way to procure the needs of the City, and

WHEREAS, to ensure that goods and services are available to effectively manage the operations of the City, the Purchasing Division is making every attempt to expedite the bidding process and making sure we have new agreements in place before the current agreements expire, and

WHEREAS, the Finance Department has implemented bi-monthly purchasing training to educate City Staff about the standards which govern the City's purchases, including the City's Charter, Municipal Code, implementation of Administrative Directive 7.5 Purchasing Policy, and updated Purchasing Purchase Manual, and

WHEREAS, the Finance Department continues to work with departments to address the on-going procurement needs of the City and strategizing the best solution to ensure a new agreement can be approved by the time the existing annual purchasing and consultant agreements expire, and

WHEREAS, the Finance Department, via the Purchasing Division, has identified a number of agreements that require further time extensions of their termination dates (as shown in **Attachment A** – Purchasing Agreement Extension Dates), and

WHEREAS, the extension of these term dates for existing agreements will not alter the dollar amount of said agreements nor the terms and conditions of the agreements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the extension of termination dates of four annual purchasing agreements as defined under **Attachment A**; approving the term dates for the services stated herein.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue the identified Annual Purchasing Agreements terms.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

Attachment A - Purchasing Agreement Extension Dates

No.	Description	Supplier	Agreement Amount	Vendor Invoices Paid or Pending Payment - 08/3/20	Amount Remaining on Agreement	Original Start Date	Original Term Date	Revised Term Date
1	ANNUAL AGREEMENT - ROADWAY CRACK SEALANT - RESO #2015-92 - RFB 1415-09	MAXWELL PRODUCTS	\$ 687,295	\$ 168,454	\$ 518,841	24-Mar-2015	23-Mar-20	31-Jul-21
2	ANNUAL AGREEMENT FOR WHOLESALE AUCTION FLEET REPLACEMENT VEHICLES - RESO 2018-473	ADESA GOLDEN GATE	\$ 361,000	\$ 136,235	\$ 224,765	23-Oct-2018	22-Oct-20	31-Oct-21
3	ANNUAL AGREEMENT FOR WHOLESALE AUCTION FLEET REPLACEMENT VEHICLES - RESO 2018-473	ENTERPRISE VEHICLE EXCHANGE	\$ 361,000	\$ 281,823	\$ 79,177	23-Oct-2018	22-Oct-20	31-Oct-21
4	ANNUAL AGREEMENT - STREET SWEEPING MATERIAL RECEIVING SERVICES - RESO 2015-64 - RFB#1415-05	GILTON RESOURCES	\$ 653,625	\$ 478,135	\$ 175,490	3-Mar-2015	31-Jul-20	31-Dec-20

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-368**

RESOLUTION APPROVING A SECOND AMENDMENT TO THE SERVICE AGREEMENT WITH THYSSENKRUPP ELEVATOR CORPORATION FOR ELEVATOR MAINTENANCE AND REPAIR SERVICES INCREASING FUNDING BY \$80,000 FROM \$383,960 TO A NEW TOTAL AMOUNT OF \$463,960, EXTENDING THE TERM OF THE AGREEMENT FROM SEPTEMBER 21, 2020 TO SEPTEMBER 21, 2021 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT.

WHEREAS, the City is responsible for maintaining scheduled maintenance and inspections for City passenger and freight elevator systems, including lift chairs; and

WHEREAS, on September 22, 2015, by Resolution 2015-352, Council awarded the contract for elevator maintenance and repairs to ThyssenKrupp Elevator Corporation for a period of two years, with three one-year extension options for an estimated annual cost of \$46,680 and over five years of \$233,400; and

WHEREAS, on October 23, 2018, by Resolution 2018-474, Council approved a first amendment for this agreement to increase the agreement by \$150,560 for a revised total over five years of \$383,960; and

WHEREAS, the Finance Department Purchasing Division is currently reviewing the scope of work to finalize the Request for Proposal for public bidding through Planet Bids; and

WHEREAS, since the current agreement is scheduled to expire on September 21, 2020, the Finance Department is proposing an additional one-year extension to allow for additional time needed to review the scope of work, conduct the bidding process and provide time for the evaluation committee to review all potential proposals.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment to the Service Agreement with

ThyssenKrupp Elevator Corporation for elevator maintenance and repair services increasing funding by \$80,000 from \$383,960 to a new total amount of \$463,960, extending the term of the agreement from September 21, 2020 to September 21, 2021.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-369**

RESOLUTION APPROVING LEGAL SERVICES AGREEMENTS WITH RENNE PUBLIC LAW, SAN FRANCISCO, CA; KRAMER WORKPLACE INVESTIGATIONS, DANVILLE, CA; AND AMY OPPENHEIMER, BERKELEY, CA TO CONDUCT CITYWIDE ADMINISTRATIVE INVESTIGATIONS ON AN AS NEEDED BASIS AND CONSULTANT AGREEMENTS WITH ARMISTEAD RESEARCH AND INVESTIGATIONS, PINOLE, CA; AND MUNICIPAL RESOURCE GROUP, LLC, WILTON, CA FOR CONDUCTING CITYWIDE ADMINISTRATIVE INVESTIGATIONS ON AN AS NEEDED BASIS, IN AN AMOUNT NOT TO EXCEED \$100,000 EACH, FOR TWO YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, the City conducts internal and external administrative investigations into possible employee misconduct that may lead to discipline, and

WHEREAS, investigations range in complexity and include comprehensive interviews of witnesses and potential subjects of the alleged wrong-doing and the interviewer must comply with various legal standards, and

WHEREAS, the City has utilized the services of outside agencies to conduct some of their administrative investigations, and

WHEREAS, with approval from the City Manager, the Human Resources Department sent out a Request for Proposals (RFP) for confidential investigative services, and

WHEREAS, in partnership with the City Attorney's Office, all proposals have been reviewed and staff recommends contracts with multiple investigative firms, affording the City the specialized expertise needed to address the various investigative issues that arise during the term of these agreements, and

WHEREAS, the selection for vendors conforms to Modesto Municipal Code 8-3.204 (a) as they are providing professional legal services, and

WHEREAS, the City Attorney's office has drafted Legal Services Agreements with Renne Public Law, San Francisco, CA; Kramer Workplace Investigations, Danville, CA; and Amy Oppenheimer, Berkeley, CA and Consultant Agreements with Armistead Research and Investigations, Pinole, CA; and Municipal Resource Group, LLC, Wilton, CA for a two-year agreement at the sole discretion of the City, for total not to exceed cost of \$100,000 each.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto hereby approves Legal Services Agreements for conducting Citywide Administrative Investigations on an as needed basis with Renne Public Law, San Francisco, CA; Kramer Workplace Investigations, Danville, CA; and Amy Oppenheimer, Berkeley, CA and Consultant Agreements with Armistead Research and Investigations, Pinole, CA; and Municipal Resource Group, LLC, Wilton, CA for a two year agreement, for total not to exceed cost of \$100,000 each.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute the contracts in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-370**

RESOLUTION APPROVING A FIRST AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH SHAW LAW GROUP, PC, SACRAMENTO, CA FOR CONDUCTING CITYWIDE ADMINISTRATIVE INVESTIGATIONS ON AN AS NEEDED BASIS, FOR AN EXTENDED TERM OF ONE YEAR AND INCREASING THE AGREEMENT AMOUNT BY \$100,000, FOR AN AMOUNT NOT TO EXCEED \$200,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City conducts internal and external administrative investigations into possible employee misconduct that may lead to discipline, and

WHEREAS, investigations range in complexity and include comprehensive interviews of witnesses and potential subjects of the alleged wrong-doing and the interviewer must comply with various legal standards, and

WHEREAS, the City has utilized the services of outside agencies to conduct some of their administrative investigations, and

WHEREAS, on September 11, 2018 by Resolution No. 2018-385, Council approved a Legal Services agreement with Shaw Law Group for an amount not to exceed \$100,000 with a termination date of September 11, 2020, and

WHEREAS, it is requested that this agreement be extended for one year with a revised termination date of September 11, 2021, and increasing the agreement amount by \$100,000 for a total amount not to exceed \$200,000 for continued services due to on-going City needs.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto hereby approves a First Amendment to the Legal Services Agreement with Shaw Law Group, PC, Sacramento, CA for conducting citywide Administrative

Investigations on an as needed basis, for an extended term of one year and increasing the agreement amount by \$100,000, for an amount not to exceed \$200,000.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute the amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-371**

**RESOLUTION APPROVING AN AGREEMENT WITH O'DELL
ENGINEERING, INC., OF MODESTO, CA FOR THE PREPARATION OF
CONSTRUCTION DOCUMENTATION (DESIGN) FOR PHASE 2 OF MARY E.
GROGAN COMMUNITY PARK IN THE AMOUNT OF \$231,787, PLUS \$23,179
FOR ADDITIONAL SERVICES, IF NEEDED, FOR AN AGREEMENT TOTAL
NOT TO EXCEED \$254,966, AND AUTHORIZING THE CITY MANAGER, OR
HIS DESIGNEE, TO EXECUTE AN AGREEMENT**

WHEREAS, Mary E. Grogan Park is a 43-acre master planned Community Park that is located on City-owned property in the Village One Community Planning Area, in northeast Modesto, and

WHEREAS, 26 acres of the park have been developed in Phase 1, and it is best known for its state of the art gated and lighted soccer complex that includes 7 full sized soccer fields, a well used perimeter walking path, a restroom facility and concession stand which provides recreational opportunity to tens of thousands of visitors each year, and

WHEREAS, there are 17 acres awaiting further development have been identified as Phase II of the Mary E. Grogan Community Park Masterplan (Project), and

WHEREAS, a Request For Proposals (RFP) for the Project was issued on April 1, 2020, and proposals from 7 consultants were opened on May 18, 2020 pursuant to Administrative Directive 3.1, and

WHEREAS, the 4 most qualified firms were formally interviewed by a selection committee on June 8, 2020 and ranked by qualifications, and

WHEREAS, based on the results of the RFP, staff recommends approval of an agreement with O'Dell Engineering Inc., of Modesto, CA to complete the Construction

Documentation for the Mary E. Grogan Community Park Phase 2 Project in the amount of \$231,787, and

WHEREAS, staff recommends a 10% additional services budget in the amount of \$23,179 to allow for change orders due to unforeseen conditions, delays or expenses for an agreement total not to exceed \$254,966.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it approves an agreement with O'Dell Engineering, Inc., of Modesto, CA for the preparation of construction documentation (design) for Phase 2 of Mary E. Grogan Community Park in the amount of \$231,787, plus \$23,179 for additional services, if needed, for an agreement total not to exceed \$254,966.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute an agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-372**

**RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 CAPITAL
IMPROVEMENT PROGRAM BUDGET FOR PROJECT 101017 – MARY
GROGAN PHASE 2 IN THE AMOUNT OF \$1,013,588 AS OUTLINED IN
ATTACHMENT A AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, certain budgetary transactions are necessary in order to fund design, construction, contingency, construction administration, City construction forces, and design support during construction plus City staff support for the Mary E. Grogan Community Park Phase 2 project, and

WHEREAS, the Fiscal Year 2020-2021 Capital Improvement Program Budget for Project 101017 – Mary Grogan Phase 2 must be amended as shown in **Attachment A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the fiscal year 2020-2021 Capital Improvement Program budget for Project 101017 – Mary Grogan Phase 2 in the amount of \$1,013,588 as outlined in **Attachment A**, **attached** hereto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

Attachment A – Budget Adjustment for Capital Project 101017 (Mary Grogan Park Phase II)

Fund 3460 – Parks Capital Facilities Fees Fund:

Expense:

To:

Account	Description	Starting Budget	Increase/ (Decrease)	Revised Budget Total
MY-101017 – EDA	Engineering/Design/Admin	\$ 150,000.00	\$ 179,288.00	\$ 329,288.00
MY-101017 – CON	Construction	\$1,500,000.00	\$ 695,250.00	\$ 2,195,250.00
MY-101017 – CA	Construction Admin	\$ 150,000.00	\$ 69,525.00	\$ 219,525.00
MY-101017 – CTGY	Contingency	\$ 150,000.00	\$ 69,525.00	\$ 219,525.00
Total		\$1,950,000.00	\$1,013,588.00	\$ 2,963,588.00

Revenues (From Fund Balance):

To:

Revenue Type	Starting Budget	Increase/ (Decrease)	Revised Budget Total
Parks CFF Revenue	\$1,934,249.69	\$1,013,588.00	\$ 2,963,588.00
Total	\$1,934,249.69	\$1,013,588.00	\$ 2,963,588.00

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-373**

**RESOLUTION APPROVING A SECOND AMENDMENT TO THE CELL
TOWER SITE LEASE AGREEMENT WITH CROWN CASTLE MU, INC TO
EXPAND THE LEASED LAND SPACE AT DOWNEY PARK BY AN
ADDITIONAL 160 SQUARE FEET TO ALLOW FOR A BACK-UP
GENERATOR AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO EXECUTE THE AMENDMENT**

WHEREAS, the City of Modesto partners with various cellular service providers by leasing city property for cell towers, and

WHEREAS, these partnerships are a benefit to the residents of the City of Modesto by improving cellular service coverage throughout Modesto, improving coverage for the FCC mandated E911 Services, and also providing annual revenue to the City of Modesto to maintain the City park system, and

WHEREAS, on September 25, 2001, by Resolution No. 2001-491, Council approved a fifteen (15) year lease agreement with Cricket California Property Company, a Delaware Corporation, with three (3) extensions of five (5) years each for 240 square feet of un-programmed park space to construct and deploy cellular communication equipment, and

WHEREAS, on September 23, 2008, by Resolution No. 2008-537, Council approved amendment #1 of the agreement with the new successor tenant/operator Crown Castle MU, LLC (Crown Castle), which included a future option to lease up to 900 square feet of additional land space, as well as increased the term to nine (9) additional, five (5) year terms, with a final expiration of the contract to September 30, 2061, and

WHEREAS, in January 2019, the City of Modesto was notified by Crown Castle that they would like to exercise their option to lease 160 square feet of additional land

within Downey Park, adjacent to the existing tower for the purpose of installation of a backup power generator for the existing cell tower on the site.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment to the Cell Tower Site Lease Agreement with Crown Castle MU, Inc to expand the leased land space at Downey Park by an additional 160 square feet to allow for a back-up generator.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-374**

**RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 OPERATING
BUDGET AS OUTLINED IN ATTACHMENT A**

WHEREAS, certain budgetary transactions are necessary in order to recognize revenue generated by the Second Amendment to the cell tower Site Lease Agreement with Crown Castle MU, Inc, and

WHEREAS, the Fiscal Year 2020-2021 Operating Budget must be amended as shown in **Attachment A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2020-2021 Operating Budget as outlined in **Attachment A, attached** hereto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

Budget Adjustment for Downey Park Cell Tower Lease Amendment #2

Fund 0100 – General Fund

Operating Budget 35220 – Parks Operations Services Administration

<u>Expense:</u>				
Account	Description	Starting Amount	Increase/ (Decrease)	Ending Total
0100-35220-53030	Business Expense	\$10,075	\$6,514	\$16,589
Total		\$10,075	\$6,514	\$16,589
<u>Revenue:</u>				
Account	Description	Starting Amount	Increase/ (Decrease)	Ending Total
0100-35220-46002	Park Operations	\$269,000	\$6,514	\$275,514
Total		\$269,000	\$ 6,514	\$275,514

Operating Budget 35220 – Parks Operations Services Administration

<u>Expense:</u>				
Account	Description	Starting Amount	Increase/ (Decrease)	Ending Total
0100-32020-54500	Svc City Forces-Interfund	\$5,500	\$724	\$6,224
Total		\$5,500	\$724	\$6,224
<u>Revenue:</u>				
Account	Description	Starting Amount	Increase/ (Decrease)	Ending Total
0100-32020-46002	PPD - Admin	53,000	\$724	53,724
Total		\$53,000	\$ 724	\$53,724

Total Expense/Revenue Adjustments Increase/(Decrease): \$7,238

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-375**

RESOLUTION ACCEPTING THE NEW EMERGENCY VEHICLE PRE-EMPTION PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK, OR HER DESIGNEE, TO COMPLETE ALL NECESSARY STEPS TO FILE THE APPROPRIATE NOTICES AND DOCUMENTS WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING \$585,783 TO ADVANCED TRAFFIC PRODUCTS INC., EVERETT, WASHINGTON

WHEREAS, the City currently maintains 173 signalized intersections within the City limits, and

WHEREAS, Emergency Vehicle Pre-emption (EVP) is a type of system that allows the normal operation of traffic signals to be preempted, or manipulated, so emergency vehicles will have the right of way and halt conflicting traffic, and

WHEREAS, on April 23, 2013, by Resolution No. 2013-149, Council approved accepting a Highway Safety Improvement Program Cycle 5 Grant for the purchase of EVP equipment in the amount of \$553,500, and

WHEREAS, on May 24, 2016 by Resolution 2016-220, Council approved a list of local projects using Measure L Funds which authorized the local match of \$61,500 required for the project, and

WHEREAS, on September 4, 2018, by Resolution No. 2018-366, Council awarded a contract to Advanced Traffic Products, Inc. of Everett, Washington, for the new EVP Project in the amount of \$585,783, and

WHEREAS, on April 10, 2019, Caltrans had approved the reallocation of Preliminary Engineering Funds for the project to Construction Funds in order for the Traffic Division to purchase a Global Positioning System (GPS) located EVP system, and

WHEREAS, the GPS units are to test the Standiford Ave corridor for Transit Priority, and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the New Emergency Vehicle Pre-emption Project as complete, releasing securities, and releasing payments totaling \$585,783 to Advanced Traffic Products Inc., Everett, Washington.

BE IT FURTHER RESOLVED, that the City Clerk, or her designee, is authorized to complete all necessary steps to file the appropriate notices and documents with the County Recorder.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-376**

RESOLUTION ACCEPTING THE NEW TRAFFIC SIGNAL CONTROLLERS PROJECT (101043) AS COMPLETE AND AUTHORIZING THE CITY CLERK, OR HER DESIGNEE, TO COMPLETE ALL NECESSARY STEPS TO FILE THE APPROPRIATE NOTICES AND DOCUMENTS WITH THE COUNTY RECORDER

WHEREAS, on July 5, 2017, by Resolution No. 2017-269, Council approved Measure L projects which included the purchase of 120-2070 controllers and Central Processing Unit (CPU) cards in the amount of \$585,000, and

WHEREAS, staff has reviewed the 2070 controllers and determined that the 2070 LX controller with OMNI software will best fit our needs now and in the future, and

WHEREAS, OMNI Software, 2010 conflict monitors, timing conversions, and Transparity Software were also included to make the 2070 XL controllers operational, and

WHEREAS, on February 6, 2018, by Resolution No. 2018-57, Council approved a sole source purchase of 2070 LX traffic signal controllers, OMNI software, 2010 conflict monitors, timing conversions, and Transparity Software from McCain Inc., Vista, CA with a one-year Service Agreement in the amount of \$460,570 for the modernization of our Advanced Traffic Management System (ATMS), and

WHEREAS, on October 23, 2019, by Resolution No. 2019-149, Council approved an increase to the Purchase Order No. 134219 with McCain Inc., Vista, CA, for the purpose of upgrading conflict monitors to Ethernet conflict monitors for traffic signals under Resolution 2018-57 by increasing the total amount by \$8,091 for a new agreed lump sum of \$468,661, and

WHEREAS, additionally, the City had to purchase multiple Ethernet switches which allowed communication to the controllers and other network devices at the intersections, and

WHEREAS, all 120 new traffic signals controllers have been installed at signalized intersections outside the Downtown Central Business district, and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the New Traffic Signal Controllers Project (101043) as complete.

BE IT FURTHER RESOLVED, that the City Clerk, or her designee, is authorized to complete all necessary steps to file the appropriate notices and documents with the County Recorder.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-377**

**RESOLUTION ACCEPTING THE STATE ROUTE 99 / PELANDALE AVENUE
INTERCHANGE RECONSTRUCTION PROJECT AS COMPLETE AND
AUTHORIZING THE CITY CLERK, OR HER DESIGNEE, TO COMPLETE
ALL NECESSARY STEPS TO FILE THE APPROPRIATE NOTICES AND
DOCUMENTS WITH THE COUNTY RECORDER**

WHEREAS, the State Route (SR) 99 / Pelandale Avenue Interchange Reconstruction Project included reconstruction of the Pelandale Avenue overcrossing, the SR-99 on and off ramps in new alignments, and construction of a southbound auxiliary lane, and

WHEREAS, the project was critical to enhancing safety, relieving congestion, and improving traffic operations within the Interchange and along the adjacent streets, and

WHEREAS, the Project's enhanced landscaping and structure aesthetics increase the visibility and draw to the City's major shopping centers and industrial parks, thus promoting existing and planned future economic development. Improving the traffic operations allows emergency responders, including highway patrol, police, fire, and ambulance, to react and serve more efficiently, and

WHEREAS, on April 25, 2017, by Resolution 2017-154, Council accepted the SR-99/Pelandale Avenue Interchange Reconstruction Project improvements as complete, and

WHEREAS, this acceptance was to start the warranty period and establish maintenance requirements with the California Department of Transportation (Caltrans), and

WHEREAS, during construction of the project, multiple pieces of property between City, County, and State had to change ownership due to new traffic alignments and improvements, and

WHEREAS, a record of survey had to be submitted to the State to show final right-of-way limits and property ownership between entities, and

WHEREAS, for this Record of Survey to be submitted, the City must first approve the relinquishment of land to both the County and State, and

WHEREAS, on January 23, 2018, by Resolution 2018-42, Council approved the transfer of real property, APNs 135-029-038 and 135-029-039 to Stanislaus County and State of California, and APNs 135-029-040 and 135-029-041 to the State of California for the SR-99/Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, approval is then needed by the California Transportation Commission (CTC) for the State's property to be relinquished to the City and County, and

WHEREAS, on March 25, 2020, the CTC approved the relinquishment of land to both the City and County, and

WHEREAS, on March 27, 2020 the City submitted their final invoice to Caltrans and submitted all closeout paperwork, and

WHEREAS, by accepting this project as fully complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed. Additionally, the City Clerk will be authorized to complete all necessary steps to file the appropriate notices and documents with the County Recorder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the State Route 99 / Pelandale Avenue Interchange Reconstruction Project as complete.

BE IT FURTHER RESOLVED, that the City Clerk, or her designee, is authorized to complete all necessary steps to file the appropriate notices and documents with the County Recorder.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-378**

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH PROVOST & PRITCHARD CONSULTING GROUP, MODESTO, CA, FOR ENGINEERING DESIGN SERVICES FOR THE STRENGTHEN AND REPLACE LA LOMA NEIGHBORHOOD – EL VISTA AVENUE TO RIVERSIDE DRIVE PHASE 1 PROJECT IN THE AMOUNT NOT OF \$37,508 FOR THE IDENTIFIED SCOPE OF SERVICES, FOR AN AMENDED TOTAL AMOUNT NOT TO EXCEED \$145,218, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, Utilities Engineering is currently managing the La Loma Neighborhood – El Vista Avenue to Riverside Drive Phase 1 Project, (also referred to as La Loma Phase 3A Strengthen & Replace Water Mains Project) which will replace and upgrade deficient water mains, associated valves, and fire hydrants to improve system reliability, flows and pressure, and

WHEREAS, the project area is bounded by Encina Avenue on the north, Trask Lane on the east, El Vista Avenue to the west and Yosemite Boulevard to the south, and

WHEREAS, existing water mains in the project area are aged, undersized steel mains, which are prone to leaking and low pressure, and

WHEREAS, on May 2, 2017, by Resolution No. 2017-169, Council approved an agreement with Provost & Pritchard Consulting Group, Inc., Modesto, CA, for Design Services for the Strengthen and Replace La Loma Neighborhood – El Vista Avenue to Riverside Drive Phase 1 Project in an amount not to exceed \$97,918 for the identified scope of services, plus \$9,792 for additional services (if needed), for a maximum total amount of \$107,710, and

WHEREAS, during the preliminary design of the Strengthen and Replace La Loma Neighborhood – El Vista Avenue to Riverside Drive Phase 1 Project, the project

approach was refined to be consistent with the other two phases of the La Loma Strengthen & Replacement Water Mains Projects, and

WHEREAS, consequently the project was renamed to La Loma Phase 3A Strengthen & Replace Water Mains Project and separated into 3 sub-phases prioritized by volume of service calls for leak repairs and water pressure issues, and

WHEREAS, future phases will include Phase 3B and 3C projects, and

WHEREAS, during the design effort, City Water Services Division requested adding a 12-inch diameter water main on Trask Lane (from Yosemite Ave to Encina Ave), and

WHEREAS, this allows water line connections to be reworked and connected to the new 12-inch water main instead of an existing 14-inch diameter High Density Polyurethane (HDPE) water main that will be abandoned in the near future due to age and thin wall material, and

WHEREAS, the addition of the 12-inch water main will allow for better water flow, reliability and pressure in the neighboring area, and

WHEREAS, Provost & Pritchard is the design engineer for the La Loma Phase 3A Strengthen & Replace Water Mains project, and

WHEREAS, due to Provost & Pritchard being the Engineer-of-Record for the project, engineering support during construction (ESDC) services are necessary from Provost & Pritchard to ensure construction of the facilities meets the original design described in the plans and specifications, and

WHEREAS, Provost & Pritchard will provide support to City staff, by reviewing submittals, requests for information, and answer design related questions that may arise during the course of construction, and

WHEREAS, Provost & Pritchard is nearly complete with the design and preparation of the construction documents for the Strengthen and Replace La Loma Neighborhood – El Vista Avenue to Riverside Drive Phase 1 Project (La Loma Phase 3A Strengthen & Replace Water Mains Project), but an amendment to the agreement is necessary to cover the additional cost for the expanded scope of work, and

WHEREAS, City staff is recommending an amendment to the agreement with Provost & Pritchard Consulting Group, in the amount of \$37,508, to allow continued engineering design services through completion of the design and construction of the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the current agreement with Provost & Pritchard Consulting Group, of Modesto, CA, for Engineering Design Services for the Strengthen and Replace La Loma Neighborhood – El Vista Avenue to Riverside Drive Phase 1 Project (La Loma Phase 3A Strengthen & Replace Water Mains Project) in an amount not to exceed \$37,508, for a new total amount not to exceed \$145,218.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-379**

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE
YOSEMITE WATER VALVES PROJECT, ACCEPTING THE BID, AND
APPROVING A CONSTRUCTION CONTRACT TO MARSHALL BROTHERS
ENTERPRISES, INC., LIVERMORE, CA, IN THE AMOUNT OF \$215,000 PLUS
\$32,250 FOR CONTINGENCY (IF NEEDED) FOR A TOTAL AMOUNT NOT TO
EXCEED \$247,250 AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, as a part of the Utilities Department's Water Services Division, routine maintenance of infrastructure is periodically required to extend the service life of the materials and equipment throughout the City's Water Service Areas, and

WHEREAS, along Yosemite Boulevard (SR 132), there are several water valve boxes that are in need of repair and or abandonment as pavement around the valve boxes is beginning to deteriorate due to the constant impact of traffic, and

WHEREAS, the Yosemite Water Valve project will install and abandon 157 new cast iron water valve boxes along Yosemite Boulevard from Las Flores Avenue to Phoenix Avenue, and

WHEREAS, installing the new boxes will extend the life of the water valves while reducing the maintenance required by the Water Services Division, and

WHEREAS, the scope also includes repairing the pavement around each valve and bringing affected striping up to current State standards, and

WHEREAS, specifications have been prepared for the Yosemite Water Valve project, and

WHEREAS, the Project was advertised for bids on June 30, 2020, and

WHEREAS, on July 28, 2020, Bids were publicly opened, pursuant to City Charter Section 1307, four bids were received and Marshall Brothers Enterprises, Inc., Livermore, CA, was the responsible bidder with the lowest responsive bid, and

WHEREAS, MMC 8-3.203 states that all purchases, in excess of fifty thousand dollars (\$50,000), or when directed by the City Manager for any purchase of fifty thousand dollars (\$50,000) or less, shall follow formal bid procedures, and

WHEREAS, and the award of bid for the Yosemite Water Valve project conforms to the Modesto Municipal code based on providing the overall lowest cost, while providing improved service, and

WHEREAS, the Director of Utilities has recommended that the bid of \$215,000 received from Marshall Brothers Enterprises, Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded Marshall Brothers Enterprises, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Yosemite Water Valve project and accepts the bid of \$215,000 plus \$32,250 for contingency (if needed) for a total amount not to exceed of \$247,250 and awards Marshall Brothers Enterprises, Inc., of Livermore, CA, the construction contract for the Yosemite Water Valve project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-380**

**RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S
AUTHORITY TO ISSUE CHANGE ORDERS FOR THE YOSEMITE WATER
VALVES PROJECT FROM 10% (\$21,500) TO 15% (\$32,250) OF THE
CONSTRUCTION CONTRACT AMOUNT OF \$215,000 WITH MARSHALL
BROTHERS ENTERPRISES, INC., LIVERMORE, CA**

WHEREAS, the City's "Change Order Approval Policy", enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order for construction contracts less than \$250,000, the Director has the authority to issue change orders for an increase in contract up to \$25,000, and

WHEREAS, given the nature of a rehabilitation project, additional work may be needed to address unexpected conditions that require changes in project scope, and

WHEREAS, the additional costs may exceed the Director's authority for the project as established by the Council's Change Order Approval Policy adopted by Resolution No. 94-443 and revised on July 9, 2019 by Resolution No. 2019-326, and

WHEREAS, staff is requesting authorization to increase the contract change order budget to 15% (\$32,250) to account for unexpected conditions.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for the Yosemite Water Valves Project from 10 percent (\$21,500) to 15 percent (\$32,250) of the construction contract price of \$215,000 with Marshall Brothers Enterprises, Inc., of Livermore, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-381**

RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$270,000 TO ESTABLISH THE BUDGET OF 101237 – UPP ENGINEERING DESIGN “YOSEMITE WATER VALVES” FROM WATER FUND RESERVES IN ORDER TO FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, CITY CONSTRUCTION FORCES, ENGINEERING DESIGN SUPPORT AND ADMINISTRATION

WHEREAS, certain budgetary transactions are necessary in the amount of \$270,000, in order to fund to fully fund the construction, contingency, construction administration and design support during construction for the Yosemite Water Valves Project, and

WHEREAS, the Fiscal Year 2020-2021 Capital Improvement Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2020-2021 Capital Improvement Program Budget in the amount of \$270,000 to be transferred into the project from Water Reserves.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-382**

RESOLUTION ACCEPTING THE VILLAGE ONE SLURRY SEAL PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING \$2,208,266 TO CALIFORNIA PAVEMENT MAINTENANCE COMPANY, INC. DBA C P M, OF SACRAMENTO, CALIFORNIA

WHEREAS, in November 2016, the voters of Stanislaus County approved the county-wide, 25-year, half-percent sales tax increase known as Measure L, and

WHEREAS, on September 4, 2018, by Resolution No. 2018-380, Council amended the approved list of projects to be funded with Measure L tax proceeds in Fiscal Year 2018-2019, and

WHEREAS, the amendment to the list of projects allocated \$1,862,060 for design and construction to the Village One Slurry Seal Project, and

WHEREAS, on February 28, 2019, the Citizens Transportation Sales Tax Commission recommended an additional \$900,000 (Local Streets and Roads, Fiscal Year 18/19) in funding for the Village One Slurry Seal Project, and

WHEREAS, the additional funding expanded the project area to include quadrant 2, which is bounded by Sylvan Avenue to the north, Floyd Avenue to the south, Oakdale Road to the west and Roselle Avenue to the east, and

WHEREAS, the Village One Slurry Seal Project rehabilitated the pavement that had deteriorated with type 2 slurry seal, installed new striping and ADA curb ramps within the street limits of Sylvan Avenue, Roselle Avenue, Merle Avenue and Claus Road, and

WHEREAS, the project was advertised on April 9, 2019, and bids were publicly opened on May 7, 2019, pursuant to Modesto Municipal Code section 8-3.403 and Charter Section 1307, and California Pavement Maintenance, Inc. dba C P M, of Sacramento, California, was the apparent lowest responsible and responsive bidder, and

WHEREAS, on June 4, 2019, by Resolution No. 2019-250, Council awarded a contract to California Pavement Maintenance, Inc. dba C P M, of Sacramento, California, for the construction of the Village One Slurry Seal project in the amount of \$2,094,666, and

WHEREAS, on June 25, 2019, by Resolution No. 2019-291, Council approved an agreement with Vali Cooper Associates, Inc., for the construction management and inspection services in the amount not to exceed \$167,302, and

WHEARAS, the contractor received the Notice to Proceed with a first working day of July 8, 2019, and all contract work was completed by December 19, 2019, and

WHEREAS, the total project costs were \$2,557,414 which included, design, construction, and construction administration costs. The total project amount originally budgeted was \$2,622,060 which included \$2,304,133 for the construction contract and contingency with California Pavement Maintenance, Inc. dba C P M, and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of up to and not to exceed 8% of the original contract price, and

WHEREAS, by Council Resolution 2019-251, approved at time of awarding the project, the change order authority was increased to 10% not to exceed \$209,467, and

WHEREAS, there were five change orders on this project with an overall increase of \$113,600, and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Village One Slurry Seal project is hereby accepted as complete from contractor, California Pavement Maintenance, Inc. dba C P M, of Sacramento, California, and that the City Clerk is authorized to complete all necessary steps to file the appropriate notices and documents with the County Recorder, release securities, and authorize payments totaling \$2,208,266.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-383**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
APPROVING AN APPLICATION FOR AUTHORIZATION TO ACCESS STATE
AND FEDERAL LEVEL SUMMARY CRIMINAL HISTORY INFORMATION
FOR CANNABIS EMPLOYMENT, CONTRACTORS, LICENSING OR
CERTIFICATION PURPOSES**

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize cities, counties, districts, and joint powers authorities to access state and local summary criminal history information for cannabis employment, licensing, or certification purposes; and

WHEREAS, Penal Code Section 11105(b)(11) authorizes cities, counties, districts, and joint powers authorities to access federal level criminal history information by transmitting fingerprint images and related information to the California Department of Justice to be transmitted to the Federal Bureau of Investigation; and

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require that there be a requirement or exclusion from employment, licensing, or certification based on specific criminal conduct on the part of the subject or record; and

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require the City Council, Board of Supervisors, governing body of a city, county, or district or joint powers authority to specifically authorize access to summary criminal history information for cannabis employment, licensing, or certification purposes.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Modesto Police Department or its designee, is hereby authorized to access state and federal level summary criminal history information for cannabis employment, including contract employees, licensing and certification of commercial cannabis

operations including retail, cultivation, distribution, testing, and manufacturing purposes and may not disseminate the information to a private entity.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Madrigal, Ridenour, Kenoyer, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You, Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-384**

**RESOLUTION APPROVING A COMMERCIAL CANNABIS CULTIVATION
TYPE 3A BUSINESS AND MANUFACTURING 2-TYPE 7 (VOLATILE)
PERMIT FOR NUGGY LOCATED AT THE NORTHEAST CORNER OF E.
WHITMORE AVENUE AND NICKERSON DRIVE (APN 086-013-008), AND
AUTHORIZING THE CITY MANAGER TO IMPOSE SITE SPECIFIC
CONDITIONS OF APPROVAL**

WHEREAS, on December 12, 2017, the City Council adopted a Commercial Cannabis Ordinance, Ordinance 3684-C.S., that established the City's regulatory framework for commercial cannabis uses, and

WHEREAS, the Ordinance establishes certain standards and criteria that apply to all potential commercial cannabis businesses, and

WHEREAS, under Section 10-3.704(g) and City Council Resolution 2017-525, the City Manager designed the application forms and procedures for commercial cannabis business permits, and

WHEREAS, under Section 10-3.704(f), commercial cannabis business permits must be awarded by the City Council and such decisions are final and not subject to appeal, and

WHEREAS, the City Council held a properly noticed public hearing to consider the Nuggy commercial cannabis cultivation Type 3A business and Manufacturing 2-Type 7 (Volatile) permit application on September 8, 2020, and

WHEREAS, the City Council desires to issue commercial cannabis business permits to qualified operators at permitted locations that comply with state and local laws and regulations, enhance the diversity of the City's economy, mitigate negative impacts, provide a variety of locations and types of cannabis businesses to the community, and

best promote the public health, safety, and general welfare of Modesto residents and businesses.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto, that it hereby approves a Commercial Cannabis Cultivation Type 3A Business and Manufacturing 2-Type 7 (Volatile) Permit to Nuggy, located at the northeast corner of E. Whitmore Avenue and Nickerson Drive APN 086-013-008.

BE IT FURTHER RESOLVED that the City Manager is authorized to impose specific conditions of approval, including but not limited to the following:

1. City staff, with assistance from HdL Companies staff, are authorized to access the business site / location during construction of tenant improvements in order to document various components of business operations, security systems, and/or any other points of concern.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-385**

RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2014042081): SITE DEVELOPMENT AND COMMERCIAL CANNABIS CULTIVATION TYPE 3A BUSINESS AND MANUFACTURING 2-7 (VOLATILE) PERMIT FOR NUGGY, LOCATED AT THE NORTHEAST CORNER OF E. WHITMORE AVENUE AND NICKERSON DRIVE (APN 086-013-008), WITH THE APPROPRIATE CONDITION

WHEREAS, on March 5, 2019, by Resolution 2019-108, City Council of the City of Modesto certified the Final Master Environmental Impact Report (“Master EIR”) (SCH No. 2014042081) for the Modesto Urban Area General Plan, and

WHEREAS, Faizal Awadan, has proposed a two-story, 57,600 square-foot commercial cannabis cultivation facility located at the northeast corner of E. Whitmore Avenue and Nickerson Drive (APN 086-013-008), and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto’s Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED No. 2020-10 (“Initial Study”) which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within its scope, and

WHEREAS, in accordance with CEQA guidelines beginning on August 28, 2020, the City caused to be published a ten-day notice of the City’s intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on September 8, 2020, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California.

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

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.
2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.
3. No new or additional mitigation measures or alternatives are required.
4. The subsequent project is within the scope of the project covered by the Master EIR.
5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

Initial Study

EA/C&ED No. 2020-10

City of Modesto

Finding of Conformance with the Urban Area General Plan Master EIR (SCH No. 2014042081)

Initial Study Environmental Checklist EA/C&ED No. 2020-10

For the proposed:

Nuggy Cannabis Cultivation Facility

**Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division**

August 17, 2020

(Intentional Blank Page)

City of Modesto

Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the proposed Nuggy cannabis cultivation facility is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2014042081) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a Finding of Conformance.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and,
2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

II. PROJECT DESCRIPTION

- A. Title: Nuggy cannabis cultivation facility
- B. Address or Location: Northeast Corner (NEC) of E. Whitmore Ave. & Nickerson Way
- C. Applicant: Faizal Awadan
1611 S. Mariposa Rd.
Stockton CA 95205
- D. City Staff Project Manager: Brad Wall, MPA, Principal Planner
Department: Community & Economic Development
Phone Number: 209.577.5273
E-mail address: bwall@modestogov.com
- E. Current General Plan Designation(s): "I" Industrial
- F. Current Zoning Classification(s): M2 Heavy Industrial
- G. Surrounding Land Uses: M2 zoning and Heavy Industrial land uses generally surround the project site. The nearest residential property is approximately 200 feet southeast of the site, across E. Whitmore Ave.

- H. Project Description, including the project type listed in Section II.C. (Anticipated Subsequent Projects) of the Master EIR:

The proposed project development consists of a 57,600 square-foot, two-story warehouse building for cannabis cultivation and manufacturing. The site is currently vacant, and is located at the NEC of E. Whitmore Ave. and Nickerson Way in south Modesto. Off-street parking and landscaped setbacks would be provided consistent with the City's zoning / development code. The Anticipated Subsequent Projects type per Section II.C. of the Master EIR is 5a "Development Plan Review."

- I. Other Public Agencies Whose Approval is Required: None

III. FINDINGS / DETERMINATION (BASED ON THE ANALYSIS IN SECTION IV, BELOW)

1. X **Within the Scope** – The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

- A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR;
- B. No new or additional mitigation measures or alternatives are required;
- C. The subsequent project is within the scope of the project covered by the Master EIR;
- D. All applicable policies, regulations, and/or mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project; and,


Project Manager

PRINCIPAL PLANNER
Title

8/17/20
Date

4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MASTER EIR if certain criteria are met. If the following statements are found to be true for all 20 impact categories included in this Initial Study, then the proposed project is addressed by the Master EIR analysis and is within the scope of the Master EIR. Any "No" response must be discussed.

		YES	NO
(1)	The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.	X	<input type="checkbox"/>
(2)	City policies that reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place as "mitigating policies" attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using the Master EIR's mitigating policies only.	X	<input type="checkbox"/>
(3)	Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).	X	<input type="checkbox"/>
(4)	No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.	X	<input type="checkbox"/>
(5)	The project will occur within the boundaries of the City's planning area as established in the Urban Area General Plan.	X	<input type="checkbox"/>
(6)	Implementation of the project will comply with all appropriate mitigating policies contained and enumerated in the 2019 Urban Area General Plan Master EIR.	X	<input type="checkbox"/>

5. Currency of the Master EIR Document

The Master EIR should be reviewed on a regular basis to determine its currency, and whether additional analysis / mitigation should be incorporated into the Master EIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 20 of this document in light of the criteria listed below to determine whether the Master EIR is current. The analyses contained within the Master EIR are current as long as the following circumstances have not changed. Any "no" response must be explained.

		YES	NO
(1)	Certification of the Urban Area General Plan Master EIR occurred less than five (5) years prior to the filing of the application for this subsequent project.	X	<input type="checkbox"/>
(2)	The proposed project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:	X	<input type="checkbox"/>
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified;	X	<input type="checkbox"/>
(b)	No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available; and,	X	<input type="checkbox"/>
(c)	Policies that require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development, remain in full force and effect.	X	<input type="checkbox"/>

Discussion:

- (1) The General Plan Master EIR was last certified on March 5, 2019. The analysis contained in the Master EIR is adequate for subsequent projects, as documented in the discussion below.
- (2) The project is consistent with the analysis contained in the Master EIR. This is documented in the discussion of the 20 individual evaluation topics within this initial study.
 - (2)(a) There have been no substantive changes to the Urban Area General Plan since the Master EIR was certified that would create additional significant environmental effects that were not analyzed by the Master EIR.
 - (2)(b) There has been no new information that would affect the adequacy of the analysis contained in the Master EIR.
 - (2)(c) All policies contained in the Master EIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect(s) to the environment that was not examined in the Final Master EIR for the Urban Area General Plan, and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the Master EIR. Adoption of the findings specified in Section III.1, above, after completion of the Initial Study fulfills the City's obligation in that situation. All environmental effects cited reflect 2040 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty subject / topical areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigating policies.

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see Master EIR Table V-1-6, pages V-1-36 to V-1-39) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled (see Master EIR Tables V-1-7 through V-1-10, pages V-1-44 through V-1-45).

Cumulative Impacts

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also: Section 2, Air Quality and Greenhouse Gas Emissions; Section 3, Generation of Noise; Section 18, Energy; Section 19, Visual Resources; and, Section 20, Land Use and Planning).

b. Urban Area General Plan Mitigating Policies Applied to the Project

Traffic and Circulation-related mitigating policies pertinent to this project are found on Master EIR pages V-1-7 through V-1-30. All mitigating policies appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) that were not disclosed in the Master EIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following thresholds / criteria:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1. TRAFFIC AND CIRCULATION				
1) The proposed project would conflict with an applicable plan, ordinance or policy (including those within the Urban Area General Plan) establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system including, but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency, for designated facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment), or result in inadequate emergency access.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would conflict with adopted policies, plans or programs regarding public transit, bicycle or pedestrian facilities, or otherwise limit the performance or safety of such facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would result in projected Level of Service "D" or worse for non-exempt City of Modesto roadways, Caltrans facilities, and/or County of Stanislaus roadways.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1) – (6) Proposed development of the cannabis cultivation project is consistent with the Urban Area General Plan and the zoning code. There are no conflicts with plans, ordinances or policies, nor are there any conflicts with adopted standards or streets design / functionality. The proposed warehouse building and uses that could occur within it would not generate traffic volumes at significant levels.

2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigating policies.

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_x), and increased carbon monoxide (CO) levels in the project area (see Master EIR Tables V-2-4 through V-2-6, pages V-2-40 through V-2-41).

Effect: Expected construction and development activities could result in increased emissions of particulate matter with a diameter of ten microns or less (PM₁₀) and 2.5 microns or less (PM_{2.5}) (see Master EIR page V-2-31, "2. Significant Direct Impacts").

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO_x, PM₁₀, and PM_{2.5}.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Air quality-related mitigating policies that are relevant to the proposed project are found on pages V-2-8 through V-2-29 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS				
1) The proposed project would be inconsistent with the air quality and greenhouse gas emissions policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would conflict with or obstruct implementation of the applicable air quality plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would violate any air quality standard or contribute substantially to existing or projected violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would expose sensitive receptors to substantial pollutant concentrations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would create objectionable odors affecting a substantial number of people.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
7) The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
8) The proposed project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1) – (8) The proposed cannabis cultivation project is consistent with the Urban Area General Plan (UAGP) and the zoning code. There would be no resulting air quality impacts nor greenhouse gas emissions beyond those assumed and analyzed in the UAGP Master EIR. There would be no conflict(s) with applicable air quality plans / policies / regulations, no violation of applicable air quality standards, no cumulatively considerable net increase of criteria pollutants, no exposure of pollutants to sensitive receptors, no objectionable odors affecting a substantial number of people, and no generation of greenhouse gas emissions that may have a significant environmental impact.

3. GENERATION OF NOISE AND VIBRATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise and vibration impacts expected after application of mitigating policies.

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development consistent with the Urban Area General Plan will exceed the City's noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see Master EIR Table V-3-9, pages V-3-28 through V-3-31).

Effect: New noise-generating land uses could produce noise levels that would exceed the City's noise thresholds of acceptability at sensitive receptors in the vicinity.

Effect: Construction noise would cause a temporary or periodic increase in noise exposure above ambient noise levels.

Effect: Demolition and construction activities may expose people to excessive vibration levels.

Cumulative Impacts

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Noise policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-3-18 through V-3-24 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the Master EIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of the proposed project's effects are based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
3. NOISE AND VIBRATION				
1) The proposed project is inconsistent with Urban Area General Plan noise and vibration policies and standards.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would generate excessive ground-borne noise and/or vibration levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would result in a permanent increase of three (3) dBA where any other noise threshold or standard would be exceeded, and/or five (5) dBA where noise levels would otherwise fall within acceptable limits, in ambient noise levels in the project vicinity above levels existing without the project.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would result in a substantial temporary or periodic increase in ambient noise levels existing without the project.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) For a project located within an airport land use plan, or where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, the proposed project would result in exposure of people residing or working in the project area to excessive noise levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) For a project within the vicinity of a private airstrip, the proposed project would expose people residing or working in the project area to excessive noise levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
7) For new residential development within 200 feet of active rail lines, the proposed project would result in noise levels generated during train passbys that exceed 50 dBA L _{max} inside bedrooms or 55 dBA L _{max} inside other occupied areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1) – (4) Proposed development of the cannabis cultivation project is consistent with the Urban Area General Plan and the zoning code, including all applicable provisions related to noise and vibration. The proposed business activities would occur entirely within a new building, and no substantial periodic or temporary increase in noise levels nor vibration would result.
- (5) – (7) Not applicable.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigating policies.

Direct Impacts

Effect: Development consistent with the Urban Area General Plan may convert up to approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,100 acres of urban development along a 350-foot wide 26-mile boundary between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to 2040.

b. Urban Area General Plan Mitigating Policies Pertinent to the Project

Agricultural land-related mitigating policies pertinent to the proposed project are found on pages V-4-4 to and V-4-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect(s) not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL RESOURCES				
1) The proposed project would be inconsistent with the Urban Area General Plan policies relating to agricultural resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would convert areas of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural uses, impair the agricultural productivity of prime agricultural land, or result in substantial pesticide overspray, dust, or noise at urban uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would conflict with existing zoning for agricultural use, or with a Williamson Act contract.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would conflict with existing zoning for, or cause rezoning of, forest land or timberland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would result in the loss of forest land or conversion of forest land to non-forest use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would involve other changes to the environment that could result in conversion of farmland or forest land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

(1) – (6) Proposed development of the cannabis cultivation project would occur on non-agricultural / non-forested land. There would be no impact(s) whatsoever related to agricultural resources, farmland conversion, or forest land.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigating policies.

Direct Impacts

Effect: Implementation of the Urban Area General Plan could substantially deplete groundwater supply or interfere with recharge.

Effect: Implementation of the Urban Area General Plan could necessitate construction of new water treatment facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects.

Effect: Implementation of the Urban Area General Plan could necessitate expansion of existing water supply entitlements.

Cumulative Impacts

Effect: Groundwater withdrawals from both subbasins by the City, when combined with other users’ withdrawals, may result in overdrafting.

Effect: Cumulative impacts resulting from construction of new water treatment facilities, or expansion of existing facilities, could cause significant environmental effects.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Water supply-related mitigating policies pertinent to the proposed project are found on pages V-5-11 through V-5-16 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, “Mitigating Policies Applied to Project.”

Discussion:

The appropriate policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
5. EFFECTS RELATIVE TO INCREASED DEMAND FOR LONG TERM WATER SUPPLIES				
1) The proposed project is inconsistent with Urban Area General Plan policies relating to water supply.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would substantially deplete groundwater supply, interfere with groundwater recharge, result in water demand exceeds the capacity for recharge or that would contribute to overdraft of the groundwater basins.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
3) The proposed project would require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would exceed existing water supply entitlements or require expansion of entitlements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

(1) – (4) Proposed development of the cannabis cultivation project is consistent with the Urban Area General Plan and the zoning code. There would be no impacts relative to increased demand for long-term water supplies nor groundwater depletion / recharge beyond those analyzed in the UAGP Master EIR.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigating policies.

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in exceedance of wastewater treatment requirements of the Central Valley RWQCB.

Effect: Development resulting from implementation of the Urban Area General Plan may require or result in construction of new wastewater facilities, or the expansion of existing facilities, that could cause significant effects.

Effect: Development resulting from implementation of the Urban Area General Plan may result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the projected demand in addition to the provider’s existing commitments.

Cumulative Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in cumulative effects similar to those described under “direct Impacts,” above.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Sewer service-related mitigating policies that are relevant to the proposed project are found on pages V-6-3 through V-6-7 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, “Mitigating Policies Applied to Project.”

Discussion:

The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES				
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan, or would exceed wastewater treatment requirements of the Central Valley RWQCB.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would require or result in the construction of new wastewater facilities or the expansion of existing facilities, beyond those identified improvements needed to serve the proposed project, which would cause significant effects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the proposed project's projected demand in addition to the provider's existing commitments.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

(1) – (3) Proposed development of the cannabis cultivation project is consistent with the Urban Area General Plan and the zoning code. There would no resulting exceedance of wastewater treatment requirements nor a need for new or expanded wastewater treatment facilities.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plan habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring increased density / intensity for new development than has occurred in the past, or that is expected in the future, would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Wildlife and plant habitat-related mitigating policies that are pertinent to the proposed project are found on pages V-7-18 through V-7-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The applicable mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
7. LOSS OF PLANT AND WILDLIFE HABITAT				
1) The proposed project is inconsistent with the Urban Area General Plan policies related to loss of sensitive plant and wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
2) The proposed project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special-status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption or other means.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
7) The proposed project would conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1) – (7) Proposed development of the cannabis cultivation project is consistent with Urban Area General Plan policies related to loss of sensitive plant and wildlife habitat. As the proposed project site is located within the Modesto city limits, and within a generally developed / urbanized area, there would be no adverse effects to candidate, sensitive or special-status species. The proposed project would have no adverse effect on any riparian habitat, including fish species, nor wetlands areas. The proposed project would not conflict with any applicable policies, ordinances or plans.

8. DISTURBANCE OF ARCHAEOLOGICAL / HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological / historical sites expected after application of mitigating policies.

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historically relevant resource, or the demolition of a listed or eligible historically relevant resource.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR. The Direct impact described above could also result in a significant cumulative impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Archaeological or historic resource-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The applicable mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the Master EIR discloses impacts on archaeological / historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
8. ARCHAEOLOGICAL / HISTORICAL SITES				
1) The proposed project is inconsistent with the Urban Area General Plan archaeological / historical resource policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
2) The proposed project would result in a modification that would result in a substantial adverse change in the significance of the resource or demolition of a listed or eligible historic resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would have an adverse effect on any structure more than 50 years old that has been determined to have historical significance per policy AH-8 as shown in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would involve the removal of known significant resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would result in an adverse impact to undiscovered archaeological and/or paleontological resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would cause a substantial adverse change to a tribal cultural resource, as defined by State law, that is listed (or is eligible for listing) in the California Register of Historical Resources (or a local register of historical resources), or that otherwise has potential significance to a California Native American Tribe, including human remains.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

(1) – (6) Proposed development of the cannabis cultivation project is consistent with the Urban Area General Plan policies related to archaeological / historical resources. No existing structures, historical or otherwise, would be affected by the proposed project. No tribal cultural resources would be affected.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: Existing drainage inadequacies, combined with the associated increase in impervious surface areas created by pavement and structures, have the potential to increase the rate or amount of

runoff in a manner that could result in flooding in the urban area. Cumulative hydrologic impacts of storm water flows from Modesto’s urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Storm Drainage-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, “Mitigating Policies Applied to Project.”

Discussion:

The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MASTER EIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				
1) The proposed project is inconsistent with the Urban Area General Plan storm drainage policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in on- or off-site flooding.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would create or contribute runoff that would exceed the capacity of existing or planned storm drainage systems or provide substantial additional sources of polluted runoff.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1) – (3) Proposed development of the cannabis cultivation project is consistent with the Urban Area General Plan policies relative to storm drainage. Stormwater runoff from the project site would not result in flooding, and it would not exceed storm drainage system(s) capacity.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Flooding and Water Quality-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
10. FLOODING AND WATER QUALITY				
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would place housing within a 100-year flood hazard area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would place structures within a 100-year floodplain as defined by FEMA.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would expose people or structures to a significant risk of loss, injury or death including flooding as a result of the failure of a levee or dam.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river that would result in flooding onsite or offsite.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would violate water quality standards, including groundwater standards administered by the SWRCB's DDW, standards for surface water quality such as the NPDES or waste discharge requirements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
7) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river in a manner that would result in substantial erosion or siltation onsite or offsite.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
8) The proposed project would create or contribute runoff water that would provide substantial additional sources of polluted runoff or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1) – (8) Proposed development of the cannabis cultivation project is consistent with the Urban Area General Plan policies relative to flooding and water quality. No structures would be constructed within the FEMA 100-year floodplain. The proposed project would not alter existing drainage, except to construct the required on-site storm drainage facilities. The proposed project would not violate and applicable standards.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Parks and open space-related mitigating policies that are pertinent to the proposed project are found on pages V-11-2 through V-11-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the Master EIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
11. DEMAND FOR PARKS AND OPEN SPACE				
1) The proposed project is inconsistent with the General Plan parks and open space policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would eliminate parks or open space.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would not provide at least three (3) total acres of parkland and open space per 1,000 people (one acre for neighborhood park facilities; two acres for community park facilities).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1) – (3) Proposed development of the cannabis cultivation project is consistent with the Urban Area General Plan parks and open space policies. The proposed project would not eliminate any existing parks or open space.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of the financing options set out in Govt. Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts resulting from implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

Schools-related mitigating policies that are relevant to the proposed project can be found on pages V-12-3 through V-12-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
12. INCREASED DEMAND FOR SCHOOLS				
1) The proposed project is inconsistent with Urban Area General Plan school policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would result in new student population that exceeds the school system capacity, or if the project conflicts with established educational uses of the area, except to the limits established under SB50 / Proposition 1A as subsequently amended.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1) – (2) Proposed development of the cannabis cultivation project is consistent with the Urban Area General Plan school policies. No new or additional student population would result as the proposed project is non-residential.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Police services-related mitigating policies that are pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigation to be applied to this project includes none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				
1) The proposed project is inconsistent with Urban Area General Plan policies relating to police service.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would result in development occurring in an area(s) that cannot be adequately served by existing or budgeted police personnel and facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

(1) – (2) Proposed development of the cannabis cultivation project is consistent with the Urban Area General Plan policies related to police services. The proposed project can be served by existing and budgeted police personnel and facilities.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Fire Services-related mitigating policies pertinent to the project being analyzed in this Initial Study are found on pages V-14-3 through V-14-5 of the Master EIR. All mitigating policies appropriate to the

project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
14. INCREASED DEMAND FOR FIRE SERVICES				
1) The proposed project is inconsistent with Urban Area General Plan policies relating to fire service.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would result in any substantial adverse impact(s) associated with the need for – and/or provision of – new or physically altered fire service facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable response times.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

(1) – (2) Proposed development of the cannabis cultivation project is consistent with the Urban Area General Plan policies related to fire services. The proposed project would not result in a need for new fire service facilities or personnel.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Solid waste-related mitigating policies that are pertinent to the proposed project are found on pages V-15-4 through V-15-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
15. GENERATION OF SOLID WASTE				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The project would result in solid waste generation that exceeds the projected capacity of existing landfills and waste-reduction facilities, or if it would result in non-compliance with any applicable federal, state or local laws or regulations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1) – (2) Proposed development of the cannabis cultivation project is consistent with the Urban Area General Plan solid waste policies. The proposed project would not result in solid waste generation that exceeds the capacity of existing landfills.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Hazardous materials-related mitigating policies that are pertinent to the proposed project are found on pages V-16-5 through V-16-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
16. HAZARDS AND HAZARDOUS MATERIALS				
1) The proposed project is inconsistent with the Urban Area General Plan hazards and hazardous materials policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials, or through reasonably foreseeable upset	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
and accident conditions involving the release of hazardous materials into the environment.				
3) The proposed project would result in hazardous materials emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, would result in a safety hazard for people residing or working in the project area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) For a project within the vicinity of a private airstrip, a safety hazard would result for people residing or working in the project area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
7) The proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
8) The proposed project would expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1) – (8) Proposed development of the cannabis cultivation project is consistent with the Urban Area General Plan policies related to hazards and hazardous materials. During operations of the commercial cannabis cultivation business, disposal of all materials, substances chemicals, and cannabis will occur in compliance with the approved City of Modesto cannabis business permit and applicable state law(s).

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Geology, soils, and mineral resource-related mitigating policies that are pertinent to the proposed project are found on pages V-17-7 through V-17-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
17. GEOLOGY, SOILS, AND MINERAL RESOURCES				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would expose people or structures to potential substantial adverse effects including: the risk of loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; loss of topsoil; or, result in the loss of availability of known mineral resources that would be of value to the region and the state.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1) – (2) Proposed development of the cannabis cultivation project is consistent with the Urban Area General Plan policies related to geology, soils and mineral resources. There are no site-specific concerns relative to earthquake or soil characteristics.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following energy-related mitigating policies that are pertinent to the proposed project are found on pages V-18-2 and V-18-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
18. ENERGY				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

(1) – (2) Proposed development of the cannabis cultivation project is consistent with the Urban Area General Plan policies related to energy. Energy consumption during construction and operations would not be wasteful, inefficient or unnecessary.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following visual resources-related mitigating policies pertinent to the proposed project are found on pages V-19-2 and V-19-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on visual resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
19. VISUAL RESOURCES				
1) The proposed project is inconsistent with the Urban Area General Plan visual resource policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would have a substantial adverse effect on a scenic vista.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would substantially damage scenic resources, including trees, rock outcrops, and/or historic buildings along a state scenic highway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would substantially degrade the existing visual character or quality of the site and its surroundings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would create a new source of substantial light or glare that would adversely affect daytime or nighttime views.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would substantially degrade views from riverside areas and parks.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
7) The proposed project would substantially degrade views of riverside areas from public roadways and/or nearby properties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1) – (7) Proposed development of the cannabis cultivation project is consistent with the Urban Area General Plan policies related to visual resources; no impacts related to light and/or glare would occur. Similarly, no impacts related to scenic vistas or any natural resources would occur.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following land use and planning-related mitigating policies pertinent to the proposed project are found on pages V-20-5 through V-20-12 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent the Urban Area General Plan land use and planning policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project conflicts with a land use plan, policy or regulation established for the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.				
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

(1) – (4) Proposed development of the cannabis cultivation project is consistent with the Urban Area General Plan policies related to land use and planning.

V. APPLICABLE URBAN AREA GENERAL PLAN MITIGATING POLICIES

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project, then Section A, below, applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration or Focused EIR must be prepared for the project, then Section B, below, applies.

A. Urban Area General Plan Mitigating Policies Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigating policies from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies that mitigate impacts shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan. All applicable and appropriate mitigating policies have been applied to the project (listed below).

Air Quality and Greenhouse Gases:

AQ-85. Review of new development shall be coordinated with SJVAPCD staff to ensure all projects subject to the SJVAPCD Rule 9510 (Indirect Source Review) comply fully with the rule. This rule fulfills the SJVAPCD’s emission reduction commitments in the PM10 and Ozone Attainment Plans through emission reductions from the construction and use of development projects through design features and onsite measures. Rule 9510 applies to any applicant that seeks to gain a final discretionary approval for a development project, or any portion thereof, which meets certain minimum thresholds. (Policy VII.H.2.u)

AQ-100. Reduce particulate emissions from construction, grading, excavation, and demolition to the maximum extent feasible in accordance with the requirements of SJVAPCD Regulation VIII. Regulation VIII was adopted to reduce the amount of particulate matter suspended in the atmosphere as a result of emissions generated from anthropogenic (man-made) fugitive dust sources. (Policy VII.H.2.jj)

AQ-101. Require all access roads, driveways, and parking areas serving new commercial and industrial development to be constructed with materials that minimize particulate emissions in accordance with the requirements of SJVAPCD Regulation VIII and are appropriate to the scale and intensity of use. (Policy VII.H.2.kk)

AQ-102. Reduce PM10 emissions from City–maintained roads to the maximum extent feasible. (Policy VII.H.2.ll)

AQ-103. Effectively stabilize dust emissions using water, chemical stabilizer / suppressant, cover with a tarp or other suitable cover or vegetative ground cover, all disturbed areas, including storage piles, which are not being actively utilized for construction purposes. (Policy VII.H.2.mm)

AQ-104. Effectively stabilize dust emissions using water or chemical stabilizer / suppressant, all onsite unpaved roads and off-site unpaved access roads. (Policy VII.H.2.nn)

AQ-105. Effectively control fugitive dust emissions utilizing application of water or by presoaking all land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities. (Policy VII.H.2.oo)

AQ-107. When materials are transported off site, cover all materials, or effectively wet them to limit visible dust emissions, and maintain at least six inches of freeboard from top of container. (Policy VII.H.2.qq)

AQ-108. Limit operations or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) (Policy VII.H.2.rr)

AQ-109. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, effectively stabilize said piles for fugitive dust emissions utilizing sufficient water or chemical stabilizer / suppressant. (Policy VII.H.2.ss)

AQ-110. Within urban areas, immediately remove trackout when it extends 50 or more feet from the site and at the end of each workday. (Policy VII.H.2.tt)

AQ-111. Prevent carryout and trackout for any site with 150 or more vehicle trips per day. (Policy VII.H.2.uu)

AQ-112. Limit traffic speeds on unpaved roads to 15 mph. (Policy VII.H.2.vv)

AQ-113. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%). (Policy VII.H.2.ww)

AQ-114. Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (Policy VII.H.2.xx)

AQ-115. Install wind breaks at windward side(s) of construction areas. (Policy VII.H.2.yy)

AQ-116. Suspend excavation and grading activity when winds exceed 20 mph (regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limit). (Policy VII.H.2.zz)

AQ-117. Limit the area subject to excavation, grading, and other construction activity at any one time. (Policy VII.H.2.aaa)

Generation of Noise and Vibration:

Noise-4. Implement noise-reducing construction practices as conditions of approval where substantial construction-related noise impacts would be likely to occur, such as with extended periods of pile driving, or where construction is expected to continue or where sensitive receptors would be affected by construction noise. Conditions of approval may include, but are not limited to:

- Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;
- Require impact tools to be equipped with shrouds or shields;
- Require that the quietest equipment available be used; and,
- Require selection of haul routes that affect the fewest number of people. (Policy VII-G.3.b)

Increased Demand for Long-Term Water Supplies:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category. Water studies / analyses may be required depending on the scope or location of the proposed development project.

Increased Demand for Sanitary Sewer Services:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category. Sanitary sewage generation and/or capacity studies may be required depending on the scope or location of the proposed development project.

Increased Demand for Storm Drainage:

SD-10. Construction activities shall comply with the requirements of the City's Stormwater Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)

SD-12. Ensure that new development complies with the City of Modesto's *Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures*. (Policy VI.G.5)

SD-13. Require new development to implement an appropriate selection of permanent pollution control measures in accordance with the City's implementation policies for the municipal NPDES stormwater permit. (Policy VI.G.6)

SD-15. Integrate Low Impact Development principles into proposed development projects' design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered small-scale hydrologic devices. In designing development projects, minimize the amount of impervious surface in order to maximize on-site infiltration of stormwater runoff and minimize the potential for storm water runoff from the site. (Policy VI.G.8)

Flooding and Water Quality:

FWQ-11. Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)

FWQ-13. Ensure that new development complies with the City of Modesto's Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures. (Policy VI.G.5)

FWQ-14. Require new development to implement an appropriate selection of permanent pollution control measures in accordance with the City's implementation policies for the municipal NPDES stormwater permit. (Policy VI.G.6)

FWQ-16. Integrate Low Impact Development principles into proposed development projects' design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered small-scale hydrologic devices. In designing development projects, minimize the amount of impervious surface in order to maximize on-site infiltration of stormwater runoff and minimize the potential for storm water runoff from the site. (Policy VI.G.8)

Generation of Hazardous Materials:

HM-3. Comply with all existing federal and state laws which regulate the generation, transportation, storage, and disposal of hazardous materials. (Policy VI.M.1)

HM-4. Require that businesses and industries using hazardous material provide mitigation measures commensurate with the hazards they bring to the community, in accordance with the most current adopted edition of the Uniform Fire Code. (Policy VI.M.2)

HM-5. In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan would be prepared by the project applicant.

The plan would (1) specify measures to be taken to protect workers and the public from exposure to potential site hazards and (2) certify that the proposed remediation measures would clean up the wastes, dispose the wastes, and protect public health in accordance with federal, state, and local requirements. Permitting or work in the areas of potential hazard shall not proceed until the site remediation plan is on file with the City.

If a parcel is found to be contaminated to a level that prohibits the proposed use, the potential for reduction of the hazard should be evaluated. Site remediation is theoretically capable of removing hazards to levels sufficiently low to allow any use at the site. In practice, both the technical feasibility of the remediation and its cost (financial feasibility) should be evaluated in order to determine the overall feasibility of locating a specific use on a specific site. In some cases, it may require restriction to industrial use or a use that involves complete paving and covering of the parcel.

In accordance with OSHA requirements, any activity performed at a contaminated site shall be preceded by preparation of a separate site health and safety plan (prepared by the project applicant and filed with the City) for the protection of workers and the public. All reports, plans, and other documentation shall be added to the administrative record. (Policy VI.M.3)

HM-6. For each specific project that would generate hazardous waste, require as a condition of building permit approval that the project sponsor prepare a hazardous material transportation program. Passage through residential streets should be minimized and parking of waste haulers on residential streets should be prohibited. The City Fire Department shall review and approve the applicant's hazardous materials transportation program or, working with the applicant, modify it to the satisfaction of both parties. (Policy VI.M.4)

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-386**

RESOLUTION AMENDING THE FISCAL YEAR 2019-2020 AND FISCAL YEAR 2020-2021 ANNUAL OPERATING AND CAPITAL IMPROVEMENT FUND BUDGETS AND AUTHORIZING THE CITY MANAGER, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2019-20 and Fiscal Year 2020-21.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2019-20 and Fiscal Year 2020-21 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2019-20

FINANCE

- A budget adjustment in the amount of \$2,745,525 is needed to budget CRF State Allocation in project 101274 – CARES Act State Allocation (Fund 1341 – Grants – Operation Grants Reimbursed), with corresponding direct charge revenue in the General Fund (0100). The State of CA received \$15.3 billion in CRF from the CARES Act for support with addressing COVID-19. On June 29, 2020, the State approved its annual budget that included \$500M for CA cities on a population basis which included \$275M distributed to all cities with a population less below 300,000. Under Resolution 2020-291, Council approved on July 7, 2020 the City Manager to signed the Certification for Receipt of Funds form to submit to the State of CA to receive the City of Modesto's apportionment of Coronavirus Relief Funds (CRF) through the CARES Act. These funds require the City to submit expenditures and regional collaboration efforts by September 1, 2020 which includes supporting documentation to substantiate the CRF eligible expenditures which occurred through March 1, 2020 through December 30, 2020. The eligible expenditures must meet the Treasury guidelines defined under the CARES act to provide financial assistance due to the emergency response to COVID-19. In addition, the State requires the City to adhere to stay at home orders and other health requirements as directed in Executive Order N33-20 and future orders. For the State CRF allocation, the City plans to use a majority of the funds to cover reimbursement for the Modesto Police Department labor cost as the Police Personnel has been assigned as an essential public safety position that has been substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
- A budget adjustment in the amount of \$4,761,279 is needed to budget CRF County Allocation in project 101273 – CARES Act County Allocation (Fund 1341 – Grants – Operation Grants Reimbursed), with corresponding direct charge revenue in the General Fund (0100). On June 9, 2020, the Board of Supervisors approved a local plan for the use of the County's \$96.1 million in Coronavirus Relief Funds (CRF). Under Resolution 2020-290, Council approved on July 7, 2020 the City Manager to signed the Subrecipient Agreement with Stanislaus County to receive the City of Modesto's apportionment of Coronavirus Relief Funds (CRF) through the CARES Act. These funds require the City to submit quarterly claim reports and supporting documentation to substantiate the CRF eligible expenditures which occurred through March 1, 2020 through December 30, 2020. The eligible expenditures must meet the Treasury guidelines defined under the CARES act to provide financial assistance due to the emergency response to COVID-19. For the County CRF allocation, the City plans to use a majority of the funds to cover reimbursement for the Modesto Fire Suppression labor cost as the Fire Personnel has been assigned as an essential public safety position that has been substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

HUMAN RESOURCES DEPARTMENT

- A budget adjustment in the amount of \$140,000 is needed in the Insurance – Health Fund (5360) to increase the Change in Fair Market Value revenue budget and a budget adjustment in the amount of \$200,000 is needed to increase the Insurance Premiums expense budget.
- A budget adjustment in the amount of \$485,000 is needed in the Employee Benefits Management Fund (5510) to increase the Assessments - Active Employee Contribution revenue budget and a budget adjustment in the amount of \$2,700 is needed to increase the Cashout – CTO (Term/Retirees) expense budget.
- A budget adjustment in the amount of \$34,000 is needed in the Employee Benefits Administration Fund (5520) to increase the Deferred Comp Admin Allowance revenue budget and a budget adjustment in the amount of \$40,000 is needed to increase the Professional Services expense budget.
- A budget adjustment in the amount of \$992,644 is needed in the Employee Benefits Management Fund (5510) to budget additional revenues received related to Bank Interest, Change in Fair Market Value, and Active Employee Contributions. The expenditure budget also needs to be increased by \$850,000 to cover additional expenditures related to Active Employee Liability Contributions and Sick Leave Conversion costs.
- A budget adjustment in the amount of \$242,000 is needed in the Insurance – Other Employee Fund (5380) to budget the revenue and expense associated with the Voluntary Insurance Premiums. Revenues of \$242,000 have been received and need to be appropriated to cover expenditures in the same amount.

MEASURE L - COMMUNITY & ECONOMIC DEVELOPMENT/PUBLIC WORKS

- A budget adjustment is necessary to establish a transfer in an amount up to \$342,500 from the Measure L Fund (1410) Transit Services (53402) cost center to the Bus Fixed Route Max Operations Fund (4540) and Bus Service Fund – DAR (4520). The transfer will split based on the fare box ratio requirement and go to the Bus Fixed Route Max Operations Fund (4540) and the Bus Service Fund – DAR (4520) to offset transit operations and maintenance services in the fiscal year.
- A budget adjustment is necessary to establish a transfer from the Surface Transportation Fund – Measure L/SB 1 Maintenance of Effort (MOE) Fund (1420) to the Surface Transportation Fund (1700) in the amount of \$1,121,770 to offset transportation operations in the fund and meet the Senate Bill 1 RMRA/Measure L MOE requirement.
- A budget adjustment is necessary to recognize actual revenue received in the Measure L Fund (1410) for the fiscal year FY 19/20. The additional revenue to recognize is in an amount up to \$1,550,000 for the Local Streets & Roads (14625), Traffic Management (14626), Bike & Pedestrian (14627), and Transit Services (53402) cost centers.

PARKS RECREATION AND NEIGHBORHOODS

- A budget adjustment in the amount of \$18,564 is necessary in the General Fund to correct the John Thurman Field Capital Improvement contribution and establish the \$91,436 loan repayment from the John Thurman Field Capital Improvement project into the Wastewater fund, as shown below:

Fund/Description	Original Amount	Revised Amount	Change
<u>General Fund (0100)</u>			
Transfer from General Fund to Wastewater (Loan Repayment)	\$ 91,436	\$ -	\$ (91,436)
Existing General Fund contribution to John Thurman Field Capital Project	\$ 10,000	\$ 10,000	\$ -
Transfer from General Fund to John Thurman Field Capital Project	\$ -	\$ 110,000	\$ 110,000
Total	\$ 101,436	\$ 120,000	\$ 18,564
<u>John Thurman Field Capital Project Fund (3125)</u>			
Transfer from John Thurman Field Capital Project to Wastewater (Loan Repayment)	\$ -	\$ 91,436	\$ 91,436

PUBLIC WORKS

- A budget adjustment is necessary in the amount of \$181,000 in the Compost Fund to recognize additional revenue that has been received and to increase the expenditure appropriations to cover overtime, cash out and fleet replacement that were incurred over what was budgeted.
- A budget adjustment in the amount of \$257,354 to FY 19/20 fund 4540-Bus Fixed Route MAX Operations, cost center 53472-Transit Services is necessary to increase grant revenues from the Low Carbon Transit Operations grant awarded to transit to provide free fares to passengers during FY 19-20.
- A budget adjustment in the amount of \$62,200 to FY 19/20 fund 4510-Bus Fixed Route Fund, project 101014-Amtrak Parking Lot Expansion is necessary to increase grant revenues from Local Transportation Funds due to increase in Construction Administration staff time.
- *The following adjustments are being made from the various city Fleet Replacement sub-funds to the Fleet Replacement Fund (5409). This action is being done to reimburse the Fleet Replacement Fund (5409) for vehicle purchases that had been made as required by fund accounting rules in FY 19-20 through June 2020. Below is a table showing the net effect in each sub-fund as a result of the various adjustments.*

Fund	Fund Name	Net Impact of Adjustments
1709	Surface Transportation Fleet Replacement	\$155,400
4109	Water Fleet Replacement Fund	\$54,218
4219	Wastewater Fleet Replacement Fund	\$146,627
5410	GF Equipment Replacement	\$178,496
	Total Transfer Outs	\$534,741

5409	Transfer In – Fleet Management Fleet Replacement	\$534,741
Total Transfer Ins		\$534,741

A budget adjustment is necessary to establish a transfer in the amount of \$155,400 from Surface Transportation Fleet Replacement Fund 1709 to Fleet Replacement Fund 5409 for purchases made in FY 19/20: (1) Truck 1 Ton Paint/Stencil and (1) Concrete Push Truck.

A budget adjustment is necessary to establish a transfer in the amount of \$54,218 from Water Fleet Replacement Fund 4109 to Fleet Replacement Fund 5409 for purchases made in FY 19/20: (1) truck 1 Ton PU.

A budget adjustment is necessary to establish a transfer in the amount of \$146,627 from Wastewater Fleet Replacement Fund 4219 to Fleet Replacement Fund 5409 for purchases made in FY 19/20: (1) Gas Utility Vehicle, 4-wheel drive and (1) Telescoping Material Handler.

A budget adjustment is necessary to establish a transfer in the amount of \$178,496 from General Fund Equipment Fleet Replacement Fund 5410 to Fleet Replacement Fund 5409 for purchases made in FY 19/20: (2) Sedan Investigation, (1) Sedan Patrol TPU, (1) Sedan Patrol K-9, (1) Truck ½ ton extended cab PU-CSO, and (1) Sedan Patrol LP Reader-1.

- A budget adjustment is necessary to increase a transfer in the amount of \$19,780 from the Carpenter Road Landfill Fund (4893) to the Water Fund (4210) for the repayment of the loan for the mitigation project. On 2/25/20 (resolution 2020-114) the loan was increase by \$900,000 but the transfer budget was not adjusted.
- A budget adjustment in the amount of \$780,017 to the bus fixed route fund 4510 is necessary to meet the in-kind and local contribution requirements for the California Air Resource Board (CARB) grant. The budget adjustment will establish a transfer in from Bus Fixed Route MAX operations fund (4540) to project 101132 - electric bus purchase-CARB in the amount of \$780,017 and will reduce Local transportation fund revenues for project 101132 in the amount of \$780,017.

UTILITIES

- A budget adjustment in the amount of \$32,000,000 is required from the Water Fund (4100) to the Water CIP Fund (4180) for capital project expenditures related to the Water Fund. For tracking purposes, Capital projects are all expensed out of Water CIP Fund (4180) and at end of the fiscal year, a transfer from the Water Fund (4100) is needed to cover the expenses in the Water CIP Fund.

FISCAL YEAR 2020-21

COMMUNITY & ECONOMIC DEVELOPMENT

- Amend the Community Development Administration operating budget(s) (1130-14010; 1130-14015; 1130-14020; 1170-14030, 1180-14050) per the attachment A - Housing and Urban Development (HUD) Exhibit. For Program Year 2020-20201, the Community Development Administration Division received the allocated amounts of HUD Federal funding after the deadline for the operating budget, and will need to make adjustments to the proposed operating budget to ensure all activities are budgeted accurately.
- A budget adjustment is necessary to recognize \$300,000 for CA – Department of Transportation revenue in the Capital Grants – Streets CIP Projects, Fund 3160, to the Pelandale Ave. Pavement Rehabilitation Non-Capital Project, #101269, and reallocate to the projects discretionary expense tasks. Funding was recently awarded and accepted by the City from the Department of Transportation per the E-7 on March 2, 2020.
- A budget adjustment in the amount of \$75,000 is needed to establish the budget for non-capital project 101184 – “Archway Commons Phase II”, for pre-award expenditures and staff time. This project is using HOME Program Funding (Fund 1170), and is a collaboration between the City of Modesto and EAH Housing, Inc., for development of an approximately 150-unit affordable rental housing project for low-income families and seniors.
- A budget adjustment is necessary in the amount of \$224,612 to reduce the budget of the Homeless Management Information System cost center (14056) within the Community System of Care Fund (1185) as the grant was transferred to the County. The reduction of budget includes two positions in the amount of \$188,443, \$18,736 in Internal Service Funds (ISF) charges with the appropriate IT & HR ISF revenue being reduced in a like amount and \$17,433 PERS Unfunded Accrued Liability ISF moved to CED-Administration coming from General fund from departmental savings.
- A budget adjustment is necessary to add the revenue and expenditure budget for the Modesto Downtown Community Benefit District in FY 2020-21. This budget is a pass-through budget in which an assessment is collected and then the expenditures are paid directly out of the assessment throughout the fiscal year. This budget was mistakenly not included in the Adopted FY 2020-21 Operating Budget that was approved by Council but this adjustment will correct that oversight. The adjustment will increase the revenue budget for the Special Assessments account (47051) by \$780,150 in cost center 80035 (CED – Downtown Modesto Community Benefit District) in Fund 1210 (Downtown Modesto Community Benefit District). The adjustment will also increase the budget in expense account 53505 (Intergovernmental Services – Other) by \$780,150.

FINANCE

- A budget adjustment is necessary to budget the direct charge revenue budget balance remaining at the end of FY2019-20 related to the \$2,745,525 CARES Act State Allocation, as mentioned in the Fiscal Year 2019-20 section of this document. Since revenues are budgeted on a fiscal year basis, the remaining budget from FY 2019-20 needs to be re-appropriated in FY 2020-21. The project revenue and expense budgets do not need to be re-appropriated.
- A budget adjustment is necessary to budget the direct charge revenue budget balance remaining at the end of FY2019-20 related to the \$4,761,279 CARES Act County Allocation, as mentioned in the Fiscal Year 2019-20 section of this document. Since revenues are budgeted on a fiscal year basis, the remaining budget from FY 2019-20 needs to be re-appropriated in FY 2020-21. The project revenue and expense budgets do not need to be re-appropriated.

FIRE

- A budget adjustment is necessary to appropriate revenue and expenditure budgets in the non-capital project 100960 (AMR/General EMS). Additional revenues have been received beyond the current budget in the project from the American Medical Response (AMR) contract. The revenue budget for project 100960 needs to increase by \$302,507. The project also needs to have its expenditure budget increased by an amount of \$196,720. The project is used by the Fire Department to cover expenditures related to emergency medical response equipment and supplies.

INFORMATION TECHNOLOGY

- A budget adjustment is necessary to remove the addition of budget for a new IT Technician position that was included as part of the FY 2020-21 Adopted Operating Budget to handle IT related work with the Police Department. This position was adopted as a new allocation and has not been filled. The position was determined to not be needed by the department. This adjustment will reduce the IT Network/Data Center cost center (17710) in Fund 5230 in the salary and benefit increase accounts by \$114,140.

MEASURE L - COMMUNITY & ECONOMIC DEVELOPMENT/PUBLIC WORKS

- A budget adjustment is necessary to correct the FY 2020-2021 adopted Measure L projects. The amounts loaded from the Capital Improvement Program (CIP) and Non-Capital Budget worksheets are being corrected to match what was approved by the Transportation Sales Tax Commission. The following projects will have the revenue transfer in/out corrected along with each projects' discretionary expense accounts:

Project Number	Project Name	Category	Net Impact of Adjustments
101169	Scenic Drive Pavement Rehab Phase 2	Local Streets & Roads	\$2,695,652
101248	Orangeburg Ave. Pavement Rehab	Local Streets & Roads	(\$1,610,000)
101042	Paradise Rd ATP Cycle 3	Local Streets & Roads	\$760,000
101178	Neighborhood Traffic Calming	Traffic Management	\$100,000
101179	HAWK System at Hetch-Hetchy	Traffic Management	\$450,000
101221	School Safety Program Projects	Traffic Management	\$500,000
101240	Claus Road Signal Coordination	Traffic Management	(\$347,250)
101241	Scenic Drive Signal Coordination	Traffic Management	(\$463,000)
101042	Paradise Rd ATP Cycle 3	Bike & Pedestrian	\$35,000
Total Transfer Ins to Projects and Expense Adjustments			\$2,120,402
Transfer Out from Fund 1410			\$2,120,402
Total Transfer Outs to Projects			\$2,120,402

- A budget adjustment is necessary to increase \$700,000 for Measure L – Local Streets and Roads Category revenue in the Capital Grants – Streets CIP Projects, Fund 3160, to the 2016 Pavement Rehabilitation Capital Improvement Project, #100806, and reallocate to the projects discretionary expense tasks. Additional funding is needed for construction on the project. There are sufficient funds available in Measure L - Local Streets and Roads category for the adjustment.

PUBLIC WORKS

- A budget adjustment is necessary to recognize \$69,000 for Federal Aviation Administration revenue in the Special Aviation Fund, Fund 4320, to the CARES ACT – FAA Airport Non-Capital Project, #101272, and reallocate to the projects discretionary expense tasks. Funding was recently awarded and accepted by the City from the FAA as part of the Coronavirus Relief Act to be expended on airport operations and maintenance costs.
- A budget adjustment in the amount of \$79,186 to FY 20/21 fund 4510-Bus Fixed Route Fund, Project 101151-MAX/MADAR Video Surveillance System is necessary to increase grant revenues from the California Office Of Emergency Services grant awarded to Transit to purchase and install on-board video surveillance equipment to Modesto Area Dial-A-Ride vans.

UTILITIES

- A budget adjustment in the amount of \$1,000,000 is necessary to reduce the revenue and discretionary expense budget in the GSP Modesto SubBasin project (101131) in the Water Grants Fund (4140). This revenue and expense budget was included on the Fiscal Year 2020-21 Non-Capital Budget and a separate item was brought to Council for approval on 6/9/20 (Resolution 2020-257), resulting in duplication of budget.

- A budget adjustment in the amount of \$240,000 is necessary to establish the expense budget for the Del Rio Well 70 Landscaping project (101267) in the Water CIP Fund (4180). This project is necessary to meet State storm drain runoff and rainfall capture requirements.
- A budget adjustment in the amount of \$300,000 is needed to budget legal costs in the PCE Litigation cost center within the Water Fund (4100). The legal budget was inadvertently missed during the FY2020-21 adopted budget and this budget is needed to fund anticipated litigation costs associated with PCE.
- A budget adjustment in the amount of \$575,000 is needed in the Water CIP Fund (4180) to establish the Chicago-Paradise Water Main Strengthen & Replacement Project expense budget (101285). This project will replace the existing system with City Standard water mains, valves, hydrants to improve system reliability, flows, and pressure.
- A budget adjustment in the amount of \$3,200,000 is needed in the Water CIP Fund (4180) to establish the Bystrom Water Main Project expense budget (101286). This project will replace the existing system with City Standard water mains, valves, hydrants to improve system reliability, flows, and pressure.
- A budget adjustment in the amount \$2,000,000 is needed in the Water CIP Fund (4180) to establish the Grayson Water Main Strengthen & Replacement Project expense budget (101287). This project will replace the existing system with City Standard water mains, valves, hydrants to improve system reliability, flows, and pressure.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-387**

**RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL
YEAR 2020-21 AS ADOPTED IN THE FISCAL YEAR 2020-21 OPERATING
BUDGET**

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on June 30, 2020, as part of the Annual Budget of the City of Modesto for Fiscal Year 2020-2021, and

WHEREAS, additional adjustments are required to ensure that the actions approved in the adoption of the Fiscal Year 2020-21 budget are correct, and

WHEREAS, the items below were inadvertently left off of the position allocation resolution that went forward with the budget during its adoption, and

WHEREAS, position changes will be effective with the first day of the pay period in which Council adopts these changes.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation and the Fiscal Year 2020-21 Operating Budget for various departments as follows:

1. Eliminate one (1) HMIS Program Coordinator in the Community System of Care HMIS Division (14056) of the Community and Economic Development Department.
2. Eliminate one (1) HMIS Technician in the Community System of Care HMIS Division (14056) of the Community and Economic Development Department.
3. Reallocate one (1) Office Supervisor to one (1) Administrative Analyst II in the Administration Division (31010) of the Parks, Recreation and Neighborhoods Department, and reclassify the incumbent accordingly.

4. Unfreeze one (1) Parking Enforcement Officer in the Parking Services Division (53250) of the Public Works Department.
5. Freeze one (1) Administrative Office Assistant III in the Street Services Administration Division (53110) of the Public Works Department.
6. Unfreeze one (1) Equipment Operator in the Street Maintenance Division (53130) of the Public Works Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-388**

RESOLUTION APPROVING THE CREATION OF A PILOT PROGRAM TO ALLOW THE USE OF AUTONOMOUS ROBOTS, ALSO KNOWN AS PERSONAL DELIVERY DEVICES “PDD” FOR DELIVERY DEVICES FOR DELIVERY OF GOODS FROM CITY OF MODESTO BUSINESSES TO CUSTOMERS, AND ISSUING A PDD PERMIT TO STARSHIP TECHNOLOGIES, INC. WITH SUCH TERMS AND CONDITIONS AS DETERMINED NECESSARY BY THE CITY MANAGER

WHEREAS, the City Council desires to institute a pilot program to temporarily allow on a trial basis, the use of autonomous robots also known as Personal Delivery Devices “PDD”, for the purpose of delivering goods from City of Modesto businesses to customers (the “Pilot Program”); and

WHEREAS, pursuant to Chapter 9, Article 5 of the Modesto City Code, the City may issue permits for various encroachments into the City’s right-of-way, but such Chapter does not contemplate the use of autonomous delivery robots; and

WHEREAS, the City Council desires to allow a temporary Personal Delivery Device Permit (“PDD Permit”), pursuant to which any individual or any or any corporation, partnership, limited liability company or other entity (“Operator”) may operate one or more PDDs on sidewalks, crosswalks, and, transitorily, on public thoroughfares; and

WHEREAS, the City Council desires to authorize the City Manager, or designee to issue a PDD Permit to Starship Technologies, Inc. to operate PDDs in the City during the Pilot Program within the defined zones; and

WHEREAS, the use of these PDDs, activated by consumers’ smartphones or other devices, will initiate the delivery of purchases when convenient for the consumer, and consumers can have items delivered within approximately 30 minutes; and

WHEREAS, accordingly, this technology may reduce the inefficiencies associated with failed deliveries, facilitate the return of unwanted goods, and reduce the number of vehicle trips associated with the delivery of goods from local establishments.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Modesto that it hereby approves the creation of a pilot program to allow the use of autonomous robots, also known as Personal Delivery Devices "PDD" for delivery devices for delivery of goods from City of Modesto businesses to customers, and issuing a PDD permit to Starship Technologies, Inc., with such terms and conditions as determined necessary by the City Manager.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-389**

**RESOLUTION AWARDING A CARES ACT COMMUNITY DEVELOPMENT
BLOCK GRANT (CDBG-CV) PUBLIC SERVICE GRANT TO OPPORTUNITY
STANISLAUS IN THE AMOUNT OF \$100,000 FOR ELIGIBLE COVID-19
ACTIVITIES, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE
TO EXECUTE THE AGREEMENT**

WHEREAS, the City of Modesto is an entitlement community under three U.S. Department of Housing and Urban Development (HUD) programs within its Office of Community Planning and Development (CPD), and

WHEREAS, as an entitlement community, the City annually receives entitlement funds from the Community Development Block Grant, Emergency Solutions Grant, and HOME Investment Partnerships Program (HOME) programs, and

WHEREAS, on March 27, 2020, President Trump signed the Coronavirus Aid, Relief and Economic Security Act (CARES Act) (Public Law 116-136) which made available supplemental Community Development Block Grant (CDBG-CV) funding and Emergency Solutions Grants (ESG-CV1 and ESG-CV2) for the prevention of, preparation for, and response to the 2019 novel Coronavirus, and

WHEREAS, as an entitlement community, the City was awarded \$1,118,269 in CDBG-CV funds and \$3,928,372 in combined total in two separate awards CARES Act ESG-CV1 and ESG-CV-2 to support a range of eligible activities to aid in the City's response to COVID-19, and

WHEREAS, millions of people have experienced serious disruptions to their jobs following social distancing public health recommendations and state and local shelter-in-place orders aimed at slowing the spread of the virus, and

WHEREAS, in order to assist in those who have lost their job due to COVID-19, Opportunity Stanislaus is proposing the COVID/VOLT Institute Scholarship Program, and

WHEREAS, the VOLT Institute is an industry led manufacturing training center that teaches advanced manufacturing skills to area workers and was officially launched on October 30, 2017 offering job training in maintenance mechanics, and

WHEREAS, to assist persons who have lost their jobs due to COVID-19, Opportunity Stanislaus is proposing a program to provide training opportunities to individuals within this group. The funding for this program will mitigate the negative impact by the virus on people's livelihood and will help stabilize the local economy as well as give hope and economic strength to many local Modesto families, and

WHEREAS, Opportunity Stanislaus is requesting \$100,000 in CDBG-CV CARES Act funds to provide scholarships to Modesto citizens who have lost their jobs due to the outbreak of the COVID-19 pandemic, and

WHEREAS, Program participants must be Modesto citizens and must be impacted by the COVID-19 virus. In addition, program participants will be required to meet HUD income eligibility requirements to be eligible for assistance.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves awarding a CARES Act Community Development Block Grant (CDBG-CV) Public Service Grant to Opportunity Stanislaus in the amount of \$100,000 for eligible COVID-19 activities.

BE IT FURTHER RESOLVED that the City Manager or his designee, is authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-390**

**RESOLUTION APPROVING THE FINAL MAP OF THE VILLA D’ESTE
SUBDIVISION, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO
EXECUTE A SUBDIVISION AGREEMENT WITH KIMBERLY KUPPENS AND
AUTHORIZING THE CITY CLERK TO CERTIFY THE FINAL MAP AND
RECORD IT WITH THE STANISLAUS COUNTY RECORDER’S OFFICE**

WHEREAS, Kimberly Kuppens (“SUBDIVIDER”), is in possession of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 7.15 acres, known as the VILLA D’ESTE SUBDIVISION (“SUBDIVISION”), in the Village One specific plan and the precise plan number 13, and

WHEREAS, a final development plan of said tract was approved by the Planning Commission of the City of Modesto on September 18, 2017 with conditions of approval as noted in Planning Commission resolution Number 2017-23, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto and the City Engineer have certified that the final map of said tract substantially conforms to the approved final development plan, and

WHEREAS, the public improvements have not been completed, and

WHEREAS, as required by Section 4-4.605 of the Modesto Municipal Code, the SUBDIVIDER has executed a Subdivision Agreement, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and the City Surveyor has determined that the map is technically correct, and

WHEREAS, the SUBDIVIDER will furnished securities within 60 days of the recordation of the Final Map for improvements that have not been built, as set forth in

Section 4-4.605 of the Modesto Municipal Code, and which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities will be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Final Map of the Villa D'Este Subdivision; that the dedications for public streets and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the Subdivision Agreement, in a form approved by the City Attorney.

BE IT FURTHER RESOLVED that the City Clerk is hereby 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-391**

RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR VINTAGE UNIT TWO SUBDIVISION, LOCATED NORTH OF THE VINTAGE FAIR MALL, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER'S OFFICE, AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUARY PERIODS

WHEREAS, NRB Investments, LLC, a California limited liability company ("OWNER") and the developer, Modesto Roselle, LLC, a California limited liability company ("SUBDIVIDER"), is the subdivider of a tract of land consisting of 6.77 acres being subdivided into 44 residential lots and 2 Landscaping lots situated in the City of Modesto, known as the VINTAGE UNIT TWO SUBDIVISION ("SUBDIVISION"), and

WHEREAS, modifications are still needed to a roundabout on Vintage Drive at Landmark Circle, and

WHEREAS, in correspondence dated August 24, 2020, Florsheim Homes has requested that outstanding modifications to roundabout on Vintage Drive be deferred and accepted with Vintage Phase Three, and

WHEREAS, the deferral will allow the modifications to be completed with the next phase of construction, and

WHEREAS, the City Engineer has verified that all required PUBLIC IMPROVEMENTS for this project have been satisfactorily completed and all inspection fees have been paid, and

WHEREAS, City crews will assume maintenance responsibilities upon acceptance of the PUBLIC IMPROVEMENTS, which includes the water main, sanitary sewer main, storm drainage facilities, landscape and irrigation, street trees, sidewalk and

ADA ramps, streets (with the exception of two roundabouts on Vintage Drive), curbs and gutters, and street lights, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Faithful Performance Bond in the amount of \$844,269 for VINTAGE UNIT TWO SUBDIVISION, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Payment Bond in the amount of \$422,135 for VINTAGE UNIT TWO SUBDIVISION, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Warranty Bond in the amount of \$84,269 for VINTAGE UNIT TWO SUBDIVISION, and

WHEREAS, the developer has requested that the improvements be accepted and the securities be released, and

WHEREAS, the City Engineer has indicated that it would be in order for the City Council to accept said PUBLIC IMPROVEMENTS as complete and has certified that the work covered has been satisfactorily completed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the said PUBLIC IMPROVEMENTS constructed by the SUBDIVIDER are hereby accepted, and the City Clerk is hereby authorized to file a Notice of Completion with the Stanislaus County Recorder's Office.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to release the securities upon expiration of statutory periods.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-392**

RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND YEHIA AHMED QASSEM SHAIBI AND FATIMA KASSIM AS TRUSTEES OF THE YEHIA AHMED QASSEM SHAIBI FAMILY TRUST, TO CONNECT TO THE CITY OF MODESTO'S EXISTING SEWER SYSTEM FOR THE PROPERTY LOCATED AT 1601 WOODLAND AVENUE (APN: 081-029-031), AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE WILL SERVE LETTER AND EXECUTE THE OUTSIDE SERVICE AGREEMENT

WHEREAS, Yehia Ahmed Qassem Shaibi and Fatima Kassim as Trustees of the Yehia Ahmed Qassem Shaibi Family Trust, own residential property located at 1601 Woodland Avenue which is located outside of Modesto City Limits and inside the City's Sphere of Influence, and

WHEREAS, the property located at 1601 Woodland Avenue, is not connected to City's sewer system and is requesting a sewer connection due to a failing septic system, and

WHEREAS, on November 25, 2014, City Council approved Resolution No. 2014-473 amending City Council Policy 5.002, and

WHEREAS, on December 9, 2014, City Council approved adoption of Ordinance No.3612-C.S. amending City of Modesto Municipal Code Section 11-1.05, and

WHEREAS both of these amendments included language allowing the City Manager, upon the recommendation of the Director responsible for utility system planning to approve standard agreements of service for extension of sewer services into certain unincorporated areas without City Council approval, and

WHEREAS, the property located at 1601 Woodland Avenue is not located within one of those designated areas and therefore requires City Council approval prior to allowing the sewer connection, and

WHEREAS, City staff has completed an analysis and determined that it is reasonable for the City of Modesto to provide sewer service to this property, and

WHEREAS, consistent with adopted LAFCO Policy 15, the extension of sewer service is proposed to remedy a health and safety concern in an area with failing septic system, and

WHEREAS, the sewer connection fees shall be paid and associated permits will be obtained prior to connecting to the City sewer system, and

WHEREAS, the property owner has executed an Outside Service Agreement for sewer service with the City as required to receive sewer service outside the City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the will-serve letter and outside service agreement between the city of Modesto and Yehia Ahmed Qassem Shaibi and Fatima Kassim as Trustees of the Yehia Ahmed Qassem Shaibi Family Trust, to connect to the City of Modesto's existing sewer system for the property located at 1601 Woodland Avenue (APN: 081-029-031) in Modesto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to approve the Will Serve letter and execute the Outside Service Agreement for sewer service in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-393**

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE STREET IMPROVEMENTS SOUTHBOUND MCHENRY AVENUE TO WESTBOUND BRIGGSMORE AVENUE, CML 5059(186) PROJECT, ACCEPTING THE BID, AND AWARDING THE CONSTRUCTION CONTRACT TO GEORGE REED, INC., OF MODESTO, CALIFORNIA IN THE AMOUNT OF \$1,168,665, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, in March 2010, the City applied for Congestion Mitigation and Air Quality (CMAQ) funds to install a right turn lane at southbound McHenry Avenue to westbound Briggsmore Avenue to provide a route for right turning motorists on southbound McHenry Avenue to do so freely without blocking or being blocked by through motorists, and

WHEREAS, on August 3, 2011, by Resolution No. 2011-321, Council approved this project as a new Capital Improvement Program (CIP) project and accepted CMAQ funds in the amount of \$125,000 for Preliminary Engineering and \$185,000 for the Land Acquisition and Utility Relocation phases of this project, and

WHEREAS, since the original acceptance of funds, Council has accepted additional CMAQ funds, Regional Surface Transportation Program (RSTP) funds, and transferred in Streets Community Facilities Fees (CFF) and Measure L MOE Funds, as necessary to fully fund this project, and

WHEREAS, the City is ready to construct the Street Improvements Southbound McHenry Avenue to Westbound Briggsmore Avenue, CML 5059(186) project, and

WHEREAS, the project was advertised for bids on June 30, 2020, and

WHEREAS, the bids received for the Street Improvements Southbound McHenry Avenue to Westbound Briggsmore Avenue, CML 5059(186) project were publicly

opened at 11:00 a.m. on August 4, 2020, and later tabulated by the Director of Community and Economic Development for the consideration of Council, and

WHEREAS, the Director of Community and Economic Development has recommended that the bid of \$1,168,665 received from George Reed, Inc., of Modesto, California be accepted as the lowest responsible and responsive bid and the contract be awarded to George Reed, Inc., and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to follow the formal bid procedures, and

WHEREAS, an award of an agreement for construction to George Reed, Inc., of Modesto, California, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and George Reed, Inc., of Modesto, California, was the lowest responsive bidder.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the plans and specifications for the Street Improvements Southbound McHenry Avenue to Westbound Briggsmore Avenue, CML 5059(186) project, accepts the bid of George Reed, Inc., of Modesto, California, in the amount of \$1,168,665 and awards George Reed, Inc. the construction contract for the Street Improvements Southbound McHenry Avenue to Westbound Briggsmore Avenue, CML 5059(186) project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-394**

**RESOLUTION AUTHORIZING THE DIRECTOR OF UTILITIES TO
APPROVE CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF
\$116,867 (10% OF THE ORIGINAL CONTRACT PRICE) FOR THE STREET
IMPROVEMENTS SOUTHBOUND MCHENRY AVENUE TO WESTBOUND
BRIGGSMORE AVENUE, CML 5059(186) PROJECT**

WHEREAS, the Southbound McHenry Avenue to Westbound Briggsmore Avenue, CML 5059(186) project bids were publicly opened on August 4, 2020, and George Reed, Inc., of Modesto, California, was the apparent low bidder with the amount of \$1,168,665, and

WHEREAS, the contingency cost for the Southbound McHenry Avenue to Westbound Briggsmore Avenue, CML 5059(186) project is estimated to be \$116,867 (10% of the original contract price), an amount which exceeds the Director's authority for the project as enacted by Council Resolution No. 2019-326 on July 9, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to approve change orders up to the cumulative amount of \$116,867 (10% of the original contract price).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-395**

RESOLUTION APPROVING THE RESULTS OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) REVIEW OF RETROACTIVE SPECIAL COMPENSATION ADJUSTMENTS OF THE CITY OF MODESTO

WHEREAS, all City of Modesto qualified employees are eligible to participate in the City of Modesto separate Safety (Police and Fire) and Miscellaneous (all other) Plans, agent multi-employer defined benefit pension plans administered by the California Public Employees' Retirement System (CalPERS), which acts as a common investment and administrative agent for its participating member employers, and

WHEREAS, on February 4, 2020, the City was informed by CalPERS as part of their approval audit plan, the Office of Audit Services would be performing a review of the City's retroactive special compensation adjustments, and

WHEREAS, as part of the City's Fiscal Year 2018-2019 Single Audit report, no audit findings were reported for any of the grant funding received from the various federal agencies and all findings reported in the prior fiscal year have had the correction plan implemented, and

WHEREAS, on April 30, 2020, the City was provided a draft report of the results of this audit and as part of their review they did identify one exception of 'Not accurately reported' retroactive adjustment, and

WHEREAS, as defined under the Government Code Section 20636, the City is required to identify the pay period in which reported special compensation was earned, and

WHEREAS, City staff is actively working with CalPERS to identify a solution on how to report the Holiday Pay accurately based on the system mechanisms available through My CalPERS.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby accepts results of the California Public Employees' Retirement System (CalPERS) Review of Retroactive Special Compensation Adjustments of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-396**

**RESOLUTION APPROVING THE 2019-2020 WRITE-OFF AND
ADJUSTMENTS REPORTS THROUGH FISCAL YEAR END JUNE 30, 2020 IN
THE TOTAL AMOUNT OF \$410,248 AND DIRECTING A REPORT OF
DISPOSITION TO BE FILED WITH THE CITY CLERK**

WHEREAS, the Finance Department maintains a billing system to track monies owed to the City, and

WHEREAS, occasionally the responsible party does not pay the City as required, and

WHEREAS, it is the City's policy to actively pursue collection of past-due accounts and write off amounts deemed to be uncollectible, and

WHEREAS, the City employs various different means of trying to collect past-due accounts, and

WHEREAS, collection efforts continue until the legal statute restricts the City's collections actions, and

WHEREAS, the City's Write-off of Uncollectible Accounts Receivable policy, as allowed under by Section 2-3.406 of Article 4 of Title 2 of the Municipal Code, requires the following approval authority: the Director of Finance is authorized to approve the write-off of accounts with an outstanding balance due of up to \$5,000, and the City Manager is authorized to approve the write-off of accounts with an outstanding balance due in excess of \$5,000 and up to \$25,000; and

WHEREAS, in Fiscal Year 2018-2019, the Finance Department established Administrative Directive 7.20, Accounts Receivable Adjustment Policy, and determined

the Accounts Receivable, Utility Billing, Parking Citations and Business License adjustments should be incorporated into the annual report, and

WHEREAS, the following amounts with an outstanding balance less than \$5,000 have been approved for write-off by the Director of Finance for the Fiscal Year 2019-2020 and as such all available collection remedies have been exhausted: (1) Utilities Accounts - \$216,658, (2) Miscellaneous Receivables - \$63,650, (3) Parking Citations - \$99,618, (4) Business License - \$19,531 and

WHEREAS, for the write off amount in excess of \$5,000 and up to \$25,000 for \$10,791, the City Manager is authorized to approve.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the City Manager's and Director of Finance reports of uncollectible utility and accounts receivable in the total amount of \$410,248, and approve a report of disposition be filled with the City Clerk,

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-397**

RESOLUTION CLAIMING FISCAL YEAR 2019-2020 UNCLAIMED FUNDS OF \$27,798 HELD IN THE CITY'S TRUST FUND FOR MORE THAN THREE YEARS AND AUTHORIZING THE TRANSFER TO THE GENERAL FUND; AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City issues checks from time to time that remain uncashed the payee, and such checks that are not cashed remain in the accounting records as Outstanding Checks; and

WHEREAS, California Government Code Sections 50050-50053 and 50055 establishes provisions for the escheatment of such unclaimed money to the City's General Fund; and

WHEREAS, State law requires unclaimed funds in the amount of \$15 or more, held in the City's Trust fund, be published in a newspaper of general circulation in the City of Modesto, for two successive weeks; and

WHEREAS, after a forty-five day period from the date of the first publication any funds that are not claimed become the property of the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves \$27,798 in Fiscal Year 2019-2020 unclaimed funds to be transferred to the General Fund.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-398**

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR ON-CALL BORING SERVICE FOR HIGH VOLTAGE CIRCUIT UPGRADES AND OTHER CITY PROJECTS THROUGHOUT MODESTO TO MP NEXLEVEL OF CALIFORNIA INC., MERCED, CA FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST OF \$500,000 AND A TOTAL AMOUNT NOT TO EXCEED \$2,500,000 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the City currently has a total of 11,576 street lights, of which 426 are high voltage. The high voltage street lights make up just over three and a half percent of the street lights within Modesto, and

WHEREAS, the 426 high voltage street lights are on high voltage circuits (HVC) that are between 51 to 117 years old and have single conductor direct burial wire without conduit to supply electrical power to the street lights, and

WHEREAS, most are 2400 volts to 4000 volts. Modern street light voltage in residential areas is 120 volts. This project continues the transition to low voltage street lights city-wide, and

WHEREAS, City staff have completed six circuits of approximately 113 lights which consisted of 33,300 ft. of conduit while waiting for the boring contractor selection and award, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for On-Call Boring Services for High Voltage Circuit Upgrades, and

WHEREAS, On February 25, 2020 the Purchasing Division issued RFB 1819-61RB on the PlanetBids website under various commodity codes associated with On-Call Boring Services – High Voltage Circuit Upgrades, and

WHEREAS, On May 19, 2020, in an effort to slow the spread of COVID-19, bids were formally opened by the City Clerk and broadcast via WebEx Livestream; and

WHEREAS, two (2) companies chose to respond, none of which were local companies, both companies provided responsive and responsible bids; and

WHEREAS, based on providing the best prices that are most advantageous to the City, staff recommends the award of On-Call Boring Services for High Voltage Circuit Upgrades to MP Nexlevel of California, Inc., Merced, CA; headquarters located in Maple Lake, MN for a two (2) year agreement with three (3) one-year extension options, for an annual estimated cost not to exceed \$500,000 and a total not to exceed \$2,500,000 over five years, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to follow formal bid procedures. The award of RFB 1819-61RB for On-Call Boring Services for High Voltage Circuit Upgrades and agreement for services, conforms to the Modesto Municipal Code based on providing the overall lowest responsive and responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bids for On-Call Boring Services for High Voltage Circuit Upgrades to MP Nexlevel of California, Merced, CA for a two (2) year agreement

with three (3) one-year extension options, for an estimated annual cost to exceed \$500,000 and a total not to exceed \$2,500,000 over five years.

BE IT FURTHER RESOLVED, that the City Manager or his designee is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-399**

RESOLUTION APPROVING AN AGREEMENT WITH SPS VAR, LLC, OF ATLANTA, GA., FOR THE PURCHASE OF THE IBM POWER 9 SERVER FOR A ONE-TIME COST OF \$99,896 SOFTWARE, INSTALLATION AND CONFIGURATION; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the existing Central Square Naviline H5 public administration software suite, which operates the City of Modesto Utility Billing and Accounts Receivable system, has been hosted on the current IBM iSeries POWER 7 server (IBM Power 7 server) since May 2013, and

WHEREAS, the capacity and functionality of the IBM Power 7 server has been stretched beyond the expected five-year lifecycle and is at or above recommended maximum levels for processor, memory, and storage utilization, and

WHEREAS, the Information Technology (IT) staff advises an upgrade from the IBM Power 7 server to the IBM Power 9 server as a necessary step to ensure on-going services are provided to the City's utility customers, and

WHEREAS, Modesto Municipal Code Section 8-3.204 generally requires all purchases, in excess of fifty thousand dollars (\$50,000) to follow formal bid procedures, and

WHEREAS, MMC 8-3.204(b) provides that a purchase may be exempted from the City's formal bidding requirement where the Purchasing Agency's requirements can be met solely by a single article or process, and

WHEREAS, SPS Var is the only approved CentralSquare business partner to provide services on the CentralSquare Technologies applications that run on the IBM hardware platform, and

WHEREAS, this purchase qualifies for exemption from the formal bidding procedures under MMC 8-3.204(b), and

WHEREAS, this item was considered by the Finance Committee on August 24, 2020 and was recommended to forward to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with SPS VAR, LLC, of Atlanta, GA., for the purchase of the IBM Power 9 Server for a one-time cost of \$99,896 software, installation and configuration.

BE IT FURTHER RESOLVED, that the City Manager or his designee is hereby authorized to execute agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-400**

**RESOLUTION AUTHORIZING A PAYMENT IN THE AMOUNT OF \$100,000
TO BELFOR PROPERTY RESTORATION, MODESTO, CA FOR THE
DRYDEN GOLF CLUBHOUSE FIRE RENOVATION AND AUTHORIZING
THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE
PAYMENT**

WHEREAS, on August 4, 2020, the Dryden Golf Clubhouse was heavily damaged by a fire, and

WHEREAS, the Modesto Fire Department responded to the Clubhouse, located at 920 Sunset Avenue, and was able to extinguish the fire before the building was a complete loss, and

WHEREAS, the City's property insurance company, Alliant, dispatched Belfor Property Restoration of Modesto, CA (Belfor) to secure the property against additional damages, perform environmental testing, and fence the structure off to protect the public from unnecessary hazards, and

WHEREAS, Belfor evaluated the site with City staff and Alliant and concluded that although damaged, the facility could be restored, and

WHEREAS, on August 11, 2020, Belfor provided a Scope and Preliminary budget to Alliant for renovation of the burned structure with an initial budget estimate between \$1.1M and \$1.2M, and

WHEREAS, the City of Modesto's property insurance policy establishes a maximum deductible (out-of-pocket cost to the City) of \$100,000, and

WHEREAS, Alliant confirmed that once the City has paid its deductible to Belfor Property Restoration, the insurance policy will cover the remainder of the project's cost, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to be formally bid, but exceptions to the formal bidding process are granted in MMC 8-3.204(d) “Where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality,” and

WHEREAS, this project meets these requirements, as the contractor has been selected directly by the City’s insurance provider and it makes the best business sense to utilize their services, given the active insurance claim.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves a payment in the amount of \$100,000 to Belfor Property Restoration, Modesto, CA for the Dryden Golf Clubhouse Fire Renovation.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is authorized to issue the payment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

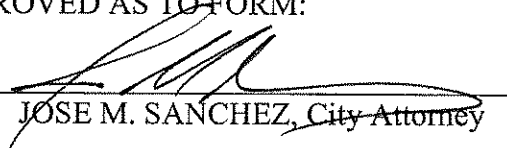
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-401**

**RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 CAPITAL
IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$100,000 TO
ESTABLISH A NEW CAPITAL PROJECT FOR THE RENOVATION OF THE
DRYDEN GOLF CLUBHOUSE**

WHEREAS, certain budgetary transactions are necessary in order to fully fund the payment to Belfor Property Restoration for the Dryden Golf Clubhouse Fire Renovation, and

WHEREAS, the Fiscal Year 2020-2021 Capital Improvement Program Budget must be amended in the amount of \$100,000 to establish a new capital project as shown in **Attachment A**, which is incorporated by reference herein.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2020-2021 Capital Improvement Program Budget in the amount of \$100,000 to establish a new capital project for the renovation of the Dryden Golf Clubhouse as shown in **Attachment A**, **attached** hereto.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

ATTACHMENT A

BUDGET ADJUSTMENT FOR GOLF OPERATING BUDGET

Fund 4600 – Golf Fund

Expense	Current Budget	Increase/(Decrease)	Final Budget
4600-34170-53300 <i>(Professional Services)</i>	\$1,817,591	(\$21,633)	\$1,795,958
4600-34183-53600 <i>(Temporary Employee Services)</i>	\$78,367	(\$78,367)	\$0
Total	\$1,895,958	(\$100,000)	\$1,795,958

BUDGET ADJUSTMENT FOR CREATION OF CAPITAL PROJECT (DRYDEN GOLF CLUBHOUSE FIRE RENOVATION)

Fund 4600 – Golf Fund – CIP:

Expense	Current Budget	Increase/(Decrease)	Final Budget
4600-39999-XXXXX-Appr Unit C	\$0	\$100,000	\$100,000
Total	\$0	\$100,000	\$100,000

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-402**

**RESOLUTION ACCEPTING THE GRANT AWARD OF \$841,048 FOR THE
LOW CARBON TRANSIT OPERATIONS PROGRAM FOR FREE TRANSIT
FARES FOR SPECIFIC DATES AND EVENTS TO ENCOURAGE MORE
RIDERSHIP ON MODESTO AREA EXPRESS BUSES**

WHEREAS, the City of Modesto is an eligible project sponsor and received state funding from the Low Carbon Transit Operations Program (LCTOP) for transit projects, and

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations, and

WHEREAS, Senate Bill 862 (2014) named the California Department of Transportation (Caltrans) as the administrative agency for the LCTOP, and

WHEREAS, Caltrans has developed guidelines for the purpose of administering and distributing LCTOP funds to eligible project sponsors, and

WHEREAS, the City was allocated a grant from Caltrans in local and regional funding under the LCTOP, and

WHEREAS, these funds will be used to provide free fare days on specific dates to everyone riding the Modesto Area Express (MAX) system, and

WHEREAS, this project will provide people an incentive for using the bus more often, thus increasing ridership, and

WHEREAS, these funds will be used as fare revenue to supplement the total local revenue for the system, and

WHEREAS, these funds will enable the City of Modesto to achieve the fare box revenue requirement, and

WHEREAS, the City wishes to implement the following LCTOP project listed above.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto accepts the grant award of \$841,048 for the Low Carbon Transit Operations Program for free transit fares for specific dates and events to encourage more ridership on Modesto Area Express buses.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-403**

**RESOLUTION AMENDING THE FISCAL YEAR 2020-21 OPERATION
BUDGET IN THE AMOUNT OF \$841,048 TO INCREASE GRANT REVENUES
FROM THE LOW CARBON TRANSIT OPERATIONS GRANT AWARDED TO
TRANSIT TO PROVIDE FREE FARES TO PASSENGERS**

WHEREAS, certain budgetary transactions are necessary in the amount of \$841,048 in order to provide free fares to transit riders, and

WHEREAS, the Low Carbon Transit Operations Program (LCTOP) program funds will be used to fund the free fares, and a budget increase to fund 4540 – Bus Fixed Route MAX Operations Fund is needed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2020-21 Operation budget in the amount of \$841,048.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-404**

**RESOLUTION ACCEPTING THE WELL 295 SALT TANK PLATFORMS
PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO
FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND
RELEASING PAYMENTS TOTALING \$77,599 TO SMITH CONSTRUCTION
COMPANY, INC., FRESNO, CALIFORNIA**

WHEREAS, this current process of refilling the salt tanks is unsafe and time consuming. A permanent working platform is required where operators can safely stand and refill the tanks, and

WHEREAS, on October 4, 2016, by Resolution No. 2016-398, Council approved an agreement with Axiom Structural Design, Inc. (Axiom), for on-call structural engineering services for various City projects, and

WHEREAS, in June 2018, staff requested a proposal from Axiom for the design of permanent working platforms at the Well 295 Salt Tanks. Axiom submitted a design proposal of \$8,400 which included final plans, specifications, and construction administration, and

WHEREAS, bids were advertised on June 25, 2019, and were publicly opened on July 23, 2019, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and Smith Construction, Inc., of Fresno, California, was the apparent lowest responsible and responsive bidder, and

WHEREAS, on September 3, 2019, by Resolution No. 2019-388, Council awarded a contract to Smith Construction, Inc., of Fresno, California, for the construction of the Well 295 Salt Tank Platforms project in the amount of \$76,600, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of November 4, 2019, and all contract work was completed by February 28, 2020, and

WHEREAS, the total project costs were \$134,855 which included design, construction, and construction administration costs. The total project amount originally budgeted was \$151,600 which included \$91,600 for the construction contract and contingency with Smith Construction, Inc., and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority for an increase in the contract price up to \$25,000. The Directors Change Order authority was set at \$15,000 by Resolution No. 2019-389 at the time of awarding the project, and

WHEREAS, there was one change order on this project with an overall increase of \$999, and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed.

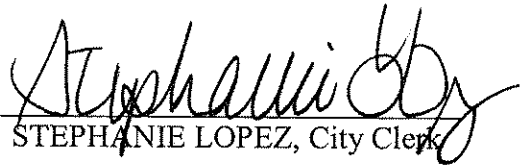
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Well 295 Salt Tank Platforms project is hereby accepted as complete from contractor, Smith Construction, Inc., of Fresno California, and that the City Clerk is authorized to complete all necessary steps to file the appropriate notices and documents with the County Recorder, release securities, and authorize payments totaling \$77,599.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-405**

**RESOLUTION ACCEPTING THE DEL RIO REPLACEMENT WELL 271
PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO
FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND
RELEASING PAYMENTS TOTALING \$422,767 TO NOR-CAL PUMP & WELL
DRILLING, INC., OF YUBA CITY, CA**

WHEREAS, existing Well 271 located in the Del Rio service area was originally acquired as part of the Del Este Water System purchased by the City in 1995, and

WHEREAS, on September 14, 2010, by Resolution No. 2010-409, Well 271 was identified for replacement in the 2010 Water System Engineer's Report to meet the needs of the existing Del Rio service area, and

WHEREAS, the original Well 271 site was not large enough for a replacement well and no property adjacent to the well site was available and a portion of the parcel at the northeast corner of McHenry Avenue and Stewart Road was identified as a proposed replacement well site, and

WHEREAS, bids were advertised on January 17, 2018, and four bids were publicly opened on February 13, 2018, pursuant to Modesto Municipal Code section 8-3.403 and Charter Section 1307, and Nor-Cal Pump & Well Drilling, Inc., of Yuba City, CA was the apparent low bidder, and

WHEREAS, on April 3, 2018, by Resolution No. 2018-144, Council awarded a contract to Nor-Cal Pump & Well Drilling, Inc., of Yuba City, CA for the construction of the Del Rio Replacement Well 271 project in the amount of \$426,417, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of May 21, 2018 and all contract work was completed by December 11, 2018, and

WHEREAS, the total project costs were \$1,678,439 which included all design, construction, and construction administration costs. The total project amount originally budgeted for this construction project was \$3,231,122 which included \$533,021 for the construction contract and contingency with Nor-Cal Pump & Well Drilling, Inc., and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of up to and not to exceed 10% of the original contract price, and

WHEREAS, by Council Resolution 2018-145, approved at time of awarding the project, the change order authority was increased to 25% in an amount not to exceed \$106,604, and

WHEREAS, there was one change order resulting in an overall increase of \$10,350 for change order work. In addition, \$14,000 in liquidated damages (\$500 per day) was assessed against the project, and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Del Rio Replacement Well 271 project is hereby accepted as complete from said contractor, Nor-Cal Pump & Well Drilling, Inc., of Yuba City, California, and that the City Clerk is authorized to complete all necessary steps to file the appropriate notices and documents with the County Recorder, release securities, and authorize payments totaling \$422,767 to Nor-Cal Pump & Well Drilling.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-406**

**RESOLUTION APPROVING THE ANNUAL SEWER RATE REVIEW AND
APPROVING 4% SEWER RATE INCREASES TO BE EFFECTIVE JANUARY
1, 2021, FOR FISCAL YEAR 2020-21**

WHEREAS, the City of Modesto provides wastewater (sewer) service to over 60,000 accounts consisting of residential, multi-family, commercial, and industrial customers located within the City of Modesto as well as the City of Ceres and the Empire Sanitary District and portions of unincorporated Stanislaus County; and

WHEREAS, the City's sewer utility is a self-supporting utility enterprise funded by customer revenues; and

WHEREAS, the California Constitution (Article XIID, "Proposition 218") establishes a process that public agencies must follow when imposing new or increasing "property related fees" (Cal. Const.); and

WHEREAS, sewer service fees are property-related fees and thus subject to Proposition 218's procedural and substantive requirements; and

WHEREAS, the City engaged Bartle Wells Associates ("BWA") in 2015 to conduct a comprehensive review of the City's sewer rates and charges in accordance with Proposition 218; and

WHEREAS, BWA prepared a report dated January 2016 entitled "City of Modesto Sewer Rate and Fee Study" ("Report"), containing analyses and recommendations for adjusting the City's sewer rates and charges; and

WHEREAS, the Report concluded that the revenues generated under previous sewer rates were insufficient to meet sewer utility's revenue requirements for fiscal year 2016-17 and subsequent years, given changes and new developments in the City's sewer

system, including new capital improvement projects identified in the soon to be completed Wastewater Master Plan Update; and

WHEREAS, the Report recommended increasing the City's previous sewer rates and charges, and made certain recommendations for the City's sewer services rates for the five-year period beginning fiscal year 2016-17; and

WHEREAS, the Report demonstrated that the recommended rates do not exceed the reasonable cost of providing such service or regulatory activity and, as such, the proposed rates are not levied for general revenue purposes; and

WHEREAS, the Report also demonstrated that the recommended rates result in charges to property owners or ratepayers that do not exceed the proportionate cost of providing sewer services attributable to the parcel or persons; and

WHEREAS, the City mailed a notice of the public hearing, and notice of oral and written protest procedures against the proposed rate increases to all affected property owners and ratepayers in compliance with California Constitution Article XIII D, Section 6; at least forty-five days in advance of the public hearing at which this Resolution was considered; and

WHEREAS, on April 26, 2016, the City Council duly held the public hearing , and at its conclusion the City Clerk tabulated the number of written and oral protests received, and reported that there was not a majority protest of the proposed rates by owners or authorized representatives of identified property owners or ratepayers receiving wastewater services; and

WHEREAS, the City Council subsequently approved a new sewer rate structure in accordance with Proposition 218 by Resolution No. 2016-181 and adopted a five-year

schedule of new maximum sewer service rates beginning in Fiscal Year 2016-17 and increasing those rates by up to 6% annually through Fiscal Year 2020-21; and

WHEREAS, City staff has recently conducted an annual review of the sewer rates as required by Resolution 2016-181, Staff analyzed several scenarios to understand the impacts of the revenue increases on the City's financial policies: 6% increase (adopted schedule), 4% increase, 2% increases, and a 0% increase for Fiscal Year 2020-21, and

WHEREAS, given the economic sensitivity resulting from COVID-19, staff requested direction from the Finance Committee on August 24, 2020 on options to present to Council for consideration and approval. The Finance Committee reviewed the different scenarios and after discussions with City staff, recommended presenting 4% rate increases to Council for consideration and approval. This option allows for coverage of the 2% annual increase for operating expenses, but still allowed a reduction in rates to customers from the originally adopted 6% rate increase, and

WHEREAS, upon review of the Fiscal Year 2020-21 proposed Wastewater Fund proforma, the City's Budget Division agrees that approving a 4% increase in annual rates would allow the fund to maintain a minimum 1.5 debt service coverage ratio required by Council policy, and strive toward obtaining a 2.0 debt coverage ratio in future years as recommended in the recent Fitch Rating review; and

WHEREAS, the Budget Division also recommends a 4% increase in sewer rates for Fiscal Year 2020-21 based upon the anticipated revenues and proposed operating and capital expenses for the upcoming fiscal years; and

WHEREAS, pursuant to Resolution 2016-181, the approved increase in sewer rates for Fiscal Year 2020-21 will become effective 60 days after completion of the

annual review, unless the City Council directs otherwise, and Staff recommends the Fiscal Year 2020-21 rate increase become effective on January 1, 2021.

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

SECTION 1. DEFINITIONS. For the purposes of this Resolution the definitions set forth in Section 5-6.103 of Chapter 6 of Title 5 of the Modesto Municipal Code entitled “Definitions” shall apply, except as provided herein or as context requires a different meaning.

(A) Director: The City officers(s) or designee(s) in charge of utilities.

(B) Monthly Account Charge: A monthly fee charged to every sewer account to pay the actual fixed sewer system costs not allocable to sewer flow and strength components.

(C) Person: Any individual, partnership, corporation or other legal entity whatsoever apply for or receiving City sewer service.

(D) Cannery Segregation Line (CanSeg Line): The line used by City’s cannery customers during caning season. The CanSeg Line collects and conveys the canneries’ process flow directly to the Rancho for land application. The cannery process flow does not receive treatment during the cannery season.

(E) Apartment: One (1) dwelling unit located within in a building or portion thereof containing five (5) or more dwelling units; one (1) mobile home space in a mobile home park.

(F) Secondary Scalping: Secondary treatment to be provided to City’s cannery customers’ process water.

(G) Single Family Residential: One (1) dwelling unit or a suite of one (1) or more rooms which is occupied by or intended to be occupied by one (1) family; one (1) mobile home on any area or tract of land.

(H) Multiple Family: One (1) dwelling unit located within a building or portion thereof containing two (2) to four (4) dwelling units; one (1) additional dwelling unit or mobile home on any area or tract of land.

SECTION 2. SEWER SERVICE CHARGE FOR RESIDENTIAL SEWER

SERVICE. Each person receiving residential sewer service shall pay a sewer service charge to the City . Resolution 2016-181 established the maximum monthly sewer service charges for dwelling units, mobile homes, and mobile home spaces in mobile home parks, including the monthly account charge, for Fiscal Year 2016-17 through the end of Fiscal Year 2020-21, as listed in the table below. The City Council hereby accepts the annual report regarding and maintains the approved residential rates for Fiscal Year 2020-21, to be effective January 1, 2021.

Residential Sewer Rates					
Category	FY2016/17	FY2017/18	FY2018/19	FY2019/20	FY2020/21
Monthly Account Charge (\$/Account)	\$4.40	\$4.42	\$4.46	\$4.50	\$4.68
Residential Rates (\$/Dwelling Unit)					
Single Family Residential, Mobile Home on a lot	\$29.36	\$31.36	\$33.39	\$35.67	\$37.10
Multiple Family (2-4 Dwelling Units), one additional Dwelling Unit or Mobile Home on a lot	\$22.59	\$24.03	\$25.57	\$27.50	\$28.60
Apartments (5 or more Dwelling Units), Mobile Home Space in a Mobile Home Park	\$20.33	\$21.50	\$22.73	\$24.36	\$25.33

SECTION 3. SEWER SERVICE CHARGE FOR COMMERCIAL

SERVICE. Each person receiving commercial sewer service shall pay a maximum sewer service charge to the City. Resolution 2016-181 established the maximum monthly sewer service charges for commercial customers, including the monthly account charge,

for Fiscal Year 2016-17 through the end of Fiscal Year 2020-21, as listed in the table below. The City Council hereby accepts the annual report regarding and maintains the approved commercial rates for Fiscal Year 2020-21.

Commercial Sewer Rates					
Category	FY2016/17	FY2017/18	FY2018/19	FY2019/20	FY2020/21
Commercial Quantity Charge (\$/100 cubic feet)					
Group 1-BOD + TSS is 400 mg/l or less	\$2.76	\$3.01	\$3.29	\$3.55	\$3.69
Group 2-BOD + TSS is 401 mg/l to 900 mg/l	\$3.78	\$4.07	\$4.40	\$4.70	\$4.89
Group 2-BOD + TSS is 901 mg/l to 1,400 mg/l	\$4.80	\$5.13	\$5.50	\$5.85	\$6.08
Group 4-BOD + TSS is 1,401 mg/l or more	\$6.03	\$6.40	\$6.83	\$7.23	\$7.52

(A) Commercial users shall be grouped according to Biochemical Oxygen Demand (hereinafter referred to as BOD) and Total Suspended Solids (hereinafter referred to as TSS) strength characteristics and shall pay sewer service charges based on the quantity of water used, and the waste strength characteristics measured in milligrams per liter (hereinafter referred to as mg/l). The Director shall determine the waste strength characteristics of commercial users and assign them to one of the commercial users groups set forth in the table above.

(B) Commercial users shall have all water used on the premises metered in order to determine the users' sewer service charges.

(1) Commercial users on a public water system other than the City's shall obtain a metered water service from the water purveyor and shall pay the sewer service charge which would be made were such water from the City's water system.

(2) Commercial users receiving any water from a private source shall allow the City to furnish, install and maintain a water meter with the user paying for the cost of the meter and installation. The user shall pay the sewer service charge which would be made were such water from the City's water system.

Authorization shall be granted to City from user to install, read and maintain said meter by user executing an agreement on a form furnished by the Director.

(C) In the case of existing meters which are under the ownership of users, the City will assume responsibility for maintenance of such meters upon:

(1) Receipt of transfer of title from the owner in a form satisfactory to the Director, and

(2) Authorization being granted to City for reading and maintaining the meter as set forth in paragraph (b) above.

(D) Churches, assembly halls and similar facilities shall be considered Group 1.

(E) Schools Districts will have their wastewater flow computed by either of the following methods at their discretion:

(1) School Districts may elect to be billed on water consumption as a Group 1 Commercial discharger.

(i) A one-time inspection by the City's Water Division staff to confirm there is no indoor water use on the outdoor use meter will be done at no charge to the District.

(ii) An annual audit and site inspection will be conducted by the City and paid for by the District.

(a) Inspection fee will be based on time and materials.

(2) School Districts that have not separated all of their outdoor water systems may elect to continue to be billed based on estimates of the average volume per pupil/staff times the average daily attendance (ADA) of pupils plus staff.

(i) School District will be required to enter into an agreement with the City consenting to be billed on an ADA basis.

(ii) The Director is authorized to enter into these agreements with the School Districts on behalf of the City.

(iii) Should the School District fail or refuse to enter into the above noted agreement, District will be billed based on water consumption until an agreement is executed.

(3) For School Districts planning to separate their outdoor water systems in the future, the City will provide the option to be billed on water consumption on an annual basis.

SECTION 4. SEWER SERVICE CHARGE FOR INDUSTRIAL SERVICE.

Each person receiving industrial sewer service shall pay a maximum sewer service charge to the City. Resolution 2016-181 established the maximum monthly sewer service charges for industrial customers, including the monthly account charge, for Fiscal Year 2016-17 through the end of Fiscal Year 2020-21, as listed in the table below. The City Council hereby accepts the annual report regarding and maintains the approved industrial rates for Fiscal Year 2020-21, to be effective January 1, 2021.

Industrial Charges (these three components are additive)					
Category	FY2016/17	FY2017/18	FY2018/19	FY2019/20	FY2020/21
Flow Charge (\$/Million gallons)	\$2,604	\$2,888	\$3,212	\$3,516	\$3,657
BOD Charge (\$/1,000 lbs)	\$213	\$226	\$238	\$246	\$256
TSS Charge (\$/1,000 lbs)	\$441	\$454	\$471	\$491	\$511

(A) The charges for industrial wastewater services—flow, BOD, and TSS—are additive, such that the total monthly charge shall be based upon the amount of each component listed in the table above.

(B) The monthly sewer service charges for industrial users shall be based in part on the number of millions gallons of total flow at the rates set forth in the table above.

(1) If an industrial customer has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows. If an industrial customer has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Director. The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

(2) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.

(C) The BOD and TSS charges for industrial and sanitary discharges shall be based on the measured or estimated BOD and TSS for each type of flow.

SECTION 5. FLOW ESTIMATES. The Director will estimate flow where he/she determines metered flow measurements are unreliable.

SECTION 6. SEPTAGE CHARGE FOR DUMPING SEPTIC WASTE AT THE SEWAGE TREATMENT PLANT. The City accepts septic waste at its sewage treatment plant. Each person dumping septic waste at the sewage treatment plant shall pay a maximum sewer service charge to the City. Resolution 2016-181 established the maximum septage charge for Fiscal Year 2016-17 through the end of Fiscal Year 2020-21, as listed in the table below. The City Council hereby accepts the annual report regarding and maintains the approved septage charges for Fiscal Year 2020-21, to be effective January 1, 2021.

Septage Quantity Charge					
Category	FY2016/17	FY2017/18	FY2018/19	FY2019/20	FY2020/21
Flow charge per 1,000 gallons	\$61	\$63	\$66	\$69	\$72

SECTION 7. SEWER SERVICE CHARGE FOR CANSEG LINE SEWER

SERVICE. Each person using CanSeg Line sewer service shall pay a maximum sewer service charge to the City. Resolution 2016-181 established the maximum monthly sewer service charges for CanSeg customers, including the monthly account charge, for Fiscal Year 2016-17 through the end of Fiscal Year 2020-21, as listed in the table below. The City Council hereby accepts the annual report regarding and maintains the approved CanSeg Line rates for Fiscal Year 2020-21, to be effective January 1, 2021.

CanSeg Line Sewer Rates					
Category	FY2016/17	FY2017/18	FY2018/19	FY2019/20	FY2020/21
Monthly Account Charge (\$/Account)	\$4.40	\$4.42	\$4.46	\$4.50	\$4.54
CanSeg Line Charges (these three components are additive)					
Flow Charge (\$/Million gallons)	\$2,680	\$2,841	\$3,012	\$3,191	\$3,319
BOD Charge (\$/1,000 lbs)	\$1.39	\$1.48	\$1.57	\$1.66	\$1.73
TSS Charge (\$/1,000 lbs)	\$4.04	\$4.29	\$4.54	\$4.81	\$5.00

(A) The charges for CanSeg Line services—flow, BOD, and TSS—are additive, such that the total monthly charge shall be based upon the amount of each component listed in the table above.

(B) The monthly sewer service charges for CanSeg Line users shall be based in part on the number of millions gallons of total flow at the rates set forth in the table above.

(1) If a CanSeg Line user has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows. If a CanSeg Line customer has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Director. The estimated

volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

(2) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.

(C) The BOD and TSS charges for CanSeg Line discharges shall be based on the measured or estimated BOD and TSS for each type of flow.

SECTION 8. SEWER SERVICE CHARGE FOR SECONDARY

SCALPING. Secondary scalping service is anticipated to come online in Fiscal Year 2020-21. Each person receiving secondary scalping sewer service shall pay a maximum sewer service charge to the City. Resolution 2016-181 established the maximum monthly sewer service charges for secondary scalping customers, including the monthly account charges when that service becomes available, as listed in the table below. The City Council hereby accepts the annual report regarding and maintains the approved secondary scalping rates for that service when it becomes available.

Secondary Scalping Rates	
Category	Rate or Charge
Secondary Scalping Rates (these components are additive)	
Flow Charge (\$/Million gallons)	\$891.84
BOD Charge (\$/1,000 lbs)	\$98.25
TSS Charge (\$/1,000 lbs)	\$305.65
Annual Secondary Scalping Secondary Can Seg Capacity Charge (these components are additive)	
Flow (\$/Million gallons per day, maximum day capacity)	\$117,837.54
BOD (\$/lbs per day, maximum day capacity)	\$11.43
TSS (\$/lbs per, maximum day capacity)	\$27.29

(A) The usage-based charges for secondary scalping sewer services—flow, BOD, and TSS—are additive, such that the total monthly charge shall be based

upon the amount of each component listed in the table above. In addition, customers who opt to have their wastewater processed through the secondary scalping system will be charged an annual fee labeled a “capacity fee” in the Study, in the amounts set forth in the table above.

(B) The monthly usage-based sewer service charges for secondary scalping sewer services shall be based in part on the number of millions gallons of total flow at the rates set forth in the table above.

(1) If a secondary scalping customer has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows. If an secondary scalping customer has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Director. The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

(2) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.

(C) The BOD and TSS charges for secondary scalping sewer services shall be based on the measured or estimated BOD and TSS for each type of flow.

SECTION 8. SEWAGE TREATMENT FOR OUTSIDE PUBLIC AGENCIES. Pursuant to agreements approved by the City Council , the City of Modesto will accept and treat sewage collected from sewer systems external to the City and the City’s Sewer District No. 1. The City’s charges for treatment of sewage collected

from outside of the City and the City's Sewer District No. 1 are negotiated by the parties to and established in the agreements.

SECTION 9. INFLATOR INDEX AND REASSESSMENT OF COST OF SERVICE. The cost of service set forth above shall be re-examined not less than every four (4) years by professionals competent in the field. Such professionals shall provide a report to the City updating both the fixed and volume based costs as appropriate and as recommended to the Council by the Director and Director of Finance. Beginning on July 1, 2017 and annually thereafter, the Director of Finance with the concurrence of the Director, shall have the authority to adjust the above rates by an amount not to exceed the not-seasonally-adjusted annual percentage increase in the April Consumer Price Index (CPI) for Urban Wage Earners and Clerical Workers for the San Francisco CMSA that is currently prepared by the Department of Finance.

SECTION 10. EFFECTIVE DATE. This Resolution shall go into effect and be in full force and operation immediately. The previously approved schedule of rates for Fiscal Year 2020-21, as set forth above, shall go into effect on January 1, 2021.

SECTION 11. ANNUAL REVIEW OF ADOPTED RATE INCREASES. As set forth in Resolution No. 2016-181, the City Council shall conduct an annual review of each adopted sewer rate increase prior to its implementation for fiscal years beginning after June 30, 2017. Said review shall be completed by the City Council at least sixty (60) days in advance of the new sewer rate becoming effective. The rates shown in Resolution 2016-181 shall be implemented on the dates shown unless City Council takes action otherwise.

SECTION 12. SEVERABILITY. The rates, charges, and all portions of this Resolution are severable. Should any of the rates or any portion of this Resolution be adjudged to be invalid and unenforceable by a body of competent jurisdiction, the remaining rates, charges and/or portions of the resolution shall be and continue in full force and effect, except as to those rates, charges and/or portions of this Resolution that have been adjudged invalid. This City Council declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of this Resolution be enforced.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-407**

**RESOLUTION ADOPTING MODIFIED CAPITAL FACILITIES FEES
POLICIES AND PROCEDURES, AND AMENDING RESOLUTION 2019-464**

WHEREAS, Section 8-1.904 of the Modesto Municipal Code authorizes the City Council to establish a Capital Facilities Fees (“CFF”) program by resolution; and

WHEREAS, the City of Modesto Capital Facilities Fees (“CFF”) Program was established in 1989 to mitigate the impacts of new development, and the City Council previously established CFF rates based on comprehensive nexus studies; and

WHEREAS, the City is collecting CFF for the purpose of constructing public improvements that will be needed as a result of new development; and

WHEREAS, the CFF program is a pay-as-you go program that enables improvements to be constructed when enough monies have been accumulated; and

WHEREAS, on March 22, 2011, the City Council, by Resolution No. 2011-105, established the nexus for fees imposed by each land use, said nexus and fees were later amended by Resolution No. 2019-464 on October 8, 2019; and

WHEREAS, the proposed CFF Policies and Procedures are included in **Exhibit A**; and

WHEREAS, the City Council finds that there is a reasonable relationship between the updated Capital Facilities Fees use, as well as the need for the facilities and services funded by the Capital Facilities Fee, and the type of development project on which the fees are imposed; and

WHEREAS, the City Council explicitly adopts and incorporates the findings regarding the CFF included in Resolution Nos. 2011-105 and Resolution No. 2013-177

on May 7, 2013 and Resolution 2019-464 on October 8, 2019 as if set forth herein in their entirety and applicable to the updated CFF established by this Resolution; and

WHEREAS, the City Council wishes to amend the Capital Facilities Fees Policies and Procedures to establish a fee structure for Accessory Dwelling Units (ADUs) in compliance with the requirements of Government Code section 65852.2, as shown in **Exhibit B**; and

WHEREAS, a public hearing has been noticed and held in accordance with Government Code Sections 6062a, 66016, 66017 and 66018; and

WHEREAS, the City Council held a duly noticed public hearing pursuant to Government Code Sections 6062a, 66016, 66017 and 66018 on the proposed fees on October 8, 2019 at which time all interested parties had the opportunity to be heard; and

WHEREAS, the City Council desires to adopt the proposed fees in order to serve the public interest and promote the health, safety and welfare of the residents of Modesto pursuant to Article XI, Section 7 of the California Constitution.

NOW, THEREFORE, the City Council of the City of Modesto does ordain as follows:

SECTION 1. RECITALS. The above recitals are true and correct, and are incorporated herein.

SECTION 2. ADOPTION OF CFF POLICIES AND PROCEDURES.

The updated Capital Facilities Fees Policies and Procedures, **attached** hereto as **Exhibit A** and incorporated herein, are adopted.

SECTION 3. SEVERABILITY. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not

affect other provisions or applications of this Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. This City Council declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Resolution be enforced.

SECTION 4. EFFECTIVE DATE. This Resolution shall go into effect and be in full force and operation from and after sixty (60) days after its final passage and adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

City of Modesto Capital Facilities Fees Policies and Procedures

Amended Policies and Procedures Adopted on _____
City Council Resolution _____ - _____

DRAFT



MODESTO
CALIFORNIA

TABLE OF CONTENTS

INTENT 1

ADMINISTRATIVE ORGANIZATION & RESPONSIBILITY 1

 CFF Administrator 1

ADMINISTRATIVE REQUIREMENTS..... 1

 Factors Considered 1

 Annual Report..... 1

 Five-Year Report 2

 Annual Inflationary Adjustments..... 3

 CFF Program Updates 3

 Land Value Updates 3

DETERMINATION OF CFF 3

COLLECTION OF FEES 4

 Calculation and Collection of CFF 4

 Payments..... 4

 Refunds 4

 Protests 4

 Appeals..... 4

EXEMPTIONS, DEFERRALS AND CREDITS 4

 Credits and Exemptions 5

 Deferrals..... 5

DEVELOPMENT DEDICATIONS..... 5

 Residential Streets 5

 Expressways..... 5

 Arterial & Major Collector Streets 6

REIMBURSEMENT & OTHER RELATED AGREEMENTS 6

 Initial Request for Reimbursement..... 7

 Reimbursement Agreement..... 7

 Timing..... 7

 Notice to Proceed 7

 Reimbursement Payments..... 7

CONSTRUCTION CONTRACTOR REQUIREMENTS 7

 Three Competitive Bids 8

 Licensing..... 8

 Payment of Prevailing Wages..... 8

 Indemnification..... 8

 Overtime & Change Orders 8

TABLE 1 - CFF LAND USE CATEGORIES 10

TABLE 2 - CFF UNDEFINED LAND USES 11

TABLE 3 - CFF CREDITS AND EXEMPTIONS..... 12

TABLE 4 - CFF DEFERRALS 15

TABLE 5 - CFF FEE SCHEDULE 17

APPENDIX A - DEFINITIONS..... 18

INTENT

In 1987, the City of Modesto established a Capital Facilities Fee (CFF) Program to mitigate the impacts of new development as outlined in §6600 of the California Government Code. The CFF collected may be used for the purchase, construction, expansion, rehabilitation or acquisition of public facilities. New development projects that are assessed a CFF include, but are not limited to, new building and construction projects, commercial building additions and changes of use to more intensive land use categories.

The following policies and procedures (Policies and Procedures) shall guide in the administration of the City of Modesto CFF Program. This administrative manual elaborates upon the administrative directions contained in the Modesto's Municipal Code, California State Code and City Council Resolutions.

ADMINISTRATIVE ORGANIZATION & RESPONSIBILITY

CFF Administrator

The Administrator of Infrastructure Financing Programs shall serve as the CFF Administrator and is charged with the overall administration and oversight of the CFF Program. The CFF Administrator has the responsibility of ensuring all issues relating to the CFF Program are managed in accordance with applicable rules and regulations.

ADMINISTRATIVE REQUIREMENTS

Factors Considered

The City Council has determined that the CFF adopted by the City of Modesto shall be based on the following two factors: (i) reflect full cost allocation to each category of new development of capital facilities necessary to serve growth; and (ii) be reviewed annually to consider an escalation to account for inflation.

Annual Report

Annual reporting of a local agency's impact fee program is required by Government Code §66006. The impact fees collected must be segregated from general and other funds containing fees collected for other improvements. Interest on each impact fee fund or account must be credited to that fund or account and be used only for the purpose for which the impact fee was collected.

California Government Code §66006(b) requires that a local agency make the following information available to the public for each separate impact fee fund on an annual basis and that the local agency review that information at a public meeting. The law also requires the annual report include the following information for the prior fiscal year and be made available within 180 days after the last day of each fiscal year:

- Description of the type of impact fee in the account or fund.

- Identification of the amount of the impact fee.
- The beginning and ending balance of the account or fund.
- The amount of impact fees collected and interest earned.
- Identification of each public improvement on which impact fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with the impact fee.
- Identification of an approximate date by which the construction of the public improvements will commence, if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement and the public improvement remains incomplete.
- Description of each interfund transfer or loan made from the account or fund, including the public improvements on which the transferred or loaned impact fees were expended, and, in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.
- The amount of refunds made due to sufficient funds being collected to complete financing on incomplete public improvements, and the amount of reallocation of impact funds made to administrative costs of refunding unexpended revenues exceeding the amount to be refunded.

In addition to the requirements above, the City Council has determined that the annual report should also contain the following information:

- The cumulative inventory of exempt residential units and the percent of anticipated total exempt units at build-out.
- A comparison of cumulative exempt units to total units built since 1989. During recessions and other times of low production of market-rate housing, it is acknowledged that the cumulative, exempt units may exceed two percent (2%) of the total units built.

Five-Year Report

California Government Code §66001(d) also requires that the local agency make all of the following findings every fifth year with respect to that portion of the account remaining unexpended, whether committed or uncommitted:

- Identify the purpose to which the impact fee is to be allocated.
- Demonstrate a reasonable relationship between the impact fee and the purpose for which it is charged.
- Identify all sources and amounts of funding anticipated to complete financing of incomplete improvements.
- Designate the approximate dates on which the funding is expected to be deposited into the appropriate account or fund.
- In any action imposing a fee as a condition of approval of a development project by a local agency, the local agency shall determine how there is a reasonable

relationship between the amount of the impact fee and the cost of the public facility or portion of the public facility attributable to the development on which the impact fee is imposed.

Annual Inflationary Adjustments

In an effort to ensure that all fees collected are adequate, an annual inflationary adjustment is applied each year to the CFF Program. The annual inflationary adjustments are:

- Administratively adjusted annually by the CFF Administrator or his/her designee for all land use categories to account for inflation or deflation.
- Based on the annual change in the San Francisco Bay Area Engineering News Record Construction Cost Index through the month of December the year preceding each inflationary adjustment.
- Becomes effective on or about July 1st of each year.

The City will provide at least one (1) meeting with stakeholders and other interested parties at least sixty (60) days in advance of the effective date of the adjustment. While the annual adjustment is an administrative function, the item should be submitted to the City Council for their information.

CFF Program Updates

The imposition of development impact fees requires identification of the facilities to be provided and the fee amounts imposed must not exceed the cost of the necessary facilities. To fulfill this requirement, the City shall undertake periodic studies to identify the facilities needed and their costs.

Land Value Updates

In an effort to keep pace with market conditions affecting the City's ability to construct public facilities, the City shall annually update the land values of its CFF Program. The intent of the annual updates is to ensure that new development pays for its share of future infrastructure necessary to serve the needs of the City.

DETERMINATION OF CFF

CFF is based on specific land use categories. As a matter of policy, a broad range of uses have been generally categorized as being residential, commercial, office or industrial. Table 1 identifies the approved land use categories. Full definitions of approved land use categories can be found in Appendix A. Undefined uses, as outlined in Table 2, are charged at rates that are determined by the CFF Administrator using similar land use determinations.

An applicant may request a reduction in the CFF if it is determined that the project will generate a lower number of trips than the trip generation rates that were used as the basis for the current CFF. Any such fee reduction must be based on a trip generation study, using accepted methodology, as determined by the City. The fee reduction shall be no greater than

a proportionate reduction in trips demonstrated in the trip generation study. Any such reduction shall be approved by the City Manager.

COLLECTION OF FEES

Calculation and Collection of CFF

As codified in the Modesto Municipal Code, the CFF is collected at the time of building permit issuance. For fee assessments, the Director of the Community and Economic Development Department has the final authority on the determination of land use.

Payments

CFF is collected by the Building Safety Division prior to issuance of a building permit. In the event the payment subsequently proves to be invalid due to insufficient funds, improper execution or for any other reason, the Finance Department shall notify the fee payer, the contractor, and the property owner and a hold shall be placed on the permit and subsequent inspections until the required CFF is paid.

Refunds

If a building permit expires, is revoked, voluntarily surrendered or voided, and no construction or improvement of land has commenced, then the fee payer is entitled to a refund, without interest and less a two and one-half percent (2.5%) administrative fee. Requests for refunds must be made in writing and addressed to the CFF Administrator. Refunds shall be issued within four (4) weeks of the written request.

Protests

In the event a fee payer agrees to pay CFF in protest at the time of building permit issuance, a notification of the protested payment must be made in writing to the CFF Administrator at the time the fees are paid. The protest shall be scheduled for review by the CFF Review Committee and a written response shall be sent to the fee payer.

Appeals

Any individual calculation of the CFF made may be appealed in accordance with the Modesto Municipal Codes 1-4.01 – 1.4.05. Appeals shall be limited to disputes regarding the calculation of CFF due.

EXEMPTIONS, DEFERRALS AND CREDITS

The City of Modesto supports economic development through the growth of Modesto businesses. It also encourages the construction Very Low and Low Income Housing development projects within the City. CFF deferral, credit and exemption programs benefit

economic growth and development by allowing the deferral, credit and/or waiver of impact fees.

Credits and Exemptions

In some situations, credits are provided to acknowledge that the expansion, replacement or reconstruction of a building will have no additional impact on facilities needed as a result of new development. Exemptions are also provided to foster the development of residential units affordable to Very Low Income households, as well as certain qualifying residential units affordable to Low Income households. CFF Credit and Exemption descriptions, qualifications and requirements are provided in Table 3. With respect to Very Low and Low Income Housing exemptions, the total number of housing exemptions granted are not to exceed two percent (2%) of the cumulative total CFF program housing units. However, it is acknowledged that during recessions and other times of low production of market-rate housing, the cumulative, exempt units may exceed two percent (2%) of the total units built. Exemptions that meet the requirements of these Policies and Procedures, including the attached Tables, may be approved by the City Manager. The City Manager, in his or her discretion, may refer any exemption application to the City Council for action. However, any exemptions granted above the two (2%) threshold described above require the approval of the City Council.

Deferrals

The CFF Program allows for two types of deferrals. The first allows non-residential developers to pay a portion of the CFF at the time of building permit issuance and defer payment of the balance over a five (5) year period with interest. The second deferral allows developers of Low Income Housing units to defer payment of CFF for a period of time, not to exceed twenty (20) years, with interest. Table 4 identifies the CFF deferral program guidelines for Low Income Housing and non-residential development projects. All deferrals require an agreement with the City, along with a promissory note and deed of trust recorded on the property to secure payment of the CFF, prior to building permit issuance. CFF Deferrals that meet the requirements of these Policies and Procedures, including the attached Tables, may be approved by the City Manager. The City Manager, in his or her discretion, may refer any exemption application to the City Council for action.

DEVELOPMENT DEDICATIONS

Residential Streets

The collector and local streets required by new development shall be dedicated and improved by the abutting developer in accordance with City Standard Specifications.

Expressways

Expressway improvements shall be constructed as required by the conditions of approval.

- The developer shall be reimbursed the cost of said improvements and right-of-way dedication pending the availability of CFF funds and provided funding for said improvements are included in the CFF Program.

- All reimbursements shall be detailed in a CFF Reimbursement Agreement in advance of construction or dedication in accordance with the municipal code.
- When **interim improvements** are required to facilitate current development prior to future expressway improvements, the interim improvements shall be funded and provided by the abutting developer.
- When **extra facilities** are required specifically for a particular development at hand (i.e.: deceleration/acceleration lanes, slip ramps, etc.), the extra facilities shall be funded and provided by the abutting developer without reimbursement.

Arterial & Major Collector Streets

Arterial and major collector streets shall be constructed per City Standard Specifications. A standard width of forty (40) feet shall be dedicated and improved to City Standard Specifications. ***In all cases described in this section, the forty (40) foot width shall be measured from the new property line on each side of the street towards the street centerline.*** This dedication is a requirement of development and not subject to reimbursement.

- When a developer is required to dedicate and improve more than the required forty (40) feet, the cost of right-of-way and improvements in excess of forty (40) feet shall be reimbursed to the developer pending the availability of CFF funds and provided funding for said improvements are included in the CFF Program.
- All reimbursements shall be detailed in a CFF Reimbursement Agreement in advance of construction or dedication in accordance with the municipal code.
- When there is an **existing street**, where the forty (40) feet dedication and improvements have been previously made, any additional dedication and improvements shall be subject to appropriate reimbursement to the developer.
- When there is an **existing street** and if the streets have not been previously improved to City Standard Specifications, only the dedication or improvements in excess of forty (40) feet will be subject to the appropriate reimbursement.
- When **extra facilities** are required specifically for a particular development at hand (i.e.: deceleration/acceleration lanes, slip ramps, etc.), the extra facilities shall be funded and provided by the abutting developer without reimbursement.

The City's Standard Specifications can be found online at www.modestogov.com. Appendix B details the City's Street Exaction Policy.

REIMBURSEMENT & OTHER RELATED AGREEMENTS

The planning contained in the City's Capital Improvement Program (CIP) and the CFF Program shall guide the amount and the schedule of reimbursements to be paid from CFF funds for reimbursement. Prior to commencement of any work that is eligible for reimbursement, a Reimbursement Agreement between the developer and the City must be approved per Modesto Municipal Code §8-3.102. A Reimbursement Agreement will be required where the development occurs fronting a planned CFF fund project, or which required CFF funded work

off-site. All such work shall be done by developer advances and will be subject to reimbursement pursuant to the terms of the Reimbursement Agreement.

Initial Request for Reimbursement

It is the obligation of the developer, landowner and/or the developer's engineer to submit a request to the CFF Administrator for reimbursement. Requests will not be granted if the dedication or improvements have already been made or started prior to execution of a Reimbursement Agreement. Each request shall include:

- An Engineer's Estimate of the work to be performed that is eligible for reimbursement.
- All exhibits relating to the improvements or right-of-way including the plat and, where applicable, closure calculations.
- Design costs incurred prior to the execution of the Reimbursement Agreement for completed and accepted City-funded facilities as determined and approved by the CFF Administrator.

Reimbursement Agreement

Prior to the issuance of a construction permit and recording of a final map for dedication, the developer will be required to enter into all necessary agreements in a form provided by the City and consistent with these Policies and Procedures. All agreements will be reviewed and approved as to form by the CFF Administrator, City Attorney and others as the City deems appropriate. City Council approval shall be required for all reimbursements over \$49,999.

Timing

The planning contained in the CFF Program and the City's annual adopted Capital Improvement Program shall guide the amount and the schedule of reimbursements to be paid from CFF funds. Furthermore, the CFF Administrator shall determine the fiscal year(s) in which funds will become available and appropriate for reimbursement.

Notice to Proceed

Once the appropriate agreement(s) are executed, a Notice to Proceed shall be issued by the CFF Administrator to the developer to commence construction of reimbursable improvements.

Reimbursement Payments

Upon completion, verification of invoices and acceptance of improvements, reimbursements shall be issued from the applicable CFF fund in the manner set forth in the Reimbursement Agreement.

CONSTRUCTION CONTRACTOR REQUIREMENTS

In retaining construction contractors for work which is reimbursable by the City of Modesto and where a Reimbursement Agreement (or other similar agreement) with the City is less than \$300,000.00, the developer shall abide by the following bid process:

Three Competitive Bids

The developer shall provide three (3) competitive bids. If the developer desires to award to a contractor other than the low bidder, a written request must be submitted to the City. The City may allow this if the developer can provide adequate justification.

Licensing

The developer shall make sure that all contractors and subcontractors are licensed in accordance with §7000 through §7145 inclusive, of the California Business and Professions Code and maintain adequate insurance for any work or services performed. Developer, its contractors and subcontractors shall have and maintain a City business license during the term of any agreement.

Payment of Prevailing Wages

In accordance with California Labor Code §1770, developer shall require the payment of prevailing wages based on the rates determined by the California Director of Industrial Relations. Unless otherwise directed by the City, developer’s construction schedule shall provide adequate time for completion of the work such that no holiday or overtime labor shall be required. The City shall not reimburse developer for any labor costs which exceed the normal and customary straight time rates as described in the City of Modesto General Provisions, §4.19, for the work performed unless the City authorizes the use of overtime or legal holiday time, in advance and in writing.

The developer shall maintain certified payroll records for all labor costs incurred on all City reimbursable work for a minimum period of four (4) years from the issuance of the Notice of Completion. Said payroll records shall be made available to the City or any state regulatory agency for review, audit and inspection or copying upon request.

Indemnification

Developer shall indemnify and hold the City harmless for ensuring that the project is bid and constructed in accordance with City standards, and in compliance with all applicable local, state and federal laws. Developer shall also indemnify and hold the City harmless for any damages, claims or actions arising out of said construction activities in a form approved by the City Attorney and the Risk Manager.

Overtime & Change Orders

The City shall retain the right to be in attendance to inspect all bids and change orders. Any extra work or charges during construction for which reimbursement is sought shall be justified and documented. Except in the case of an emergency, any such charges shall be approved by the City in advance and in writing. In the case of an emergency, any such charges may be authorized by the City if the developer provides adequate justification that an

emergency existed and that the extra work or charges incurred were reasonable. Said justification shall be provided within a reasonable time after the emergency ends and prior to reimbursement for any such charges.

TABLE 1 - CFF LAND USE CATEGORIES

CATEGORY	DESCRIPTION
RESIDENTIAL	
Single-Family	Single-family detached homes on individual lots. Density of development is typically ten (10) dwellings per acre or less.
Multi-Family	Multiple-family dwelling units and multi-family residential planned unit developments greater than a density of ten (10) units per acre.
	<ul style="list-style-type: none"> ▪ Duplexes ▪ Triplexes ▪ Mobile Homes ▪ High & Low Rise Apartments ▪ High & Low Rise Condominiums ▪ Medium-Density Developments
Senior Housing	Retirement communities restricted to adults or senior citizens, congregate care facilities, and similar residential uses.
Hotel	Hotel and motel rooms
COMMERCIAL	
Retail	<p><u>Retail, including, but not limited to:</u></p> <ul style="list-style-type: none"> ▪ Convenience Markets ▪ Supermarkets ▪ Drug Stores ▪ Department Stores ▪ New & Used Car Sales ▪ Nursery ▪ General Merchandise ▪ Building Materials ▪ Lumber Stores ▪ Specialty Retail Stores ▪ Racquetball Courts ▪ Discount Stores ▪ Paint Stores ▪ Hardware Stores ▪ Video Arcades ▪ Health Club ▪ Locker Rooms and Showers <p>Sales/Displays</p> <p><u>Restaurants, including, but not limited to:</u></p> <ul style="list-style-type: none"> ▪ Fast Food ▪ Sit Down Restaurants ▪ Bars ▪ Cocktail Lounges ▪ Drinking Establishments ▪ Covered and Enclosed Patio Dining <p><u>Banks:</u></p> <ul style="list-style-type: none"> ▪ Banks ▪ Savings & Loans ▪ Credit Unions <p><u>Other:</u></p> <ul style="list-style-type: none"> ▪ Storage facilities, also known as “mini” storage facilities for personal items and not associated with industrial use.
COMMERCIAL - OTHER	
Church	Structures primarily designed as a place for worship. Also includes church multi-purpose rooms.
Daycare & School	An educational, vocational, daycare facility or gyms for private schools.
Hospital	Structures designed for healing services, both in-patient and out-patient, that includes surgical care of the sick, injured, or physically ill and/or therapeutic treatment for the mentally ill. Included as an integral part of a hospital are laboratories, out-patient departments, training facilities, central service facilities, and hospital staff offices on the same site. The preceding ancillary uses are considered “professional offices” if located off-site, unless a multi-site campus is covered by a P-D zone or hospital uses. Separate sets of offices on the same site for physicians are considered “professional offices”.

CATEGORY	DESCRIPTION
COMMERCIAL - OTHER	
Nursing Home	Structures designed for use as a convalescent hospital, retirement home, or a twenty-four (24) hour care center for seven (7) or more persons in addition to members of the family.
OFFICE	
Medical Office	Offices and clinics devoted to the practice of medical professions or providing medical services, including pseudo-medical services, but excluding hospitals and nursing homes which are treated separately.
General Office	All other types of general and professional offices.
INDUSTRIAL	
Manufacturing, Light Industrial, & Industrial Park	<p>Facilities in which the primary activity is the production of finished items through manufacture, fabrication, processing, packaging, or treatment of raw materials or parts, except heavy industrial uses. Uses which are considered include:</p> <ul style="list-style-type: none"> ▪ Electronics Assembly ▪ Paper Products ▪ Metal Fabricator ▪ Bottling Plant ▪ Cabinet Shop ▪ Machine Shop ▪ Sheet-Metal Shop ▪ Pulp/Paper Mill ▪ Welding Shop ▪ Wholesale Shop ▪ Recycling Facility ▪ Rock Crushing ▪ Stockyard ▪ Tannery ▪ Equipment Rental Yard ▪ Food Processor, Brewery, or Bakery ▪ Junk Handling, Processing, or Storage ▪ Septic Tank and Cesspool Storage ▪ Vehicle Salvaging and Wrecking ▪ Burning Operations for Wood and Lumber Products ▪ Landfill, Waste Product Disposal, and Transfer Stations ▪ Reduction, Processing, Storage of Offal, Dead Animals, Bones, or similar materials ▪ Manufacture, Fabrication, Processing, Treatment of Explosives, Great Products, Chemicals, Chemical Products, and Oil ▪ Material Testing, Labor Manufacturer <p><i>Note: When a development proposal contains more than an incidental mixture of mixed industrial uses, the general type of uses should be segregated and treated separately.</i></p>
	Warehousing, Distribution, & Heavy Industrial

TABLE 2 - CFF UNDEFINED LAND USES

BUILDING USE	DESCRIPTION								
Shell Buildings	Builders will often apply for a building permit to construct the “shell” of a building. <ul style="list-style-type: none"> ▪ The shell use shall be determined at the time of building permit issuance. ▪ The first tenant improvements to the shell building shall be charged according to land use. 								
Roof Structures	When an open area exists and a roof structure is added, 100% of the total CFF shall be charged if the structure is supported by the addition of one (1) or more side walls. 50% of the total CFF shall be charged if the structure has no side walls.								
Multiple Use Structures	With the exception of commercial uses, if there is more than one (1) primary land use within a building, and the applicant can document that a secondary land use accounts for more than fifteen percent (15%) of the gross floor area of the structure, then the CFF shall be calculated separately for each use and the results summed.								
Canopy Construction	When an open area exists and a canopy structure is added, 100% of the total CFF shall be charged if the canopy is enclosed on three (3) or more sides and 50% of the total CFF shall be charged if the canopy is enclosed on one (1) or two (2) sides. Canopied business or storefront entryways and freestanding membrane canopies with no sides are exempt.								
Mezzanines	When a second floor open area or balcony exists, 100% of the total CFF shall be charged.								
Change of Use for Existing Buildings	With the exception of shell buildings, any alteration or change of use to an existing building does not trigger the payment of CFF provided that no additional square footage is added. If additional square footage is added, the CFF shall be charged based on the additional square footage and land use. Should the change of use fall within a lower land use category, no refunds or credits for the previously paid CFF shall be made.								
Ancillary Recreation Buildings	The CFF paid on the dwelling unit or room basis is deemed adequate for ancillary recreation buildings such as mobile home clubhouses, cabanas, weight rooms, lounges, or activity buildings which are primarily oriented to the residential development.								
Accessory Dwelling Unit	<p>California law (Government Code §65852.2) exempts Accessory Dwelling Units (ADU) less than 750 square feet. from local impact fees and requires that fees for an ADU of 750 square feet or greater must be charged proportionately in relation to the square footage of the primary dwelling unit. For example, if an ADU is 900 square feet and the primary dwelling unit is an 1,800 square foot single family home, the impact fees can't be greater than 50% of the single-family CFF rate. Fee Calculation: (900 sq. ft./1,800 sq. ft.) * \$15,016 = \$7,508 (50% of the single-family CFF rate). However, in no event shall the impact fees for the ADU exceed the CFF rate for Multi-Family residential.</p> <table border="1" data-bbox="661 1179 1402 1424"> <thead> <tr> <th colspan="2" data-bbox="661 1179 1402 1222">CFF ADU Impact Fee Example*</th> </tr> </thead> <tbody> <tr> <td data-bbox="661 1222 1268 1263">Primary dwelling gross floor area (sq. ft.)</td> <td data-bbox="1268 1222 1402 1263">100%</td> </tr> <tr> <td data-bbox="661 1263 1268 1304">Proposed Accessory Dwelling Unit Size (sq. ft.)</td> <td data-bbox="1268 1263 1402 1304">50%</td> </tr> <tr> <td data-bbox="661 1304 1268 1352">ADU Impact Fee Total</td> <td data-bbox="1268 1304 1402 1352">\$7,508.00</td> </tr> </tbody> </table> <p data-bbox="661 1401 1119 1424">*\$15,016 CFF Single Family Residential/Dwelling</p>	CFF ADU Impact Fee Example*		Primary dwelling gross floor area (sq. ft.)	100%	Proposed Accessory Dwelling Unit Size (sq. ft.)	50%	ADU Impact Fee Total	\$7,508.00
CFF ADU Impact Fee Example*									
Primary dwelling gross floor area (sq. ft.)	100%								
Proposed Accessory Dwelling Unit Size (sq. ft.)	50%								
ADU Impact Fee Total	\$7,508.00								

TABLE 3 - CFF CREDITS AND EXEMPTIONS

TYPE	DESCRIPTION & QUALIFICATIONS	REQUIREMENTS (Prior To Issuance of a Building Permit)
RESIDENTIAL	Accessory Dwelling Unit <ul style="list-style-type: none"> ▪ Second dwelling unit located adjacent or connected a single-family dwelling unit. ▪ Units less than 750 sq. ft. 	<ul style="list-style-type: none"> ▪ No Charge
	Very Low and Low Income Housing <ul style="list-style-type: none"> ▪ Any Very Low and Low Income housing units constructed or expanded by the Housing Authority of the County of Stanislaus or by any entity in which the Housing Authority is a major partner. 	<ul style="list-style-type: none"> ▪ Application ▪ City Manager Approval if project meets all requirements, otherwise CC approval.
	CHDO Housing <ul style="list-style-type: none"> ▪ Housing constructed or expanded by a CHDO Organization that will be made affordable to households earning sixty (60%) or less of the Area Median Income. ▪ CDHO Organization must meet all CDHO Housing qualification for ten (10) year period and residential units must satisfy affordability requirements for 10 year period. ▪ If a resale or refinance occurs within the ten (10) year period, the new buyer will be allowed to assume the remainder of the exemption if the buyer meets the CHDO Housing criteria. ▪ Staff reports for exemption request shall indicate the cumulative inventory of exempt units and the percent of anticipated total exempt units at build out. The staff report shall also provide a comparison of units to total units built since 1989. ▪ <i>If a resale or refinance occurs within the ten (10) year period and the new buyer does not qualify for the exemption, full payment of CFF, equal to the CFF in effect when building permits were issued, would become due, with no interest thereon.</i> 	<ul style="list-style-type: none"> ▪ Application ▪ Agreement, Promissory Note, Deed of Trust ▪ CH & CDC Approval ▪ City Manager Approval if project meets all requirements, otherwise CC approval.
	Very Low Income Housing <ul style="list-style-type: none"> ▪ Housing constructed or expanded that will be made affordable to households earning fifty (50%) or less of the Area Median Income. ▪ Residential units must be maintained as affordable to Very Low Income households for a period of 10 years. ▪ If a resale or refinance occurs within the ten (10) year period, the new buyer will be allowed to assume the remainder of the exemption if the buyer meets the Very Low Income criteria. ▪ Staff reports for exemption request shall indicate the cumulative inventory of exempt units and the percent of anticipated total exempt units at build out. The staff report shall also provide a comparison of units to total units built since 1989. ▪ <i>If a resale or refinance occurs within the ten (10) year period and the new buyer does not qualify for the exemption, full payment of CFF would become due, with no interest thereon.</i> 	<ul style="list-style-type: none"> ▪ Application ▪ Agreement, Promissory Note, Deed of Trust ▪ CH & CDC Approval ▪ City Manager Approval if project meets all requirements, otherwise CC approval.
	Shelters <ul style="list-style-type: none"> ▪ Any facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary or transitional shelter for the homeless in general or for special populations of the homeless. (Examples include emergency shelters, transitional housing and Safe Havens) 	<ul style="list-style-type: none"> ▪ No Charge
	Recreational Buildings <ul style="list-style-type: none"> ▪ For residential projects, the CFF on a dwelling unit or room basis are deemed adequate for ancillary recreation buildings that are oriented and primary to the residential development. ▪ Mobile home park club houses, cabanas, weight rooms, lounges, and activity buildings. 	<ul style="list-style-type: none"> ▪ No Charge
	Alterations & Additions <ul style="list-style-type: none"> ▪ Any alteration or addition to a residential structure provided that no new dwelling units are created. 	<ul style="list-style-type: none"> ▪ No Charge
	Single-Family Replacement & Reconstruction <ul style="list-style-type: none"> ▪ Any replacement or reconstruction of a residential structure that has been destroyed or demolished provided that no new dwelling units are created. ▪ Satisfactory documentation must be presented to the CFF Administrator of the existence of the previous residential structure. ▪ Non-transferrable. ▪ The residential structure is located on the same property of the demolished or abandoned residential structure. 	<ul style="list-style-type: none"> ▪ No Charge
	Multi-Family Replacement & Reconstruction <ul style="list-style-type: none"> ▪ Any replacement or reconstruction of a multi-family residential structure that has been destroyed or demolished provided that the square footage of the new structure is equal to or less than that of the previous structure and the number of units in the new structure is equal to or less than that of the previous structure. ▪ Satisfactory documentation must be presented to the CFF Administrator of the existence of the previous multi-family residential structure. ▪ Non-transferrable. 	<ul style="list-style-type: none"> ▪ No Charge

	<ul style="list-style-type: none"> ▪ The new multi-family residential structure is located on the same property of the demolished or abandoned multi-family residential structure. 	
--	---	--

TABLE 3 - CFF CREDITS AND EXEMPTIONS (Con't.)

TYPE		DESCRIPTION & QUALIFICATIONS	REQUIREMENTS (Prior To Issuance of a Building Permit)
RESIDENTIAL	Replacement due to Eminent Domain	<ul style="list-style-type: none"> ▪ Any replacement of an existing building that has been or shall be vacated due to eminent domain proceedings, or the threat of such proceedings. ▪ Building permit for replacement structure must be applied for within two (2) years after the transfer of title or within two (2) years after the property has been vacated. ▪ No additional dwelling units are created and no additional square footage is added. ▪ Use is not devoted to a higher-density capacity and/or does not result in the generation of additional peak hour trip ends. ▪ Satisfactory documentation must be presented to the CFF Administrator of the existence of the previous building and land use type. ▪ The new building is located on the same property of the demolished or abandoned building. ▪ Non-transferrable. ▪ <i>Exception: If the new building is CFF Land Use that is intensified from the CFF Land Use of the previous building, the incremental difference between the new building CFF Land Use and the previous building CFF Land Use shall be due at building permit issuance.</i> ▪ <i>Exception: Additional square footage added shall be subject to payment of applicable CFF at building permit issuance.</i> 	<ul style="list-style-type: none"> ▪ No Charge ▪ Time Sensitive
COMMERCIAL	Sales & Construction Trailers	<ul style="list-style-type: none"> ▪ Maximum term use of two (2) years. 	<ul style="list-style-type: none"> ▪ No Charge
	All Other Trailers	<ul style="list-style-type: none"> ▪ All other types of temporary trailers are charged the full CFF. The CFF is refundable (less 2.5% administrative fee) if requested, in writing, within six (6) years of payment of the CFF. 	<ul style="list-style-type: none"> ▪ CFF Charged ▪ Refundable
	Truck Loading Bays	<ul style="list-style-type: none"> ▪ Canopied and enclosed and not used as staging area for storage or protection or product. 	<ul style="list-style-type: none"> ▪ No Charge
	Parking Garages	<ul style="list-style-type: none"> ▪ Public and private garages. 	<ul style="list-style-type: none"> ▪ No Charge
	Agricultural	<ul style="list-style-type: none"> ▪ Shade structures, lath houses, and netted areas. 	<ul style="list-style-type: none"> ▪ No Charge
	Outdoor Dining Patio	<ul style="list-style-type: none"> ▪ Uncovered and enclosed dining areas. 	<ul style="list-style-type: none"> ▪ No Charge
	Commercial Replacement & Reconstruction	<ul style="list-style-type: none"> ▪ Any replacement or reconstruction of a non-residential structure that has been destroyed or demolished. ▪ New building is located on the same property as the destroyed or demolished building. ▪ Based on prior CFF Land Use and building square footage. ▪ Non-transferrable. ▪ Satisfactory documentation must be presented to the CFF Administrator of the existence of the previous building and land use type. ▪ The new building is located on the same property of the demolished or abandoned building. ▪ <i>Exception: Additional square footage added shall be subject to payment of applicable CFF at building permit issuance.</i> 	<ul style="list-style-type: none"> ▪ No Charge
Tenant Improvements (excluding Shell Buildings) and Changes of Use	<ul style="list-style-type: none"> ▪ Any alteration or change of use to an existing building, if no new square footage is added. ▪ No refunds for diminished use capacities or reduced square footage. ▪ <i>Exception: Additional square footage added shall be subject to payment of applicable CFF at building permit issuance.</i> 	<ul style="list-style-type: none"> ▪ No Charge 	

TABLE 3 - CFF CREDITS AND EXEMPTIONS (Con't.)

TYPE		DESCRIPTION & QUALIFICATIONS	REQUIREMENTS (Prior to Issuance of a Building Permit)
COMMERCIAL	Tenant Improvements in Shell Buildings and Changes of Use	<ul style="list-style-type: none"> ▪ Tenant improvements within a shell building if the improved use is (1) devoted to the same CFF Land Use that the Shell Building paid or (2) is devoted to a CFF Land Use with a lower impact. ▪ No refunds for diminished use capacities or reduced square footage. ▪ <i>Exception: If tenant improvements are for a CFF Land Use that is intensified from what was paid for the Shell Building, the incremental difference between the Shell Building CFF Land Use and the Tenant Improvement CFF Land Use shall be due at building permit issuance.</i> ▪ <i>Exception: Additional square footage added shall be subject to payment of applicable CFF at building permit issuance.</i> 	<ul style="list-style-type: none"> ▪ No Charge
	Replacement due to Eminent Domain	<ul style="list-style-type: none"> ▪ Any replacement of an existing building that has been or shall be vacated due to threat of/or eminent domain proceedings. ▪ Building permit for replacement structure must be applied for within two (2) years after the transfer of title or within two (2) years after the property has been vacated. ▪ No additional dwelling units are created and no additional square footage is added. ▪ The use is not devoted to a higher-density capacity and does not result in the generation of additional peak hour trip ends. 	<ul style="list-style-type: none"> ▪ No Charge ▪ Time Sensitive
	Commercial/Industrial Relocation Credit	<ul style="list-style-type: none"> ▪ Transfer of CFF credit from existing building to a new building. ▪ Project involves commercial and/or industrial job retention of at least twenty-five (25) jobs or redevelopment of blighted area. ▪ Beneficiary of the relocation credit must be the owner of the existing building or the existing building was demolished and paid CFF when rebuilt. 	<ul style="list-style-type: none"> ▪ No Charge ▪ CC Approval

TABLE 4 - CFF DEFERRALS

TYPE	DESCRIPTION	QUALIFICATIONS	REQUIREMENTS (Prior to Issuance of a Building Permit)
Low Income Housing	<ul style="list-style-type: none"> ▪ Payment of CFF is deferred for twenty (20) years (“Deferral Period”). No payments are due during the first five (5) years. Annual payments of principal and simple interest begin in the sixth (6th) year. ▪ Interest will not accrue during the first five (5) years. ▪ In the sixth (6th) year, simple interest will be calculated at the rate of 5%. Interest may be waived with approval of the City Council. ▪ A lien is placed on the property. ▪ If the property is sold or refinanced within the Deferral Period, the new buyer will be allowed to assume the Deferral Payment Agreement if the buyer continues to satisfy the affordability requirements. ▪ If the property is sold or refinanced within the Deferral Period and the buyer does not qualify to assume the Deferral Payment Agreement, the full CFF deferral, including interest, would become due immediately. ▪ Interest penalties apply if fees are not paid within the Deferral Period. ▪ CFF fee and accrued interest become immediately due if housing unit no longer meets affordability requirements. 	<ul style="list-style-type: none"> ▪ Any housing unit that is affordable to Low Income Housing unit constructed by any person or entity. ▪ The housing unit must be purchased by, or rented to, a homebuyer earning between fifty-one and eighty percent (51 – 80%) of the Area Median Income who will use it as their principal place of residence for the duration of the deferral time period. The units must be sold or rented at an affordable price, such that tenant does not pay more than 30% of adjusted household income for housing costs. ▪ The affordability restrictions must be in place for 30 years. 	<ul style="list-style-type: none"> ▪ Application ▪ Deferred Payment Agreement and Notice of Lien ▪ Promissory Note ▪ City Deed of Trust ▪ CH&CDC Approval ▪ City Manager Approval if project meets all requirements, otherwise CC approval.
Commercial, Industrial and Multi-Family	<ul style="list-style-type: none"> ▪ Twenty percent (20%) of total CFF paid at building permit issuance. ▪ Remaining eighty percent (80%), plus interest, paid annually over five (5) years. ▪ Interest is equal to the five percent (5%) or the Wall Street Journal Prime Rate in effect at the time of Agreement execution, whichever is greater. Interest may be waived with approval of the City Council ▪ A lien is placed on the property. ▪ If the property is sold or transferred within the deferral period, payment of the full CFF deferral, including interest, would become due immediately. ▪ Interest penalties apply if fees are not paid within the deferral period. 	<ul style="list-style-type: none"> ▪ Any commercial, industrial or multi-family development project in which CFF is being assessed. ▪ For those projects where a mitigated negative declaration or an Environmental Impact Report (EIR) has been certified, no CFF deferral shall be allowed to the extent that one (1) or more of the mitigation measures consists of payment of CFF or construction or installation of a public improvement, the cost of which, subject to funding availability, may be eligible for reimbursement of CFF. 	<ul style="list-style-type: none"> ▪ Application ▪ Deferral of CFF, Water Connection and/or Wastewater Capacity Agreement and Notice of Lien ▪ Promissory Note ▪ Deed of Trust ▪ \$250 Administrative Fee ▪ \$500 Title Report Fee ▪ CH&CDC Approval ▪ City Manager Approval if project meets all requirements, otherwise CC approval.
Single-Family Residential	<ul style="list-style-type: none"> ▪ Payment of CFF, as well as water connection and/or waste water capacity fees, may be deferred until final inspection. ▪ A lien is placed on the property. ▪ If the property is sold or transferred within the deferral period, payment of the full CFF deferral would become due immediately. ▪ Interest penalties apply if fees are not paid within the deferral period. 	<ul style="list-style-type: none"> ▪ Any single-family residence may apply for deferral 	<ul style="list-style-type: none"> ▪ Application ▪ Deferral of CFF, Water Connection and/or Wastewater Capacity Agreement and Notice of Lien

			<ul style="list-style-type: none">▪ City Manager Approval if project meets all requirements, otherwise CC approval
--	--	--	--

TABLE 5 - CFF FEE SCHEDULE

2020-2021 CFF PROGRAM - Development within City Limits									
Fee Category	Unit Measure Per	Streets	Public Transp.	Parks & Air Quality	Police	Fire	General Gov't.	Admin	Total
Single-Family Residential	Dwelling Unit	\$ 6,822	\$ 99	\$ 6,248	\$ 634	\$ 395	\$ 522	\$ 296	\$ 15,016
Multi-Family Residential	Dwelling Unit	4,726	69	4,299	382	182	320	159	10,138
Senior Housing	Dwelling Unit	4,116	37	4,193	372	178	314	113	9,323
Hotel/Motel	Room	3,548	62		144	69	121	89	4,034
Retail <50,000 SF	1,000 SF	10,256	204		172	83	145	277	11,137
Retail 50,000-100,000 SF	1,000 SF	8,514	168		172	82	144	231	9,310
Retail 100,000-300,000 SF	1,000 SF	7,186	142		173	83	145	196	7,924
Retail >300,000 SF	1,000 SF	6,704	130		172	82	145	183	7,416
Medical Office	1,000 SF	12,956	259		287	138	240	357	14,237
General Office	1,000 SF	6,269	111		287	138	241	161	7,208
Hospital	1,000 SF	9,085	160		287	138	241	226	10,137
Daycare	1,000 SF	5,017	88		287	138	241	130	5,902
Church	1,000 SF	1,069	19		291	139	245	37	1,800
Nursing Home	1,000 SF	1,565	27		290	139	244	49	2,313
Industrial (Manufacturing)	1,000 SF	2,431	42		123	59	103	62	2,821
Industrial (Warehousing)	1,000 SF	1,704	30		124	59	103	46	2,066

2020-2021 CFF PROGRAM - Development within City's Sphere of Influence									
Fee Category	Unit Measure Per	Streets	Public Transp.	Parks & Air Quality	Police	Fire	General Gov't.	Admin	Total
Single-Family Residential	Dwelling Unit	\$ 7,417	\$ 79	\$ 1,504				\$ 191	\$ 9,191
Multi-Family Residential	Dwelling Unit	5,338	57	953				130	6,478
Senior Housing	Dwelling Unit	3,123	34	1,043				103	4,304
Hotel/Motel	Room	3,739	39					56	3,834
Retail <50,000 SF	1,000 SF	10,669	112					155	10,936
Retail 50,000-100,000 SF	1,000 SF	8,883	93					130	9,106
Retail 100,000-300,000 SF	1,000 SF	7,530	80					111	7,720
Retail >300,000 SF	1,000 SF	7,034	76					103	7,213
Medical Office	1,000 SF	13,564	144					199	13,907
General Office	1,000 SF	6,639	69					101	6,810
Hospital	1,000 SF	9,500	100					142	9,743
Daycare	1,000 SF	5,357	57					83	5,496
Church	1,000 SF	1,282	13					27	1,323
Nursing Home	1,000 SF	1,808	19					34	1,861
Industrial (Manufacturing)	1,000 SF	2,584	27					39	2,650
Industrial (Warehousing)	1,000 SF	1,844	20					29	1,893

Adopted _____
Resolution No. _____

APPENDIX A - DEFINITIONS

The intent and meaning of the terms that are used shall be as defined in these CFF Policies & Procedures except as specifically noted, revised or added.

Definitions – A

Accessory Dwelling Unit. An accessory dwelling unit (ADU) is a smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home or multi-family structure. ADUs go by many different names including accessory apartments, secondary suites, and granny flats. ADUs can be converted portions of existing homes (i.e., internal ADUs), additions to new or existing homes (i.e., attached ADUs), or new stand-alone accessory structures or converted portions of existing stand-alone accessory structures (i.e., detached ADUs).

Applicant. The applicant for a building permit for which an impact fee is due pursuant to the provisions of these CFF Policies and Procedures.

Arterial. A moderate or high-volume street with four (4) to six (6) travel lanes which carries large volumes of traffic between areas in urban centers, with flow usually consisting of large, signaled intersections with other arterials and many collector roads.

Definitions – B

Banks. Full service banking institutions with or without drive up windows.
(CFF Rate = Retail)

Building Inspection. The Building Safety Division of the Community & Economic Development Department for the City of Modesto.

Building Safety Division. The Building Safety Division of the Community & Economic Development Department for the City of Modesto.

Definitions – C

Capital Facilities Fee. Impact fees established to mitigate the impacts of new development as outlined in §66000 of the California Government Code for the purchase, construction, expansion, rehabilitation, or acquisition of public facilities.

Certificate of Occupancy. Final sign off of a building permit.

CHDO Housing. Shall mean housing found to be affordable to households earning sixty percent (60%) or less of the Area Median Income as determined from time to time by the United States Department of Housing and Urban Development.

CHDO Organization. A specific type of nonprofit organization that has been certified by HOME Investment Partnership Program (HOME) as a Community Housing Development Organization.

CFF Administrator. The Administrator of the Infrastructure Financing Programs for the City of Modesto.

Church. Structures primarily designed or used as a place of public worship.
(*CFF Rate = Church*)

City. The City of Modesto.

City Attorney. The City Attorney, or his or her designee, of the City of Modesto.

City Council. The City Council of the City of Modesto (CC).

City Engineer. The City Engineer, or his or her designee, of the City of Modesto.

Collector. A low or moderate-capacity road, usually consisting of a mixture of signaled intersections with arterial roads and signals, circles or stop signs with other collector and local roads.

Commercial. Commercial and retail uses. (*CFF Rate = Retail*)

Community & Economic Development. The Community & Economic Development Department of the City of Modesto.

Convenience Markets. Convenience markets, with or without on-site pumps and open 24 hours or extended hours. (*CFF Rate = Retail*)

Definitions – D

Daycare/School. An educational, vocational or daycare facility.
(*CFF Rate = Daycare*)

Development Project. Any project undertaken for the purpose of development. Development projects include projects involving issuance of a permit for construction or reconstruction but not a permit to operate.

Developer. See Applicant.

Director. Director of Community and Economic Development.

Definitions – E

Expressway. A high-volume, access-controlled roadway with three classes consisting of four (4) to six (6) lanes where spacing between interchanges with arterial roadways is limited to one mile.

Definitions – F

Facilities. See Public Facilities

Fee. A monetary exaction other than a tax or special assessment whether established for a broad class of projects by legislation of general applicability or imposed on a specific project on an ad-hoc basis, that is charged by a local agency to the applicant in conjunction with approval of a development project for the purposes of defraying all or a portion of the cost of public facilities related to the development project. This does not include fees specified in §66477, fees for processing applications for governmental regulatory actions or approvals, fees collected under development agreements adopted pursuant to Article 2.5 (commencing with §65864) of Chapter 4, or fees collected pursuant to agreements with redevelopment agencies which provide for their development of property in furtherance or for the benefit of a development project for which a redevelopment plan has been adopted pursuant to the Community Redevelopment Law (Part 1 (commencing with §33000) of Division 24 of the Health and Safety Code).

Fee Payer. See Applicant.

Finance. The Finance Department of the City of Modesto.

Definitions – G (Reserved)

Definitions – H

Hospital. A structure designed for health services, both inpatient and outpatient; that includes surgical care of the sick, injured or the physically ill and/or therapeutic treatment for the mentally ill. Included as an integral part of a hospital are laboratories, outpatient departments, training facilities, central services facilities, and hospital staff offices on the same site. The preceding ancillary uses are considered “professional offices” if located off-site unless a multi-site campus is covered by a P-D Zone or hospital uses. A separate set of offices on the same site for physicians is considered “professional offices.” (*CFF Rate = Hospital*)

Definitions – I

Improvements. See Public Facilities.

Industrial Land Use. (*CFF Rate = Industrial(Manufacturing)*)

Manufacturing, Light Industrial & Industrial Parks Uses:

- Electronic assembly, paper products
- Metal fabricator

- Bottling plant
- Cabinet shop
- Machine shop
- Sheet-metal shop
- Welding shop
- Wholesale shop
- Printing plant
- Mini-warehouse
- Materials testing labors manufacturer
- Food processor, brewery, bakery
- Recycling facility
- Burning operations for lumber and wood products
- Junk handling, processing and storage
- Landfill and waste products disposal or transfer station
- Manufacture, fabrication, processing, packaging and treatment of explosives, oil, great products, chemicals, and chemical products.
- Rock crushing
- Pulp and paper mill
- Reduction, processing, and storage of offal, dead animals, bones or similar materials
- Septic tank and cesspool services
- Stockyard
- Tannery
- Vehicle salvaging and wrecking

Mixed Industrial Uses

When a development project contains more than an incidental mixture of uses, the general types of uses should be segregated and treated separately for the purposes of calculating development fees.

Definitions – L

Low Income Housing. Housing found to be affordable to households earning fifty-one to eighty (51 - 80%) percent of the Area Median Income as determined from time to time by the United States Department of Housing and Urban Development.

Definitions – M

Medium Density Residential. Duplex or triplex buildings located on a single lot designated for occupancy by two (2) or three (3) families. (*CFF Rate = Multi-Family Residential*)

Multi-Family Residential. Multiple family dwelling units of several types, including high and low rise apartments, high and low rise condominiums, and multi-family residential planned unit developments greater than a density of ten (10) units per

acre. The category also applies to mobile homes. *(CFF Rate = Multi-Family Residential)*

Definitions – N

Nursing Home. Structures designated for use as a convalescent hospital, retirement home, or a twenty-hour care center for seven (7) or more persons in addition to members of the family. *(CFF Rate = Nursing Home)*

Definitions – O

Office (General). General and professional offices excluding medical offices. *(CFF Rate = General Office)*

Office (Medical). Offices and clinics devoted to the practice of medical and dental professions or providing medical or dental services, including pseudo-medical services, but excluding hospitals and nursing homes which are treated separately. *(CFF Rate = Medical Office)*

Definitions – P

Parks, Recreation & Neighborhoods. The Parks, Recreation & Neighborhoods Department of the City of Modesto.

Public Facilities. Public buildings include the following:

- Public buildings including park, recreation, police, fire and administration buildings.
- Facilities for storage, treatment, and distribution of nonagricultural water.
- Facilities for the collection, treatment, reclamation and disposal of water.
- Facilities for the collection and disposal of storm waters and for flood control purposes.
- Facilities for the generation of electricity and the distribution of gas and electricity.
- Facilities for the distribution of information, including radio and communication like towers and satellite dishes.
- Transportation and transit facilities, including but not limited to streets and supporting improvements, roads, overpasses, bridges, harbors, ports, airports, parkways and related facilities.
- Parks and recreation facilities, including bike trails, public landscape areas and community centers.

Public Works. The Public Works Department of the City of Modesto.

Definitions – Q (Reserved)

Definitions – R

Recreational Buildings. Ancillary recreational buildings that are oriented primarily to a residential development.

Restaurants (Fast Food). Fast food restaurants with or without sit-down facilities and with or without drive up windows. Generally food is ordered and taken to be consumed outside the restaurant building, however some on-site seating is usually provided. *(CFF Rate = Retail)*

Restaurants (Sit-Down – high turnover). Sit-down restaurants where food is ordered and consumed in the restaurants and customers generally stay less than one (1) hour. Sit-down restaurants typically serve breakfast, lunch or dinner and also include drinking establishments such as bars and cocktail lounges. *(CFF Rate = Retail)*

Restaurants (Sit-Down – low turnover). Sit-down restaurants which generally have turnover rates of one (1) hour or longer and typically do not serve breakfast, and may or may not serve lunch. *(CFF Rate = Retail)*

Retail. Includes a wide range of retail service uses, both freestanding and in shopping centers, including but not limited to supermarkets, drug stores, department stores, general merchandise, building materials or lumber stores, specialty retail stores, discount stores, hardware/paint stores, video arcades, and new and used car sales, auto repair shops, and car washes. *(CFF Rate = Retail)*

Definitions – S

Savings & Loans. Includes thrift and credit unions, with or without drive-up windows and which typically offer fewer financial services than banks and are smaller in gross floor area than banks. If a given Savings & Loan is 5,000 gross feet or more, or provides full banking services, it should be treated as a bank. *(CFF Rate = Retail)*

Senior Housing Residential. Retirement communities restricted to adults or senior citizens, congregate care facilities, and similar residential uses. *(CFF Rate = Senior Housing Residential)*

Shelter. Any facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary or transitional shelter for the homeless in general or for special populations of the homeless.

Single-Family Residential. Single-family detached homes on individual lots, such as in residential subdivisions, but could also be in planned developments. Density of development may vary, but is typically ten (10) dwellings per acre or less. *(CFF Rate = Single-Family Residential)*

Square Foot (sf). As used for the calculation of impact fees is the same as the square footage for determination of the issuance of building permits.

Definitions – T (Reserved)

Definitions – U

Utility Planning & Projects. The Utility Planning & Projects Department of the City of Modesto.

Definitions – V

Very Low Income Housing. Shall mean housing found to be affordable to households earning fifty percent (50%) or less of the Area Median Income as determined from time to time by the United States Department of Housing and Urban Development.

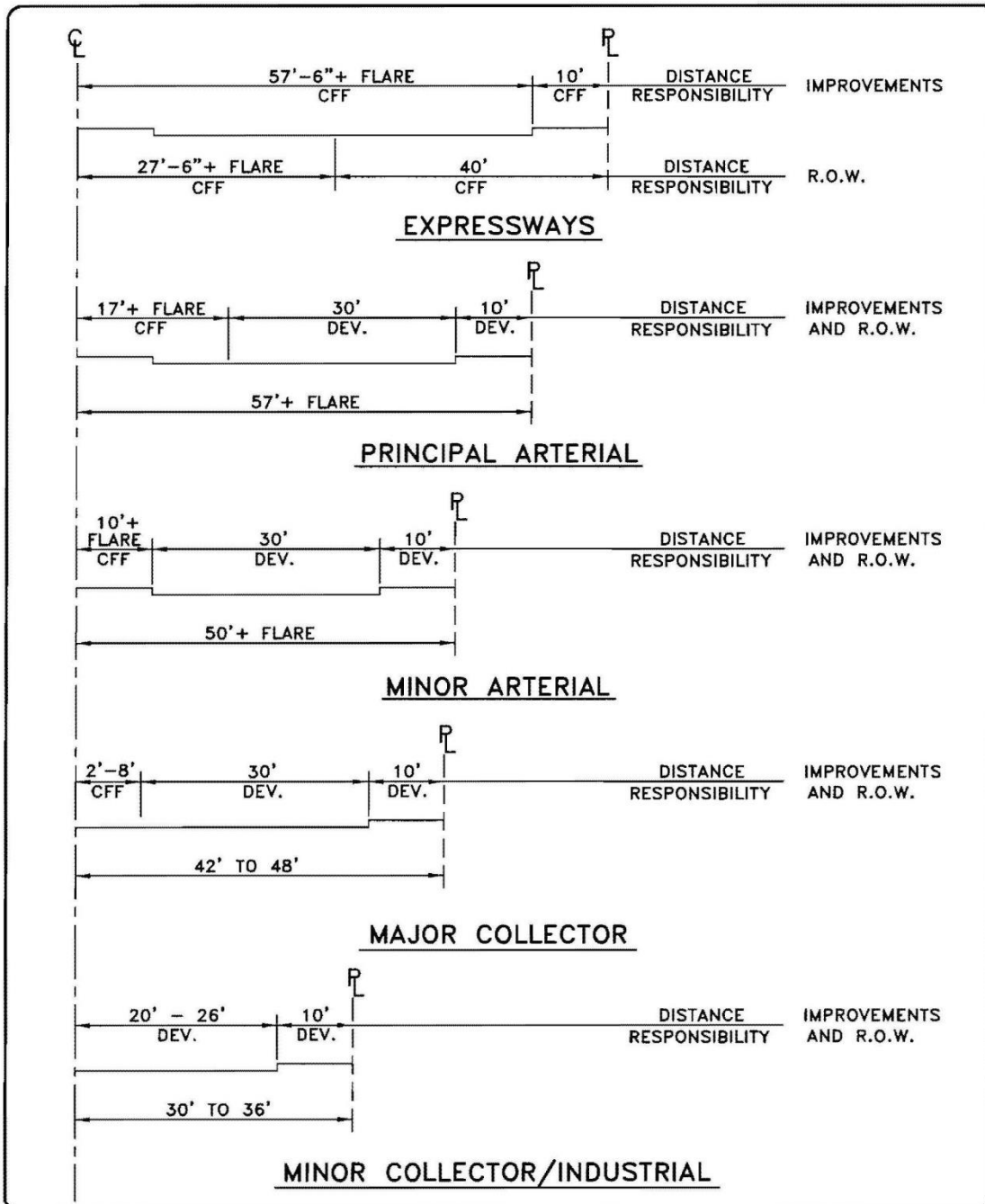
Definitions – W

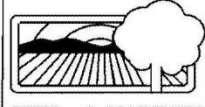

Warehouse Distribution & Heavy Land Use. Facilities in which the primary activity is the storage of materials or in which the primary activity is receiving and shipping of materials. Uses which are considered to be in this category include freight, warehousing, corporation yard, freight yard, equipment rental yard, moving and storage services, bulk feed storage and lumberyard.

(CFF Rate = Industrial (Warehousing))

Definitions X,Y, & Z (Reserved)

APPENDIX B - STREET EXACTIONS POLICY



APPROVED BY CITY COUNCIL RESOLUTION NO. 2006-284	STREETS STREET EXACTIONS POLICY	 CITY of MODESTO
APPROVED BY THE CITY ENGINEER: 	PUBLIC WORKS DEPARTMENT	DETAIL NO. 323

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-408**

**RESOLUTION APPROVING THE APPOINTMENT OF ANGELA
CANGIAMILLA TO THE MODESTO CONVENTION AND VISITORS BUREAU
BOARD OF DIRECTORS FOR A FOUR YEAR TERM RETROACTIVE TO
JANUARY 1, 2020 THROUGH JANUARY 1, 2024**

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

WHEREAS, on August 27, 2020, the Appointment Committee unanimously recommended for approval the appointment of Angela Cangiamilla to fill one vacancy of the Modesto Convention and Visitors Bureau Board, and forwarding to Council for approval, and

WHEREAS, the appointment will be for four year retroactive to January 1, 2020 to January 1, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints Angela Cangiamilla to the Modesto Convention and Visitors Bureau Board of Directors for a four year term retroactive to January 1, 2020 to January 1, 2024.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Modesto Convention and Visitors Bureau, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-409**

**RESOLUTION APPROVING REQUIREMENTS FOR ANNUAL TRAINING OF
CERTAIN CITY OF MODESTO EMPLOYEES AND OFFICIALS REGARDING
MUNICIPAL DISCLOSURE RESPONSIBILITIES**

WHEREAS, as an issuer of municipal securities, the City's employees and officials must regularly review their responsibilities and internal processes to ensure continuing compliance with the Securities Act, and

WHEREAS, the City's recent update of its Debt Management Policy – which was adopted at the April 28, 2020 Council meeting with Resolution 2020-192 – included updated language requiring annual training for certain City employees and officials, and

WHEREAS, the City contracts with Norton Rose Fulbright to provide legal counsel for bonds and related issues, and

WHEREAS, the training presented under the **Attachment** – Training Presentation will be designed to meet the requirements of applicable securities laws and the City's Debt Management Policy.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts requirements for annual training of certain City of Modesto employees and officials regarding municipal disclosure responsibilities.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney



CITY OF MODESTO: DISCLOSURE RESPONSIBILITIES UNDER THE FEDERAL SECURITIES LAWS

August 24, 2020

Presented by:

Dave Angelo Sanchez, Senior Counsel

Norton Rose Fulbright US LLP



Why this Training?

- SEC repeatedly emphasizes that disclosure is primarily the issuer's responsibility because issuer officials and staff are in the best position to know material facts.
- Issuer should raise material facts for outside counsel to analyze for securities law purposes
- Training on disclosure roles and responsibilities as well as disclosure policies can demonstrate the “reasonableness” of an issuer's actions with respect to disclosure decisions.
- We will review some SEC enforcement actions that highlight the way various issuer officials and staff are responsible for disclosure.



Current SEC Initiatives

- SEC Enforcement Division has a specialized Unit focused on Public Finance Abuse – 30+ attorneys around the country.
- Dodd-Frank Act has given SEC new power to obtain fines in administrative actions. This means the SEC is more likely to fine issuer officials for disclosure violations.
- All this reflects long-standing agenda at the SEC to move municipal market closer to corporate market standards, particularly for continuing (ongoing) disclosure.



Current SEC Initiatives

- **Does it matter if specific harm to investors can be demonstrated?** No. In short, one of the SEC's purposes is to maintain fair, orderly and efficient markets and (unlike private litigants) the SEC is not required to allege harm with respect to disclosure violations.



When do Disclosure Rules Apply?

- Primary Disclosure/new offerings (POS and Official Statement): **Issuer has primary responsibility** because issuer and issuer officials and staff are in best position to know material facts.
- Annual report under Rule 15c2-12 (continuing disclosure)
- Any other circumstance where an Issuer is “speaking to the market” such as voluntary disclosure. *Generally no requirement to update or correct statements previously made – even Rule 15c2-12 does not require a notice filing for “other material events.”*



Federal Securities Laws – The Securities Act of 1933

- 1933 Act has two substantive rules:
 - Registration requirement
 - Antifraud rule
- Municipal securities are exempt from the registration requirement, but are subject to antifraud rule
- Section 17(a)(2) prohibits any person from, directly or indirectly, obtaining money or property by means of any untrue statement of a *material* fact or by a misleading omission.



Securities Exchange Act of 1934 and Rule 10b-5

- 1934 Act contains antifraud provisions
- 1975 amendments to 1934 Act made it clear that antifraud provisions apply to government issuers

Rule 10b-5 states “It shall be unlawful for any person ...

- a) To employ any device, scheme or artifice to defraud,
- b) To make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading ...”
 - No material misstatements
 - No materially misleading omissions



Levels of Potential Guilt Under Anti-fraud Rules

- **Negligence (Rule 17(a)(2))**
- Recklessness (Rule 17(a)(2) or Rule 10b-5)
- Intent to defraud (“scienter”) (Rule 17(a)(2) or Rule 10b-5)
- If anti-fraud rules can be boiled down to the admonition “don’t lie,” the fact that certain charges can be brought by the SEC based on negligence means that the test really is “don’t accidentally lie.” This includes neglecting to mention material information as well as including inaccurate information.



Possible Sanctions for Anti-fraud Violations

- SEC increasingly imposing sanctions on individual municipal officials. These generally involve civil penalties and bars from the industry. May involve separate legal representation and cost to the individual.
- Other sanctions available to the SEC against the issuer include (i) cease-and-desist orders prohibiting future violations of the securities laws and (ii) retrurn of improperly obtained funds, if any.
- Investors may also bring an action against an issuer if they can demonstrate reliance on and damages from false or misleading disclosure made intentionally or recklessly (but not negligently).
- Primary risk is an SEC action because it is easier to show negligence and there is no requirement to show monetary harm.



Possible Sanctions for Anti-fraud Violations

- In extreme cases, the SEC may refer a case to the DOJ and criminal actions may be brought, with penalties that may include imprisonment.
- Other consequences of SEC actions include
 - (i) fees for lawyers and expert witnesses,
 - (ii) adverse publicity and political upheaval,
 - (iii) loss of market access or increased borrowing costs (rating downgrades, loss of investor confidence, higher credit provider fees), and
 - (iv) costly ongoing requirements to impose procedures and oversight of bond issues



The “Materiality” Standard

- “[w]hether or not there is a substantial likelihood that a reasonable investor or prospective investor would consider the information important in deciding whether or not to invest.”
- Materiality is determined in context of all the facts and circumstances, but usually on a retroactive basis in court cases or SEC enforcement actions.
- When information pertains to a possible future event, “materiality will depend at any given time upon a balancing of both the indicated probability that the event will occur and the anticipated magnitude of the event.”
- *Cannot reduce materiality to a set percentage of revenues (5%). This can be a helpful point to start discussion but other factors will apply.*



SEC Guidance on Materiality – Accounting Issues

- Staff Accounting Bulletin No. 99
<https://www.sec.gov/interps/account/sab99.htm>
- *Cannot reduce materiality to a set percentage of revenues (5%). This can be a helpful point to start discussion but other factors will apply.*
 - Among the factors identified by the SEC that could make a quantitatively small misstatement material are –
 - whether the misstatement arises from an item capable of precise measurement or whether it arises from an estimate and, if so, the degree of imprecision inherent in the estimate
 - whether the misstatement masks a change in earnings or other trends
 - whether the misstatement hides a failure to meet expectations for the enterprise



SEC Guidance on Materiality – Accounting Issues

- whether the misstatement changes a loss into income or vice versa
- whether the misstatement affects the issuer’s compliance with regulatory requirements
- whether the misstatement affects the issuer’s compliance with loan covenants or other contractual requirements (Westlands)
- whether the misstatement has the effect of increasing management’s compensation – for example, by satisfying requirements for the award of bonuses or other forms of incentive compensation
- whether the misstatement involves concealment of an unlawful transaction
- This is not an exhaustive list of the circumstances that may affect the materiality of a quantitatively small misstatement



“Bespeaks Caution” Doctrine

- Optimistic forecasts or projections in an offering document are not fraudulent when accompanied by specific disclaimers or warnings of the risks associated with the investment.
- *In Re Donald J. Trump Casino Securities Litigation.*
- Financing for the Taj Mahal Casino in Atlantic City. Junk bonds. Plaintiffs challenged a statement in the prospectus that “[t]he Partnership believes that funds generated from the operations of the Taj Mahal will be sufficient to cover all of its debt service (interest and principal.)” This was accompanied by multiple specific risk disclosures about the bonds and the various circumstances under which they would not be able to be paid.



“Bespeaks Caution” Doctrine

- Courts reason that if a plaintiff receives the offering document, they are assumed to have read it in its entirety, and cannot selectively rely on optimistic language to the exclusion of other, cautionary statements. The warnings must be specific and tailored to the particular risks of the investment, however; boilerplate warnings about the riskiness of investing are not sufficient to counter allegations of misleading projections.
- SEC Staff recently underscored the importance of this doctrine in encouraging issuers to provide more voluntary disclosure about COVID-19 impacts



Disclosure Regarding Complex, Uncertain and Evolving Risks (COVID-19/Cybersecurity/Climate)

- In early 2019 SEC Staff provided guidance (non-binding) on how to provide disclosure about complex and evolving risks.
- Guidance would be applicable to COVID-19 issues.
- Merely stating that a risk exists and that it is an uncertain risk that could materially and adversely affect the issuer was considered to be “insufficient” to guide investors in a meaningful manner.
- Rather, disclosure on each of these topics should focus on what the issuer (City of Modesto) is actually knows about how the risk impacts them.
- Should also disclose what the City is doing with respect to each type or disclose that it has not yet taken any action.



Roles of Professionals with Respect to Disclosure

Why doesn't paying all of these professionals for their services absolve the City and City officials and staff of responsibility for disclosure misstatements and omissions?

- Disclosure Counsel
- Bond Counsel
- Issuer's Counsel
- Underwriters and Underwriter's Counsel
- Municipal Advisor
- Accountants
- Feasibility Consultants

Most do not have an obligation to verify information provided by the City. (Allen Park)



Proper Reliance on Professionals by Issuers

- City of Miami. Required elements:
 - (i) Did you make complete disclosure to the professional regarding the issue,
 - (ii) Did you explicitly seek professional advice as to the appropriateness of the conduct (mere participation in the transaction is not enough),
 - (iii) Did you receive advice that the conduct was appropriate and
 - (iv) Did you rely on that advice in good faith.



Proper Reliance on Professionals by Issuers

- Allen Park, Michigan. In response to concern by the judge that only issuer officials in this small town were charged in connection with disclosure failings, the SEC submitted an affidavit explaining why it had not charged bond counsel, the underwriters or the municipal advisor in connection with misstatements made in the offering document.
 - Financial advisor drafted OS but was supplied with inaccurate information
 - Bond counsel retained for the limited purpose of providing validity and tax opinion
 - Competitive bid so lower threshold of due diligence for underwriters
 - No disclosure counsel



SEC Enforcement Actions – Lessons for Issuers

- SEC is increasingly focused on individual issuer official conduct making it important to have an understanding of what the federal securities laws actually prohibit and what types of conduct can trigger those prohibitions.
- SEC continues to require issuers to adopt policies and procedures as a condition of settlements of enforcement proceedings, including with respect to MCDC.



SEC Enforcement Actions – Lessons for Issuers

- In SEC’s view, prior use of “cease and desist” orders did not send strong enough message to issuers and issuer officials and staff.
- SEC continues to impose civil penalties against municipal officials.
 - City of Harvey, Illinois: \$10,000 penalty against sitting mayor and \$30,000 (plus disgorgement and interest) against former comptroller.
 - City of Allen Park, Michigan: \$10,000 penalty against former mayor.
 - Westlands Water District: \$50,000 penalty against general manager/general counsel. \$20,000 penalty against former assistant general manager.
 - Rhode Island Economic Development Commission: \$25,000 penalty against former executive director. \$25,000 penalty against former deputy director.



SEC Enforcement Actions – Lessons for Issuers

- Orange County, California – **Governing Board Responsibility**
 - **What happened?** Orange County filed for bankruptcy after a substantial drop in the value of its County investment pools. Amongst other things, County did not disclose its economic reliance on the investment results in the County investment pools and the risks of its investment strategy.
 - **What did the SEC do?** Order against the issuer officials (treasurer and assistant treasurer) stated that the treasurer and assistant treasurer acted with intent since they were involved in the daily management of the Orange County Investment Pools and directed the investments, giving them actual knowledge of material facts misstated or omitted from the Official Statements.



SEC Enforcement Actions – Lessons for Issuers

- Orange County, California – **Governing Board Responsibility**
- SEC also issued a Report of Investigation concerning the conduct of individual members of the Board of Supervisors. SEC found that:
 - the Board of Supervisors should have investigated and ensured adequate disclosure of the County’s finances;
 - Important fact was that Treasurer was supposed to provide periodic reports to Board on investments and had missed required reports
 - the Board of Supervisors cannot rely on its professional advisors for information within its knowledge, for example, budget information; and
 - officials cannot authorize disclosure known to be false or that omit information.
 - Board approval of disclosure documents (or review and comment by the Board) is considered as part of the reasonableness of the overall disclosure process (see discussion on control person liability).



SEC Enforcement Actions – Lessons for Issuers

- City of San Diego, California – **Staff Responsibility**
 - **What happened?** SEC found that the City of San Diego failed to disclose material information regarding substantial and growing liabilities for its pension systems.
 - **What did the SEC do?** Four former City of San Diego officials (City Manager, Deputy City Manager, Auditor/Controller and City Treasurer) agreed to pay penalties (as much as \$25,000 each). SEC said these officials knew that the disclosures about the pension system were misleading and that these officials occupied an important “gatekeeper” role in protecting investors.



SEC Enforcement Actions – Lessons for Issuers

- Allen Park, Michigan – **Control Person Liability for Municipal Officials**
 - **What happened?** In Allen Park, the Mayor championed a movie studio project that had been substantially reduced in scope by the time bonds went to market. The Mayor appointed the City Administrator who reported daily to the Mayor. The City Administrator largely handled the bond offering process with outside advisors.
 - **What did the SEC do?** In 2014, the SEC for the first time imposed “control person” liability on a municipal official under Section 20(a) of the 1934 Act, which provides that a control person may be held liable for the securities law violations of the persons over whom he or she exercises control. (Remember Orange County Board of Supervisors example).



SEC Enforcement Actions – Lessons for Issuers

- Allen Park, Michigan – **Control Person Liability for Municipal Officials**
- SEC focused on the Mayors’ status as a person of control within the structure of the City of Allen Park. The SEC is not required to prove that control persons have knowledge of fraudulent activity. Participation in the fraud is unnecessary just that the official had oversight responsibility. Issuer must supply the defense that they “acted in good faith.” Section 20(a) of the 1934 Act. (OC Example)
- Control person liability poses new risks for municipal officials. The implementation of disclosure policies and procedures as well as training programs may help establish the “good faith” defense for issuer officials and staff in supervisory positions.



SEC Enforcement Actions – Lessons for Issuers

- Dolphin & Bradbury v. SEC – **Materiality and Total Mix of Information; Forward-Looking Statements**
 - **What happened?** Dauphin County, PA issued bonds to finance acquisition of an office building. PennDOT was the primary tenant in this building. PennDOT was planning to vacate the space but this specific fact was not disclosed to investors – only a general statement that PennDOTs lease expired before the maturity date of the bonds and that they were not required to renew their lease.
 - **What did the SEC do?** Alleged there were material misstatements and omissions in the offering document because specific fact that PennDOT was leaving was not disclosed – only general cautionary language – even though that general cautionary language was in **BOLD TYPE**.



SEC Enforcement Actions – Lessons for Issuers

- **Dolphin & Bradbury v. SEC – Materiality and Total Mix of Information; Forward-Looking Statements**
 - **Why were general cautionary statements not enough?** When information pertains to a future event, “materiality will depend . . . upon a balancing of both the indicated probability that the event will occur and the anticipated magnitude of the event.” In the case of *Dolphin & Bradbury* the court refused to say there was not an intent to defraud when “someone warns his hiking companion to walk slowly because there might be a ditch ahead when he knows with near certainty that the Grand Canyon lies one foot away.” Court said -- “*Issuers and underwriters are more like “trail guides” than “hiking companions.”*”
 - COVID-19 example (known versus projections versus unknown)



SEC Enforcement Actions – Lessons for Issuers

City of Harrisburg, Pennsylvania – **Misstatements/Omissions Not Limited to Preliminary or Final Official Statements**

- Harrisburg’s failure to file continuing disclosure raised the importance of other statements made to the market on the City’s website – including speeches of the Mayor – that were not in connection with the issuance of bonds.
- According to the SEC, the availability of “official disclosure” such as official statements or continuing disclosure on EMMA would have altered the “total mix” of information available to investors and would have lessened the importance attached to this “non-traditional” disclosure. (Compare to Dolphin & Bradbury).



Continuing Disclosure

- SEC Rule 15c2-12 governs underwriter conduct and generally requires underwriters in primary offerings to –
 - obtain, review and distribute to potential investors copies of the Issuer’s “deemed final” Official Statement (which Official Statement includes a description of any instances in the previous five years in which the obligated person or persons failed to comply, in all material respects, with any previous commitment to provide continuing disclosure); and
 - obtain a written undertaking of the Issuer or obligated person that it will (a) provide “annual financial information” as required by Rule 15c2-12 and (b) file timely notices of certain enumerated events.



Key Provisions of Continuing Disclosure Agreement

- Annual Reports must include updated financial information and operating data. “Annual financial information” is financial information or operating data of the type included in the final Official Statement.
- Pay attention to what the City has promised to do (included in disclosure policy)
- Notification of specified “enumerated events,” for which written notification must be filed within 10 business days of the occurrence of the event.



Content of Annual Reports

- Audited Financial Reports
- Information (i.e. tables) identified in Continuing Disclosure Undertakings (in disclosure policy)
- Additional voluntary information
- Consider Rule 10b-5 implications – is there more you should be saying?
- Has anything happened since the date of the audited financial reports that has materially impacted your financial condition?
COVID-19 has made this particular point very important because last year's audited financials could not have anticipated the impact of COVID-19. Presenting them now requires additional context.



New Material Event Requirements

Since February 2019, new continuing disclosure agreements now have to include new material events:

- (15) Incurrence of a *financial obligation* of the obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the obligated person, any of which affect security holders, if material; and
- (16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the obligated person, any of which reflect *financial difficulties*.
- New item (16) includes existing “non-public” financial obligations. Because of that issuers should know which of these obligations they currently have outstanding.



New Material Event Requirements

The definition of “financial obligation” is a:

- (i) debt obligation; (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) guarantee of (i) or (ii). The term financial obligation does not include municipal securities as to which a final official statement has been provided to the MSRB consistent with Rule 15c2-12.
- SEC says it expects issuers to confirm whether their official statements have been posted to EMMA.



Continuing Disclosure Process

- Again, when preparing the annual report you have to consider Rule 10b-5 implications – is there more you should be saying?
- Because of that the annual report and the responsibility for identifying “enumerated events” has an internal process identified to make sure that material information does not slip through the cracks.
- Any questions about the continuing disclosure process?



Voluntary Disclosure

- Antifraud provisions apply to voluntary disclosure.
- Risk/benefits of voluntary disclosure. (Consider positive market impact weighed against risk of additional disclosure).



Primary Offering Process (Drafting POS/OS)

- Input from involved staff and officials with the best knowledge about issues that materially affect disclosure (e.g. counsel with respect to significant (material) litigation).
- Empower staff at all levels to critically examine information to be provided to investors
- Politically sensitive information still must be disclosed (greed can be the downfall of corporate issuers – sometimes politics is the downfall of municipal issuers). Reluctance to raise tax or utility rates can also cause issues for municipal entities.



Disclosure Principles (All Disclosure Documents)

- Provide main points but do not overwhelm readers with detail – remember the big picture of explaining what revenue sources (security) is being used to repay the bonds and disclosing things that can affect the availability of that revenue source (materiality).
- Highlight important developments or events that could affect the pledged revenue source appropriately
- Determine appropriate level of importance for any particular event, revenue source or budgetary item
- Importance of accurate disclosure of bond terms and especially redemption provisions (extraordinary redemptions)



Disclosure Principles (All Disclosure Documents)

- Focus on developments specific to the City and not general market forces
- Bringing all these factors together into final product is ongoing process of give and take. Important to have a process for that.



Timing Considerations for Bond Sale

- Disclosure team should be aware of the progression of an offering
 - POS/sale/final OS/closing
- Supplements are possible
 - Can be disruptive after sale
- Be mindful of public actions or releases likely to occur
 - Interim financials, budgets, litigation developments, other interim reports



Summary

- Complete and transparent disclosure with respect to the specific security being sold is essential
- Remember antifraud violations can arise from negligence and not an intent to deceive.
- Officials participating in the disclosure process must be in a position to know material information with respect to that security (i.e., “the right people must be in the room”)
- Your hired professionals can only help if they know this material information with respect to the City – generally outside counsel and advisors do not have a duty to do an independent investigation of facts about the City – they assist you based on the facts that you communicate to them.
- SEC increasingly bringing charges against individual municipal officials



CITY OF
MODESTO
CALIFORNIA

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-410**

RESOLUTION APPROVING A FIRST AMENDMENT INCREASING THE ANNUAL ESTIMATED AMOUNT WITH PUBLIC FINANCIAL MANAGEMENT (PFM) FINANCIAL ADVISORS LLC, SAN FRANCISCO, CALIFORNIA, FOR FINANCIAL ADVISORY SERVICES TO \$150,000 FROM \$75,000 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$525,000 OVER FIVE (5) YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto City Council adopted Resolution No. 2017-382 authorizing the award of proposal and contract for consultant services to PFM; and

WHEREAS, the original agreement, Section 3, “COMPENSATION” provides, in part, that Consultant agrees to accept a sum for an annual cost up to \$75,000 over three (3) years for a total of \$375,000 with two (2) one-year extension options at the sole discretion of the City; and

WHEREAS, the parties now desire to evidence the change to the terms of the Original Agreement with this Amendment by modifying Section 3, “COMPENSATION”.

NOW, THEREFORE, by the Council of the City of Modesto that it hereby approves a First Amendment increasing the annual estimated amount with Public Financial Management (PFM) Financial Advisors LLC, San Francisco, California, for financial advisory services to \$150,000 from \$75,000 and a new total amount not to exceed \$525,000 over five (5) years.

BE IT FURTHER RESOLVED that the City Manager or his designee, are hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-411**

**RESOLUTION ACCEPTING TRANSIT FUNDS FROM THE STANISLAUS
COUNCIL OF GOVERNMENTS PREVIOUSLY ALLOCATED TO THE CITY
OF CERES FROM PROPOSITION 1B FOR A TOTAL OF \$159,129 FOR
TRANSIT PROJECTS**

WHEREAS, the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006, approved by the voters as Proposition 1B at the November 7, 2006 general election, authorized the issuance of general obligation bonds for specified purposes, including grants for transit, and

WHEREAS, Proposition 1B makes transit providers within the Stanislaus County region eligible for Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) funds, and

WHEREAS, the City of Ceres had remaining funds that the City of Modesto can utilize for transit purposes, and

WHEREAS, on April 14, 2020, by Resolution 2020-186, Council approved a Memorandum of Understanding with the City of Ceres to operate transit services in Ceres, and

WHEREAS, the City of Ceres received some of Stanislaus County's regional PTMISEA allocation, and

WHEREAS, there was a remaining balance of \$159,129 when the City of Ceres stopped operating transit services, and

WHEREAS, the Stanislaus Council of Governments has offered these funds to Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts transit funds from the Stanislaus Council of Governments previously allocated to the City of Ceres from Proposition 1B for a total of \$159,129 for transit projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-412**

**RESOLUTION AMENDING FISCAL YEAR 2020-21 CAPITAL
IMPROVEMENT PROGRAM BUDGET FOR FUND 4510 – BUS FIXED ROUTE
FUND AND 4540-BUS FIXED ROUTE MAX OPERATIONS FUND IN THE
AMOUNT OF \$159,129 TO FULLY FUND THE PROJECTS; AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT
THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, certain budgetary transactions are necessary in the amount of \$159,129 in order to fund transit projects, and

WHEREAS, Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) funds of \$159,129 will be used to fund the program and a budget increase is needed to fund 4510 – Bus Fixed Route Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment to the Fiscal Year 2020-21 Capital Improvement Program budget for fund 4510 – Bus Fixed Route Fund in the amount of \$159,129 to fully fund the projects as described in **Attachment A**.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

ATTACHMENT A

A budget adjustment in the amount of \$159,129 to FY 20/21 fund 4510-Bus Fixed Route Fund and 4540-Bus Fixed Route MAX Operations Fund is necessary to increase grant revenues from the Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) Program received from City of Ceres. These revenues will replace other funding sources already in place and increase budget for the replacement for bus stop sign at Ceres stops and MADAR vans rebranding. The budget adjustments are as follows:

Project/Cost Center	Increase PTMISEA	Reduce	Funding
101160-MAX/Commuter Bus Repaint	\$ 49,100.00	\$ 49,100.00	LTF
100982-MAX-ITS equipment purchase	\$ 26,690.00	\$ 26,690.00	PTMISEA (Modesto Grant)
100982-MAX-ITS equipment purchase	\$ 46,450.00	\$ 46,450.00	LTF
101151-Video Surveillance System	\$ 24,279.00	\$ 24,279.00	CalOES
53472-Ceres Bus Stop Signs	\$ 8,862.00	\$ -	N/A
53473-MADAR Van Rebrand	\$ 3,748.00	\$ -	N/A
	\$ 159,129.00		

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-413**

RESOLUTION APPROVING AN AGREEMENT WITH HAZEN AND SAWYER, OF SACRAMENTO, CA, FOR ENGINEERING SUPPORT DURING CONSTRUCTION FOR THE GRAYSON WELL 69 (REPLACING WELL 274) PROJECT IN THE AMOUNT OF \$332,470 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS \$33,247 IN ADDITIONAL SERVICES (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED \$365,717 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Grayson water service area was acquired from the Del Este Water Company in 1995 as part of the overall acquisition of Del Este's water system, and

WHEREAS, a feasibility study completed in January 2015, addressed nitrate concentrations in Well 274 and recommended the well be replaced, and

WHEREAS, Hazen and Sawyer are the Engineer-of-Record for the project, Engineering Support During Construction services are required to ensure construction of the facilities meets the original design described in the plans and specifications, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Hazen and Sawyer, of Sacramento, CA for Engineering Services During Construction for the Grayson Well 69 (Replacing Well 274) Project in the amount of \$332,470, for the identified scope of services, plus \$33,247 for additional services, if needed, for a total not to exceed amount of \$365,717.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-414**

RESOLUTION APPROVING AN AGREEMENT WITH CAROLLO ENGINEERS, INC., OF WALNUT CREEK, CA, FOR DESIGN-BUILD OWNER ADVISOR SERVICES FOR THE SCADA SYSTEM REPLACEMENT PROJECT, IN THE AMOUNT OF \$1,948,299 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS \$194,830 IN ADDITIONAL SERVICES (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED \$2,143,129, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City uses a Supervisory Control and Data Acquisition (SCADA) System to operate over 200 water, wastewater, and storm drain facilities (including groundwater wells, tanks, wastewater treatment plant equipment, and lift stations), and

WHEREAS, the SCADA system is comprised of computer hardware, software and a telemetry system that is critical in controlling and delivering a safe drinking water supply to customers and helps in controlling the conveyance and treatment of the City's wastewater, and

WHEREAS, Hoge-Shansky-Quetnick (HSQ) Technology is the developer and sole vendor of the City's existing SCADA system which is over 20 years old and is at the end of its life-cycle, and

WHEREAS, the system does not use current technology, thus making this proprietary product expensive to implement, and difficult to operate and maintain, and

WHEREAS, on June 7, 2016, by Resolution No. 2016-236, Council approved an agreement with EMA, Inc., to conduct a SCADA Upgrade Study, which was intended to independently review the existing SCADA system and recommend if the City needs to continue with the HSQ system or migrate to another SCADA system, and

WHEREAS, this study concluded that it is necessary for the City to migrate to another system to achieve the performance requirements of a functional, modern, and reliable SCADA system, and

WHEREAS, on November 8, 2017, by Resolution No. 2017-429, Council approved an agreement with EMA for consultant services for the planning of the SCADA System Replacement for Water and Wastewater Utility Operations, and

WHEREAS, considering the desperate need to upgrade the City's SCADA system, the project delivery (design and construction) will need to be expedited. Staff recommends pursuing a design-build (D-B) approach. The benefits of design-build include expedited project delivery, and decreased disputes since the same entity is responsible for both design and construction, and

WHEREAS, on August 13, 2019, Council adopted Ordinance No. 3700-C.S. amending Section 8-3.102 of Article 1, of Chapter 3 of Title 8 of the Modesto Municipal Code to authorize the use of design-build procurement for the SCADA System Replacement Project, and

WHEREAS, considering the technical complexity and accelerated schedule of this project, in addition to current staff workload and lack of expertise, City staff is recommending the use of a consultant to provide Owner Advisor (OA) services to the City throughout the D-B process, and

WHEREAS, on May 29, 2020, a Request for Proposals (RFP) was issued for Design-Build Owner Advisor Services to the eight firms prequalified for Water and Wastewater CIPs, and

WHEREAS, in accordance with the City's policy, Administrative Directive 3.1 Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, Carollo Engineers, Inc., of Walnut Creek, CA, was selected as the most qualified firm.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with Carollo Engineers, Inc., of Walnut Creek, CA, in the amount of \$1,948,299 for the identified scope of services, plus \$194,830 for additional services (if needed) for a total amount not to exceed \$2,143,129 for Design-Build Owner Advisor services for the SCADA System Replacement Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-415**

RESOLUTION AMENDING THE FISCAL YEAR 2020-21 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$2,240,544 TO BE TRANSFERRED INTO THE PROJECT FROM WATER AND WASTEWATER RESERVES IN ORDER TO FULLY FUND THE AGREEMENT FOR DESIGN-BUILD OWNER ADVISOR SERVICES, STAFF TIME FOR PROJECT MANAGEMENT AND ADMINISTRATION FOR THE SCADA SYSTEM REPLACEMENT PROJECT (101292)

WHEREAS, certain budgetary transactions are necessary in the amount of \$2,240,544, in order to fund the agreement with Carollo Engineers, Inc., including support by City staff for the SCADA System Replacement Project, and

WHEREAS, the Fiscal Year 2020-21 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2020-21 Capital Improvement Program Budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

Exhibit A

Project Number 101292

101XXX (TBD) - SCADA System Replacement

Current EDA Budget	\$0.00
Design-Build Owner's Advisor - Consultant Agreement	\$1,948,299.00
Additional Service (if needed)	\$194,830.00
Project Management/Administrative Support - City Staff	\$97,415.00
Revised EDA Budget	\$2,240,544.00

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-416**

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE REBID SONOMA SANITARY SEWER TRUNK EXTENSION PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH A. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, OF ROSEVILLE, CA, IN THE AMOUNT OF \$2,022,180 PLUS \$242,662 FOR CONTINGENCY (IF NEEDED) FOR A TOTAL AMOUNT NOT TO EXCEED \$2,264,842 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, project will extend the Sonoma Sanitary Sewer Trunk by installation of a 27-inch diameter gravity sewer trunk along Sylvan Avenue, from Wood Sorrel Drive to Aria Way, as well as approximately 250 linear feet of 24-inch diameter sewer trunk north of Sylvan Avenue, along future Aria Way, and

WHEREAS, this project will also install a new 8-inch diameter gravity sewer main along Jeffrey Drive and Card Way, for the residents that are currently using septic systems, and

WHEREAS, the Project was originally advertised for bids on March 19, 2019, and

WHEREAS, the project plan set originally advertised for bid included a break in the sewer trunk extension system at Sylvan Avenue and Aria Way due to a conflict with a 48-inch diameter Modesto Irrigation District (MID) irrigation main referred to as the Cavil Drain. During the course of the bid phase, the design was re-evaluated and Staff concluded that additional coordination with MID was necessary to ensure the sewer trunk was a continuous system able to serve proposed development, and

WHEREAS, Staff determined that the adjustments to the Cavil Drain necessary to facilitate the continuous sewer trunk system would result in a change in scope and

subsequent change order if project was awarded and determined that it would be in the best interest of the City to reject the bids and re-advertise the project to include the scope of work related to the MID coordination, and

WHEREAS, on May 28, 2019, by Resolution 2019-248, Council rejected all bids for the Sonoma Sanitary Sewer Trunk Extension Project and authorized staff to re-advertise the project for bids at a future date with an amended scope of work, and

WHEREAS, the specifications were prepared for the Rebid Sonoma Sanitary Sewer Trunk Extension Project, and

WHEREAS, the Project was re-advertised for bids on July 14, 2020, and

WHEREAS, on August 25, 2020, Bids were publicly opened, pursuant to City Charter Section 1307, five bids were received and A. Teichert & Son, Inc. dba Teichert Construction, of Roseville, CA, was the responsible bidder with the lowest responsive bid, and

WHEREAS, MMC 8-3.203 states that all purchases, in excess of fifty thousand dollars (\$50,000), or when directed by the City Manager for any purchase of fifty thousand dollars (\$50,000) or less, shall follow formal bid procedures, and

WHEREAS, and the award of bid for the Rebid Sonoma Sanitary Sewer Trunk Extension Project conforms to the Modesto Municipal code based on providing the overall lowest cost, while providing improved service, and

WHEREAS, the Director of Utilities has recommended that the bid of \$2,022,180 received from A. Teichert & Son, Inc. dba Teichert Construction, of Roseville, CA, be accepted as the lowest responsible and responsive bid and the contract be awarded to A. Teichert & Son, Inc. dba Teichert Construction, of Roseville, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Rebid Sonoma Sanitary Sewer Trunk Extension Project and accepts the bid of \$2,022,180 plus \$242,662 for contingency (if needed) for a total amount not to exceed \$2,264,842 from A. Teichert & Son, Inc. dba Teichert Construction, of Roseville, CA, for the Rebid Sonoma Sanitary Sewer Trunk Extension Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-417**

**RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S
AUTHORITY TO ISSUE CHANGE ORDERS FOR THE REBID SONOMA
SANITARY SEWER TRUNK EXTENSION PROJECT FROM 8% (\$161,774) TO
12% (\$242,662) OF THE CONSTRUCTION CONTRACT PRICE OF \$2,022,180
WITH A. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, OF
ROSEVILLE, CA**

WHEREAS, the City's "Change Order Approval Policy", enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order budget of 8% for projects over \$1 Million, and

WHEREAS, given the nature of this project being a highly traveled road that will involve road closures, relocation of MID irrigation lines, additional work may be needed to address unexpected conditions that require changes in the project scope that may exceed the Director's Authority of 8% (\$161,775) of the contract amount of \$2,022,180, and

WHEREAS, staff is requesting authorization to increase the contract change order amount to 12% (\$242,662) due to the unknown challenges.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for Rebid Sonoma Sanitary Sewer Trunk Extension Project from 8 percent (\$161,774) to 12 percent (\$242,662) of the construction contract price of \$2,022,180 with A. Teichert & Son, Inc. dba Teichert Construction, of Roseville, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-418**

RESOLUTION AMENDING THE FISCAL YEAR 2020-21 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$35,000 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER RESERVES TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE REBID SONOMA SANITARY SEWER TRUNK EXTENSION PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of \$35,000, in order to fully fund the construction, contingency, construction administration and design support during construction for the Rebid Sonoma Sanitary Sewer Trunk Extension Project, and

WHEREAS, the Fiscal Year 2020-2021 Capital Improvement Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2020-2021 Capital Improvement Program Budget in the amount of \$35,000 to be transferred into the project from Wastewater Reserves.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-419**

RESOLUTION ACCEPTING THE BOWEN, JOHANSEN, NARAGHI, AND ORCHARD STORM LIFT STATION IMPROVEMENTS PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING \$1,181,829 TO TRI-TECHNIC, INC., SONORA, CALIFORNIA

WHEREAS, this project provides reliable improvements to several storm drain lift stations including two new pumps and electrical equipment for the Bowen Lift Station, along with new electrical equipment for the Johansen, Naraghi and Orchard Storm Lift Stations, and

WHEREAS, operating efficiencies will improve at each lift station and this will reduce the level of required maintenance, and

WHEREAS, bids were advertised on May 31, 2017, and were publicly opened on July 27, 2017, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and Tri-Technic, Inc., Sonora, California, was the apparent lowest responsible and responsive bidder, and

WHEREAS, on August 2, 2017, by Resolution No. 2017-305, Council awarded a contract to Tri-Technic, Inc., Sonora, California, for the construction of the Bowen, Johansen, Naraghi, and Orchard Storm Lift Station Improvements project in the amount of \$1,126,510, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of September 11, 2017, and all contract work was completed by October 17, 2019, and

WHEREAS, the total project costs were \$1,399,285 which included design, construction, and construction administration costs. The total project amount originally budgeted was \$1,457,890 which included \$1,216,631 for the construction contract and contingency with Tri-Technic, Inc., and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of 8% (\$90,121) of the original contract price, and

WHEREAS, there were six change orders on this project with an overall increase of \$55,319, and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Bowen, Johansen, Naraghi and Orchard Storm Lift Station Improvements project is hereby accepted as complete from contractor, Tri-Technic, Inc., Sonora, California, and that the City Clerk is authorized to complete all necessary steps to file the appropriate notices and documents with the County Recorder, release securities, and authorize payments totaling \$1,181,829.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-420**

RESOLUTION AMENDING THE FISCAL YEAR 2019-2020 AND FISCAL YEAR 2020-2021 ANNUAL OPERATING AND CAPITAL IMPROVEMENT FUND BUDGETS AND AUTHORIZING THE CITY MANAGER, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2019-2020 and Fiscal Year 2020-2021.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2019-2020 and Fiscal Year 2020-2021 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2019-20

PARKS, RECREATION & NEIGHBORHOODS

- A budget adjustment is necessary to increase the budgeted subsidy from the General Fund to the Centre Plaza Fund. This adjustment will increase the transfer in to the Centre Plaza Fund (Fund 4700) and the transfer out from the General Fund (Fund 0100) in the amount of \$113,000. This amount is required to correct the negative cash amount that has occurred in FY 2019-20 due to a lower amount of revenue being received from impacts due to the COVID-19 closures.
- A budget adjustment is necessary to increase the budgeted subsidy from the General Fund to the Golf Fund. This adjustment will increase the transfer in to the Golf Fund (Fund 4600) and the transfer out from the General Fund (Fund 0100) in the amount of \$318,000. This amount is required to correct the negative cash amount that has occurred in FY 2019-20. This was mainly caused by the impacts from COVID-19 closures.

FISCAL YEAR 2020-21

COMMUNITY & ECONOMIC DEVELOPMENT

- A budget adjustment is necessary to recognize \$2,080,464 of unbudgeted Department of Transportation (Caltrans) revenue in the Capital Grants – Streets CIP Fund 3160, to the Paradise Road Improvements (From S. Carpenter Rd to Sheridan) Project #100942 and reallocate funding to the project discretionary expense tasks as approved by Caltrans E-76 which authorized additional funding on August 5, 2020.

POLICE DEPARTMENT

- A budget adjustment in the amount of \$100,000 is needed to set up the accounting structure in project 101284 (2021 SLESF) to recognize revenue that will be received as part of the annual allocation of the State Supplemental Law Enforcement Fund (SLESF). These funds will be used for police overtime, training, technology and equipment to fulfill the purpose of the Fund which is the “provide for additional resources for local law enforcement and to benefit front line law enforcement services”.

PUBLIC WORKS

- A budget adjustment is necessary in the amount of \$87,964 for fund 4510-Bus Fixed Route Fund, project 101218-Tranist 2 Way Radio to increase Local Transportation Funds revenues and appropriations for the purchase of Two-Way Radios.

UTILITIES

- A budget adjustment in the amount of \$138,000 is necessary to establish the expense budget for the Wastewater Treatment Plant Operations Guidance Program project (101281) in the Wastewater Fund (4210). This project will develop a decision support model that will include existing facilities and those planned for the foreseeable future.
- A budget adjustment in the amount of \$125,000 is necessary to establish the expense budget for the Environmental Compliance Services Office Improvements project (101282) in the Wastewater Fund (4210). This project will address health and safety issues at the Sutter Wastewater Treatment Plant.
- A budget adjustment in the amount of \$1,040,000 is necessary to establish the expense budget for the Archimedes Screw Pump Replacement project (101283) in the Wastewater Fund (4210). This project will replace two of the three Archimedes Screw Pumps located at the Sutter Wastewater Treatment Plant.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-421**

**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE
2016 PAVEMENT REHABILITATION PROJECT, STPL-5059(205),
ACCEPTING THE BID, AND AWARDING A CONTRACT TO UNITED
PAVEMENT MAINTENANCE, INC. OF HUGHSON, CALIFORNIA, IN THE
AMOUNT OF \$1,880,845 AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE TO EXECUTE THE AGREEMENT**

WHEREAS, plans and specifications have been prepared for the 2016 Pavement Rehabilitation Project, STPL-5059(205), and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the 2016 Pavement Rehabilitation Project, STPL-5059(205), were publicly opened at 11:00 a.m. on September 15, 2020, and later tabulated by the Director of Community and Economic Development for the consideration of Council, and

WHEREAS, the Director of Community and Economic Development has recommended that the bid of \$1,880,844.72 received from United Pavement Maintenance, Inc. of Hughson, California be accepted as the lowest responsible and responsive bid and the contract be awarded to United Pavement Maintenance, Inc., and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services, to follow the formal bid procedures, and

WHEREAS, an award of \$1,880,844.72 and agreement for construction for Community and Economic Development Department to use United Pavement Maintenance, Inc. of Hughson, California, conforms to the Modesto Municipal Code

because the City complied with the formal bid procedures and United Pavement Maintenance, Inc. of Hughson, California, was the lowest responsive bidder.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the plans and specifications for the 2016 Pavement Rehabilitation Project, STPL-5059(205), accepts the bid of United Pavement Maintenance, Inc. of Hughson, California, in the amount of \$1,880,844.72 and awards United Pavement Maintenance, Inc. the contract for the 2016 Pavement Rehabilitation Project, STPL-5059(205).

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-422**

RESOLUTION AUTHORIZING THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT TO APPROVE CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF \$188,085 (10% OF THE ORIGINAL CONTRACT PRICE) FOR THE 2016 PAVEMENT REHABILITATION PROJECT, STPL 5059(205)

WHEREAS, 2016 Pavement Rehabilitation Project, STPL 5059(205) bids were publicly opened on September 15, 2020, and United Pavement Maintenance, Inc. of Hughson, California, was the apparent low bidder with the amount of \$1,880,844.72, and

WHEREAS, the contingency cost for the 2016 Pavement Rehabilitation Project, STPL 5059(205) is estimated to be \$188,085 (10% of the original contract price), an amount which exceeds the Director's authority for the project as enacted by Council Resolution No. 2019-326 on July 9, 2019.

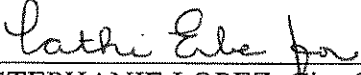
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Community and Economic Development to approve change orders up to the cumulative amount of \$188,845 (10% of the original contract price).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-423**

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR ROCKWELL REJUVENATION SERVICES TO FOX LOOMIS, INC, SACRAMENTO, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE- YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST OF \$600,000 AND A TOTAL AMOUNT NOT TO EXCEED \$3,000,000 OVER FIVE (5) YEARS, AND AUTHORIZING THE CITY MANGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City has over 9,500 Rockwells within its storm drainage system that require scheduled routine cleaning and at times rejuvenation in order to maintain their effectiveness, and

WHEREAS, when working properly, a rockwell will drain water from a street within 24 to 48 hours following a rainstorm that produces one inch of water, and

WHEREAS, to ensure their continued effectiveness, Rockwells in the storm drainage system are rejuvenated as needed, and

WHEREAS, on July 28, 2020, the Purchasing Division issued RFB No. 1920-80 on the Planet bids website under various commodity codes associated with Rockwell Rejuvenation Services, and

WHEREAS, fifteen (15) prospective bidders viewed the bid document, twelve (12) companies chose to download the RFB document, and

WHEREAS, on August 25, 2020, in an effort to slow the spread of COVID19, bids were formally opened by the City Clerk and broadcast via Microsoft Teams, and

WHEREAS, one (1) company chose to respond, and Fox Loomis, Inc. was deemed a responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and Agreement for Rockwell Rejuvenation services to Fox Loomis, Inc, Sacramento, Ca, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$600,000 and a total amount not to exceed \$3,000,000 over five (5) years.

BE IT FURTHER RESOLVED, that the City Manager, or his designee is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-424**

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR ELECTRICAL MOTOR REWIND-REBUILD SERVICES TO C.H.W. ENTERPRISES INC., DBA INDUSTRIAL ELECTRICAL MACHINERY, VISALIA, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST OF \$124,304 AND A TOTAL AMOUNT NOT TO EXCEED \$621,520 OVER FIVE (5) YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, electric motor rewinding/rebuilding services are required for various types and sizes of motors used within City facilities; and

WHEREAS, these motors require immediate repair or rebuild services to ensure that City operations and facilities are maintained; and

WHEREAS, motors are used in many processes that are required for compliance with Federal permits and regulations, such as water systems that meet Department of Health requirements; and

WHEREAS, other regulations are safety related such as ventilation to reduce heat or dangerous atmospheric situations in restricted areas such as pumping stations and wells, others are for efficiency and security; and

WHEREAS, on May 1, 2020, the Purchasing Division issued RFB No. 1920-58 on the Planet bids website under various commodity codes associated with Electrical Motor Rewind-Rebuild Services; and

WHEREAS, thirteen (13) prospective bidders viewed the bid document, eleven (11) companies chose to download the RFB document; and

WHEREAS, on June 16, 2020, in an effort to slow the spread of COVID19, bids were formally opened by the City Clerk and broadcast via Microsoft Teams Livestream; and

WHEREAS, two (2) companies chose to respond, of the two (2) bids provided, only one was deemed responsive.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and Agreement for Electrical Motor Rewind-Rebuild services to C.H.W. Enterprises INC., DBA Industrial Electric Machinery, Visalia, Ca, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$124,304 and a total amount not to exceed \$621,520 over five (5) years.

BE IT FURTHER RESOLVED, that the City Manager, or his designee is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-425**

RESOLUTION ACCEPTING A CALIFORNIA STATE PARKS GRANT AWARD UNDER THE PER CAPITA PROGRAM IN THE AMOUNT OF \$177,952 FOR THE PURPOSE OF FUNDING VARIOUS PARK IMPROVEMENT PROJECTS AND APPROVING THE SUBMITTAL OF APPLICATION(S) FOR PER CAPITA GRANT FUNDS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL AGREEMENTS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the Per Capita Program is a non-competitive grant program indented to fund local park rehabilitation, creation, and improvement projects; and

WHEREAS, The City of Modesto is eligible to receive \$177,952, based on its population; and

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Per Capita Grant Program, setting up necessary procedures governing application(s); and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the grantee's Governing Body to certify by resolution the approval of project application(s) before submission of said applications to the State; and

WHEREAS, the grantee will enter into a contract(s) with the State of California to complete project(s);

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

1. Accepts the California State Parks grant award under the Per Capita Program in the amount of \$177,952 for the purpose of funding various park improvement projects; and

2. Approves the filing of project application(s) for Per Capita program grant project(s); and
3. Certifies that said grantee has or will have available, prior to commencement of project work utilizing Per Capita funding, sufficient funds to complete the project(s); and
4. Certifies that the grantee has or will have sufficient funds to operate and maintain the project(s), and
5. Certifies that all projects proposed will be consistent with the park and recreation element of the City of Modesto’s general or recreation plan (PRC §80063(a)),and
6. Certifies that these funds will be used to supplement, not supplant, local revenues in existence as of June 5, 2018 (PRC §80062(d)), and
7. Certifies that it will comply with the provisions of §1771.5 of the State Labor Code, and
8. To the extent practicable, as identified in the “Presidential Memorandum-- Promoting Diversity and Inclusion in Our National Parks, National Forests, and Other Public Lands and Waters,” dated January 12, 2017, the City of Modesto will consider a range of actions that include, but are not limited to, the following (PRC §80001(b)(8)(A-G)):

(A) Conducting active outreach to diverse populations, particularly minority, low- income, and disabled populations and tribal communities, to increase awareness within those communities and the public generally about specific programs and opportunities.

- (B) Mentoring new environmental, outdoor recreation, and conservation leaders to increase diverse representation across these areas.
- (C) Creating new partnerships with state, local, tribal, private, and nonprofit organizations to expand access for diverse populations.
- (D) Identifying and implementing improvements to existing programs to increase visitation and access by diverse populations, particularly minority, low-income, and disabled populations and tribal communities.
- (E) Expanding the use of multilingual and culturally appropriate materials in public communications and educational strategies, including through social media strategies, as appropriate, that target diverse populations.
- (F) Developing or expanding coordinated efforts to promote youth engagement and empowerment, including fostering new partnerships with diversity-serving and youth-serving organizations, urban areas, and programs.
- (G) Identifying possible staff liaisons to diverse populations.

9. Agrees that to the extent practicable, the project(s) will provide workforce education and training, contractor and job opportunities for disadvantaged communities (PRC §80001(b)(5)).

10. Certifies that the grantee shall not reduce the amount of funding otherwise available to be spent on parks or other projects eligible for funds under this division in its jurisdiction. A one-time allocation of other funding that has been expended for parks or other projects, but which is not available on an ongoing

basis, shall not be considered when calculating a recipient's annual expenditures.
(PRC §80062(d)).

11. Certifies that the grantee has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Procedural Guide; and

12. Delegates the authority to the City Manager, or designee to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the grant scope(s); and

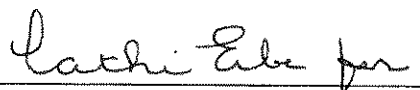
13. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-426**

RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$100,000 TO ADJUST CIP # 100922 – DOWNEY SHADE STRUCTURE AS DESCRIBED IN ATTACHMENT A AND AMENDING THE FISCAL YEAR 2020-2021 OPERATING BUDGET IN THE AMOUNT OF \$77,952 TO ADJUST MULTI-YEAR OPERATING PROJECT # 101289 – REVAR D PARK PLAYGROUND RENOVATION AS DESCRIBED IN ATTACHMENT B AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City of Modesto has been awarded \$177,952 in Per Capita Grant Funds from the State of California Per Capita Program, and

WHEREAS, certain budgetary transactions are necessary in order to fully fund the construction of two improvement projects at Downey and Revard Parks with those grant funds, and

WHEREAS, the Fiscal Year 2020-2021 Capital Improvement Program Budget for Project 100922 – Downey Shade Structure must be amended as shown in **Attachment A**, which is incorporated by reference herein, and

WHEREAS, the Fiscal Year 2020-2021 Operating Budget for project 101289 – Revard Park Playground renovation must be amended as shown in **Attachment B**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the FY 2020-21 Capital Improvement Program Budget in the amount of \$100,000 to adjust CIP # 100922 – Downey Shade Structure as described in **Attachment A**.

BE IT FURTHER RESOLVED, by the council of the city of Modesto that it hereby approves the amendment of the FY2020-2021 Operating Budget in the amount of

\$77,952 to adjust Multi-Year Operating Project # 101289 – Revard Park Playground
Renovation as described in **Attachment B**.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby
authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 13th day of October, 2020, by Councilmember Kenoyer,
who moved its adoption, which motion being duly seconded by Councilmember
Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

Attachment A

Budget Adjustment for Capital Improvement Project 100922 (Downey Shade Structure)

Fund 3130 – Parks Fund - CIP:

<u>Expense:</u>	Current Budget	Increase/ (Decrease)	Final Budget
Expenditure Type			
EDA – Engineering/Design Admin	\$ 20,000	\$ 15,600	\$ 35,600
CON - Construction	\$210,000	\$ 52,000	\$262,000
CA – Construction Administration	\$ 0	\$ 26,200	\$ 26,200
CTGY - Contingency	\$ 20,000	\$ 6,200	\$ 26,200
Total	\$250,000	\$100,000	\$350,000

<u>Revenue:</u>	Current Budget	Increase/ (Decrease)	Final Budget
Revenue Type:			
P/R Bldg Svcs Fund (Fund 5800)	\$200,000	\$ 0	\$200,000
Local Parks Fund (Fund: 3130)	\$ 50,000	\$ 0	\$ 50,000
Per Capita Grant Funding	\$ 0	\$100,000	\$100,000
Total	\$250,000	\$100,000	\$350,000

Total Revenue Expense Budget Increase/(Decrease): \$100,000

Attachment B

Budget Adjustment for Non-Capital Project #101289 (Revard Park Playground Renovation)

3150 – Capital Grants – Parks CIP Projects:

<u>Expense:</u>	Current Budget	Increase/ <u>(Decrease)</u>	Final Budget
Task/Account Description			
AUC-EDA – Discretionary Expenses	\$ 0	\$ 5,000	\$ 5,000
AUC-CON – Discretionary Expenses	\$ 0	\$72,952	\$72,952
Total	\$ 0	\$77,952	\$77,952

<u>Revenue:</u>	Current Budget	Increase/ <u>(Decrease)</u>	Final Budget
Revenue Type:			
Per Capita Grant Funding	\$ 0	\$77,952	\$77,952
Total	\$ 0	\$77,952	\$77,952

Total Revenue Expense Budget Increase/(Decrease): \$77,952

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-427**

**RESOLUTION APPROVING AN AGREEMENT WITH MODESTO
IRRIGATION DISTRICT FOR THE RELOCATION OF POWER POLES AT
THE VIRGINIA CORRIDOR PHASE 7 SITE IN THE AMOUNT OF \$220,000,
PLUS \$44,000 FOR CONTINGENCY, IF NEEDED, FOR AN AGREEMENT
TOTAL NOT TO EXCEED \$264,000, AND AUTHORIZING THE CITY
MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the Virginia Corridor Trail is the result of conversion of the original Tidewater Southern/Union Pacific Railroad Corridor into a Class I bicycle and pedestrian trail, and

WHEREAS, on February 26, 2019, by Resolution 2019-80, Council approved an Agreement with Mark Thomas, Inc. to prepare construction documentation (design) for the project, and

WHEREAS, during the design process of the Virginia Corridor Phase 7, it became clear that approximately 4 Modesto Irrigation District (MID) utility poles, along with the related high transmission power lines, will need to be relocated at the City's expense in order to make room for the trail addition, and

WHEREAS, MID has provided an estimated cost of \$220,000, in advance, for the required work and payment will be due and payable prior to work being completed, and

WHEREAS, if the cost are lower than anticipated, the City will receive a refund of the excess payment from MID, and

WHEREAS, staff recommends approval of an additional 20% contingency, in the amount of \$44,000, to allow for change orders due to unforeseen conditions, delays or expenses for an agreement total not to exceed \$264,000, and

WHEREAS, this contingency budget does not commit the City to spend the additional funding, but allows the Department Director to approve change orders up to the contingency limit, without further council action.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it approves an agreement with Modesto Irrigation District for the relocation of power poles at the Virginia Corridor Phase 7 site in the amount of \$220,000, plus \$44,000 for contingency, if needed, for an agreement total not to exceed \$264,000.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-428**

**RESOLUTION APPROVING THE FORMATION OF THE BLIGHT
ABATEMENT ADVISORY COMMITTEE, IN ALIGNMENT WITH THE CITY'S
COMPREHENSIVE BLIGHT ABATEMENT STRATEGY, AND AUTHORIZING
THE CITY MANAGER TO SOLICIT MEMBERSHIP TO THE COMMITTEE**

WHEREAS, in 1994, the City of Modesto launched the Neighborhood Environmental Action Team (NEAT), which was a program designed to promote volunteerism and solicit donations for community clean-ups through the “Adopt-An-Area” program, and

WHEREAS, the adoption of an area was a promotional effort that encouraged communities, businesses, nonprofits, schools, and others to take ownership of their community by promoting volunteer opportunities for clean-up activities, and

WHEREAS, additionally, in 2003, as approved by motion and by Resolution No. 2003-76, the Modesto City Council approved the “Don’t Trash Modesto” campaign and approved the adoption of zones throughout the City that would allow community members to attract sponsorships to support the efforts, and

WHEREAS, in December 2019, by Resolution 2019-555, the City Council approved the Blight Abatement Strategy that included a series of recommendations to promote public and private partnerships with a focus on increasing volunteerism and improving blight abatement programs, and

WHEREAS, to ensure that these efforts are sustained, a component of the strategy included the formation of a Blight Abatement Advisory Committee (BAAC) comprised of public and private partners with a mission to promote public engagement concerning blight abatement in the city and to make recommendations to the City regarding program

improvements, potential funding opportunities, and support with increasing volunteerism, and

WHEREAS, The BAAC shall act in an advisory capacity to the City Council and the City Manager in all matters pertaining to blight and blight abatement efforts.

Furthermore, this committee will champion the initiation and coordination of volunteer groups and donations to support the effort, and

WHEREAS, the committee membership shall consist of 9 members appointed by the City Council to 4-year terms, with a rotating chair and vice chair, as approved by the BAAC on an annual basis, and

WHEREAS, upon approval of this item by Council, staff will highly encourage diverse community representation from neighborhood groups across the city, small and corporate business groups, nonprofits, schools, haulers, and others, with the following structure:

Seat Designation	Term
Chairperson	One year, voted by simple majority of Committee.
Vice Chairperson	One year, voted by simple majority of Committee.
Citizen (All nine Committee Members)	Four years, appointed by City Council

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it approves the bylaws and formation of the Blight Abatement Advisory Committee in alignment with the city’s Comprehensive Blight Abatement Strategy, and authorizing the City Manager, or his designee, to solicit membership to the committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Stephanie Lopez for*
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-429**

RESOLUTION ACCEPTING THE AFFORDABLE HOUSING & SUSTAINABLE COMMUNITIES (AHSC) GRANT IN THE AMOUNT OF \$24,766,157 FOR THE ARCHWAY COMMONS PHASE II PROJECT AND APPROVING ENTERING INTO AN AHSC STANDARD AGREEMENT WITH THE STATE OF CALIFORNIA, AND AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AHSC STANDARD AGREEMENT AND ANY SUBSEQUENT AMENDMENTS OR MODIFICATIONS AS WELL AS ANY OTHER DOCUMENTS WHICH ARE RELATED TO THE PROGRAM OR THE AHSC GRANT AWARDED TO THE CITY AS THE STATE OF CALIFORNIA MAY DEEM APPROPRIATE

WHEREAS the State of California, the Strategic Growth Council (SGC), and the Department of Housing and Community Development (Department) issued a Notice of Funding Availability dated November 1, 2019 (NOFA), under the Affordable Housing and Sustainable Communities (AHSC) Program established under Division 44, Part 1 of the Public Resources code commencing with Section 75200, and

WHEREAS, the City of Modesto and EAH Housing submitted a joint grant application for funding in February 2020 for the Archway Commons Phase II project, a 74-unit multifamily rental housing facility, and

WHEREAS the City of Modesto was awarded an AHSC Program loan for the Archway Commons Phase II Project in an amount not to exceed \$14,276,157 (“AHSC Loan”) and an AHSC Program grant in an amount not to exceed \$10,490,000 (“AHSC Grant”) for an aggregate amount not to exceed \$24,766,157 under the above described NOFA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a resolution accepting the Affordable Housing & Sustainable Communities (AHSC) Grant in the amount of \$24,766,157 for the Archway Commons

Phase II Project and approves entering into an AHSC Standard Agreement with the State of California.

BE IT FURTHER RESOLVED THAT the City Manager or his designee, is hereby authorized to execute the AHSC Standard Agreement and any subsequent amendments or modifications as well as any other documents which are related to the program or the AHSC Grant awarded to the City as the State of California may deem appropriate.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 2020, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

CERTIFICATE OF THE ATTESTING OFFICER

The undersigned, Officer of Stephanie Lopez, City Clerk, does hereby attest and certify that the foregoing Resolution is a true, full and correct copy of a resolution duly adopted at a meeting of the **City of Modesto's City Council** which was duly convened and held on the date stated thereon, and that said document has not been amended, modified, repealed or rescinded since its date of adoption and is in full force and effect as of the date hereof.

ATTEST: *Lathi Ebe for*

Signature of Attesting Officer

Stephanie Lopez, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-430**

**RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 CAPITAL
IMPROVEMENT PROGRAM (CIP) BUDGET IN THE AMOUNT OF \$10,490,000
TO ESTABLISH A NEW PROJECT FOR THE AHSC PROGRAM GRANT
PROJECT #101295 – 9TH ST CORRIDOR IMPROVEMENTS AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT
THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, the Archway Commons Phase II project will add 74 affordable housing units to the City's housing stock, and

WHEREAS, Archway Commons has been a collaboration effort between the City of Modesto and EAH Housing since 2009 for the development of 150-unit affordable housing complex for low-income families and seniors in Modesto, and

WHEREAS, Archway Commons Phase I consisted of 76 affordable housing units and was completed in 2013, and

WHEREAS, EAH and the City have been working on Phase II since the completion of Phase I including entering into a Disposition, Development and Loan Agreement regarding Phase II in 2019, and

WHEREAS, on November 1, 2019, the State of California round 5 issued a Notice of Funding Availability (NOFA) for \$550 Million in funding under the AHSC program, and

WHEREAS, the City and EAH submitted a joint grant application for funding in February 2020, and

WHEREAS, in July 2020, the City received an AHSC award letter notifying the City that they were awarded a grant in the amount of \$24,766,157 for housing and transportation related costs, and

WHEREAS, of the grant total, \$14,276,157 will be used directly for Phase II construction and \$10,490,000 will be used for transportation related infrastructure improvements along 9th Street, and

WHEREAS, projects will include: transit realignment of the Modesto Area Express (MAX) route connecting Archway Commons to the Modesto Transit Center as well as to the Modesto Junior College (MJC) and retail centers in the area; purchase of an Altamont Corridor Express (ACE) rail car, and up to three miles of new bike path extending 9th Streets from Carpenter Road to L Street, and

WHEREAS, the City Council shall consider amending the Capital Improvement Program (CIP) budget for Project #101295 in the amount of \$10,490,000 for AHSC Program Grant Funds upon execution of the grant agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2020-2021 Capital Improvement Program (CIP) Budget in the amount of \$10,490,000 to establish a new project for the AHSC Program Grant project #101295 – 9th St Corridor Improvements.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 2020, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-431**

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE CAPITAL FACILITIES FEES DEFERRAL LOAN AGREEMENT IN THE AMOUNT OF \$750,138 WITH EAH INC. FOR 74 SENIOR AND FAMILY UNITS, LOCATED AT 1101 CARVER ROAD, MODESTO AND AUTHORIZING STAFF TO FINALIZE THE PROVISIONS OF THE AMENDMENT TO THE CAPITAL FACILITIES FEES DEFERRAL LOAN AGREEMENT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto Capital Facilities Fees (CFF) Program was established in 1989, and

WHEREAS, the CFF Policies and Procedures also allows an applicant to submit a deferral application and request the CFF be deferred on new affordable units for households earning between fifty-one and eighty percent (51 - 80%) of the Area Median Income, and

WHEREAS, on December 4, 2018, EAH Housing, Inc. (EAH) submitted a CFF Deferral Application for its project located at 1101 Carver Road, Modesto (Project), and

WHEREAS, the Project will provide 74 senior and family units, and

WHEREAS, the Project will be affordable to low income households and will have a fifty-five year affordability covenant, and

WHEREAS, staff reviewed EAH's CFF Deferral Application and found it complies with the CFF Policies & Procedures as all 74 units will be affordable to low income households, and

WHEREAS, on January 22, 2019, the City Council approved a CFF Deferral Agreement in the amount of \$737,484 with EAH, and

WHEREAS, CFF fees are adjusted annually and the project has not yet initiated construction, and

WHEREAS, Since the approval of the CFF Deferral Agreement fees have increased from \$737,484 to \$750,138 and EAH, as the project developer, has requested an amendment to the CFF Deferral Agreement to update the CFF deferral amount to reflect the increased fee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the First Amendment to the Capital Facilities Fees Deferral Loan Agreement in the amount of \$750,138, with EAH, Housing Inc. for 74 Senior and Family Units, located at 1101 Carver Road, Modesto and authorizing staff to finalize the provisions of the Amendment to the Capital Facilities Fees Deferral Loan Agreement.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: *Stephanie Lopez for*
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-432**

RESOLUTION OF THE CITY OF MODESTO APPROVING THE ISSUANCE OF TAX-EXEMPT REVENUE BONDS BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$35,000,000 TO FINANCE A PROJECT CONSISTING OF A 74-UNIT MULTIFAMILY RENTAL HOUSING FACILITY FOR THE BENEFIT OF ARCHWAY EAH II LP, A CALIFORNIA LIMITED PARTNERSHIP, OR ANOTHER ENTITY CREATED BY EAH INC. (OR AN AFFILIATE), AND CERTAIN OTHER MATTERS RELATING THERETO

WHEREAS, EAH Inc. (the “Sponsor”), on behalf of Archway EAH II LP, a California limited partnership, or another entity created by the Sponsor or an affiliate of the Sponsor (such limited partnership or other entity being referred to herein as the “Borrower”), has requested that the California Municipal Finance Authority (the “Authority”) issue one or more series of tax exempt revenue bonds in an aggregate principal amount not to exceed \$35,000,000, including but not limited to revenue bonds issued as part of a plan to finance or refinance the Project described herein (the “Bonds”), for the acquisition, construction and development of a 74-unit multifamily rental housing facility to be located at 1101 Carver Road in the City of Modesto (the “City”), California, and owned and/or operated by the Borrower (the “Project”); and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986 (the “Code”), the issuance of the Bonds by the Authority must be approved by the City because the Project is to be located within the territorial limits of the City; and

WHEREAS, the City Council of the City (the “City Council”) is the elected legislative body of the City and is one of the “applicable elected representatives” required to approve the issuance of the Bonds under Section 147(f) of the Code; and

WHEREAS, the Authority has requested that the City Council approve the issuance of the Bonds by the Authority in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, dated as of January 1, 2004 (the “Agreement”), among certain local agencies, including the City; and

WHEREAS, the City has determined that the operation of the Project shall help the City satisfy its affordable housing obligations and will lessen the burden of the City to provide affordable housing for low and very low income residents of the City; and

WHEREAS, the Project is required to be occupied in part by persons of low and very low income in accordance with California laws and the requirements the Internal Revenue Code of 1986, as amended; and

WHEREAS, pursuant to Section 147(f) of the Code, the City Council has, following notice duly given as required by law, held a public hearing regarding the issuance of the Bonds, and now desires to approve the issuance of the Bonds by the Authority;

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

Section 1. The foregoing recitals are true and correct.

Section 2. The City Council hereby approves the issuance of the Bonds by the Authority, including but not limited to Bonds issued as part of a plan to finance or refinance the facilities described herein. It is the purpose and intent of the City Council that this resolution constitutes approval of the issuance of the Bonds by the Authority for the purposes of (a) 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 to be located, in accordance with said Section 147(f) and (b) Section 4 of the Agreement.

Section 3. The City shall have no responsibility or liability whatsoever with respect to the Bonds or the Project. The payment of the principal, prepayment premium, if any, and purchase price of and interest on the Bonds shall be solely the responsibility of Borrower. The Bonds shall not constitute a debt or obligation of the City. The adoption of this Resolution shall not obligate the City or any department thereof to (i) provide any financing to acquire or construct the Project or to provide any refinancing of the Project; (ii) approve any application or request for or take any other action in connection with any planning approval, permit or other action necessary for the acquisition or operation of the Project; (iii) make any contribution or advance any funds whatsoever to the Authority; or (iv) take any further action with respect to the Authority or its membership therein.

Section 4. 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 carry out, give effect to and comply with the terms and intent of this resolution and the financing transaction approved hereby.

Section 5. The Clerk shall forward a certified copy of this Resolution to the

Authority in care of its counsel:

Ronald E. Lee, Esq.
Jones Hall, APLC
475 Sansome Street, Suite 1700
San Francisco, CA 94111

Section 6. This resolution shall take effect immediately upon its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 2020, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-433**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
DECLARING ITS INTENTION FOR THE DISESTABLISHMENT OF THE
MODESTO TOURISM MARKETING DISTRICT (MTMD) AND FIXING THE
TIME AND PLACE OF A PUBLIC HEARING THEREON AND GIVING
NOTICE THEREOF**

WHEREAS, the Property and Business Improvement Law of 1994, Streets and Highways Code § 36600 et seq., authorizes the City to establish business improvement districts for the purposes of promoting tourism; and

WHEREAS, by Resolution No. 2019-213, Council adopted a Resolution of Intention to establish the Modesto Tourism and Marketing District (MTMD); and

WHEREAS, after a public meeting, public hearing, and City Clerk confirmation of no majority protest, by Resolution No. 2019-311, Council established the MTMD and approved the Management District Plan; and

WHEREAS, on August 31, 2020, in accordance with Streets and Highways Code Section 36670, a written petition to disestablish the MTMD was received by the City Clerk; and

WHEREAS, the written petition to disestablish the MTMD was requested by authorized representatives or real property or the owners or authorized representatives of businesses in the MTMD who pay fifty percent (50%) or more the assessments levied; and

WHEREAS, the written petition was deemed complete, and as such, triggers the disestablishment of the MTMD by law.

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

1. The recitals set forth herein are true and correct.
2. The City Council finds that lodging businesses that pay more than fifty percent (50%) of the assessment proposed in the Plan have signed and submitted the petition in support of the disestablishment of the MTMD.
3. The City Council declares its intention to disestablish the MTMD pursuant to the Property and Business Improvement District Law of 1994.
4. The time and place for the public hearing to disestablish the MTMD is set for December 8, 2020, at 5:30 PM, or as soon thereafter as the matter may be heard, at the Council Chambers located at 1010 10th Street, Modesto CA 95354. The City Clerk is directed to provide written notice to the lodging businesses subject to assessment of the date and time of the hearing, and to provide that notice as required by Streets and Highways Code § 36623, no later than November 10, 2020.
5. Upon disestablishment, any remaining revenues , after all outstanding debts are paid, derived from the levy of assessments, or derived from the sale of assets acquired with the revenues, shall be refunded to the owners of the property or businesses then located and operating within the MTMD.
6. This resolution shall take effect immediately upon its adoption by the City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

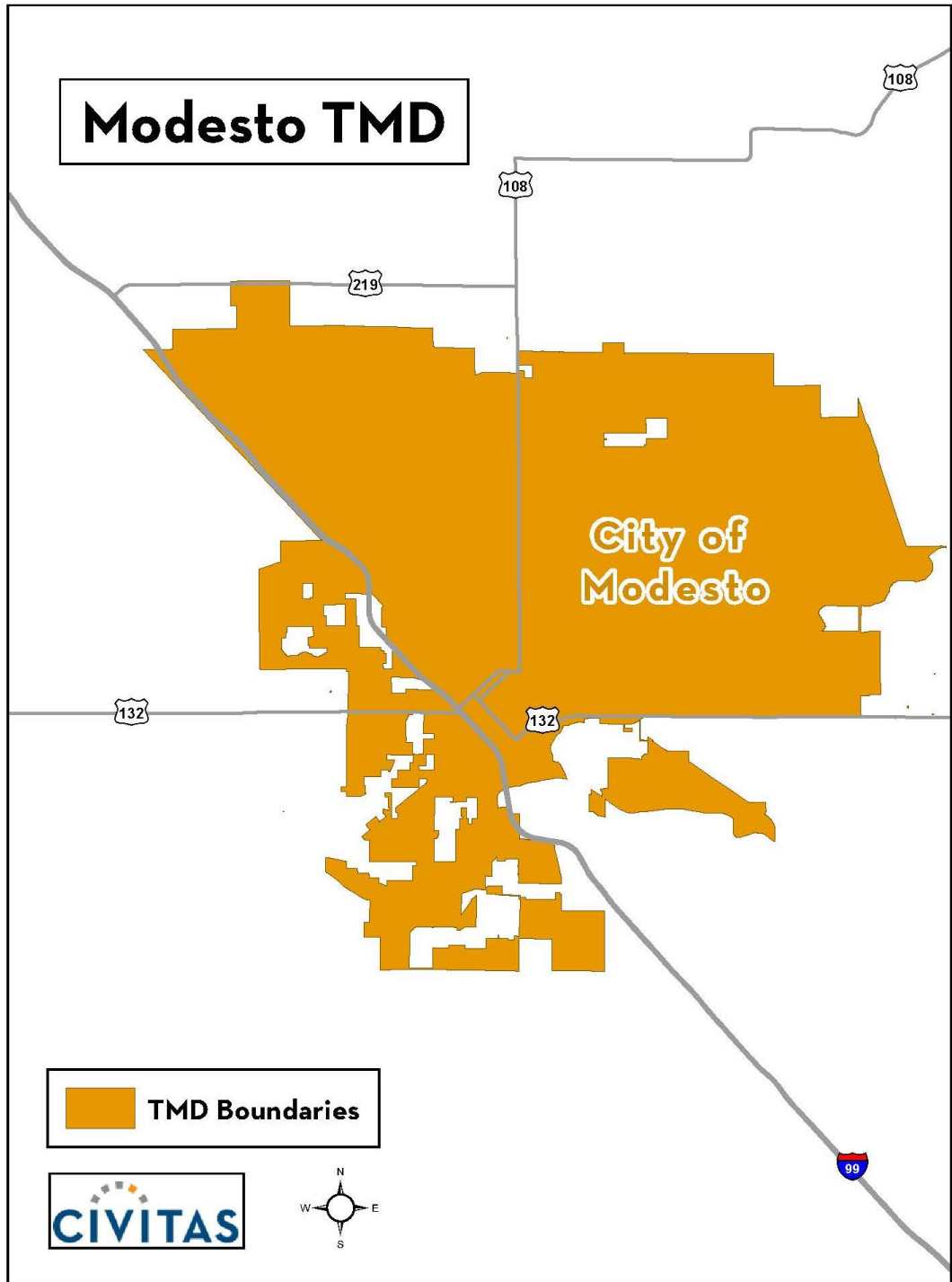
ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

EXHIBIT A
District Boundaries



**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-434**

**RESOLUTION ACCEPTING THE RESIGNATION OF BETH GARCIA FROM
THE CITY OF MODESTO CITIZENS HOUSING & COMMUNITY
DEVELOPMENT COMMITTEE**

WHEREAS, Beth Garcia was appointed to the Citizens Housing & Community Development Committee with a term ending January 1, 2024, by City Council Resolution 2020-361, adopted September 8, 2020, and

WHEREAS, Section 3.2 of the Bylaws of the Citizens Housing & Economic Development Committee states that all Committee members must reside at all times during their service on the Committee with-in the City of Modesto, and

WHEREAS, Committee Member Beth Garcia has moved her residence to outside the City of Modesto.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby accepts the resignation of Beth Garcia from the Citizens Housing & Economic Development Committee and the seat is declared vacant.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Citizens Housing & Economic 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 27th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

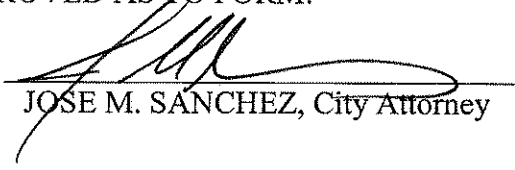
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-435**

**RESOLUTION APPROVING THE REAPPOINTMENT OF DOUGLAS
PARMAN AND JULIE SCHERER, CITIZENS AT LARGE, TO THE CITIZEN'S
HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE WITH A
TERM EXPIRATION DATE OF DECEMBER 31, 2023**

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, Douglas Parman and Julie Scherer, meet the requirements of the positions and are willing to serve on the Citizens Housing and Community Development Committee, and

WHEREAS, the Appointments Committee met on October 8, 2020, and recommended reappointment of Douglas Parman and Julie Scherer, Citizens at Large, to the Citizens Housing and Community Development Committee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the reappointment of Douglas Parman and Julie Scherer to the Modesto Citizens Housing and Community Development Committee with a term expiration of December 31, 2023.

LET IT FURTHER BE RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Modesto 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 27th day of October, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-436**

**RESOLUTION APPROVING THE APPOINTMENT OF SONJA HURST TO
THE CITIZEN'S HOUSING AND COMMUNITY DEVELOPMENT
COMMITTEE WITH A TERM EXPIRATION DATE OF DECEMBER 31, 2024**

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, Sonja Hurst, meets the requirements of the position and is willing to serve on the Citizens Housing and Community Development Committee, and

WHEREAS, the Appointments Committee met on August 6, 2020, and recommended appointment of Sonja Hurst to the Citizens Housing and Community Development Committee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointment of Sonja Hurst, to the Modesto Citizens Housing and Community Development Committee with a term expiration date of December 31, 2024.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto 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 27th day of October, 2020, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-437**

**RESOLUTION APPROVING THE 2021 CITY CALENDARS OF REGULARLY
SCHEDULED CITY COUNCIL AND COUNCIL STANDING COMMITTEE
MEETINGS**

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the 2021 City Council Meeting Calendar, **attached** hereto as **Exhibit "A,"** and the 2021 Council Standing Committee Meeting Calendar **Exhibit "B,"** are hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

City Council Calendar 2021

January 2021

5th CANCELLED*
 12th Council Meeting (regular)
 19th NO MEETING
 26th Council Meeting (regular)

February 2021

2nd Council Meeting (regular)
 9th Council Meeting (regular)
 16th NO MEETING
 23rd Council Meeting (regular)

March 2021

2nd Council Meeting (regular)
 9th Council Meeting (regular)
 16th NO MEETING
 23rd CANCELLED **
 30th NO MEETING – 5th Tuesday

April 2021

6th Council Meeting (regular)
 13th Council Meeting (regular)
 20th NO MEETING
 27th Council Meeting (regular)

May 2021

4th Council Meeting (regular)
 11th Council Meeting (regular)
 18th NO MEETING
 25th Council Meeting (regular)

June 2021

1st Council Meeting (regular)
 8th Council Meeting (regular)
 15th NO MEETING
 22nd Council Meeting (regular)
 29th NO MEETING – 5th Tuesday

July 2021

6th Council Meeting (regular)
 13th Council Meeting (regular)
 20th NO MEETING
 27th NO MEETING

August 2021

4th Council Meeting (special)***
 10th Council Meeting (regular)
 17th NO MEETING
 24th NO MEETING
 31st NO MEETING – 5th Tuesday

September 2021

7th Council Meeting (regular)
 14th Council Meeting (regular)
 21st NO MEETING
 28th Council Meeting (regular)

October 2021

5th Council Meeting (regular)
 12th Council Meeting (regular)
 19th NO MEETING
 26th Council Meeting (regular)

November 2021

2nd Council Meeting (regular)
 9th Council Meeting (regular)
 16th NO MEETING
 23rd Council Meeting (regular)
 30th NO MEETING – 5th Tuesday

December 2021

7th Council Meeting (regular)
 14th Council Meeting (regular)
 21st CANCELLED per MMC 2-1.01
 28th CANCELLED per MMC 2-1.01

- * January 5th due to Winter Break
- ** March 23rd due to Spring Break
- *** August 4th Wednesday Meeting due to National Night Out on August 3rd

**City of Modesto Council and Standing Committees Calendar
2021 DRAFT**

JANUARY						
S	M	T	W	T	F	S
					H	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	H	19	20	21	22	23
24/31	25	26	27	28	29	30

FEBRUARY						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	H	16	17	18	19	20
21	22	23	24	25	26	27
28						

MARCH						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

APRIL						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

MAY						
S	M	T	W	T	F	S
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	H					

JUNE						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

JULY						
S	M	T	W	T	F	S
				1	2	3
4	H	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

AUGUST						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

SEPTEMBER						
S	M	T	W	T	F	S
			1	2	3	4
5	H	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

OCTOBER						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24/31	25	26	27	28	29	30

NOVEMBER						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	H	12	13
14	15	16	17	18	19	20
21	22	23	24	H	H	27
28	29	30				

DECEMBER						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	H	H
26	27	28	29	30	H	

Council 5:30 PM
 Economic Development Committee
 (EDC even months 2 PM, odd months 5:30)

Safety & Communities Committee 5:00 PM
 Finance Committee 3:00 PM
 Appointment & Audit Committees - **As needed**

*Meeting dates are subject to change at the request of Council
Calendar by the City Clerk's Office 10/27/2020

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-438**

RESOLUTION APPROVING A FOURTH AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD (KRONICK) FOR PERSONNEL AND ADMINISTRATIVE INVESTIGATION SUPPORT THROUGH DECEMBER 31, 2021, AND INCREASING THE AGREEMENT AMOUNT BY \$25,000, FROM \$75,000 TO \$100,000, AND AUTHORIZING DEPUTY CITY MANAGER CALUHA BARNES, TO EXECUTE THE AMENDMENT.

WHEREAS, in 2019, Kronick, Moskovitz, Tiedemann & Girarda was retained to provide advice to the City Council in a labor and personnel matter that could not be performed in-house, and

WHEREAS, the scope of work has included the review of personnel and administrative investigations and the provision of independent legal advice concerning appropriate courses of action based on the results of such investigations, and

WHEREAS, the firm was originally retained for \$25,000, which is within the spending authority of the City Manager and the need for services and support from Kronick continued, which required the following amendments that are also within the spending authority of the City Manager, and

WHEREAS, the First Amendment increased the spending authority by \$5,000 to a not-to-exceed amount of \$30,000, and

WHEREAS, the Second Amendment increased the spending authority by \$20,000 for a not-to-exceed amount of \$50,000, and

WHEREAS, the Third Amendment increased the spending authority by 25,000 for a not-to-exceed amount of \$75,000 and expiring on September 30, 2020, and

WHEREAS, the need for Kronick continues and requires an additional amendment for an additional estimated cost of \$25,000 for a total not to exceed amount of \$100,000 with a term expiring on December 31, 2021, and

WHEREAS, the total cost is not to exceed \$100,000 and is budgeted within the City's Insurance Administration Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Fourth Amendment to the Legal Services Agreement with Kronick, Moskovitz, Tiedemann & Girard through December 31, 2021, and increasing the agreement amount by \$25,000, from \$75,000 to \$100,000, to continue providing services to the City Council.

BE IT FURTHER RESOLVED, that Deputy City Manager Caluha Barnes, is hereby authorized to execute the amendment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Ridenour, Zoslocki,

NOES: Councilmembers: Ah You, Madrigal, Mayor Brandvold

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-439**

RESOLUTION APPROVING AN AMENDMENT TO INCREASE THE PURCHASING AGREEMENT WITH AMAZON BUSINESS THROUGH THE OMNIA PARTNERS PUBLIC SECTOR COOPERATIVE PURCHASING ORGANIZATION (FORMERLY KNOWN AS US COMMUNITIES AND NATIONAL IPA) FOR AN ONLINE MARKETPLACE FOR PRODUCTS BY \$50,000 ANNUALLY, FOR A TWO-YEAR AGREEMENT WITH THREE TWO-YEAR EXTENSION OPTIONS, FOR A REVISED ANNUAL ESTIMATED COST OF \$125,000, AND A TOTAL REVISED AMOUNT NOT TO EXCEED \$1,000,000 OVER EIGHT YEARS; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, City employees have utilized Amazon Business for the purchase of products based on the significant competitive pricing it affords since 2011, with City departments purchasing individual Amazon Prime accounts or staff using their personal Amazon Prime accounts, and

WHEREAS, on November 26, 2019 under Resolution 2019-518, Council approved a purchasing agreement with Amazon Business, by utilizing the competitively solicited and awarded contract in the OMNIA Partners portfolio for a two-year term with three two-year extension options, for an annual estimated cost not to exceed \$75,000, and a total amount not to exceed \$600,000 over eight year, and

WHEREAS, establishing a City-wide Business account allowed Purchasing to monitor the actual spending being made through Amazon, and

WHEREAS, over the last seven months, the Purchasing Division has tracked spending averaging about \$11,000 per month.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to increase the purchasing agreement with Amazon Business through the OMNIA Partners Public Sector cooperative purchasing organization

(formerly known as US Communities and National IPA) for an online marketplace for products by \$50,000 annually, for a two-year agreement with three two-year extension options, for a revised annual estimated cost of \$125,000, and a total revised amount not to exceed \$1,000,000 over eight years.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-440**

RESOLUTION APPROVING THE AWARD OF BID FOR THE FURNISHING OF ANALYTICAL LABORATORY TESTING SERVICE FOR DRINKING WATER SERVICES TO INSTITUTE FOR ENVIRONMENTAL HEALTH INC., DBA IEH- JL ANALYTICAL, MODESTO, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST OF \$52,696 AND A TOTAL AMOUNT NOT TO EXCEED \$263,480 OVER FIVE (5) YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Utilities Department, Water Division is requesting a local Environmental Laboratory Accreditation Program (ELAP) and/or National Environmental Laboratory Accreditation Conference (NELAC) certified laboratory for drinking water sample testing on an “as needed basis” throughout the year, to conduct various tests of drinking water samples, and

WHEREAS, due to the complexity and sensitivity such as, short hold times for samples of the City’s water system, monitoring and sampling being performed seven (7) days per week throughout the day or night by staff, the City is requiring the awarded laboratory to be within a 20-mile radius from the City of Modesto Northeast Corporation Yard located at 4240 Litt Road. As part of this bid, no subcontracting of water quality results will be allowed, and

WHEREAS, on July 28, 2020 the Purchasing Division issued RFB No. 1920-79 on the Planet bids website under various commodity codes associated with Analytical Laboratory Testing Service for Drinking Water, and

WHEREAS, on September 1, 2020, in an effort to slow the spread of COVID19, bids were formally opened by the City Clerk and broadcast via Microsoft Teams Livestream, and

WHEREAS, one (1) company chose to respond, company was deemed responsive and responsible, and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award for Analytical Laboratory Testing Service for Drinking Water for the Water division to Environmental Health Inc., dba IEH- JL Analytical, Modesto, CA., for an estimated annual cost not to exceed \$52,696, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to follow formal bid procedures and RFB No. 1920-79 conforms with this MMC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid for the furnishing of Analytical Laboratory Testing Service for Drinking Water services to Institute for Environmental Health Inc., dba IEH- JL Analytica, Modesto, Ca, for a two (2) year agreement with three (3) one-year extension options, for an estimated annual cost of \$52,696 and a total amount not to exceed \$263,480 over five (5) years.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-441**

**RESOLUTION APPROVING AN AMENDMENT TO ARTICLE VII OF THE
BYLAWS OF THE MODESTO CITY-COUNTY AIRPORT ADVISORY
COMMITTEE CALLING FOR REGULAR BI-MONTHLY MEETINGS, AND AN
AMENDMENT TO ARTICLE III TO REMOVE THE ANNUAL REPORT
SUBMISSION REQUIREMENT**

WHEREAS, the City of Modesto operates the Modesto City-County Airport (Airport) for the benefit of all businesses, industries, visitors and residents in and around the City of Modesto, Stanislaus County, and surrounding areas, and

WHEREAS, the Modesto City Council and Stanislaus County Board of Supervisors seek to ensure that the Airport is maintained and developed in such a manner that it will continue to be a high-quality aviation facility for its users and a good neighbor in the community, recognizing that both the users and community may change as the surrounding area continues to grow and develop, and

WHEREAS, in 1972, Council approved the creation of an Airport Advisory Committee (AAC), and

WHEREAS, providing public input and assistance to the City Manager on all policy matters affecting the use, growth and development of the City-County Airport, and AAC Bylaws, and

WHEREAS, on August 9, 2011, by Resolution No. 2011-355, Council approved revised AAC Bylaws incorporating changes to clarify the composition, function and authority of this all-volunteer committee, and

WHEREAS, on January 24, 2012, by Resolution No. 2012-29, Council approved an amendment to the Bylaws to have the AAC meetings monthly rather than quarterly, and

WHEREAS, the Bylaws currently state that regular meetings of the Committee shall be held once a month, and

WHEREAS, the Bylaws currently state that the committee will submit an annual report relating to Airport activities, and

WHEREAS, at their February 20, 2020 meeting AAC members unanimously agreed that meeting bi-monthly would be sufficient in moving issues forward in a timely manner with the option of a special meeting in between regular meeting is a matter is deemed to be pressing, and that the submission of the annual report was duplicative as the Airport produces and annual, which conveys the same information as the AAC Annual report required by the Bylaws.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves of the Amended Bylaws of the Modesto City-County Airport Committee, **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 27th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**BYLAWS OF THE
AIRPORT ADVISORY COMMITTEE**

ARTICLE I

AUTHORITY

The Airport Advisory Committee, hereinafter referred to as the “Committee”, has been established by the City of Modesto and Stanislaus County Board of Supervisors on August 9, 2011, Resolution #2011-355, and by the Stanislaus County Board of Supervisors on August 16, 2011, Resolution #2011-474.

ARTICLE II

PURPOSE AND INTENT

The City of Modesto operates the Modesto City-County Airport for the benefit of all residents, business owners and visitors in and around the City of Modesto and surrounding areas. The City of Modesto and Board of Supervisors seek to ensure that the Modesto City-County Airport is maintained and developed in such a manner that it will continue to be a high-quality aviation facility for its users and a good neighbor in the community, recognizing that both the users and community may change as the surrounding area continues to grow and develop. The Committee has been established to assist and advise the City of Modesto and Stanislaus County Board of Supervisors in the implementation of these objectives.

ARTICLE III

POWERS AND DUTIES

The powers and duties of the Committee are:

1. Advise the City of Modesto and the Modesto City Council on policy matters pertaining to the operation and management of Modesto City-County Airport, the uses of property adjacent to the airport if such uses may impact operations at the airport, and any other matters as the City Manager or Modesto City Council may from time to time request relating to the Modesto City-County Airport.
2. Review and make (recommendations regarding plans and policies for airport safety.
3. Review and assist in the preparation of the Airport Master Plan, Airport Business Plan, Airport Capital Improvement Plan, and other related plans and documents.
4. Submit to the City of Modesto and Stanislaus County Board of Supervisors an annual report relating to activities of the Airport and the Committee.

ARTICLE IV

MEMBERSHIP

The Committee shall consist of seven (7) voting members and three (3) non-voting members with the intent to include a diversity of backgrounds and perspectives on the Committee.

1. Members shall be appointed by the City of Modesto and Stanislaus County Board of Supervisors as follows:

Voting Members: Seven (7) members. The voting members of the Committee should be appointed based on the following criteria.

- (a) **Public at Large** – Two (2) members

(One appointed by Stanislaus County and one by Modesto City Council)
Consideration should be made for those who reside within the airport influence area or planning area of the Airport.

- (b) **Small Aircraft Owner/General Aviation** – Two (2) members

(One appointed by Stanislaus County and one by Modesto City Council) Members shall be a pilot or owner of a small private aircraft that is based at the Airport.

- (c) **Corporate Aircraft Owner/General Aviation** – One (1) member

(Appointed by Stanislaus County)
Members should be a pilot/aircraft user or owner who flies primarily for business purposes and who is a tenant at the Airport.

- (d) **Business Owner/Service Provider** – One (1) member

(Appointed by Modesto City Council)

Member should be associated with a business/service provider who is a tenant at the airport.

- (e) **Commercial Carrier/Service Provider** – One (1) member

(Appointed by Modesto City Council)

Member should be associated with a commercial carrier/service provider who is a tenant at the airport.

Non-Voting Members: Three (3) members. The non-voting members shall be a member of the Committee, but shall be without a vote in matters of the business or the Committee. The non-voting members of the Committee should be appointed based on the following criteria.

- (a) **Stanislaus County Board of Supervisors** – One (1) member

(Appointed by County Board of Supervisors)

Member should be a member of the Board of Supervisors

- (b) **Modesto City Council** - One (1) member

(Appointed by Modesto City Council)

Member should be a member of the City Council

- (c) **City of Ceres** – One (1) member

(Appointed by Ceres City Council)

Member should be a staff liaison for the City of Ceres

2. Members of the Committee shall reside within Stanislaus County.
3. The terms of office for each Committee member shall be four (4) years, ending on June 30. The terms of the original members shall be staggered so that the terms of no more than two (2) members will expire in any one year.
4. Should a vacancy occur in a Committee position, the appointing agency shall appoint a replacement member to fill only the expired term of the vacant position(s)
5. If the Modesto City Council or Stanislaus County Board of Supervisors do not appoint a new member or reappoint an existing member, on or before the expiration of a member's term, that member may hold over on a month-to-month basis until such time as the member is either reappointed or a new person has been appointed to the position.

6. The failure of a member to attend 75 percent (75%) of the regular meetings within one year (July through June) shall constitute a tender of resignation by that member, which tender can be accepted by the Committee without further notice. The Committee Clerk shall promptly notify the City of Modesto or Stanislaus County Board of Supervisors of such resignation and resulting vacancy.

ARTICLE V

SUBCOMMITTEES

The Committee may form standing or ad hoc subcommittees, as needed.

ARTICLE VI

OFFICERS

1. The officers of the Committee shall be the Chair and Vice Chair.
2. The Committee shall elect from its members, at its regular meeting in July of each year, a Chair and Vice Chair. The Chair and Vice Chair should not serve more than two consecutive one-year terms. The newly elected officers shall take office upon election. A vacancy in either position shall be promptly filled by the Committee, and such replacement officer shall serve out the remainder of the term.
3. It shall be the duty of the Chair to preside over all Committee meetings, to appoint chairs of any standing or ad hoc subcommittees, and to exercise such other powers and perform such other duties as may be prescribed by the Committee.
4. It shall be the duty of the Vice Chair to assist the Chair in the execution of that office, to preside at meetings in the event Chair is absent, and to exercise such other powers and perform such other duties as may be delegated by the Chair or as may be prescribed by the Committee.
5. The Airport Manager shall serve as Clerk to the Committee, but shall not be a member of the Committee, and shall be without a vote in matters of the business of the Committee. It shall be the duty of the Clerk to maintain the minutes and other records of the Committee, and to receive communications and correspondence addressed to the Committee.

ARTICLE VII

MEETINGS OF THE COMMITTEE

1. Regular meetings of the Committee shall be held once a month on the third Thursday unless it is a holiday, in which case the meeting shall be held on the Wednesday immediately preceding. Meetings shall be held at the Modesto City-County Airport office. A regular meeting time shall be designated by the Chair.
2. The regular meeting may adjourn and reconvene at any specified time and place with Stanislaus County upon a majority vote of the Committee.
3. Special meetings may be called at the discretion of the Chair, according to Section 54596 of the Government Code.
4. A regular meeting may be cancelled by the Chair, or Vice Chair in the absence of the Chair, not less than forty-eight (48) hours in advance of the meeting, due to an expected lack of a quorum or lack of business. A regular or special meeting may be cancelled by the Chair or Vice Chair at any time due to an emergency. The reason for cancellation shall be noted in the minutes.
5. Agendas for meetings shall be prepared by Committee staff and mailed at least five days prior to a meeting to all Committee members and to others on the approved agenda mailing list. Public notice of all meetings shall be given pursuant to the Brown Act (Government Code Sections 54950 and following) in compliance with the 72-hour posting deadline for regular meetings and the 24-hour deadline for special meetings.
6. All meetings of the Committee shall comply with the Ralph M. Brown Act.
7. Unless otherwise addressed by these Bylaws, the conduct of the affairs of the Committees and subcommittees shall proceed in accordance with the Rules of Order and Procedure as may be adopted by the Committee, or in the absence thereof, in accordance with the provisions of Robert's Rules of Order.

ARTICLE VIII

QUORUM AND VOTING

1. The presence of four (4) voting members of the Committee shall constitute a quorum for the transaction of all business duly presented at a meeting of the Committee, even if one more members must abstain from voting on a particular item of business, but if less than

the full quorum was eligible to vote on the item, the Chair may direct that the item be brought back for reconsideration at the next meeting of the Committee.

2. Each member of the Committee shall have one vote, which shall be exercised by the member, if present at a meeting, unless required to abstain due to an actual or perceived conflict of interest. Voting by proxy shall not be allowed.
3. A tie shall be a rejection of the approval sought for the agenda item, but if less than the full Committee was present to vote on the item, the Chair may direct that the item be brought back for reconsideration at the next meeting of the Committee.

ARTICLE IX

CONFLICT OF INTEREST

Members of the Committee shall comply with the terms and provisions of the California Political Reform Act, and shall abstain from acting on matters as required by that Act.

ARTICLE X

AMENDMENTS TO BYLAWS

These Bylaws may be amended, repealed, or altered, in whole or in part, upon approval by the Modesto City Council and Stanislaus County Board of Supervisors. A recommendation to amend, repeal, or alter these Bylaws, in whole or in part, may be made by a majority vote of the Committee members present at any duly organized meeting of the Committee, provided that a copy of any amendment proposed for consideration shall be mailed to the last recorded address of each member at least thirty days prior to the date of the meeting. These Bylaws, and any amendments to these Bylaws, shall take effect only upon approval by the City of Modesto or Stanislaus County Board of Supervisors.

ARTICLE XI
SEVERABILITY

If any provision of these Bylaws, or any portion thereof, is found by any court of competent jurisdiction to be unenforceable or invalid for any reason, such provision shall be severable and shall not in any way impair the enforceability of any other provision of these Bylaws.

**BYLAWS OF THE
AIRPORT ADVISORY COMMITTEE**

ARTICLE I

AUTHORITY

The Airport Advisory Committee, hereinafter referred to as the “Committee”, has been established by the City of Modesto on August 9, 2011, Resolution #2011-355, and by the Stanislaus County Board of Supervisors on August 16, 2011, Resolution #2011-474.

ARTICLE II

PURPOSE AND INTENT

The City of Modesto operates the Modesto City-County Airport for the benefit of all residents, business owners and visitors in and around the City of Modesto and surrounding areas. The City of Modesto and Board of Supervisors seek to ensure that the Modesto City-County Airport is maintained and developed in such a manner that it will continue to be a high-quality aviation facility for its users and a good neighbor in the community, recognizing that both the users and community may change as the surrounding area continues to grow and develop. The Committee has been established to assist and advise the City of Modesto and Stanislaus County Board of Supervisors in the implementation of these objectives.

ARTICLE III

POWERS AND DUTIES

The powers and duties of the Committee are:

1. Advise the City of Modesto and the Modesto City Council on policy matters pertaining to the operation and management of Modesto City-County Airport, the uses of property adjacent to the airport if such uses may impact operations at the airport, and any other matters as the City Manager or Modesto City Council may from time to time request relating to the Modesto City-County Airport.
2. Review and make (recommendations regarding plans and policies for airport safety.
3. Review and assist in the preparation of the Airport Master Plan, Airport Business Plan, Airport Capital Improvement Plan, and other related plans and documents.

ARTICLE IV

MEMBERSHIP

The Committee shall consist of seven (7) voting members and three (3) non-voting members with the intent to include a diversity of backgrounds and perspectives on the Committee.

1. Members shall be appointed by the City of Modesto and Stanislaus County Board of Supervisors as follows:

Voting Members: Seven (7) members. The voting members of the Committee should be appointed based on the following criteria.

- (a) **Public at Large** – Two (2) members

(One appointed by Stanislaus County and one by Modesto City Council)
Consideration should be made for those who reside within the airport influence area or planning area of the Airport.

- (b) **Small Aircraft Owner/General Aviation** – Two (2) members

(One appointed by Stanislaus County and one by Modesto City Council) Members shall be a pilot or owner of a small private aircraft that is based at the Airport.

- (c) **Corporate Aircraft Owner/General Aviation** – One (1) member

(Appointed by Stanislaus County)
Members should be a pilot/aircraft user or owner who flies primarily for business purposes and who is a tenant at the Airport.

- (d) **Business Owner/Service Provider** – One (1) member

(Appointed by Modesto City Council)

Member should be associated with a business/service provider who is a tenant at the airport.

- (e) **Commercial Carrier/Service Provider** – One (1) member

(Appointed by Modesto City Council)

Member should be associated with a commercial carrier/service provider who is a tenant at the airport.

Non-Voting Members: Three (3) members. The non-voting members shall be a member of the Committee, but shall be without a vote in matters of the business or the Committee. The non-voting members of the Committee should be appointed based on the following criteria.

- (a) **Stanislaus County Board of Supervisors** – One (1) member

(Appointed by County Board of Supervisors)

Member should be a member of the Board of Supervisors

- (b) **Modesto City Council** - One (1) member

(Appointed by Modesto City Council)

Member should be a member of the City Council

- (c) **City of Ceres** – One (1) member

(Appointed by Ceres City Council)

Member should be a staff liaison for the City of Ceres

2. Members of the Committee shall reside within Stanislaus County.
3. The terms of office for each Committee member shall be four (4) years, ending on June 30. The terms of the original members shall be staggered so that the terms of no more than two (2) members will expire in any one year.
4. Should a vacancy occur in a Committee position, the appointing agency shall appoint a replacement member to fill only the expired term of the vacant position(s)
5. If the Modesto City Council or Stanislaus County Board of Supervisors do not appoint a new member or reappoint an existing member, on or before the expiration of a member's term, that member may hold over on a month-to-month basis until such time as the member is either reappointed or a new person has been appointed to the position.
6. The failure of a member to attend 75 percent (75%) of the regular meetings within one year (July through June) shall constitute a tender of resignation by that member, which tender can be accepted by the Committee without further notice. The Committee Clerk

shall promptly notify the City of Modesto or Stanislaus County Board of Supervisors of such resignation and resulting vacancy.

ARTICLE V

SUBCOMMITTEES

The Committee may form standing or ad hoc subcommittees, as needed.

ARTICLE VI

OFFICERS

1. The officers of the Committee shall be the Chair and Vice Chair.
2. The Committee shall elect from its members, at its regular meeting in July of each year, a Chair and Vice Chair. The Chair and Vice Chair should not serve more than two consecutive one-year terms. The newly elected officers shall take office upon election. A vacancy in either position shall be promptly filled by the Committee, and such replacement officer shall serve out the remainder of the term.
3. It shall be the duty of the Chair to preside over all Committee meetings, to appoint chairs of any standing or ad hoc subcommittees, and to exercise such other powers and perform such other duties as may be prescribed by the Committee.
4. It shall be the duty of the Vice Chair to assist the Chair in the execution of that office, to preside at meetings in the event Chair is absent, and to exercise such other powers and perform such other duties as may be delegated by the Chair or as may be prescribed by the Committee.
5. The Airport Manager shall serve as Clerk to the Committee, but shall not be a member of the Committee, and shall be without a vote in matters of the business of the Committee. It shall be the duty of the Clerk to maintain the minutes and other records of the Committee, and to receive communications and correspondence addressed to the Committee.

ARTICLE VII

MEETINGS OF THE COMMITTEE

1. Regular meetings of the Committee shall be held bi-monthly, starting in January, on the third Thursday unless it is a holiday, in which case the meeting shall be held on the Wednesday immediately preceding. Meetings shall be held at the Modesto City-County Airport office. A regular meeting time shall be designated by the Chair.
2. The regular meeting may adjourn and reconvene at any specified time and place with Stanislaus County upon a majority vote of the Committee.
3. Special meetings may be called at the discretion of the Chair, according to Section 54596 of the Government Code.
4. A regular meeting may be cancelled by the Chair, or Vice Chair in the absence of the Chair, not less than forty-eight (48) hours in advance of the meeting, due to an expected lack of a quorum or lack of business. A regular or special meeting may be cancelled by the Chair or Vice Chair at any time due to an emergency. The reason for cancellation shall be noted in the minutes.
5. Agendas for meetings shall be prepared by Committee staff and mailed at least five days prior to a meeting to all Committee members and to others on the approved agenda mailing list. Public notice of all meetings shall be given pursuant to the Brown Act (Government Code Sections 54950 and following) in compliance with the 72-hour posting deadline for regular meetings and the 24-hour deadline for special meetings.
6. All meetings of the Committee shall comply with the Ralph M. Brown Act.
7. Unless otherwise addressed by these Bylaws, the conduct of the affairs of the Committees and subcommittees shall proceed in accordance with the Rules of Order and Procedure as may be adopted by the Committee, or in the absence thereof, in accordance with the provisions of Robert's Rules of Order.

ARTICLE VIII

QUORUM AND VOTING

1. The presence of four (4) voting members of the Committee shall constitute a quorum for the transaction of all business duly presented at a meeting of the Committee, even if one more members must abstain from voting on a particular item of business, but if less than the full quorum was eligible to vote on the item, the Chair may direct that the item be brought back for reconsideration at the next meeting of the Committee.

2. Each member of the Committee shall have one vote, which shall be exercised by the member, if present at a meeting, unless required to abstain due to an actual or perceived conflict of interest. Voting by proxy shall not be allowed.
3. A tie shall be a rejection of the approval sought for the agenda item, but if less than the full Committee was present to vote on the item, the Chair may direct that the item be brought back for reconsideration at the next meeting of the Committee.

ARTICLE IX

CONFLICT OF INTEREST

Members of the Committee shall comply with the terms and provisions of the California Political Reform Act, and shall abstain from acting on matters as required by that Act.

ARTICLE X

AMENDMENTS TO BYLAWS

These Bylaws may be amended, repealed, or altered, in whole or in part, upon approval by the Modesto City Council and Stanislaus County Board of Supervisors. A recommendation to amend, repeal, or alter these Bylaws, in whole or in part, may be made by a majority vote of the Committee members present at any duly organized meeting of the Committee, provided that a copy of any amendment proposed for consideration shall be mailed to the last recorded address of each member at least thirty days prior to the date of the meeting. These Bylaws, and any amendments to these Bylaws, shall take effect only upon approval by the City of Modesto and Stanislaus County Board of Supervisors.

ARTICLE XI
SEVERABILITY

If any provision of these Bylaws, or any portion thereof, is found by any court of competent jurisdiction to be unenforceable or invalid for any reason, such provision shall be severable and shall not in any way impair the enforceability of any other provision of these Bylaws.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-442**

RESOLUTION APPROVING THE FIRST AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH WILLDAN, INC., FOR TRAFFIC ENGINEERING SERVICES BY \$60,000 FROM \$145,000 TO A NEW TOTAL NOT TO EXCEED AMOUNT OF \$205,000, AND EXTENDING THE TERM OF THE AGREEMENT FROM ONE YEAR TO TWO YEARS WITH A ONE-YEAR EXTENSION; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on August 13, 2019, by Resolution No. 2019-369, Council approved an Agreement with Willdan, Inc. for Traffic Engineering Services in an amount not to exceed \$145,000 for up to one year, and

WHEREAS, the City is currently using Willdan, Inc. to provide engineering expertise and assistance to the Traffic Engineering Division since the retirement of the Traffic Engineer July 2019, and

WHEREAS, Willdan provided a Traffic Engineering consultant to be available 28 hours a week to help ensure that current CIP projects will remain on schedule, provide guidance on complaints/issues, and provide technical support, and

WHEREAS, due to the current workload, the FY 20/21 budget for Traffic Engineering approved \$30,000 in professional services to help assist with projects and the various tasks to keep the Traffic Engineering Division running efficiently, and

WHEREAS, the First Amendment to Willdan's Agreement will extend their services for an additional year by increasing their contract value \$60,000 and provide a third-year option of approximately, thus increasing the total contract amount not to exceed \$205,000, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the agreement with Willdan, Inc., for Traffic Engineering services increasing the agreement amount by \$60,000 from \$145,000, to a new total not to exceed amount of \$205,000, and extending the term of the agreement from one year to two years, with a one-year extension.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-443**

RESOLUTION APPROVING THE FIRST AMENDMENT TO EXTEND THE TERM OF THE AGREEMENT WITH STOTT OUTDOOR ADVERTISING FOR BUS EXTERIOR ADVERTISING SERVICES FROM DECEMBER 1, 2020 TO JUNE 30, 2021 WITH A ONE-YEAR EXTENSION OPTION, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on October 27, 2015, by Resolution 2015-400, Council approved an agreement with STOTT Outdoor Advertising, and

WHEREAS, the Bus Exterior Advertising Agreement with Stott Outdoor Advertising has been in effect since December 1, 2015 and will expire on November 30, 2020, and

WHEREAS, this agreement allows STOTT to sell advertising space on the exterior of all Modesto Area Express buses, providing revenue to the City, and

WHEREAS, STOTT Outdoor Advertising has performed better than satisfactory in the last five years in compliance with the terms of the agreement, and

WHEREAS, there are discussions in progress to consolidate the transit agencies in Stanislaus County into one transit agency tentatively in the coming year, and

WHEREAS, the consolidation efforts make it reasonable to extend the current agreement through June 30, 2021 with a one-year extension option, and

WHEREAS, extending the agreement with STOTT will save the City the time and effort to compose a Request for Bids (RFB) for solicitation along with the relative processes for procurement of a new agreement for the short duration of seven months.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to extend the term of the agreement with

STOTT Outdoor Advertising for bus exterior advertising services from December 1, 2020 to June 30, 2021 with a one-year extension option.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-444**

RESOLUTION APPROVING THE SOLE SOURCE AGREEMENT WITH HACH COMPANY, LOVELAND, CO, FOR NITRATE ANALYZER EQUIPMENT AND FIELD SERVICES, FOR A THREE-YEAR AGREEMENT, FOR AN ANNUAL COST NOT TO EXCEED \$103,000, AND A TOTAL AMOUNT NOT TO EXCEED \$339,000 OVER THREE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on October 3, 2017, by Council Resolution 2017-387, Council authorized the award of a sole source procurement for the procurement of nitrate analyzer equipment and services with Hach Company, Loveland, CO. The current Agreement No. 129157 expires November 30, 2020, and

WHEREAS, in 2006, the installation of nitrate analyzers was mandated by the State Water Resources Control Board (SWRCB) and the operating permit requires nitrate concentrations be monitored continuously by an online nitrate analyzer at facilities with high nitrate concentration levels, and

WHEREAS, the City Manager authorizes the Purchasing Manager to issue formal Request for Bids (RFB) for nitrate analyzer equipment and services, and

WHEREAS, Hach Company was chosen by staff because of its reliability, ease of use, and accuracy and is the sole manufacturer for nitrate analyzer equipment and service, and the service and maintenance must be done by a Hach certified technician or the warranty will be voided, and

WHEREAS, City staff recommends the purchase of nitrate analyzers and services from Hach Company, Loveland, CO, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, in excess of fifty thousand dollars (\$50,000) to follow formal bid procedures.

However, MMC Section 8-3.204(b), provides that a purchase may be exempted from the City’s formal bidding requirement where the Purchasing Agency’s requirements can be met solely by a single article or process. Additionally, MMC 8-3.204(d) provides that a purchase may also be exempted where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality. Additionally, the service and maintenance must be done by a Hach technician or the warranty will be voided. Therefore, this purchase qualifies for exemption from the formal bidding procedures, and

WHEREAS, the cost for these services will be covered by the Water funds through existing budget in the following cost centers and projects:

Account Numbers	Account Name	Year 1 2021	Year 2 2022	Year 3 2023	TOTAL
4100-45050-53300	Professional Services	\$47,000	\$52,000	\$57,000	\$156,000
4100-45050-53150	Supplies and Services - Repair and Maintenance	\$56,000	\$61,000	\$66,000	\$183,000
ANNUAL CONTRACT COST		\$103,000	\$113,000	\$123,000	\$339,000

*All Service Pricing subject to change with equipment changes.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sole source procurement of nitrate analyzer equipment and field services to Hach Company, Loveland, CO, for a three-year agreement, for an estimated annual cost of \$103,000, and a total amount not to exceed \$339,000 over three years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-445**

**RESOLUTION DENYING THE APPEAL OF THE SHERWOOD FOREST
HOMEOWNERS AND AFFIRMING THE BOARD OF ZONING ADJUSTMENT
DECISION DENYING THE APPEAL OF THE SHERWOOD FOREST
HOMEOWNERS APPEAL OF A STAFF APPROVAL OF A SECOND-STORY
ADDITION LOCATED AT 3109 YORKSHIRE LANE**

WHEREAS, an application for a second story review to allow the addition of a second story over a proposed garage for property located at 3109 Yorkshire lane was filed by Nathan Eslinger on April 13, 2020; and

WHEREAS, a letter was mailed on April 14, 2020, to the owners of the abutting properties to inform them of the proposed new construction as required by MMC Sec. 10-4.110; and

WHEREAS, staff determined that the proposed second story addition met the requirements of Section 10-4.110 of the City of Modesto Municipal Code and the City of Modesto Neighborhood Compatibility Guidelines, and consequently on May 8, 2020, approved the proposed two-story addition, and notified adjacent property owners of staff's approval and provided them an opportunity to appeal staff's decision; and

WHEREAS, an appeal was filed by Sherwood Forest Homeowners in a timely manner; and

WHEREAS, Section 10-9.102 of the Modesto Municipal Code authorizes the Board of Zoning Adjustment to hear and decide on appeals; and

WHEREAS, a notice for the appeal was sent ten days prior to the public hearing to all property owners within 300 feet of 3109 Yorkshire lane; and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on July 23, 2020, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, that the public hearing was continued to August 27, 2020, due to failing to get a minimum of four votes to grant or deny the appeal; and

WHEREAS, the continued public hearing was held by the Board of Zoning Adjustment on August 27, 2020, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, at the conclusion of the public hearing on August 27, 2020, the Board of Zoning Adjustment by Resolution No. 2020-05 denied the appeal of the Sherwood Forest Homeowners to the staff decision approving the second-story addition.

WHEREAS, on August 27, 2020, the Sherwood Forest Homeowners filed an appeal with the City Clerk of the City of Modesto to the decision of the Board of Zoning Adjustment to deny their appeal of the director's decision; and

WHEREAS, said appeal was set for a duly noticed public hearing before the City Council to be held on October 27, 2020, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which time said public hearing was held, evidence both oral and documentary was received and considered.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it finds and determines that the second-story addition is consistent with the R-1 Zone, that the second-story addition will not have a negative effect on the privacy of adjacent rear yards and that the addition is of a scale and massing compatible with the neighborhood due to small size and low height of the addition.

BE IT FURTHER RESOLVED by the City Council that it finds and determines, based on substantial evidence, the reasons set forth in the Resolution, and testimony in the administrative record, that the appeal of the Sherwood Forest Homeowners to the decision of the Board of Zoning Adjustment to deny their appeal of the approval by the Director of Community and Economic Development dated May 8, 2020, of a second story addition at 3109 Yorkshire Lane is hereby denied, and the decision of the Board of Zoning Adjustment as set forth in its Resolution 2020-05 is hereby affirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: Madrigal, Ridenour

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-446**

**RESOLUTION APPROVING SPECIFIC PLAN AMENDMENT NO. 25 TO
THE VILLAGE ONE SPECIFIC PLAN TO AMEND ALLOWABLE USES IN
THE SENIOR HOUSING LAND USE DESIGNATION, PROPERTY LOCATED
ON CHANDON DRIVE NORTH OF MONTORRA DRIVE**

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 to adopt 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 to improve 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 to rewrite and reorganize the Plan to be more 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 No. 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 to widen Floyd Avenue from three to five lanes, realign the Claus/Sylvan intersection, delete the

nonpotable water supply for public landscaping, and integrate 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 to revise the Residential Design Policies for cul-de-sacs, 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 to the Village One Specific Plan to revise the school and park sites within the Specific Plan and redistribute 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 the Village One Specific Plan 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 the Village One Specific Plan to delete the multiple-family development designation from Precise Plan Areas Nos. 8 and 33, and Resolution No. 26-246, 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 Nos. 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 the Village One Specific Plan to incorporate changes previously approved in Specific Plan Amendment No. 7 into the Specific Plan

document itself, to make minor editorial changes to the 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 to modify the standards for dwelling setbacks and three-car garages for the entire Specific Plan area, and

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, the City Council on October 21, 1997, by Resolution No. 97-602, adopted Specific Plan 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, revise Amtrak station language, revise the business park precise plan diagram, and allow regional commercial uses in the business park, and

WHEREAS, the City Council on February 17, 1998, by Resolution No. 98-97, adopted Specific Plan Amendment No. 13 to the Village One Specific Plan to redesignate

9.8 acres in Precise Plan Area No. 3 from Multi-Family Residential to Village Residential, and

WHEREAS, the City Council on August 17, 1999, by Resolution No. 99-416, adopted Specific Plan Amendment No. 14 to the Village One Specific Plan to modify the mix of land uses allowed in the southeast quadrant of Precise Plan Area No. 20, and

WHEREAS, the City Council on September 26, 2000, by Resolution No. 2000-507, adopted Specific Plan Amendment No. 15 to the Village One Specific Plan to reduce the noise setback along Claus Road, and

WHEREAS, the City Council on May 7, 2002, by Resolution No. 2002-230, adopted Specific Plan Amendment No. 16 to the Village One Specific Plan to move 4.1 acres from Precise Plan Area No. 6 to Precise Plan Area No. 7, and

WHEREAS, the City Council on April 1, 2003, by Resolution No. 2003-177, adopted Specific Plan Amendment No. 17 to the Village One Specific Plan to allow for a revised infrastructure financing plan for Village One, including the formation of a new community facilities district for the remaining undeveloped, unvested property in Village One, and

WHEREAS, the City Council on December 7, 2004, by Resolution No. 2004-650, adopted Specific Plan Amendment No. 18 to the Village One Specific Plan to change the land use designation of Precise Plan Areas 23 and 24 from Commercial, Village Residential, and Multi-Family Residential to Village Residential and Medium-Density Residential and to amend some of the Village One design and development standards, and

WHEREAS, the City Council on March 8, 2005, by Resolution No. 2005-129, adopted Specific Plan Amendment No. 19 to the Village One Specific Plan to change the land use designation of a portion of Precise Plan Area No. 1 from Very-Low-Density Residential to Office and High School and to allow City Council approval of a Final Development Plan concurrent with approval of Precise Plan Area No. 1, and

WHEREAS, the City Council on November 1, 2005, by Resolution No. 2005-547, adopted Specific Plan Amendment No. 20 to the Village One Specific Plan to allow for a revised layout for the Village Center Retail Center, property located at the southeast corner of Roselle and Floyd Avenues, and

WHEREAS, the City Council on May 9, 2006, by Resolution No. 2006-290, adopted Specific Plan Amendment No. 21 to the Village One Specific Plan to modify policies related to the development of the Village One Town Center Housing Project, property located at the northeast corner of Roselle Avenue and Belharbour Drive, and

WHEREAS, the City Council on December 12, 2007 by Resolution No 2007-749, adopted Specific Plan Amendment No. 22 to the Village One Specific Plan to change the land use designation from Multi-Family Residential to Village Center for the property at the northeast corner of Floyd Avenue and Roselle Avenue, and

WHEREAS, the City Council on March 11, 2014 by Resolution No. 2014-89 adopted Specific Plan Amendment No. 23 to the Village One Specific Plan to change the land use designation of six acres located at the southeast corner of Hillglen Avenue and Caden Drive from Elementary School to Village Residential, and

WHEREAS, the City Council on February 24, 2015 by Resolution No. 2015-55 adopted Specific Plan Amendment No. 24 to the Village One Specific Plan to change the

land use designation of 9.5 acres located at the southwest corner of Kodiak Drive and Lincoln Oak Drive from Multi-Family Residential to Village Residential, and

WHEREAS, NRB Investments, LLC has filed an application to amend the Village One Specific Plan to allow small-lot single family residential developments of a minimum density of 10 units per net acre and multi-family residential uses within the Senior Housing land use designation, property located at Chandon Drive north of Montorra Drive, and

WHEREAS, on June 25, 2020 the proposed Specific Plan Amendment was referred to the Sylvan and Modesto School Districts, Modesto Irrigation District, Local Agency Formation Commission, County Planning and Community Development, and the Environmental Resources Director, for a 45-day referral period in accordance with Government Code sections 65453 and 65352, and

WHEREAS, on September 14, 2020, at 6:00 p.m. the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered concerning the proposed Village One Specific Plan amendment, and

WHEREAS, after said public hearing, the Modesto City Planning Commission by Resolution No. 2020-09, recommended to the City Council approval of an amendment to the Village One Specific Plan to amend allowable uses in the Senior Housing land use designation, property located on Chandon Drive north of Montorra Drive, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on October 27, 2020, in the Tenth Street Place Chambers located at 1010 Tenth

Street, Modesto, California, at which date and time said duly noticed public hearing was held.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed Amendment No. 25 to amend the allowable uses in the Senior Housing land use designation, property located at Chandon Drive north of Montorra Drive is consistent with the Modesto Urban Area General Plan, which designated the site as Residential and allows for small-lot single-family residential developments.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Village One Specific Plan is hereby amended to allow small-lot single family residential developments of a minimum density of 10 units per net acre and multi-family residential uses within the Senior Housing land use designation, property located on Chandon Drive north of Montorra Drive as shown on **Exhibit "A" attached** hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the proposed amendment to the Village One Specific Plan is consistent with the Housing Element of the General Plan because the site was considered by the Housing Element as a site of potential residential development of 21 dwelling units, and the proposed amendment would provide for 46 single-family lots in a small-lot subdivision, resulting in no net loss towards the City's Regional Housing Needs Allocation (RHNA).

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

BE IT FURTHER RESOLVED that the property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

Attachement A

Specific Plan Amendment No. 25

The Plan calls for eight multi-family sites (not including senior housing), totaling approximately 1,700 units, which includes Section 65915 density bonus units. These would be distributed throughout the Village. Because of their relatively limited amount of private open space, multi-family sites would generally be located closer to proposed public parks.

They would also be located along connector roadways in order to minimize through-traffic within single-family residential areas. Finally, sites are identified which would be easier to assemble, due to a fewer number of property owners.

- g) Senior housing sites (at a maximum density of 50 dwelling units per gross acre includes Section 65915 density bonus units) ~~shall~~should be designated within the Village Center.

There is a need to provide senior housing in the City of Modesto, and the Village Center area provides a tremendous opportunity for seniors to reside within walking distance of community amenities, Village Green, medical/emergency facilities, shopping facilities and active public parks. Senior housing can also be a great resource for a community, diversifying its composition and adding to the activity of public spaces.

It is anticipated that up to 600 units of senior housing and 50 units of mixed-use housing can be built in close proximity to the Village Center.

- h) Senior Housing ~~shall~~should be located in close proximity to Village Center services in high-density and mixed-use developments.

The segment of the senior population needing housing assistance can best be accommodated in higher density units in the Village Center, with good access to amenities, shopping, and transit service. Such housing could achieve a density of fifty units per acre in three- to four-story elevator buildings, or located in mixed-use buildings over retail or service uses. Standard parking requirements can be reduced for such housing in conjunction with density bonus provision of State Law.

13. Residential – Community Design Policies

Residential design standards and guidelines are established, as policies, for areas of concern to the community. In particular, as residential densities increase (and lot sizes decrease in size), design considerations, especially related to garage location and size, become of significant to the overall character and quality of the community.

In general, these Policies shall be implemented through the Precise Plan process, specified in Chapter IV. In many cases, architectural and urban design graphics would be required to demonstrate conformance with these Policies. However, on existing and proposed lots of 5,000 square feet and greater, such conformance may be demonstrated through development and design regulations, if specified within the appropriate Precise Plan.

Precise Plan Area #20
(Figure III-21)

1. Acreage: 112 Acres
2. Land Use Intensity

Village Commercial Center	17 ac.
Multi-Family	21.5 ^a ac.
Senior Housing/Multi-family	6 ^b ac.
<u>Village Residential</u>	<u>67.5 ac.</u>
Total	112 ac.

^a The area south of the Village Commercial Center shall be exclusively for the Housing Authority Project, which will consist of 1.5 acres designated for Multi-Family and 3.5 for Village Residential.

^b The 6 acres of Senior Housing ~~shall be exclusively for Senior Housing~~ may also accommodate small-lot single-family residential developments at a minimum density of 10 units per net acre.

3. Special Considerations

- a. Ideally, the Village Commercial Center is the first development to occur in this Precise Plan Area. At a minimum, development of the Village Commercial center should precede the development of the 10 acres closest to the Floyd/Roselle intersection on each of the other two corners.
- b. The first phase of development of the Village Commercial Center shall include construction of a supermarket. Construction of other permitted commercial uses may accompany construction of the supermarket subject to the condition that the supermarket shall be the first use to open for business.
- c. The time limit for commencement of construction of the first phase of development of the Village Commercial Center shall not be more than three years from the effective date of approval of the Precise Plan by the City Council. One-year time extensions, not to exceed three in number, may be granted by the Planning Commission after benefit of a public hearing, if adequate cause for such time extension is shown by the developer.
- d. If construction of the first phase of the Village Commercial Center does not occur within the specified time limitations, the City may consider Precise Plan applications for development of the Village Commercial Center at one of the other two corners of Floyd and Roselle Avenues.
- e. The Precise Plan shall provide for a maximum of 350,000 square feet of gross leasable area for commercial and office uses distributed in the following manner:
 1. The Village Commercial Center will contain a maximum of 215,000 – 250,000 square feet of gross leasable area.

- f. The Village Commercial Center should be of an improved design over a typical neighborhood shopping center, reflecting pedestrian orientation and direct linkage to neighboring land uses.
- g. The Village Commercial Center should be designed in accordance with the policies presented in Sections II-G(4) and II-G.
- h. Within each area designated Multi-family, only multi-family uses will be allowed with the following number of dwelling units:

- 1. The maximum number of dwelling units for each area is calculated as follows:

10 Acres x 26.25 dwelling units/acre = 263 dwelling units for each 10-acre multi-family site.

- 2. The minimum number of dwelling units for each area is calculated as follows:

263 dwelling units x 90% = 237 dwelling units for each 10-acre multi-family site.

- i. Within each area designated Senior Housing/Multi-family Housing, either Multi-Family Housing or Senior Housing are allowed. If Multi-Family Housing is developed, the maximum density allowed is 26.75 dwelling units/gross acre, with a minimum density of 90% of the maximum density. If Senior Housing is developed, then the maximum density allowed is 50 dwelling units/gross acre. The area designated Senior Housing/Multi-Family may also accommodate small-lot single-family residential developments at a minimum density of 10 units per net acre.

The City has been working with the Stanislaus County Housing Authority to develop a 55-unit project in Village One, Precise Plan Area #20. The proposal consists of 20 unit apartment complex and 35 single-family residential units. The apartments will be affordable to lower income households. The above density requirements will not apply to the Housing Authority project.

- j. It is desirable that the City and the property owners in this Precise Plan Area agree on the process for coordinated development of this Precise Plan Area in advance of initiating any development. In any case, a single development entity should manage the development process. This role should include coordinating all aspects of land assemblage and infrastructure improvements, construction of the buildings, and implementation of the sales and leasing programs. In addition, consistent and centralized ongoing management of the retail/commercial components of the Village Center should be maintained.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-447**

RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2014042081): AMENDMENT TO THE VILLAGE ONE SPECIFIC PLAN AND VILLAGE ONE PRECISE PLAN NO. 20 SUBAREA C, TO ALLOW THAT MULTI-FAMILY RESIDENTIAL USES AND SMALL-LOT SINGLE-FAMILY DEVELOPMENTS AT A MINIMUM DENSITY OF 10 UNITS PER NET ACRE ARE PERMITTED USES IN THE SENIOR HOUSING LAND USE DESIGNATION, PROPERTY LOCATED ON CHANDON DRIVE NORTH OF MONTORRA DRIVE

WHEREAS, on March 5, 2019, by Resolution 2019-108, City Council of the City of Modesto certified the Final Master Environmental Impact Report (“Master EIR”) (SCH No. 2014042081) for the Modesto Urban Area General Plan, and

WHEREAS, NRB Investments, LLC has proposed amendment to the Village One Specific Plan and Village One Precise Plan No. 20 Subarea C to allow that multi-family residential uses and small-lot single family residential uses of a minimum density of 10 units per net acre are included as permitted uses within the Senior Housing land use designation, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto’s Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2020-11 (“Initial Study”) which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning on October 7, 2020, the City caused to be published a 20-day notice of the City's intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on October 27, 2020, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

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

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.
2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.
3. No new or additional mitigation measures or alternatives are required.
4. The subsequent project is within the scope of the project covered by the Master EIR.
5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file

a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

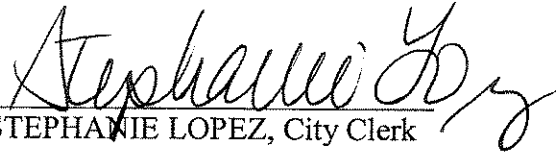
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2020-11

City of Modesto

Finding of Conformance with the Urban Area General Plan Master EIR (SCH No. 2014042081)

Initial Study Environmental Checklist C&ED No. 2020-11

For the proposed:

- **SPA-20-001: Amendment to Village One Specific Plan**
 - **PPA-20-001: Amendment to Village One
Precise Plan No. 20 Subarea C**
- **TSM-20-001: Vesting Tentative Subdivision Map,
46 Small-Lot Residential Lots**
 - **FDP-20-001: Final Development Plan
"Metro at the Village"**

**Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division**

July 20, 2020

(Intentional Blank Page)

City of Modesto

Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the proposed Specific Plan Amendment and associated Precise Plan Amendment, Vesting Tentative Subdivision Map and Final Development Plan ("Project") is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2014042081) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a Finding of Conformance.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and,
2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

II. PROJECT DESCRIPTION

- A. Title: "Metro at the Village"
Amendment to Village One Specific Plan (SPA-20-001)
Amendment to Village One Precise Plan No. 20 Subarea C (PPA-20-001),
Vesting Tentative Subdivision Map, 46 small-lot residential lots (TSM-20-001) and
Final Development Plan for Metro at the Village (FDP-20-001)
- B. Address or Location: Chandon Drive north of Montorra Drive, Modesto CA (APN 085-040-063)
- C. Applicant: NRB Investments LLC, 1701 W. March Lane, Stockton CA 95207
- D. City Contact Person: Katharine Martin, Senior Planner

Project Manager: Katharine Martin
Department: Community and Economic Development, Planning Division
Phone Number: 209-577-5465
E-mail address: kamartin@modestogov.com

- E. Current General Plan Designation(s): Residential (R)
- F. Current Zoning Classification(s): Specific Plan (SP) for the Village One Specific Plan

G. Surrounding Land Uses:

North: SP Zone, Single-Family and Multi-Family Residential uses

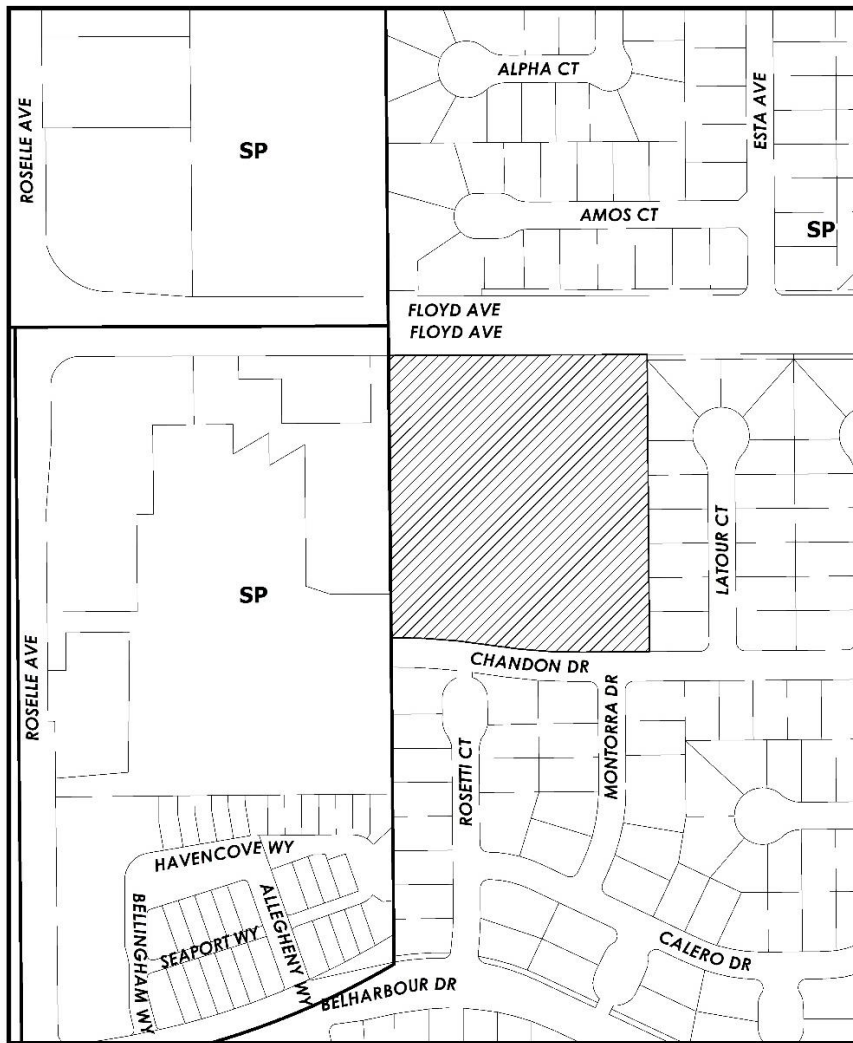
South: SP Zone, Single-Family Residential uses

East: SP Zone, Single-Family Residential uses

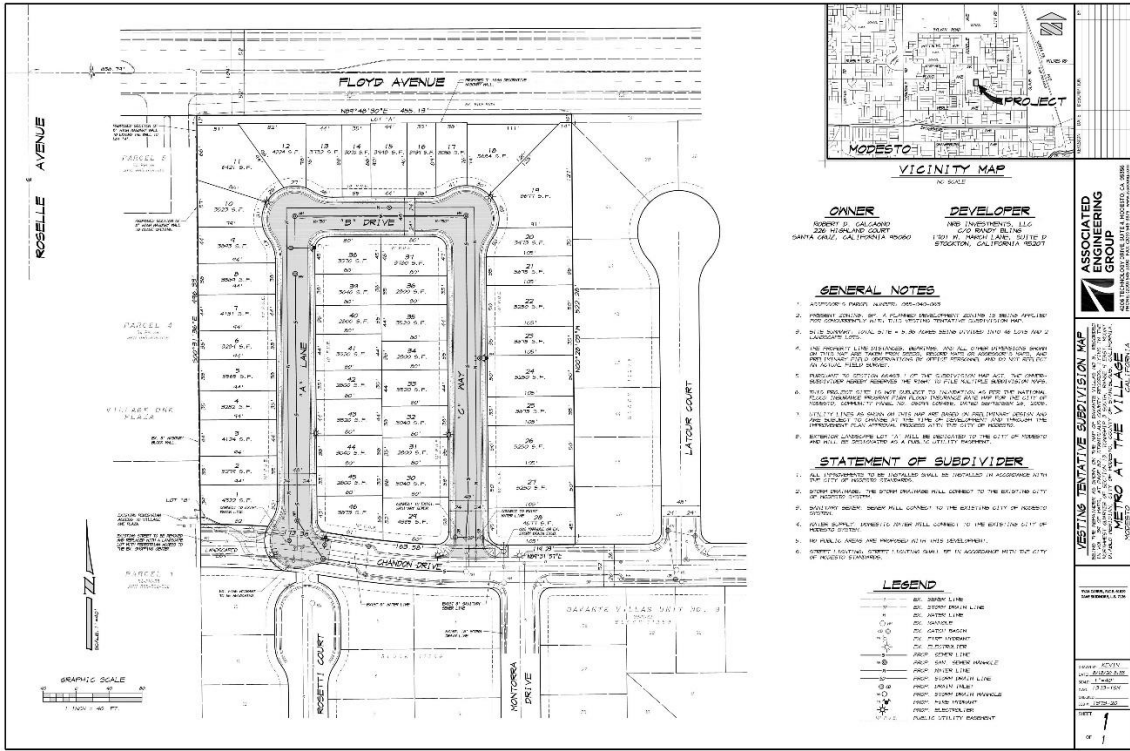
West: SP Zone, Village Plaza Neighborhood Shopping Center

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

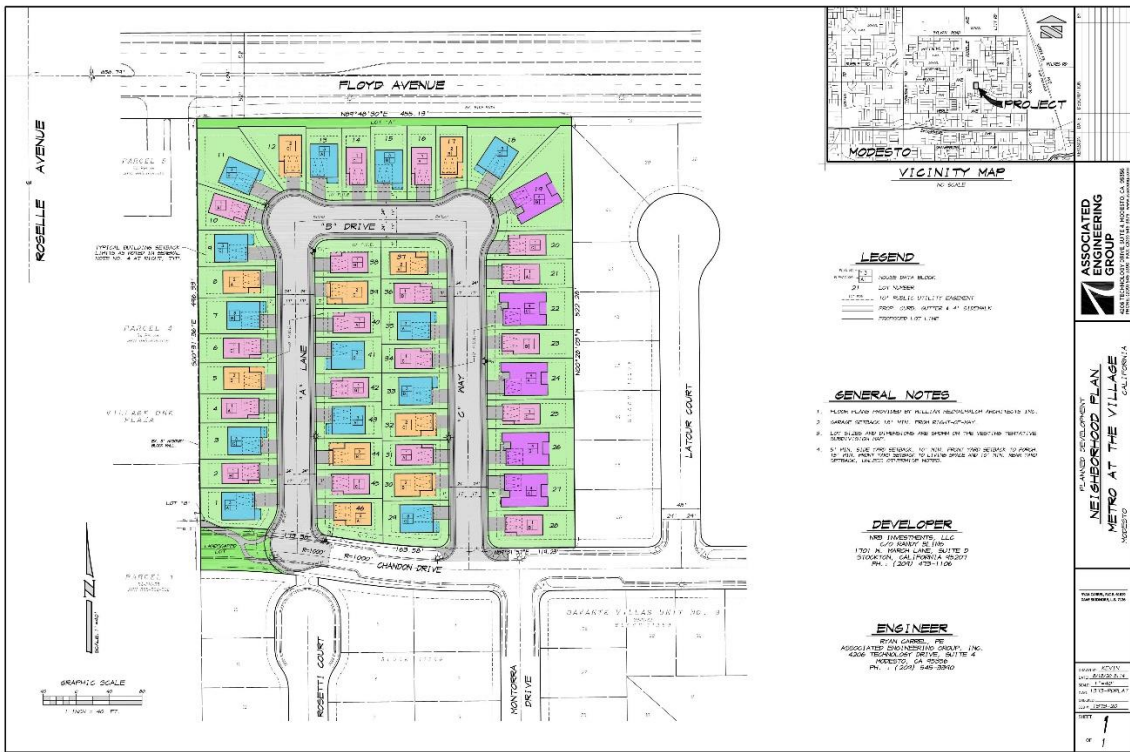
Proposed amendment to Village One Specific Plan and Village One Precise Plan No. 20 Subarea C to allow that multi-family residential and small lot single family residential uses of a minimum density of 10 units per net acre are included as permitted uses within the Senior Housing designation of Village One Precise Plan No. 20. Project includes a vesting tentative subdivision map to divide 5.36 acres within the Precise Plan No. 20 Subarea C into 46 small-lot residential lots ranging between 2,800 square feet and 8,677 square feet and two landscape lots, for an average of 11 dwelling units per net acre, and a Final Development Plan for the architectural and development standards for the residential lots.



PROJECT AREA
 SPA-20-001/PPA-20-001
 TSM-20-001/FDP-20-001



PROPOSED VESTING TENTATIVE SUBDIVISION MAP
TSM-20-001



PROPOSED FINAL DEVELOPMENT PLAN
TSM-20-001

I. Other Public Agencies Whose Approval is Required: None.

III. FINDINGS / DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. **Within the Scope** – The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

- A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR;
- B. No new or additional mitigation measures or alternatives are required;
- C. The subsequent project is within the scope of the project covered by the Master EIR;
- D. All applicable policies, regulations, and/or mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project; and,

2. **Mitigated Negative Declaration Required** – On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:

- A. The subsequent project is within the scope of the project covered by the Master EIR;
- B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project;
- C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less than significant level; and,

3. **Focused EIR Required** – On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

- A. The subsequent project is within the scope of the project covered by the Master EIR;
- B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project;
- C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result; and,

Project Manager

Title

Date

4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MASTER EIR if certain criteria are met. If the following statements are found to be true for all 20 impact categories included in this Initial Study, then the proposed project is addressed by the Master EIR analysis and is within the scope of the Master EIR. Any "No" response must be discussed.

	YES	NO
(1) The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) City policies that reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place as "mitigating policies" attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using the Master EIR's mitigating policies only.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(5) The project will occur within the boundaries of the City's planning area as established in the Urban Area General Plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(6) Implementation of the project will comply with all appropriate mitigating policies contained and enumerated in the 2019 Urban Area General Plan Master EIR.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Currency of the Master EIR Document

The Master EIR should be reviewed on a regular basis to determine its currency, and whether additional analysis / mitigation should be incorporated into the Master EIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 20 of this document in light of the criteria listed below to determine whether the Master EIR is current. The analyses contained within the Master EIR are current as long as the following circumstances have not changed. Any "no" response must be explained.

	YES	NO
(1) Certification of the Urban Area General Plan Master EIR occurred less than five (5) years prior to the filing of the application for this subsequent project.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) The proposed project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(a) No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified;	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Policies that require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development, remain in full force and effect.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1) The General Plan Master EIR was last certified on March 5, 2019. The analysis contained in the Master EIR is adequate for subsequent projects, as documented in the discussion below.
- (2) The project is consistent with the analysis contained in the Master EIR. This is documented in the discussion of the 20 individual evaluation topics within this initial study.
 - (2)(a) There have been no substantive changes to the Urban Area General Plan since the Master EIR was certified that would create additional significant environmental effects that were not analyzed by the Master EIR.
 - (2)(b) There has been no new information that would affect the adequacy of the analysis contained in the Master EIR.
 - (2)(c) All policies contained in the Master EIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect(s) to the environment that was not examined in the Final Master EIR for the Urban Area General Plan, and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the Master EIR. Adoption of the findings specified in Section III.1, above, after completion of the Initial Study fulfills the City's obligation in that situation. All environmental effects cited reflect 2040 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty subject / topical areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigating policies.

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see Master EIR Table V-1-6, pages V-1-36 to V-1-39) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled (see Master EIR Tables V-1-7 through V-1-10, pages V-1-44 through V-1-45).

Cumulative Impacts

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also: Section 2, Air Quality and Greenhouse Gas Emissions; Section 3, Generation of Noise; Section 18, Energy; Section 19, Visual Resources; and, Section 20, Land Use and Planning).

b. Urban Area General Plan Mitigating Policies Applied to the Project

Traffic and Circulation-related mitigating policies pertinent to this project are found on Master EIR pages V-1-7 through V-1-30. All mitigating policies appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) that were not disclosed in the Master EIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following thresholds / criteria:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1. TRAFFIC AND CIRCULATION				
1) The proposed project would conflict with an applicable plan, ordinance or policy (including those within the Urban Area General Plan) establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system including, but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency, for designated facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment), or result in inadequate emergency access.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would result in projected Level of Service "D" or worse for non-exempt City of Modesto roadways, Caltrans facilities, and/or County of Stanislaus roadways.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project proposes amendment of the allowable land uses within the Senior Housing designation of the Village One Specific Plan and Village One Precise Plan Area No. 20, Subarea C, to facilitate development of a 5.36-acre vacant infill property within the Precise Plan area. The proposed project is to facilitate a residential small-lot development of 46 single-family lots. The project was referred to Land Development Engineering, Traffic, who indicated no concerns with traffic volumes or impacts to alternative modes of transportation.
- (2) The project would not exceed a level of service standard established by the county congestion management agency (StanCOG).
- (3) The proposed project would not result in a change in air traffic patterns. The project site is not located within a safety zone as established by the Airport Land Use Commission. The nearest airport is the City-County Airport approximately 3.4 miles away to the south.
- (4) The proposed project would not substantially increase hazards due to a design feature. The project was referred to the Traffic Engineering Department, who indicated no concerns.
- (5) Traffic Staff have reviewed this proposal and indicated no issues with adopted plans for alternative transportation. A bus stop is located on Roselle Avenue northwest of the site.
- (6) There are no significant changes in the level of service or the volume-capacity ratio as a result of the project, and therefore there are no significant cumulative (long-term) traffic impacts.

2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigating policies.

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_x), and increased carbon monoxide (CO) levels in the project area (see Master EIR Tables V-2-4 through V-2-6, pages V-2-40 through V-2-41).

Effect: Expected construction and development activities could result in increased emissions of particulate matter 10 microns or less (PM₁₀) and 2.5 microns or less in diameter (PM_{2.5}) (see Master EIR page V-2-31, "2. Significant Direct Impacts").

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO_x, PM₁₀, and PM_{2.5}.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Air quality-related mitigating policies that are relevant to the proposed project are found on pages V-2-8 through V-2-29 of the Master EIR. All mitigating policies appropriate to the project will be

incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate policies to be applied to this project include AQ-100, AQ-103, AQ-105, AQ-107 through AQ-110, and AQ-113 through AQ-116 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS				
1) The proposed project would be inconsistent with the air quality and greenhouse gas emissions policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would conflict with or obstruct implementation of the applicable air quality plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would violate any air quality standard or contribute substantially to existing or projected violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would expose sensitive receptors to substantial pollutant concentrations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6) The proposed project would create objectionable odors affecting a substantial number of people.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7) The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
8) The proposed project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project proposes amendment of the allowable land uses within the Senior Housing designation of the Village One Specific Plan and Village One Precise Plan Area No. 20, Subarea C, to facilitate the development of a 5.36-acre vacant infill property with a small-lot development of 46 single-family residential lots. The project would not be inconsistent with the air quality and greenhouse gas emissions policies in the Urban Area General Plan.
- (2) The project would not conflict with or obstruct implementation of the applicable air quality plan.
- (3) The proposed project involves a residential subdivision of 46 lots and would not violate any air quality standard or contribute substantially to existing or projected violation.
- (4) The proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard.
- (5-6) The project is in proximity to a neighborhood shopping center and existing single-family residential homes; however, any impact by the project would be construction-related and temporary, and at a less than significant level with application of the above mitigation measures.
- (7) The proposed project is residential in nature and would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- (8) The project would not exceed emissions thresholds established by the SJVUAPCD, and is consistent with the development standards for a residential use as established by the General Plan.

3. GENERATION OF NOISE AND VIBRATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise and vibration impacts expected after application of mitigating policies.

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development consistent with the Urban Area General Plan will exceed the City’s noise

thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see Master EIR Table V-3-9, pages V-3-28 through V-3-31).

Effect: New noise-generating land uses could produce noise levels that would exceed the City’s noise thresholds of acceptability at sensitive receptors in the vicinity.

Effect: Construction noise would cause a temporary or periodic increase in noise exposure above ambient noise levels.

Effect: Demolition and construction activities may expose people to excessive vibration levels.

Cumulative Impacts

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Noise policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-3-18 through V-3-24 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, “Mitigating Policies Applied to Project.”

Discussion:

The appropriate policies to be applied to this project include Noise-4 and Noise-7 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the Master EIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of the proposed project’s effects are based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
3. NOISE AND VIBRATION				
1) The proposed project is inconsistent with Urban Area General Plan noise and vibration policies and standards.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would generate excessive ground-borne noise and/or vibration levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would result in a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
permanent increase of 3 dBA where any other noise threshold or standard would be exceeded, and/or 5 dBA where noise levels would otherwise fall within acceptable limits, in ambient noise levels in the project vicinity above levels existing without the project.				
4) The proposed project would result in a substantial temporary or periodic increase in ambient noise levels existing without the project.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) For a project located within an airport land use plan, or where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, the proposed project would result in exposure of people residing or working in the project area to excessive noise levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) For a project within the vicinity of a private airstrip, the proposed project would expose people residing or working in the project area to excessive noise levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) For new residential development within 200 feet of active rail lines, the proposed project would result in noise levels generated during train passbys that exceed 50 dBA L _{max} inside bedrooms or 55 dBA L _{max} inside other occupied areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The proposed project is not inconsistent with Urban Area General Plan noise and vibration policies and standards. The Village One Specific Plan and Precise Plan No. 20 provides for noise attenuation methods for lots that back up to Floyd Avenue, a Minor Arterial Street, that includes the placement of a 7-foot high masonry sound wall along the site's northern boundary with a ten-foot wide landscape lot for a landscaped buffer between the roadway and the development. Additional construction methods will be applied to those lots to attain an interior noise level of 45db in accordance to General Plan policies and Precise Plan noise mitigation policies applicable to the project.
- (2-3) The project would not generate excessive ground-borne noise or vibration levels, or lead to a permanent increase in ambient noise level. The project is residential in nature with the development of 46 single-family lots.
- (4) The project involves the development of a 46-lot small-lot residential subdivision. Any increase in noise would be construction-related and temporary, and less than significant impact with mitigation measures applied. The subsequent development would be required to adhere to the City's noise ordinance.
- (5) The site is not located within an airport land use plan, and is approximately 5.5 miles away from the nearest public airport.

- (6) The site is not within the vicinity of a private airstrip.
- (7) The site is not within 200 feet of an active railroad line.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigating policies.

Direct Impacts

Effect: Development consistent with the Urban Area General Plan may convert up to approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,100 acres of urban development along a 350-foot wide 26-mile boundary between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to 2040.

b. Urban Area General Plan Mitigating Policies Pertinent to the Project

Agricultural land-related mitigating policies pertinent to the proposed project are found on pages V-4-4 to and V-4-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect(s) not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL RESOURCES				
1) The proposed project would be inconsistent with the Urban Area General Plan policies relating to agricultural resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would convert areas of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural uses, impair the agricultural productivity of prime agricultural land, or result in substantial pesticide overspray, dust, or noise at urban uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would conflict with existing zoning for agricultural use, or with a Williamson Act contract.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would conflict with existing zoning for, or cause rezoning of, forest land or timberland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would result in the loss of forest land or conversion of forest land to non-forest use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would involve other changes to the environment that could result in conversion of farmland or forest land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is a vacant infill area within the Planned Urbanizing Area that is not in agricultural production, and is designated as Urban and Built-Up Land by the California State Department of Conservation. The site is surrounded by commercial and single-family residential uses. The project would therefore not be inconsistent with the General Plan’s policies related to agricultural land.
- (2-3) The project site is not zoned for agricultural use, and no Williamson Act contract is in place on the property. The site is surrounded by urban area and would not cause the conversion of farmland to a non-agricultural use.
- (4-6) The project would not cause the rezoning of forest land or timberland. The project site is within an urbanized area not in the vicinity of any forest or timberland.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigating policies.

Direct Impacts

Effect: Implementation of the Urban Area General Plan could substantially deplete groundwater supply or interfere with recharge.

Effect: Implementation of the Urban Area General Plan could necessitate construction of new water treatment facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects.

Effect: Implementation of the Urban Area General Plan could necessitate expansion of existing water supply entitlements.

Cumulative Impacts

Effect: Groundwater withdrawals from both subbasins by the City, when combined with other users' withdrawals, may result in overdrafting.

Effect: Cumulative impacts resulting from construction of new water treatment facilities, or expansion of existing facilities, could cause significant environmental effects.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Water supply-related mitigating policies pertinent to the proposed project are found on pages V-5-11 through V-5-16 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigation measures regarding water supply from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
5. EFFECTS RELATIVE TO INCREASED DEMAND FOR LONG TERM WATER SUPPLIES				
1) The proposed project is inconsistent with the Urban Area General Plan policies relating to water supply.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
2) The proposed project would substantially deplete groundwater supply, interfere with groundwater recharge, result in water demand exceeds the capacity for recharge or that would contribute to overdraft of the groundwater basins.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would exceed existing water supply entitlements or require expansion of entitlements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the water supply policies in the General Plan.
- (2) The proposed project is consistent with the ground water demands assumed in the General Plan. The project would not have a significant effect on ground water recharge or depletion of long-term water supplies.
- (3-4) The project was referred to Land Development Engineering Staff who indicated no concerns with water supply to the project. The proposed development will not exceed estimates or water supplies needed to serve other entitlements and resources.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigating policies.

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in exceedance of wastewater treatment requirements of the Central Valley RWQCB.

Effect: Development resulting from implementation of the Urban Area General Plan may require or result in construction of new wastewater facilities, or the expansion of existing facilities, that could cause significant effects.

Effect: Development resulting from implementation of the Urban Area General Plan may result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the projected demand in addition to the provider’s existing commitments.

Cumulative Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in cumulative effects similar to those described under “direct Impacts,” above.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Sewer service-related mitigating policies that are relevant to the proposed project are found on pages V-6-3 through V-6-7 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, “Mitigating Policies Applied to Project.”

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES				
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan, or would exceed wastewater treatment requirements of the Central Valley RWQCB.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would require or result in the construction of new wastewater facilities or the expansion of existing facilities, beyond those identified improvements needed to serve the proposed project, which would cause significant effects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the proposed project’s projected demand in addition to the provider’s existing commitments.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is to facilitate the development of a small-lot single-family residential subdivision of 46 lots. The project would be consistent with the General Plan's policies relating to wastewater and conform to applicable City Zoning Codes and Standards.
- (2-3) The project would not generate sewage flows greater than estimates for a project of similar residential uses. The project was referred to Land Development Engineering, who indicated no concerns with the project.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plant habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring increased density / intensity for new development than has occurred in the past, or that is expected in the future, would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Wildlife and plant habitat-related mitigating policies that are pertinent to the proposed project are found on pages V-7-18 through V-7-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The applicable mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
7. LOSS OF PLANT AND WILDLIFE HABITAT				
1) The proposed project is inconsistent with the Urban Area General Plan policies related to loss of sensitive plant and wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special-status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption or other means.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The proposed project would not be inconsistent with the air quality and greenhouse gas emissions policies in the Urban Area General Plan.
- (2) At the time of implementation of the Village One Specific Plan, the Village One Program EIR found that buildout could result in the loss of foraging habitat for Swainson's Hawk. A Swainson's Hawk survey was conducted in 2003 (Attachment A), which found that development of the area would result in a less than significant impact to foraging habitat for Swainson's Hawk. Since then, the area surrounding the project site has substantially developed with commercial, single-family residential and multi-family residential uses. Additionally, the project site is not located within a 0.25-mile distance of foraging habitat as outlined by Figure V-7-2 of the General Plan Master EIR, and therefore would have no impact. No mitigation is required.
- (3) The project site is not located within a riparian corridor as defined by Figure V-7-1 of the Master EIR. The site is completely surrounded by commercial, single-family residential and multi-family residential uses.
- (4-5) The site is not a biologically sensitive site as defined by Figure V-7-1 of the MEIR. The California Department of Fish and Game and the U.S. Fish and Wildlife Service were consulted in the production of the MEIR.
- (6-7) The project is not in conflict with any local policies or ordinances protecting biological resources, nor is in conflict with any adopted habitat conservation plan. The city does not have a heritage tree ordinance.

8. DISTURBANCE OF ARCHAEOLOGICAL / HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological / historical sites expected after application of mitigating policies.

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historically relevant resource, or the demolition of a listed or eligible historically relevant resource.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR. The Direct impact described above could also result in a significant cumulative impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Archaeological or historic resource-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The applicable mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the Master EIR discloses impacts on archaeological / historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
8. ARCHAEOLOGICAL / HISTORICAL SITES				
1) The proposed project is inconsistent with the Urban Area General Plan archaeological / historical resource policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would result in a modification that would result in a substantial adverse change in the significance of the resource or demolition of a listed or eligible historic resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would have an adverse effect on any structure more than 50 years old that has been determined to have historical significance per policy AH-8 as shown in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would involve the removal of known significant resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would result in an adverse impact to undiscovered archaeological and/or paleontological resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would cause a substantial adverse change to a tribal cultural resource, as defined by State law, that is listed (or is eligible for listing) in the California Register of Historical Resources (or a local register of historical resources), or that otherwise has potential significance to a California Native American Tribe, including human remains.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent with General Plan policies pertaining to archaeological or historic resources.
- (2-6) The project site is vacant undeveloped land with no structures nor history of structures. The area is zoned for residential uses and is surrounded by existing residential and commercial uses. The site is not classified as being of state or federal historic status nor is eligible for listing for such status.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: Existing drainage inadequacies, combined with the associated increase in impervious surface areas created by pavement and structures, have the potential to increase the rate or amount of runoff in a manner that could result in flooding in the urban area. Cumulative hydrologic impacts of storm water flows from Modesto's urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Storm Drainage-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: SD-10 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MASTER EIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				
1) The proposed project is inconsistent with the Urban Area General Plan storm drainage policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in on- or off-site flooding.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would create or contribute runoff water that would exceed the capacity of existing or planned storm drainage systems or provide substantial additional sources of polluted runoff.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent with the Urban Area General Plan storm drainage policies.
- (2-3) The project would not substantially increase the rate of surface runoff that would result in on- or off-site flooding. The project site is served by an existing 15-inch stormwater line that connects to service which drains to the existing Central Basin located in Village One. Land Development Engineering staff has determined that the downstream facilities have adequate capacity to serve the development.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Flooding and Water Quality-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: FWQ-11 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
10. FLOODING AND WATER QUALITY				
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would place housing within a 100-year flood hazard area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would place structures within a 100-year floodplain as defined by FEMA.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would expose people or structures to a significant risk of loss, injury or death including flooding as a result of the failure of a levee or dam.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river that would result in flooding onsite or offsite.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would violate water quality standards, including groundwater standards administered by the SWRCB's DDW, standards for surface water quality such as the NPDES or waste discharge requirements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river in a manner that	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
would result in substantial erosion or siltation onsite or offsite.				
8) The proposed project would create or contribute runoff water that would provide substantial additional sources of polluted runoff or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The proposed project would not be inconsistent with the flooding and water quality policies in the Urban Area General Plan.
- (2-3) The project site is not within a 100-year flood hazard zone as established by the Federal Emergency Management Agency (FEMA) Flood Rate Insurance Map 06099C0345E dated September 26, 2008.
- (4) The site is not in the vicinity of a levee or dam. The nearest waterway is Dry Creek approximately 1.4 miles to the south.
- (5, 7) The project would not alter the existing drainage pattern of the site, area or a watercourse in a manner that would result in erosion or siltation.
- (6) The project would not violate water quality standards.
- (8) The project would not increase the rate or amount of surface runoff.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Parks and open space-related mitigating policies that are pertinent to the proposed project are found on pages V-11-2 through V-11-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MASTER EIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE				
1) The proposed project is inconsistent with the Urban Area General Plan parks and open space policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would eliminate parks or open space.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would not provide at least three (3) total acres of parkland and open space per 1,000 people (one acre for neighborhood park facilities; two acres for community park facilities).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the parks and open space policies in the General Plan.
- (2) The project would not eliminate an existing park or designated open space. The project site is vacant undeveloped land zoned for residential uses.
- (3) Parks Planning staff indicated no concerns with the project with regards to provision of parkland. The site is within 0.4 miles of Freedom Park, an 8-acre community park.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts resulting from implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

Schools-related mitigating policies that are relevant to the proposed project can be found on pages V-12-3 through V-12-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
12. INCREASED DEMAND FOR SCHOOLS				
1) The proposed project is inconsistent with Urban Area General Plan school policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
2) The proposed project would result in new student population that exceeds the school system capacity, or if the project conflicts with established educational uses of the area, except to the limits established under SB50 / Proposition 1A as subsequently amended.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the polices relating to schools in the General Plan.
- (2) The project was referred to the Sylvan Elementary and Modesto City Schools District, who have not indicated concerns with the project.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Police services-related mitigating policies that are pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigation to be applied to this project includes none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				
1) The proposed project is inconsistent with Urban Area General Plan policies relating to police service.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would result in development occurring in an area(s) that cannot be adequately served by existing or budgeted police personnel and facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent with the policies relating to police services in the General Plan.
- (2) The project was referred to the Modesto City Police Department, who indicated no concerns with the project.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Fire Services-related mitigating policies pertinent to the project being analyzed in this Initial Study are found on pages V-14-3 through V-14-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
14. INCREASED DEMAND FOR FIRE SERVICES				
1) The proposed project is inconsistent with Urban Area General Plan policies relating to fire service.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would result in any substantial adverse impact(s) associated with the need for – and/or provision of – new or physically altered fire service facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable response times.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent with the policies relating to fire services in the General Plan.
- (2) The project was referred to the Modesto City Fire Department, who indicated no concerns with the project.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Solid waste-related mitigating policies that are pertinent to the proposed project are found on pages V-15-4 through V-15-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
15. GENERATION OF SOLID WASTE				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The project would result in solid waste generation that exceeds the projected capacity of existing landfills and waste-reduction facilities, or if it would result in non-compliance with any federal, state or local statutes or regulations related to solid waste.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent with the solid waste policies in the Urban Area General Plan.
- (2) The project would not exceed the projected capacity of existing landfills or result in non-compliance with any federal, state or local statutes or regulations related to solid waste.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Hazardous materials-related mitigating policies that are pertinent to the proposed project are found on pages V-16-5 through V-16-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: HM-5 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
16. HAZARDS AND HAZARDOUS MATERIALS				
1) The proposed project is inconsistent with the Urban Area General Plan hazards and hazardous materials policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
hazardous materials into the environment.				
3) The proposed project would result in hazardous materials emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, would result in a safety hazard for people residing or working in the project area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) For a project within the vicinity of a private airstrip, a safety hazard would result for people residing or working in the project area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8) The proposed project would expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent with the hazardous materials policies in the General Plan.
- (2) No hazardous materials will be involved with the project.
- (3) The project site is located approximately 0.45 miles from the nearest school. The project is residential in nature and would not result in hazardous materials emissions or waste.
- (4) The site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment.
- (5-6) The site is not within an airport land use plan nor in the vicinity of any airports or private airfields.
- (7) The project would not interfere with an adopted emergency response or evacuation plan.

(8) The project site is not located near any wildland areas nor is at risk for wildland fire.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Geology, soils, and mineral resource-related mitigating policies that are pertinent to the proposed project are found on pages V-17-7 through V-17-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
17. GEOLOGY, SOILS, AND MINERAL RESOURCES				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
2) The proposed project would expose people or structures to potential substantial adverse effects including: the risk of loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; loss of topsoil; or, result in the loss of availability of known mineral resources that would be of value to the region and the state.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent with policies relating to geology, soils, and mineral resources in the General Plan.
- (2) The project would not be located on soil that is unstable, or that would become unstable as a result of the project. There are no known mineral resources of value to the region and the state on the property.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following energy-related mitigating policies that are pertinent to the proposed project are found on pages V-18-2 and V-18-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
18. ENERGY				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent with the energy policies in the General Plan.
- (2) The project would not result in energy consumption during construction, operation, maintenance or removal that is more wasteful, inefficient and unnecessary than assumed in the General Plan.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following visual resources-related mitigating policies pertinent to the proposed project are found on pages V-19-2 and V-19-3 in the Master EIR. All mitigating policies appropriate to the project will be

incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on visual resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
19. VISUAL RESOURCES				
1) The proposed project is inconsistent with the Urban Area General Plan visual resource policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would have a substantial adverse effect on a scenic vista.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would substantially damage scenic resources, including trees, rock outcrops, and/or historic buildings along a state scenic highway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would substantially degrade the existing visual character or quality of the site and its surroundings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would create a new source of substantial light or glare that would adversely affect daytime or nighttime views.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would substantially degrade views from riverside areas and parks.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would substantially degrade views of riverside areas from public roadways and/or nearby properties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent with the policies relating the visual resources in the General Plan.

- (2) The project would not have an adverse impact on a scenic vista. The site is located within the Planned Urbanizing Area of the City and is surrounded by urban uses.
- (3-4) The project would not impact scenic resources, nor degrade the existing visual character or quality of the site and its surroundings.
- (5) The project would not cause substantial light or glare.
- (6) The project would not impact views from riverside areas and parks. The nearest riverside area or park is Dry Creek and Dry Creek Regional Park, approximately 1.6 miles to the south.
- (7) The project would not impact views of riverside areas from roadways or nearby properties.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following land use and planning-related mitigating policies pertinent to the proposed project are found on pages V-20-5 through V-20-12 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent the Urban Area General Plan land use and planning policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The site is designated as Residential (R) in the General Plan, and the proposed 42-lot small-lot single-family residential subdivision would be consistent with the Land Use Designation. The amendment to the Specific Plan and Precise Plan No. 20 would not alter the General Plan Land Use designation nor be in conflict with the designation.
- (2) The project would not divide an established community. The site is a vacant undeveloped lot surrounded by commercial uses, and single-family and multi-family residential uses.
- (3) The project does not conflict with the land use plan, policies and regulations of the City of Modesto designed to mitigate project impacts.
- (4) The project does not conflict with applicable habitat conservation plans or natural community conservation plans.

V. APPLICABLE URBAN AREA GENERAL PLAN MITIGATING POLICIES

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project, then Section A, below, applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration or Focused EIR must be prepared for the project, then Section B, below, applies.

A. Urban Area General Plan Mitigating Policies Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigating policies from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies that mitigate impacts shall be made part of the proposed

project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan. All applicable and appropriate mitigating policies have been applied to the project (listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect:

Traffic and Circulation:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category. Traffic study(ies) may be required for any given project(s).

Air Quality and Greenhouse Gases:

AQ-100. Reduce particulate emissions from construction, grading, excavation, and demolition to the maximum extent feasible in accordance with the requirements of SJVAPCD Regulation VIII. Regulation VIII was adopted to reduce the amount of particulate matter suspended in the atmosphere as a result of emissions generated from anthropogenic (man-made) fugitive dust sources. (Policy VII.H.2.jj)

AQ-103. Effectively stabilize dust emissions using water, chemical stabilizer / suppressant, cover with a tarp or other suitable cover or vegetative ground cover, all disturbed areas, including storage piles, which are not being actively utilized for construction purposes. (Policy VII.H.2.mm)

AQ-105. Effectively control fugitive dust emissions utilizing application of water or by presoaking all land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities. (Policy VII.H.2.oo)

AQ-107. When materials are transported off site, cover all materials, or effectively wet them to limit visible dust emissions, and maintain at least six inches of freeboard from top of container. (Policy VII.H.2.qq)

AQ-108. Limit operations or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) (Policy VII.H.2.rr)

AQ-109. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, effectively stabilize said piles for fugitive dust emissions utilizing sufficient water or chemical stabilizer / suppressant. (Policy VII.H.2.ss)

AQ-110. Within urban areas, immediately remove trackout when it extends 50 or more feet from the site and at the end of each workday. (Policy VII.H.2.tt)

AQ-113. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%). (Policy VII.H.2.ww)

AQ-114. Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (Policy VII.H.2.xx)

AQ-115. Install wind breaks at windward side(s) of construction areas. (Policy VII.H.2.yy)

AQ-116. Suspend excavation and grading activity when winds exceed 20 mph (regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limit). (Policy VII.H.2.zz)

Generation of Noise and Vibration:

Noise-4. Implement noise-reducing construction practices as conditions of approval where substantial construction-related noise impacts would be likely to occur, such as with extended periods of pile driving, or where construction is expected to continue or where sensitive receptors would be affected by construction noise. Conditions of approval may include, but are not limited to:

- Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;
- Require impact tools to be equipped with shrouds or shields;
- Require that the quietest equipment available be used; and,
- Require selection of haul routes that affect the fewest number of people. (Policy VII-G.3.b)

Noise-7. Incorporate construction practices and acoustic treatment in new residential construction to reduce typical indoor noise levels to 45 dB. Developers of residential buildings within the 65 dBA contours shown in the General Plan Master EIR shall demonstrate that interior noise has been reduced to 45 dB. Other types of development should be protected against noise intrusion at least to the levels indicated on UAGP Table VII-2. (Policy VII-G.3.e)

Effects on Agricultural Lands:

N/A

Increased Demand for Long-Term Water Supplies:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category. Water studies / analyses may be required depending on the scope or location of the proposed development project.

Increased Demand for Sanitary Sewer Services:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category. Sanitary sewage generation and/or capacity studies may be required depending on the scope or location of the proposed development project.

Loss of Sensitive Wildlife and Plant Habitat:

N/A

Disturbance of Archaeological / Historic Sites:

N/A

Increased Demand for Storm Drainage:

SD-10. Construction activities shall comply with the requirements of the City’s Stormwater Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board’s General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)

Flooding and Water Quality:

FWQ-11. Construction activities shall comply with the requirements of the City’s Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board’s General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)

Increased Demand for Parks and Open Space:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Increased Demand for Schools:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Increased Demand for Police Services:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Increased Demand for Fire Services:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Generation of Solid Waste:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Generation of Hazardous Materials:

HM-5. In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan would be prepared by the project applicant.

The plan would (1) specify measures to be taken to protect workers and the public from exposure to potential site hazards and (2) certify that the proposed remediation measures would clean up the wastes, dispose the wastes, and protect public health in accordance with federal, state, and local requirements. Permitting or work in the areas of potential hazard shall not proceed until the site remediation plan is on file with the City.

If a parcel is found to be contaminated to a level that prohibits the proposed use, the potential for reduction of the hazard should be evaluated. Site remediation is theoretically capable of removing hazards to levels sufficiently low to allow any use at the site. In practice, both the technical feasibility of the remediation and its cost (financial feasibility) should be evaluated in order to determine the overall feasibility of locating a specific use on a specific site. In some cases, it may require restriction to industrial use or a use that involves complete paving and covering of the parcel.

In accordance with OSHA requirements, any activity performed at a contaminated site shall be preceded by preparation of a separate site health and safety plan (prepared by the project applicant and filed with the City) for the protection of workers and the public. All reports, plans, and other documentation shall be added to the administrative record. (Policy VI.M.3)

Geology, Soils, and Mineral Resources:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Energy:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Effects on Visual Resources:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Land Use and Planning:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-448**

**RESOLUTION APPROVING AMENDMENT #4 TO CITY OF MODESTO
PROGRAM YEAR 2019-2020 ANNUAL ACTION PLAN AND AUTHORIZING
THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY RELATED
DOCUMENTS AND/OR AGREEMENTS**

WHEREAS, as a U.S. Department of Housing and Urban Development (HUD) entitlement community, the City of Modesto is required to develop a Substantial Amendment to the Annual Action Plan when it makes changes to its planned or actual activities funded with Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funds, and

WHEREAS, HUD requires the City of Modesto develop, in consultation with its citizens and community-based service providers, a funding strategy that furthers its housing and community development goals as described in the City's Five-Year Consolidated Plan for FY 2015-2020, and

WHEREAS, citizen participation is a key component of the Substantial Amendment to the Annual Action Plan process, and

WHEREAS, HUD regulations require the City provide ample opportunity and means for the populations served by the grants, as well as the general citizenry, to provide input on the goals and priorities and the specific type of activities to be funded in the City's Substantial Amendment to the Program Year 2019-2020 Annual Action Plan, and

WHEREAS, on March 27, 2020, the United States Congress passed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act – H.R. 748), and

WHEREAS, through the first round of funding, the City of Modesto was awarded \$1,118,269 in CDBG-CV1 and \$567,410 in ESG-CV1, and

WHEREAS, this funding was programmed by 2019-2020 Annual Action Plan Amendment #3 approved by City Council on April 28, 2020 by Resolution 2020-206, and

WHEREAS, on June 9, 2020 HUD announced the second round of CARES Act Funding through which the City was awarded an additional \$3,360,962 in Emergency Solutions Grants – Coronavirus (ESG-CV2) and on September 11, 2020 HUD announced a third round of Cares Act Funding through which City will receive an additional \$1,267,503 in Community Development Block Grant – Coronavirus (CDBG-CV3), and

WHEREAS, as required by HUD, this Amendment #4 to the Program Year 2019-2020 Annual Action Plan will serve to allocate and program Community Development Block Grant Coronavirus Round 3 (CDBG-CV3) and Emergency Solutions Grant Coronavirus Round 2 (ESG-CV2), and

WHEREAS, the City's current 2020-2025 Consolidated Plan identifies homelessness and housing as the highest priorities, and

WHEREAS, addressing homelessness in the midst of a pandemic takes a global approach with many community partners and the City departments coming together to create a holistic approach to keeping the most vulnerable in the community safe from COVID-19 and to continue the effort to assist these individuals on a path that brings them closer to a life off the streets and part of our local community, and

WHEREAS, with this in mind, a portion of the ESG-CV2 and CDBG-CV3 allocations will be programmed to address this priority while responding to the COVID-19 threat to the community, and

WHEREAS, the programs that will be funded are highlighted in **Exhibit A** City of Modesto 2019 Annual Action Plan Substantial Amendment #4 to help prevent, prepare for, and respond to the coronavirus pandemic, and

WHEREAS, in accordance with HUD, a substantial Amendment to the PY 2019-2020 Annual Action Plan is required, and usually a 30-day public comment period is required; however, HUD has waived this requirement provided that no less than five (5) days are provided for public comments on each substantial amendment, and

WHEREAS, the City of Modesto has opted to allow for a twenty (20) day public comment period to allow for maximum community input and still respond to the community's COVID-19 needs in a timely manner.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Amendment #4 to City of Modesto Program Year 2019-2020 Annual Action Plan, a copy of which is on file with the City Clerk.

BE IT FURTHER RESOLVED that the City Manager or his designee to execute any documents and/or agreements necessary to carry out the intent of this Resolution in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

SUBSTANTIAL AMENDMENT

City of Modesto

2019 Annual Action Plan
Substantial Amendment #4

City Council October 27, 2020:

On March 27, 2020 the United States Congress passed the Coronavirus Aid, Relief, and Economic Security Act (H.R. 748). The bill provided \$5 billion for CDBG and \$4 billion for ESG to rapidly respond to COVID-19 and the economic, housing, and homelessness impacts caused by it.

The City of Modesto will receive \$1,267,503 in the HUD's third round of Community Development Block Grant – Coronavirus (CDBG-CV3) and \$3,350,962 in HUD's second round Emergency Solutions Grants – Coronavirus (ESG-CV2). A substantial Amendment to the FY 2019-2020 Annual Action Plan is required, and usually a 30-day public comment period is required; however, the U.S. Department of Housing and Urban Development (HUD) has waived this requirement provided that no less than five (5) days are provided for public comments on each substantial amendment. The City of Modesto has opted to allow for a twenty (20) day public comment period to allow for maximum community input and still respond to the community's COVID-19 needs in a timely manner.

The purpose of the Substantial Amendment is to reallocate, add, and define the following Eligible Uses caused by COVID-19:

1. **Economic Development**

Funding: Defund \$300,000 from the CARES Act - CDBG-CV1 Allocation

Description: Through the first round of CDBG-CV1 CARES Act funds, this program was designed to assist local business as a means to mitigate the effects of COVID-19 on local businesses by assisting in the retention and creation of full-time equivalent jobs for low to moderate income persons. Assistance was provided in the form of forgivable loans. At this time all eligible applicants have been awarded and unspent funds will be reallocated to eligible public service activities.

2. **Public Services**

Funding: \$300,000 From the CARES Act - CDBG-CV1 Allocation

\$414,003 From the CARES Act – CDBG-CV3 Allocation

Description: Funds are being allocated from the Small Business Assistance Program to this program. This program is to assist with public service activities affected by COVID-19 including but not limited to assisting public service providers that offer mortgage and rental assistance to individuals and families affected by COVID-19 as well as those willing to assist local youth with the struggles of distance learning. Through the creation of this program, an additional \$414,003 are being allocated from the CDBG-CV3 grant.

National Objective: Low/Mod Clients

Citation: 570.208 (a)(2)

Matrix Code: TBD

Citation: 24 CFR 570.201(e)

Funding Source: Community Development Block Grant – Coronavirus (CDBG-CV1 and CV3);

3. Public Facility Acquisition

Funding: \$600,000 From the CARES Act - CDBG-CV3 Allocation

Description: This includes \$25,000 for activity delivery funding. Recently, Modesto has had several congregate shelter outbreaks; in order to alleviate the strain on congregate shelters and existing respite centers, the City needs a non-congregate living space to provide relief to the existing facilities. Individuals currently housed in a congregate respite centers or emergency shelters are at high risk of exposure and spread of COVID-19.

National Objective: LMC: Low- to Moderate-Income Clientele

Citation: 570.201

Matrix Code: 03C

Funding Source: Community Development Block Grant –Coronavirus (CDBG-CV3);

4. CDBG-CV Planning & Administration

Funding: \$253,500 From the CARES Act - CDBG-CV3 Allocation

Description: This project will fund administrative expenses related to the planning and administration of CDBG-CV projects and activities including but not limited to development of HUD plans, contract development, project monitoring, and enforcement of federal regulations.

National Objective: N/A

Citation: 570.206

Matrix Code: 21A

Funding Source: Community Development Block Grant–Coronavirus (CDBG-CV3);

5. Emergency Shelter Operations

Funding: \$1,200,000 From the CARES Act - ESG-CV2 Allocation

Description: This activity includes \$120,000 for activity delivery funding. Individuals experiencing homelessness are at greater risk of exposure to a variety of infectious diseases including COVID-19. Taking effective sanitation measures can reduce the spread of COVID-19 for people who are unsheltered or

living in emergency shelters. As a result, funding will be utilized for essential supplies and services to reduce the spread of COVID-19. This Emergency Shelter Project will include job training program that helps those sheltered to pursue gainful employment and housing in the community.

National Objective: N/A

Citation: 576.102

Matrix Code: N/A

Funding Source: Emergency Solutions Grants - Coronavirus (ESG-CV2);

6. Homeless Prevention Rental Assistance

Funding: \$465,866 From the CARES Act - ESG-CV2 Allocation

Description: This activity includes \$40,866 in activity delivery funding. The City will provide Homeless Prevention short-term rental assistance to those affected by COVID-19. The objective of the Homeless Prevention Rental Assistance project is to prevent homelessness by paying for rent, utilities, arrears, etc. This assistance will be in the form of a grant.

National Objective: Low- and Moderate-Income Individuals

Citation: 570.208 (a)(1)

Matrix Code: N/A

Citation: N/A

Funding Source: Emergency Solutions Grants - Coronavirus (ESG-CV2);

7. Rapid Rehousing Rental Assistance

Funding: \$550,000 From the CARES Act - ESG-CV2 Allocation

Description: This activity includes \$50,000 in activity delivery funding. The City will be providing awards through a local non-profit to provide rapid rehousing and ongoing case management for individuals that graduate from the job training program and move on to gainful employment. Removing vulnerable individuals from the congregate housing to stable permanent housing to prevent exposure to COVID-19.

National Objective: Low- and Moderate-Income Individuals

Citation: 570.208 (a)(1)

Matrix Code: N/A

Citation: N/A

Funding Source: Emergency Solutions Grants - Coronavirus (ESG-CV2);

8. Street Outreach

Funding: \$800,000 From the CARES Act - ESG-CV2 Allocation

Description: This activity includes \$50,000 in activity delivery funding. The City will be implementing a homeless street outreach program. This outreach program will focus on engagement with homeless individuals in encampments to build relationships and further connect with services to mitigate the risk of undocumented and untreated exposure to COVID-19.

National Objective: N/A

Citation: 576.101

Matrix Code: N/A

Citation: N/A

Funding Source: Emergency Solutions Grants - Coronavirus (ESG-CV2);

9. **ESG-CV Planning & Administration**

Funding: \$335,096 From the CARES Act – ESG-CV2 Allocation

Description: This project will fund administrative expenses related to the planning and administration of ESG-CV projects and activities including but not limited to development of HUD plans, contract development, project monitoring, and enforcement of federal regulations.

Funding Source: Emergency Solutions Grant–Coronavirus (ESG-CV2);

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-449**

RESOLUTION AMENDING THE FISCAL YEAR 2019-20 OPERATING AND MULTI-YEAR PROJECT BUDGETS TO RE-ALLOCATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND EMERGENCY SOLUTIONS GRANT (ESG) FUNDS AS PROPOSED IN THE PROGRAM YEAR 2019-20 ANNUAL ACTION PLAN AMENDMENT NO. 4 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City of Modesto receives annual entitlements from HUD based on its population size, number of households living below poverty level and number of sub-standard housing units, and

WHEREAS, on May 14, 2019, by Resolution 2019-240, City Council approved the Program Year 2019 Annual Action Plan, and

WHEREAS, on September 10, 2019, by Resolution 2019-404, City Council approved the Program Year 2019 Annual Action Plan Amendment No. 1, and

WHEREAS, on April 14, 2020, by Resolution 2020-182, City Council approved the Program Year 2019 Annual Action Plan Amendment No. 2, and

WHEREAS, on April 28, 2020, by Resolution 2020-206, City Council approved the Program Year 2019 Annual Action Plan Amendment No. 3, and

WHEREAS, on March 27, 2020 the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was signed by President Trump to respond to the public health crisis, and

WHEREAS, the CARES Act immediately provides a special allocation of CDBG funds and ESG funds to be used to prevent, prepare for, and respond to the coronavirus pandemic (COVID-19), and

WHEREAS, certain budgetary transactions are necessary to reallocate funds

during the course of the Consolidated Plan cycle when there is a change in allocation priorities, or method of distribution, carrying out new activities with CPD funds, change in purpose, scope, location or beneficiaries of an activity, and

WHEREAS, the Fiscal year 2019-20 operating and multi-year budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein to reflect an approved reallocation of funds as set forth in the Integrated Disbursement and Information System (IDIS) reporting system.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Modesto that it hereby approves the amendment of the Fiscal year 2019-20 Budget as shown in **Exhibit A attached** hereto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provision 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 October, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:


BY: 
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

Amendment #4 Program Year 2019 Annual Action Plan						
Project / Account	Task	IDIS Activity	Adjustment	Funding Source	PY	Description
101256	Direct Grant	1359	\$ (300,000.00)	CDBG-CV1	19	Decrease Current Budget - Small Business Assistance Program - CARES Act
1130-14998-42030-101256-1359	Revenue		\$ (300,000.00)	CDBG-CV1	19	Budget Revenue - Small Business Assistance Program - CARES Act
101257	Direct Grant	TBD	\$ 300,000.00	CDBG-CV1	19	Public Services for CARES Act
1130-14998-42030-101257	Revenue		\$ 300,000.00	CDBG-CV1	19	Budget Revenue - CDBG CARES Act
101257	Direct Grant	TBD	\$ 414,003.00	CDBG-CV3	19	Public Services for CARES Act
101257	Direct Grant	TBD	\$ 575,000.00	CDBG-CV3	19	Public Facility Project CARES Act
101257	Services City Forces - Interfund	TBD	\$ 25,000.00	CDBG-CV3	19	Public Facility Project CARES Act - Activity Delivery
101257	Services City Forces - Interfund	1360	\$ 253,500.00	CDBG-CV3	19	CDBG Admin for CARES Act
1130-14998-42030-101257	Revenue		\$ 1,267,503.00	CDBG-CV3	19	Budget Revenue
101258	Services City Forces - Interfund	1361	\$ 335,096.00	ESG-CV2	19	ESG Admin for CARES Act
101258	Direct Grant	1388	\$ 1,080,000.00	ESG-CV2	19	Emergency Shelter for CARES Act
101258	Services City Forces - Interfund	1388	\$ 120,000.00	ESG-CV2	19	Emergency Shelter for CARES Act - Activity Delivery
101258	Direct Grant	1386	\$ 925,000.00	ESG-CV2	19	Homeless Prevention for CARES Act
101258	Services City Forces - Interfund	1386	\$ 90,866.00	ESG-CV2	19	Homeless Prevention for CARES Act - Activity Delivery
101258	Direct Grant	1385	\$ 750,000.00	ESG-CV2	19	Outreach for CARES Act
101258	Services City Forces - Interfund	1385	\$ 50,000.00	ESG-CV2	19	Outreach for CARES Act - Activity Delivery
1180-14998-42030-101258	Revenue		\$ 3,350,962.00	ESG-CV2	19	Budget Revenue - ESG CARES Act

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-450**

**RESOLUTION AMENDING THE CLASSIFICATION PLAN FOR THE CITY OF
MODESTO TO CREATE THE CLASSIFICATIONS OF HOMELESS
OUTREACH SPECIALIST**

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 2020-283 pursuant to Rule 2.2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

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

1. CLASSIFICATION PLAN AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to create the classifications of Homeless Outreach Specialist at salary range 1122.
2. EFFECTIVE DATE. This Resolution shall become effective upon adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-451**

**RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL
YEAR 2020-21 AS ADOPTED IN THE OPERATING BUDGET**

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on June 30, 2020, as part of the Annual Budget of the City of Modesto for Fiscal Year 2020-2021, and

WHEREAS, classification studies are conducted to ensure that a classification system is equitable and consistent within an organization and that positions are correctly classified, and

WHEREAS, per Personnel Administrative Order 2.2-87-12, a classification study may be conducted in response to a reclassification request, to develop/revise a classification specification, or to assist in a reorganization, and

WHEREAS, a classification study was conducted by Human Resources to determine an appropriate classification, and

WHEREAS, position changes will be effective upon adoption.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation and the Fiscal Year 2020-21 Operating Budget for various departments as follows:

1. Add six (6) .50 Homeless Outreach Specialist in the MPD - HUD ESG Homeless Outreach Division (19205) of the Police Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-452**

RESOLUTION APPROVING AN ESG-CV2 GRANT AWARD CONTRACT WITH THE SALVATION ARMY FOR THE ACCESS CENTER EMERGENCY SHELTER (ACES) IN AN AMOUNT NOT TO EXCEED \$630,000 PLUS ACTIVITY DELIVERY COSTS FOR SHELTER OPERATIONS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS AND/OR AGREEMENTS

WHEREAS, the City of Modesto is an entitlement community under three U.S. Department of Housing and Urban Development (HUD) programs within its Office of Community Planning and Development (CPD), and

WHEREAS, as an entitlement community, the City annually receives entitlement funds from the Community Development Block Grant, Emergency Solutions Grant, and HOME Investment Partnerships Program (HOME) programs, and

WHEREAS, on March 27, 2020, the United States Congress passed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act – H.R. 748), and

WHEREAS, through the first round of funding, the City of Modesto was awarded \$1,118,269 in CDBG-CV1 and \$567,410 in ESG-CV1, and

WHEREAS, this funding was programmed by 2019-2020 Annual Action Plan Amendment #3 approved by City Council on April 28, 2020 by Resolution 2020-206, and

WHEREAS, on June 9, 2020 HUD announced the second round of CARES Act Funding through which the City was awarded an additional \$3,360,962 in Emergency Solutions Grants – Coronavirus (ESG-CV2) and on September 11, 2020 HUD announced a third round of Cares Act Funding through which City will receive an additional \$1,267,503 in Community Development Block Grant – Coronavirus (CDBG-CV3), and

WHEREAS, in February 2019, the City and County entered into a Memorandum of Understanding (MOU) which established a creative arrangement between the City of Modesto, Stanislaus County, and the Salvation Army aimed at increasing the shelter beds available to those experiencing homelessness in the Modesto community, and

WHEREAS, this partnership resulted in the addition of 182 low barrier shelter beds- a product that wasn't available in our community, and

WHEREAS, this expansion resulted in what today is known as the Access Center Emergency Shelter (ACES) located within the same building as the Salvation Army Berberian Shelter and since its inception in November 2019, the shelter has served 263 individuals, and

WHEREAS, to assist in the operational response to COVID-19 and assist unhoused individuals, the City will provide ESG-CV2 funds in an amount not to exceed \$630,000 for the operations and activity delivery of the ACES shelter to prevent the spread of COVID-19 among homeless individuals and the general public, and

WHEREAS, the City's current 2020-2025 Consolidated Plan identifies homelessness and housing as the highest priorities, and

WHEREAS, addressing homelessness in the midst of a pandemic takes a global approach with many community partners and the City departments coming together to create a holistic approach to keeping the most vulnerable in the community safe from COVID-19 and to continue the effort to assist these individuals on a path that brings them closer to a life off the streets and part of our local community.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approving an ESG-CV2 grant award contract with the Salvation Army for

the Access Center Emergency Shelter (ACES) in an amount not to exceed \$630,000 for shelter operations.

BE IT FURTHER RESOLVED; authorize the City Manager or his designee to execute any documents and/or agreements with such changes as determined by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-453**

RESOLUTION APPROVING AN ESG CV-2 GRANT AWARD CONTRACT WITH THE DOWNTOWN STREETS TEAM IN THE AMOUNT NOT TO EXCEED \$450,000 PLUS ACTIVITY DELIVERY COSTS FOR THE EXPANSION OF THE SHELTER JOB TRAINING PROGRAM AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS AND/OR AGREEMENTS

WHEREAS, the City of Modesto is an entitlement community under three U.S. Department of Housing and Urban Development (HUD) programs within its Office of Community Planning and Development (CPD), and

WHEREAS, as an entitlement community, the City annually receives entitlement funds from the Community Development Block Grant, Emergency Solutions Grant, and HOME Investment Partnerships Program (HOME) programs, and

WHEREAS, on March 27, 2020, the United States Congress passed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act – H.R. 748), and

WHEREAS, through the first round of funding, the City of Modesto was awarded \$1,118,269 in CDBG-CV1 and \$567,410 in ESG-CV1, and

WHEREAS, this funding was programmed by 2019-2020 Annual Action Plan Amendment #3 approved by City Council on April 28, 2020 by Resolution 2020-206, and

WHEREAS, on June 9, 2020 HUD announced the second round of CARES Act Funding through which the City was awarded an additional \$3,360,962 in Emergency Solutions Grants – Coronavirus (ESG-CV2) and on September 11, 2020 HUD announced a third round of Cares Act Funding through which City will receive an additional \$1,267,503 in Community Development Block Grant – Coronavirus (CDBG-CV3), and

WHEREAS, individuals engaged in shelters and experiencing homelessness often find themselves in a cycle of homelessness, and

WHEREAS, due to COVID-19 and the economic downturn, it is even harder for those to rebuild their lives through employment and housing, and

WHEREAS, Downtown Streets Team, a non-profit organization, that creates a safe and engaged space to train homeless individuals to work through various volunteer programs beautifying the Community, getting these volunteers document ready for both fulltime gainful employment and housing, and

WHEREAS, the City of Modesto seeks to expand the Downtown Streets Team program by an additional 25-member team by creating a symbiotic relationship with the ACES Shelter and Downtown Streets Team, and

WHEREAS, this relationship will include job training, case management, and other programs exclusive to the homeless individuals housed at the shelter, and

WHEREAS, Downtown Streets Team has developed an individual centric curriculum designed to meet individuals where they are and assist each individual to a place of self-sufficiency while develop skills in identifying goals and barriers, financial literacy, and housing readiness, and

WHEREAS, the City's current 2020-2025 Consolidated Plan identifies homelessness and housing as the highest priorities, and

WHEREAS, addressing homelessness in the midst of a pandemic takes a global approach with many community partners and the City departments coming together to create a holistic approach to keeping the most vulnerable in the community safe from

COVID-19 and to continue the effort to assist these individuals on a path that brings them closer to a life off the streets and part of our local community.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approving an ESG CV-2 grant award contract with the Downtown Streets Team in the amount not to exceed \$450,000 plus activity delivery costs for the expansion of the shelter job training program.

BE IT FURTHER RESOLVED; authorize the City Manager or his designee to execute any documents and/or agreements with such changes as determined by the City Attorney.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-454**

RESOLUTION APPROVING AN ESG-CV2 GRANT AWARD CONTRACT WITH THE DOWNTOWN STREETS TEAM IN AN AMOUNT NOT TO EXCEED \$500,000 PLUS ACTIVITY DELIVERY COSTS FOR THE RAPID REHOUSING PROGRAM AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS AND/OR AGREEMENTS

WHEREAS, the City of Modesto is an entitlement community under three U.S. Department of Housing and Urban Development (HUD) programs within its Office of Community Planning and Development (CPD), and

WHEREAS, as an entitlement community, the City annually receives entitlement funds from the Community Development Block Grant, Emergency Solutions Grant, and HOME Investment Partnerships Program (HOME) programs, and

WHEREAS, on March 27, 2020, the United States Congress passed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act – H.R. 748), and

WHEREAS, through the first round of funding, the City of Modesto was awarded \$1,118,269 in CDBG-CV1 and \$567,410 in ESG-CV1, and

WHEREAS, this funding was programmed by 2019-2020 Annual Action Plan Amendment #3 approved by City Council on April 28, 2020 by Resolution 2020-206, and

WHEREAS, on June 9, 2020 HUD announced the second round of CARES Act Funding through which the City was awarded an additional \$3,360,962 in Emergency Solutions Grants – Coronavirus (ESG-CV2) and on September 11, 2020 HUD announced a third round of Cares Act Funding through which City will receive an additional \$1,267,503 in Community Development Block Grant – Coronavirus (CDBG-CV3), and

WHEREAS, individuals engaged in shelters and experiencing homelessness often find themselves in a cycle of homelessness, and

WHEREAS, due to COVID-19 and the economic downturn, it is even harder for those to rebuild their lives through employment and housing, and

WHEREAS, Downtown Streets Team, a non-profit organization, that creates a safe and engaged space to train homeless individuals to work through various volunteer programs beautifying the Community, getting these volunteers document ready for both fulltime gainful employment and housing, and

WHEREAS, the City of Modesto seeks to expand the Downtown Streets Team program by an additional 25-member team by creating a symbiotic relationship with the ACES Shelter and Downtown Streets Team, and

WHEREAS, they will continue this relationship with oversight and case management of the individuals that graduate on to gainful employment, and

WHEREAS, these graduates that move on to gainful sustainable employment will be eligible for rapid rehousing assistance, and

WHEREAS, these individuals move on to self-sufficient living environments, the shelter capacity and job placement opportunities are made available to the next individual that needs the assistance in breaking the cycle. Security Deposits, utility deposits, and rental assistance for up to one year will be provided to those clients who utilize rapid rehousing, and

WHEREAS, The City's current 2020-2025 Consolidated Plan identifies homelessness and housing as the highest priorities, and

WHEREAS, addressing homelessness in the midst of a pandemic takes a global approach with many community partners and the City departments coming together to create a holistic approach to keeping the most vulnerable in the community safe from COVID-19 and to continue the effort to assist these individuals on a path that brings them closer to a life off the streets and part of our local community.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approving an ESG-CV2 grant award contract with the Downtown Streets Team in an amount not to exceed \$500,000 plus activity delivery costs for the rapid rehousing program.

BE IT FURTHER RESOLVED; authorize the City Manager or his designee to execute any documents and/or agreements with such changes as determined by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2020, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-455**

**RESOLUTION APPROVING THE APPOINTMENT OF NAND KISHORE TO
THE BOARD OF BUILDING APPEALS WITH A TERM EXPIRATION OF
JANUARY 1, 2025**

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

WHEREAS, the Board of Building Appeals of the City of Modesto is established to hear and determine appeals from any person aggrieved by any order of the Chief Building Official, provide reasonable interpretations of the building codes, render decisions affirming, modifying, or reversing any order of the Chief Building Official, make recommendations to the City Council for new legislation consistent with the intent of any of the adopted building codes. The Board of Building Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction, and

WHEREAS, the Appointments Committee met on October 8, 2020, and recommended the appointment of Nand Kishore as board member to the Board of Building Appeals.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the appointment of Nand Kishore as board member to the Board of Building Appeals to a four-year term, with a term expiration of January 1, 2025.

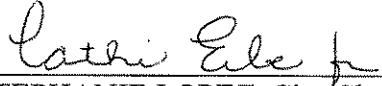
BE IT FURTHER RESOLVED, that City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Board of Building Appeals, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 2020, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-456**

**RESOLUTION APPROVING THE APPOINTMENT OF ALEJANDRO LANZAS
TO THE DISABLED ACCESS APPEALS BOARD WITH A TERM EXPIRATION
OF JANUARY 1, 2025**

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

WHEREAS, the Disabled Access Appeals Board of the City of Modesto is established to hear and determine appeals from any person aggrieved by any order of the Chief Building Official issued pursuant to the Disabled Access Laws, hear and determine appeals from any person aggrieved by an interpretation by the Chief Building Official of any of the Disabled Access Laws, and to make recommendation to the City Council for new legislation consistent with the intent of the Disabled Access Laws, and

WHEREAS, the Appointments Committee met on October 8, 2020, and recommended the appointment of Alejandro Lanzas as board member to the Disabled Access Appeals Board.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the appointment of Alejandro Lanzas as board member to the Disabled Access Appeals Board to a four-year term, with a term expiration of January 1, 2025.

BE IT FURTHER RESOLVED, that City Clerk is hereby directed to transmit a copy of this resolution to the appointed 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 4th day of November, 2020, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-457**

**RESOLUTION APPROVING THE SALE OF THE CITY’S INTEREST IN
PROPERTY LOCATED AT 2846 FINCH RD. MODESTO, CALIFORNIA TO
THE COUNTY OF STANISLAUS FOR \$375,000, AND CORRESPONDING
PURCHASE AND SALE AGREEMENT, AND AUTHORIZING THE CITY
MANAGER, OR HIS DESIGNEE, TO EXECUTE THE PURCHASE AND SALE
AGREEMENT AND ANY RELATED ESCROW DOCUMENTS**

WHEREAS, the City owns a reversionary interest in an undivided ½ interest in that certain real property located at 2846 Finch Road in Modesto, California (the “Property”); and

WHEREAS, the Property is comprised of approximately 4.5 acres of land, including an approximately 10,700 square foot single-story rectangular cinder block structure, as well as one approximately 1,950 square foot storage structure; and

WHEREAS, the Property is currently owned in fee simple title by Stanislaus County (“County”), subject to the City’s interest; and

WHEREAS, the County desires to purchase the City’s interest in the Property; and,

WHEREAS, based on an appraisal from Giomi, Inc. dated March 27, 2019, the City and County have determined that the fair market value of the Property is \$750,000; and

WHEREAS, the County has offered to purchase the City’s interest in the Property for \$375,000, less \$28,828 for the City’s share of reasonable site-related clean-up costs and the costs of sale; and

WHEREAS, in the event that the Stanislaus County sells the Property to a third party within the next ten years for an amount greater than \$750,000, the City would be entitled to 50% of any proceeds of sale greater than \$750,000; and

WHEREAS, the County intends to use the Property as an animal shelter, and will meet and confer with the City prior to any potential change in use by the County occurring in the next 7 years; and

WHEREAS, the sale of the Property is exempt from the Surplus Lands Act pursuant to Government Code section 54221(f)(1)(D); and

WHEREAS, the City Council desires to sell the City's interest in the Property to Stanislaus County for \$375,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sale of the City's interest in that certain real property located at 2846 Finch Road in Modesto, California to Stanislaus County for \$375,000 and corresponding Purchase and Sale Agreement.

BE IT FURTHER RESOLVED that the City Manager or his designee, are hereby authorized to execute the purchase and sale agreement and any related escrow documents, in a form approved 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 November, 2020, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-458**

RESOLUTION APPROVING AN \$85,107 HOMEOWNER REHABILITATION LOAN AND A \$10,000 HOMEOWNER REHABILITATION GRANT, FOR EMILY DUNN FOR THE PROPERTY LOCATED AT 1541 W ORANGEBURG AVENUE, MODESTO, CA 95350 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENTS

WHEREAS, on July 2, 2020 HRLC approved a \$76,330.00 Homeowner Rehabilitation Loan and a \$10,000.00 Homeowner Rehabilitation Grant, for Emily Dunn for the property located at 1541 W Orangeburg Avenue, Modesto, CA 95350, and

WHEREAS, additional health and safety repairs were identified at the August 28, 2020 mandatory bid tour, and

WHEREAS, on September 3, 2020 HRLC approved an additional \$15,232.00 Homeowner Rehabilitation Loan for a total of \$91,562.00, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to follow the formal bid procedures, and

WHEREAS, the project was advertised for bids on August 18, 2020 and

WHEREAS, bids were publicly opened on September 15, 2020 and Zacks Handyman & Construction of Denair, California was the apparent low bidder, bid tabulation attached, and

WHEREAS, the bid analysis is as follows: number of bids received 3, number of bids within 15% of the Housing Rehabilitation Specialist's estimate 1, number of bids above the Housing Rehabilitation Specialist's estimate 1, number of bids not meeting cost reasonableness guidelines 1, and

WHEREAS, Zacks Handyman & Construction's bid is 6.56% lower than the Housing Rehabilitation Specialist's estimate and the other bids range from 24% lower to 17% higher than the Housing Rehabilitation Specialist's estimate, and

WHEREAS, section 6 Homeowner Rehabilitation Program Policies & Procedures approved by City of Modesto Council by Resolution 2019-513 on November 26, 2019 section 14.0 cost reasonableness and scope of work subsection 14.5 states "bids received must be within 15% of the Housing Rehabilitation Specialist's cost estimate", and

WHEREAS, the project was awarded to Zack's Handyman and Construction for \$95,107 inclusive of a 12% contingency, and

WHEREAS, the Homeowner Rehabilitation Program was created to assist with low-income homeowners in the needed rehabilitation and health and safety concerns of their property, and

WHEREAS, to ensure quality work, city staff assists with procurement of the contractor and oversight of the project, and

WHEREAS, City staff oversees the project to verify timelines and workmanship standards are adhered to, and

WHEREAS, the City only provides funding and project oversight; the homeowner goes into direct agreement with the contractor.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a \$85,107.00 Homeowner Rehabilitation Loan and a \$10,000.00 Homeowner Rehabilitation Grant, for Emily Dunn for the property located at 1541 W Orangeburg Avenue, Modesto, CA 95350.

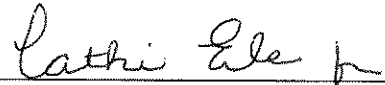
BE IT FURTHER RESOLVED that authorizing the City Manager or his designee to execute the agreements in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 2020, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-459**

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF TWO (2) FORKLIFTS TO EAST BAY CLARKLIFT INC., DBA CROMER EQUIPMENT, FRESNO, CA. FOR A TOTAL AMOUNT NOT TO EXCEED \$61,481 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the Finance Department Stores Division restored Central Stores in April 2020 at the new Water Corporation Yard; and

WHEREAS, Stores Division requires a forklift as a new addition which will be used by both Stores and the Water Department to maintain operations; and

WHEREAS, the Utilities Department, Wastewater Division require a replacement for their current forklift to maintain operations; and

WHEREAS, this vehicle is used to load and unload materials and deliveries and move large items to and from storage areas safely; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, however, exceptions to the formal bidding process are granted in MMC 8-3.204(d) “Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality; and

WHEREAS, MMC 8-3.202(d) permits the Purchasing Manager to utilize the “piggyback” from a competitive bid process with the State of California when the best cost savings interest of the City would be served; and

WHEREAS, on April 12, 2019 the State of California issued Invitation for Bid #12432 on the State DGS website for a Statewide Contract for forklifts and Pallet Trucks/Jacks for a two (2) year agreement with three (3) one-year extension options: and

WHEREAS, on April 26, 2019 bids were formally opened, five bids were received and based on lowest responsive and responsible bidder an agreement for forklifts was awarded to three (3) bidders, Cromer Equipment, RKU Distributing Inc. and Southern CA Material Handling; and

WHEREAS, City staff recommends that award of two (2) forklifts to Cromer Equipment, Fresno CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of two (2) forklifts to Cromer Equipment, Fresno, CA for a total amount not to exceed \$61,481.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute the purchase order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 2020, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-460**

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF ONE ONE-TON TRUCK TO SONORA FORD, SONORA CA., FOR A TOTAL AMOUNT NOT TO EXCEED \$65,269 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the utilities Department, Jennings Plant Maintenance Division require a replacement of a one-ton truck to maintain operations; and

WHEREAS, this vehicle is used to transport supplies into the field for projects; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, on February 19, 2020 the Purchasing Division issued RFB 1920-60 for a One-Ton Truck with specific configurations on the City's website under commodity code 07048 for Truck (One-Ton and less Capacity); and

WHEREAS, sixteen companies chose to download the RFB document, one chose to respond, the responding vendor was not a local bidder; and

WHEREAS, March 17, 2020 one bid was formally opened in the City Clerk's office Sonora Ford, Sonora, CA, was the lowest responsive and responsible bidder; and

WHEREAS, based on providing the overall lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203, City staff recommends the award of bid for one one-ton truck to Sonora Ford, Sonora, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of one one-ton truck to Sonora Ford, Sonora, CA for a total amount not to exceed \$65,269.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee is hereby authorized to execute the purchase order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 2020, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-461**

RESOLUTION REJECTING ALL BIDS RECEIVED FOR REQUEST FOR BID (RFB) NO. 1819-60 FOR 33,000 GVWR TRUCK WITH CHLORINE TANK, RFB 1920-09RB FOR FOUR (4) EXTENDED CAB ONE-TON TRUCKS AND A SOURCEWELL QUOTE FOR A ONE-TON CREW CAB FLATBED TRUCK AND AUTHORIZING STAFF TO REISSUE THE RFB'S AT A FUTURE DATE WHEN APPROVED BY THE CITY MANAGER

WHEREAS, the Utilities Division, Water Wells and Treatment Division require a 33,000-pound GVWR Truck with Chlorine tank; and

WHEREAS, on June 17, 2019 the Purchasing Division issued Request for Bid (RFB) No. 1819-60 for a 33,000-pound GVWR Truck with Chlorine Tank; and

WHEREAS, on July 9, 2019 bids were formally opened in the City Clerk's office; and

WHEREAS, On November 26, 2019 City Council approved RESO 2019-517 for a total amount not to exceed \$177,352; and

WHEREAS, when the purchase order was completed and forwarded to the vendor, the Purchasing Division was notified that due to the period of time, four months, to obtain approval pricing was no longer valid due to the fact that the item that was quoted in the bid was a 2019-model and was no longer in production and they would not accept the purchase order; and

WHEREAS, the Public Works Department, Fleet Services Division require four extended cab one-ton trucks for various departments; and

WHEREAS, on September 9, 2019 the Purchasing Division issued RFB 1920-09RB for Four (4) Extended Cab One-Ton Trucks; and

WHEREAS, on October 15, 2019 one bid was formally opened in the City Clerk's office, however, due to the number of exceptions proposed by the vendor the division decided to re-evaluate the specifications listed for the vehicles; and

WHEREAS, the Public Works Department, Streets Maintenance Division require a replacement for a One-Ton Crew Cab Flatbed Truck due to an auto accident that has totaled the current unit and cannot safely be repaired; and

WHEREAS, on February 25, 2020 the City Council approved Resolution 2020-097 for a One-Ton Crew Cab Flatbed for a total amount not to exceed \$56,782; and

WHEREAS, when the purchase order was completed and forwarded to the vendor, the Purchasing Division was notified that the revised quote from National Auto Fleet Group was expired, however there was no "cutoff date" listed on the quote; and

WHEREAS, in accordance with Modesto Municipal Code Sec. 8-3.204(a) Formal Bid Procedures, the Council shall have the authority to accept or reject any or all bids. The rejection of all bids for RFB 1819-60 for 33,000 GVWR Truck with Chlorine Tank, RFB 1920-09RB for Four (4) Extended Cab One-Ton Trucks and a Sourcewell Quote for One-Ton Crew Cab Flatbed Truck conforms to the Modesto Municipal Code 8-3.204, subsection (e).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects the bids received for RFB 1819-60 for 33,000 GVWR Truck with Chlorine Tank, RFB 1920-09RB for Four (4) Extended Cab One-ton Trucks and a Sourcewell Quote for One-Ton Crew Cab Flatbed Trucks.

BE IT FURTHER RESOLVED, that the City Manager, or his designee is hereby authorizing staff to reissue the RFB's at a future date.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 2020, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-462**

RESOLUTION APPROVING THE AWARD OF REQUEST FOR BID AND AN AGREEMENT FOR BULK OILS AND LUBRICANTS TO HUNT & SONS INC. OF MODESTO, CALIFORNIA, FOR THE TOTAL AMOUNT NOT TO EXCEED \$486,602 OVER A FIVE-YEAR PERIOD, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Public Works Department, Fleet Services Division, maintain storage tanks for bulk oils, and

WHEREAS, bulk oils and lubricants used at these facilities are purchased on an as-needed basis throughout the year from annual purchase agreements, and

WHEREAS, on July 13, 2020, the Request for Bid was issued by the City to select, through a competitive bid process, a contractor to provide bulk oils and lubricants for the City of Modesto, and

WHEREAS, on August 11, 2020, the City of Modesto received bids from Hunt & Sons Inc., Cummins, SC Fuels and Van De Pol, and

WHEREAS, the estimated cost was based on total annual usage of bulk oils and lubricants, and

WHEREAS, after review of the bids, the lowest bid received was \$486,602 from Hunt and Sons, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to follow the formal bid procedures. An award of Request for Bids for Bulk Oils & Lubricants and agreement for Bulk Oils & Lubricants for Citywide use to Hunt & Sons Inc. of Modesto, California conforms to the Modesto Municipal Code because the City

complied with the formal bid procedures and Hunt & Sons Inc. was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves approving the award of Request for Bid and an Agreement for bulk oils and lubricants to Hunt & Sons Inc. of Modesto, California, for the total amount not to exceed \$486,602 over a five-year period.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved 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 November, 2020, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Stephanie Lopez for
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-463**

**RESOLUTION APPROVING A HEMP OPERATING AGREEMENT BETWEEN
THE CITY OF MODESTO AND CANOPY GROWTH USA, LLC AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE
THE AGREEMENT**

WHEREAS, Hemp is a legal agricultural commodity under the federal 2018 Farm Bill and the California Food and Agricultural Code, and is a crop increasingly grown in California's Central Valley, and

WHEREAS, Modesto is ideally located for hemp processing and manufacturing, and

WHEREAS, Canopy Growth USA, LLC ("Canopy") seeks to develop a state-of-the-art hemp manufacturing campus in Modesto (the "Project") and to hire employees locally to manufacture hemp products and distribute such products regionally or even nationally from the facility, and

WHEREAS, the City desires to regulate all hemp operations in the City of Modesto in a manner that preserves public health and safety, protects the environment, drives diverse economic opportunities, while complying with all City, state, and federal laws and regulations, and

WHEREAS, the Parties have contemplated and negotiated a hemp operating agreement to allow hemp operations at the premises prior to the City adopting an ordinance to more broadly approve hemp processing operations within the City, and

WHEREAS, the City Council Ad Hoc Cannabis Committee has recommended to the City Council approval of entering into a Hemp Operating Agreement with Canopy Growth USA, LLC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the Project for an industrial hemp manufacturing campus in the City of Modesto is exempt from further analysis under the California Environmental Quality Act (CEQA) under the in-fill streamlining process under CEQA Regulation 15183.3, the existing facilities exemption under Regulation 15301 and the exemption for new construction or conversion of small structures under Regulation 15303. Furthermore, the Project is exempt from CEQA under the general rule in CEQA Guidelines section 15061(b)(3), that CEQA only applies to projects that have the potential for causing a significant effect on the environment. The Project is modifying an existing structure, and is accordingly exempt from further analysis under CEQA.

BE IT FURTHER RESOLVED by the Council that it hereby approves the Hemp Operating Agreement attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the City Manager or his designee is hereby authorized to execute the Hemp Operating Agreement in a form approved 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 November, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Stephanie Lopez for*
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-464**

**RESOLUTION APPROVING A NEW ANNUAL SIDEWALK VENDOR PERMIT
FEE OF \$150 FOR THE SIDEWALK VENDOR PERMIT PROGRAM**

WHEREAS, on September 17, 2018, Governor Jerry Brown signed Senate Bill (SB) 946, Sidewalk Vendors (SB 946), into law, and

WHEREAS, SB 946 permits the City of Modesto to establish a sidewalk vendor permit to protect the health, safety, and welfare of the public, and

WHEREAS, the City has established a sidewalk vendor program, whereby all sidewalk vendors in the City are required to obtain a Sidewalk Vending Permit from the City (Permit) as well as follow regulations contained in Title 4 (“Public Welfare, Safety and Health”), Chapter 1 (“Regulation of Amusements and Amusement Devices”) Chapter 12 (“Sidewalk Food Vendors”) of the Modesto Municipal Code, and

WHEREAS, the Finance Department conducted an analysis of the staff costs required to administer the Sidewalk Vending Program and determined the fee of One Hundred Fifty Dollars (\$150) to be the reasonable Sidewalk Vending Program permit fee to capture cost recovery, and

WHEREAS, the Finance Department also reviewed other comparable cities and the proposed Sidewalk Vending Program annual fee is comparable with other jurisdictions’ annual sidewalk vending fee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a new annual Sidewalk Vendor Permit fee of One Hundred Fifty Dollars (\$150) for the Sidewalk Vendor Permit Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-465**

RESOLUTION APPROVING AND RATIFYING A CONTINGENCY LEGAL SERVICES AGREEMENT WITH MILLER & AXLINE FOR REPRESENTATION OF THE CITY IN CLAIMS AND LITIGATION RELATED TO 1, 2, 3-TRICHLOROPROPANE (TCP) CONTAMINATION AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in January of 2018 the State of California adopted a maximum contaminant level (MCL) of 5 parts per trillion (ppt) for 1, 2, 3-Trichloropropane (TCP) in municipal supplies; and

WHEREAS, TCP has been detected in more than 30 Modesto City wells. As a result, several Modesto wells have been shut down and production shifted to other wells; and

WHEREAS, Miller & Axline currently represents the City in a lawsuit involving perchloroethylene (PCE), and previously represented the City in a lawsuit involving DBCP, from which the City is still receiving payments; and

WHEREAS, after conducting due diligence Miller & Axline concluded that the City has a strong likelihood of success in a TCP lawsuit; and

WHEREAS, as reported out of Closed Session on February 11, 2020, the City Council authorized initiation of litigation related to TCP contamination; and

WHEREAS, Miller & Axline has been representing the City pursuant to an agreement approved by Council in Closed Session on September 24, 2019; and

WHEREAS, the action before the Council is to approve and ratify the Contingency Legal Services Agreement; and

WHEREAS, Modesto Municipal Code Section 8-3.204 specifies exceptions to formal bidding requirements where all purchases in excess of fifty thousand dollars (\$50,000.00), or when directed by the City Manager for any purchase of fifty thousand dollars (\$50,000.00) or less, shall follow formal bid procedures, except for the following, which shall be exempt from the bid requirement: (a) Contracts for professional services as defined in Section 8-3.103. The selection of Miller & Axline conforms to Modesto Municipal Code 8-3.204(a) as they are providing legal services. However, the City did interview several firms prior to selecting Miller & Axline.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves and ratifies a Contingency Legal Services Agreement with Miller & Axline for representation of the City in Claims and Litigation related to 1, 2, 3-Trichloropropane (TCP) contamination.

BE IT FURTHER RESOLVED that the City Manager or his designee, are hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-466**

**RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 ANNUAL
OPERATING AND CAPITAL IMPROVEMENT FUND BUDGETS AND
AUTHORIZING THE CITY MANAGER, TO TAKE THE NECESSARY STEPS
TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2020-2021.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2020-2021 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2020-21

FINANCE

- A budget adjustment in the amount of \$2,515,820 is necessary to establish the expenditure appropriation for the new Funds and Cost Centers for both the Wastewater Revenue Refunding Bonds Series 2020A and Wastewater Revenue Refunding Bonds Series 2020B to cover cost of issuance fees and interest payments for Fiscal Year 2020-21 and also establishing a transfer from Wastewater Fund (4210) to the new funds in the amount of \$2,515,820 to fund estimated Interest (\$2,082,191) and cost of issuance (\$433,629). The bond refunding was approved by Council on 9/01/20 via resolution 2020-360.

PUBLIC WORKS

- A budget adjustment is necessary to increase the FY 2020-2021 10th Street JPA Allocation from various City funds for the additional assessment that was approved by the 10th Street JPA Commission Board on September 23, 2020 for the 10th Street Place, 2nd floor carpet replacement project, of which, the City's portion is \$110,203. The assessment of \$110,203 has been split amongst a number of funds of which the breakdown can be seen below.

Additionally, during the review of the overall City JPA allocation, it was determined that Risk Management square footage had been previously allocated to the General Fund Human Resources Administration Division. A total of \$27,709 is being credited to the General Fund and charged to Risk Management for previously allocated square footage in Fiscal Years 2015-2016 to 2020-2021. The total increase of \$54,130 for the General Fund will come from General Fund Department savings in the current fiscal year.

Fund Name	Fund	Increase
General Fund	0100	\$54,130
HUD Administration	1133	\$301
Capital Improvement Support	1300	\$2,099
Surface Transportation Fund	1700	\$1,218
Water Fund	4100	\$4,585
Sewer Operations Fund	4210	\$1,571
Bus Fixed Route Max Operations Fund	4540	\$1,164
Solid Waste Fund	4891	\$1,009
Mail Services ISF	5120	\$99
Information Technology Fund	5230	\$2,446
Insurance - Administration Fund	5310	\$41,435
Employee Benefits Management Fund	5520	\$146
	Grand Total	\$110,203

The adjustment will also increase the revenue and expenses in the 10th Street JPA Fund by amounts below in the following accounts:

<u>Account</u>	<u>Amount</u>
5810-52310-42405 (City of Modesto Contribution)	\$110,203

5810-52310-53505 (Intergovernmental Services – Other)	\$110,203
---	-----------

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-467**

**RESOLUTION AMENDING THE FISCAL YEAR 2020-21 ANNUAL
OPERATING BUDGET IN THE AMOUNT OF \$1,242,103 AND ALLOCATING
FISCAL YEAR 2018-19 GENERAL FUND CARRYOVER TO FUND THE
MAINTENANCE OF EFFORT (MOE) RELATED TO THE ROAD REPAIR AND
ACCOUNTABILITY ACT (SENATE BILL 1) AND AUTHORIZING THE CITY
MANAGER TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE
PROVISIONS OF THIS RESOLUTION**

WHEREAS, On April 28, 2017, the Governor approved Senate Bill No. 1, known as the Road Repair and Accountability Act of 2017, and

WHEREAS, the Act establishes a new Road Maintenance and Rehabilitation Account and a percentage of this new funding will be apportioned to eligible cities and counties for basic road maintenance, rehabilitation, and critical safety projects on local streets and roads systems, and

WHEREAS, the Act requires a local agency to meet the MOE requirement in order to receive funding and states that a city must maintain general fund spending for street, road, and high purposes at no less than the average of 2009-10, 2010-11, and 2011-12 fiscal years, and

WHEREAS, the City has confirmed with the State Controller's Office regarding the Road Repair Accountability Act-Road Maintenance and Rehabilitation Account MOE and confirmed the required amount for FY 2020-21 is \$1,538,605 to meet the MOE requirement, and

WHEREAS, the City is currently funding the MOE requirement for Fiscal Year 2020-21 Measure L Local Control funds in the amount of \$296,502 which satisfies a portion of the MOE for Senate Bill 1, and

WHEREAS, the remaining MOE amount of \$1,242,103 will satisfy the MOE requirement for SB1 and allow the City to obtain \$3,698,584 in State funds, and

WHEREAS, the Fiscal Year 2020-2021 Operating budget must be amended to appropriate and transfer \$1,242,103 from FY 2018-19 General Fund carryover funds to meet the Road Repair Accountability Act-Road Maintenance and Rehabilitation Account Maintenance of Effort FY 2020-21 requirement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2020-21 annual operating budget in the amount of \$1,242,103 and allocates FY 2018-19 General Fund carryover to fund the Maintenance of Effort (MOE) related to the Road Repair and Accountability Act (Senate Bill 1).

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-468**

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING AND COOPERATIVE AGREEMENT WITH THE MODESTO DOWNTOWN IMPROVEMENT DISTRICT FOR THE DISTRIBUTION OF TAXES COLLECTED BY THE CITY FOR THE IMPROVEMENT OF THE DOWNTOWN AREA, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Property and Business Improvement Law of 1994, Streets and Highways Code § 36600 et seq., authorizes the City to establish business improvement districts for the purposes of promoting downtown Modesto businesses; and

WHEREAS, on April 4, 1966, the Modesto Downtown Improvement District (“DID”) was established; and

WHEREAS, since its establishment, the City collected the DID assessments and assisted with the management of funds by maintaining a separate fund and cost center within the City’s operating budget; and

WHEREAS, DID operated as a DBA (“Doing Business As”) and did not have a separate corporate status established; and

WHEREAS, on January 27, 2020, the DID Board of Directors has obtained separate legal corporate status and was formally incorporated with the California Secretary of State; and

WHEREAS, DID and City desire to enter into a Memorandum of Understanding and Cooperative Agreement (MOU Agreement) for the collection, disbursement and use of the DID taxes.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approved the Memorandum of Understanding and Cooperative Agreement

with the DID for the distribution of taxes collected by the City for the improvement of the downtown area.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to executed the Memorandum of Understanding and Cooperative Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

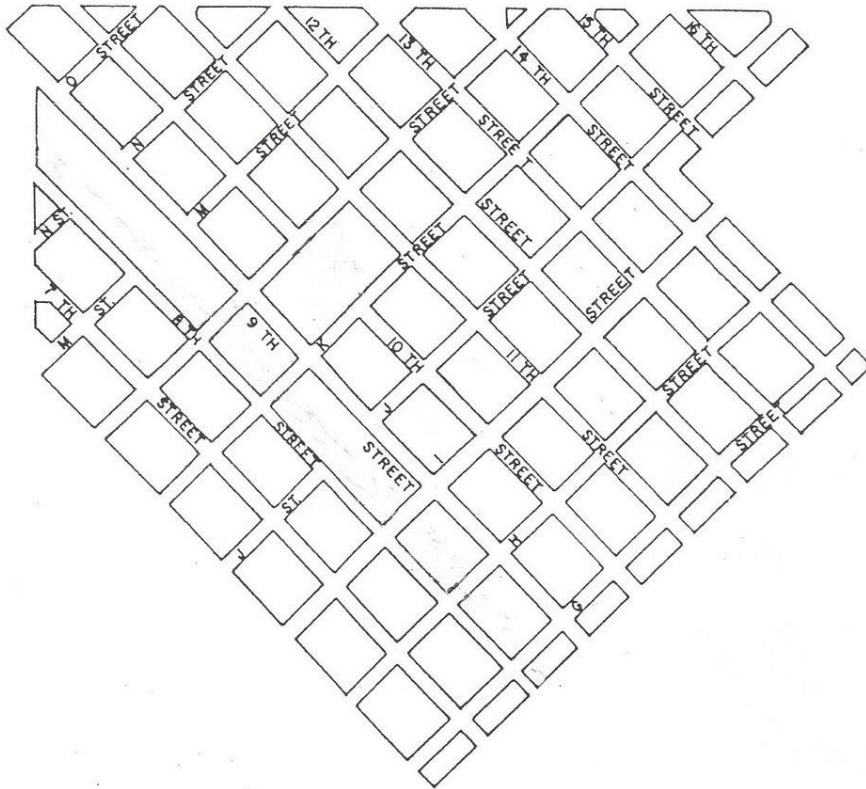
APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

Exhibit A

D.I.D. BOUNDARIES

**DOWNTOWN IMPROVEMENT DISTRICT
MODESTO, CALIFORNIA**



**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-469**

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE MODESTO CENTRE PLAZA LIGHTING CONTROL REPLACEMENT PROJECT, ACCEPTING THE BID AND AWARDING A CONTRACT TO COLLINS ELECTRICAL COMPANY, INC. OF MODESTO, CA IN THE AMOUNT OF \$99,975 AND AUTHORIZING THE DIRECTOR OF PARKS, RECREATION AND NEIGHBORHOODS TO APPROVE CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF \$9,998 (10% OF THE ORIGINAL CONTRACT PRICE), IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED \$109,973 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Centre Plaza was constructed in 1988 and has served as the primary community event center for the City of Modesto, and

WHEREAS, the lighting system has suffered repeated failures and no longer function properly, and

WHEREAS, staff has determined that deferring the replacement of the lighting system in favor of short-term remedies is no longer a feasible option, and

WHEREAS, plans and specifications have been prepared for the Modesto Centre Plaza Lighting Control Replacement Project, and City staff recommends approval by the City Council, and

WHEREAS, formal bids were unable to be obtained through standard best practices, and

WHEREAS, the Purchasing Manager approved an informal bid process due to the exigent circumstance pursuant to Modesto Municipal Code Section 8-3.204(c), and

WHEREAS, three responsive and responsible bids were received on for the Modesto Centre Plaza Lighting Control Replacement Project on September 22, 2020, the lowest of which was from Collins Electrical Company, Inc. of Modesto, CA, and

WHEREAS, the City staff recommends that the bid of \$99,975 received from Collins Electrical Company, Inc. of Modesto, CA be accepted as the lowest responsible and responsive bid and the contract be awarded to Collins Electrical Company, Inc. of Modesto, CA, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to follow the formal bid procedures, and

WHEREAS, this situation meets the exception authorized by Modesto Municipal Code Section 8-3.204(c) which authorizes the Purchasing Manager, in his or her discretion, to determine that calling for bids on a competitive basis as set forth in Section 8-3.203 is undesirable due to exigent circumstances. An award of \$99,975 and agreement for the Parks, Recreation and Neighborhoods Department to use Collins Electrical Company, Inc. of Modesto, CA conforms to the Modesto Municipal Code because the City complied with the informal bid procedures and Collins Electrical Company, Inc. of Modesto, CA was the lowest responsive and responsible bidder. Therefore, City staff recommend awarding the contract to Collins Electrical Company, Inc. of Modesto, CA.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the plans and specifications for the Modesto Centre Plaza Lighting Control Replacement Project, accepting the bid and awarding a contract to Collins Electrical Company, Inc. of Modesto, CA in the amount of \$99,975 and authorizing the Director of Parks, Recreation and Neighborhoods to approve change

orders up to the cumulative amount of \$9,998 (10% of the original Contract price) if needed for a total amount not to exceed \$109,973.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-470**

RESOLUTION APPROVING A CELL TOWER OPTION AND LEASE AGREEMENT WITH VERTICAL BRIDGE DEVELOPMENT, LLC OF BOCA RATON, FL FOR THE CONSTRUCTION OF A CELL TOWER IN TUOLUMNE RIVER REGIONAL PARK (TRRP) AT NEECE DRIVE AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto partners with various cellular service providers by leasing city property for cell towers, and

WHEREAS, these partnerships are a benefit to the residents of the City of Modesto by improving cellular service coverage throughout Modesto, improving coverage for the FCC mandated E911 Services, and also provide annual revenue to the City of Modesto to maintain the City park system, and

WHEREAS, in 2018, Vertical Bridge Development, LLC (Vertical Bridge) of Boca Raton, Fl contacted staff to discuss the development of a new build-to-suit cell tower for T-Mobile in the West-Modesto community, adjacent to John Thurman Field, and

WHEREAS, the City and Vertical Bridge agreed to terms for a new cell tower option and lease agreement and found a location that meets City planning codes, park development standards, and the developer's needs adjacent to the intersection of Neece Drive and Rouse Ave., and

WHEREAS, the proposed lease area is a 40' x 40' (approximately 1,600 square feet) and is located in an undeveloped area of the Tuolumne River Regional Park (TRRP), and

WHEREAS, the lease agreement includes the following terms:

- 1) Lease Option: \$500 payment for a 1-year option period for Vertical Bridge to complete the pre-construction documentation.
- 2) Term: Initial Five-Year term with Five Additional 5-year terms – 30-year lease.
- 3) Rent: \$2,000 per month / \$24,000 per year
- 4) Rent Escalator: 2% increase annually upon anniversary of commencement date.
- 5) Appearance: Structure will be camouflaged in the appearance of a native tree.
- 6) Signing bonus: Signing Bonus of \$7,000 will be paid by the Vertical Bridge to the City. The funds will be utilized to purchase and install a security camera adjacent to the tower site that the Modesto Police Department will be able to monitor from the MPD Real-Time Crime Center.
- 7) Exclusivity Clause: A competing tower will not be built on City Property within 1,000 feet of the lease area.
- 8) Revenue Share: The City shall receive \$250/month for each additional broadband carrier that collocates on the proposed pole.
- 9) Ongoing Site Maintenance: Vertical Bridge will be responsible to provide ongoing maintenance and upkeep of the site (i.e. Graffiti, weed control, etc.)

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Cell Tower Option and Lease Agreement with Vertical Bridge Development, LLC of Boca Raton, FL for the construction of a cell tower in Tuolumne River Regional Park (TRRP) at Neece Drive.


BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-471**

RESOLUTION APPROVING THE SECOND AMENDMENT TO THE SITE LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC, A DELAWARE LIMITED LIABILITY COMPANY (AT&T) TO INCREASE THE EXISTING CELL TOWER LEASE TERMS AT BEYER PARK TO ADD FIVE ADDITIONAL FIVE-YEAR RENEWAL OPTIONS AND INCREASE THE LEASE AREA BY AN ADDITIONAL 78 SQUARE FEET AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City of Modesto partners with various cellular service providers by leasing city property for cell towers, and

WHEREAS, these partnerships are a benefit to the residents of the City of Modesto by improving cellular service coverage throughout Modesto, improving coverage for the FCC mandated E911 Services, and also provide annual revenue to the City of Modesto to maintain the City park system, and

WHEREAS, on March 11, 1997, by Resolution No. 97-129, Council approved a 5 year lease agreement with AT&T Wireless Services of California, Inc (AT&T) for 700 square feet at Beyer Park including five (5) extensions of five (5) years each, and

WHEREAS, on December 11, 2003, by Resolution No. 2003-645, Council approved the first amendment to the agreement with an effective date of August 27, 2002, which included updating the payment terms and approving certain site improvements by the tenant, and

WHEREAS, in February 2019, the City of Modesto was notified by Crown Castle that AT&T would like to amend the existing contract to increase the size of the lease area by 78 square feet, with the intent to install a backup power generator for the existing cell tower on the site, as well as provide long-term security for subleasing, and

WHEREAS, the amendment includes the following terms:

- 1) Term extension: Five (5) additional, five (5) year renewal terms which will extend the final contract expiration term until October 31, 2052.
- 2) Rent escalation: The extension includes a rent escalation of 3% annually effective March 11, 2021.
- 3) Lease Area expansion of 78 additional square feet, bringing the total lease area to 778 square feet and increasing the rent by \$300/month.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment to the Site Lease Agreement with New Cingular Wireless PCS, LLC, a Delaware limited liability company (AT&T) to increase the existing cell tower lease terms at Beyer Park to add five additional five-year renewal options and increase the lease area by an additional 78 Square feet.

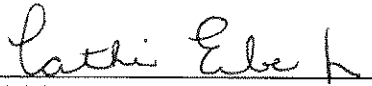
BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-472**

RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 OPERATING BUDGET AS OUTLINED IN ATTACHMENT A AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in order to recognize revenue generated by the Second Amendment to the Site Lease Agreement with New Cingular Wireless PCS, LLC, a Delaware limited liability company (AT&T), and

WHEREAS, the Fiscal Year 2020-2021 Operating Budget must be amended as shown in **Attachment A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2020-2021 Operating Budget as outlined in **Attachment A**, attached hereto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

Attachment A

Budget Adjustment for Beyer Park AT&T Second Amendment to the Cell Tower Lease

Fund 0100 – General Fund

Operating Budget 35220 – Parks Operations Services Administration

Expense:

Account	Description	Starting Amount	Increase/ (Decrease)	Ending Total
0100-35220-53030	Business Expense	\$16,589	\$1,620	\$18,209
Total		\$16,589	\$1,620	\$18,209

Revenue:

Account	Description	Starting Amount	Increase/ (Decrease)	Ending Total
0100-35220-46002	Park Operations	\$275,514	\$1,620	\$277,134
Total		\$275,514	\$1,620	\$277,134

Operating Budget 32020 – Parks Planning and Development Division

Expense:

Account	Description	Starting Amount	Increase/ (Decrease)	Ending Total
0100-32020-54500	Svc City Forces-Interfund	\$6,224	\$180	\$6,404
Total		\$6,224	\$180	\$6,404

Revenue:

Account	Description	Starting Amount	Increase/ (Decrease)	Ending Total
0100-32020-46002	PPD - Admin	\$53,724	\$180	\$53,904
Total		\$53,724	\$180	\$53,904

Total Revenue Adjustments: *Increase/(Decrease)*

\$1,800

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-473**

**RESOLUTION ACCEPTING PROPOSITION 68 STATEWIDE PARK
DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM -
ROUND 3 GRANT AWARD OF \$8,500,000 FOR THE CÉSAR E. CHAVEZ PARK
RENOVATION PROJECT**

WHEREAS, on July 9, 2019, by Resolution No. 2019-333, Council authorized staff to move forward with the submission of a grant application for the renovation of César E. Chavez Park and authorizing the City Manager to accept the grant award on behalf of the City, and

WHEREAS, on November 5, 2019, by Resolution Nos. 2019-500 and 2019-501, Council approved the updated masterplan for César E. Chavez Park and determined that the scope of the project is covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2014042081), and

WHEREAS, on February 20, 2020, staff received notification from the California State Department of Parks and Recreation that the César E. Chavez Park Renovation Project was selected for funding, and

WHEREAS, on March 26, 2020, the City Manager signed the grant agreement on behalf of the City of Modesto awarding the City of Modesto \$8.5 Million Dollars for the renovation of César E. Chavez Park.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts Proposition 68 Statewide Park Development and Community Revitalization Program - Round 3 Grant Award of \$8,500,000 for the César E. Chavez Park Renovation Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute any further agreements or amendments related to the grant, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-474**

**RESOLUTION APPROVING AN AGREEMENT WITH O'DELL
ENGINEERING, INC., OF MODESTO, CA FOR THE PREPARATION OF
CONSTRUCTION DOCUMENTATION (DESIGN) FOR CÉSAR E. CHAVEZ
PARK RENOVATION PROJECT IN THE AMOUNT OF \$757,780, PLUS \$37,889
FOR ADDITIONAL SERVICES, IF NEEDED, FOR AN AGREEMENT TOTAL
NOT TO EXCEED \$795,669 AND AUTHORIZING THE CITY MANAGER, OR
HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the California State Department of Parks and Recreation received approximately \$650 million in funding from Proposition 68 for this program and awarded grants totaling \$250 Million in this round of funding toward park development and renovation, and

WHEREAS, on February 20, 2020, staff received notification from the California State Department of Parks and Recreation that the César E. Chavez Park Renovation Project was selected for funding, and

WHEREAS, a Request for Proposals (RFP) for the project was issued on April 30, 2020, and proposals from 9 consultants were opened on June 10, 2020 pursuant to Administrative Directive 3.1, and

WHEREAS, the 4 most qualified firms were formally interviewed by a selection committee on June 18, 2020 and ranked by qualifications, and

WHEREAS, based on the results of the RFP, staff recommends approval of an agreement with O'Dell Engineering Inc., of Modesto, CA to complete the Construction Documentation for the Construction Documentation (Design) for César E. Chavez Park Renovation Project in the amount of \$757,780, and

WHEREAS, staff recommends a 10% additional services budget in the amount of \$37,889 to allow for additional services change orders due to unforeseen conditions, delays or expenses for an agreement total not to exceed \$795,669.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it approves an agreement with O'Dell Engineering, Inc., of Modesto, CA for the preparation of construction documentation (design) for César E. Chavez Park Renovation Project in the amount of \$757,780, plus \$37,889 for additional services, if needed, for an agreement total not to exceed \$795,669.

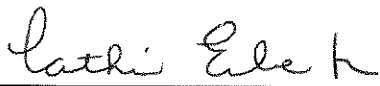
BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-475**

**RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 CAPITAL
IMPROVEMENT PROGRAM BUDGET AS OUTLINED IN ATTACHMENT A
AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO
IMPLEMENT THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, certain budgetary transactions are necessary in order to recognize grant revenue generated by the acceptance of Proposition 68 Statewide Park Development and Community Revitalization Program - Round 3 Grant Award, and

WHEREAS, certain budgetary transactions are necessary in order to establish an expense budget related to the agreement with O'Dell Engineering, Inc., of Modesto, CA for the preparation of construction documentation (design) for César E. Chavez Park Renovation Project, and

WHEREAS, the Fiscal Year 2020-2021 Fiscal Year 20/21 Capital Improvement Program Budget must be amended as shown in **Attachment A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 20/21 Capital Improvement Program Budget as outlined in **Attachment A**, attached hereto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

Attachment A

Budget Adjustment for Capital Project 101276 – César E Chavez Park Renovation Project

Fund 3140 – Capital Grants – CIP Projects:

Expense:

To:

Account	Description	<u>Current Budget</u>	<u>Increase/ (Decrease)</u>	<u>Revised Budget Total</u>
MY-101276 – CA	Construction Admin	\$ 0	\$ 534,514	\$ 534,514
MY-101276 – CON	Construction	\$ 0	\$ 6,681,416	\$ 6,681,416
MY-101276 – CTGY	Contingency	\$ 0	\$ 334,070	\$ 334,070
MY-101276 – EDA	Engineering/Design/Admin	\$ 25,000	\$ 925,000	\$ 950,000
Total		\$ 25,000	\$ 8,475,000	\$ 8,500,000

Revenues:

To:

Revenue Type / Account	<u>Current Budget</u>	<u>Increase/ (Decrease)</u>	<u>Revised Budget Total</u>
42213 – PROP 68 California State Parks	\$25,000	\$8,475,000	\$8,500,000
Total	\$25,000	\$8,475,000	\$8,500,000

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-476**

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE PARKING AGREEMENT WITH 3G, LLC AND WBL&CC, LLC, CALIFORNIA, COLLECTIVE OWNERS OF THE CINEMA/RETAIL PARCEL AT 1021 TENTH STREET, EFFECTIVE RETROACTIVELY TO NOVEMBER 1, 2020, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City owns a parking garage in Downtown Modesto at the corner of Tenth Street and K Street that is adjacent to a cinema/retail site at 1021 Tenth Street, and

WHEREAS, on June 19, 2000, the City entered into a Parking Agreement with Vintage Ranch Properties, the original Developer of the 1021 Tenth Street parcel, regarding parking use and payments for customers of the businesses located on the cinema/retail site, and

WHEREAS, the Original Agreement provides that the obligations of Developer shall be enforceable against any successors so long as any such party owns or has an interest in the cinema/retail parcel;” and

WHEREAS, 3G, LLC., a California limited liability company, and WBL&CC, LLC, a California limited liability company (collectively, “OWNERS”), are successors-in-interest to the Developer and responsible to perform under the terms of the Original Agreement, and

WHEREAS, the Original Agreement provides that the City shall establish and implement a validation system to permit customers of the businesses on the cinema/retail parcel to park in the parking garage free of charge, and

WHEREAS, the Original Agreement requires OWNERS to make a lump sum annual parking payment to the City in the amount of ninety-six cents (\$0.96) cents per square foot of all net leasable square feet of the adjacent cinema/retail parcel, or approximately \$125,000, and

WHEREAS, the City and OWNERS now desire to reformulate the annual payment and validation requirements in order to accommodate market changes due to COVID-19, by imposing a discounted validation charge at the parking garage as consideration for elimination of the annual payment by OWNERS, and

WHEREAS, the City has determined that this First Amendment will advance the City's economic development goals through targeted incentives to local businesses, and will also ensure a consistent revenue stream for the Parking Fund.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the First Amendment to the Parking Agreement with 3G, LLC and WBL&CC, LLC, California, Collective Owners of the cinema/retail parcel at 1021 Tenth Street, effective retroactively to November 1, 2020.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary documents, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-477**

**RESOLUTION ACCEPTING THE BERMUDA WAY STRENGTHEN &
REPLACE WATER MAIN PROJECT AS COMPLETE, AUTHORIZING ALL
NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER,
RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING
\$1,648,864 TO D.A. WOOD CONSTRUCTION, INC., OAKDALE, CA**

WHEREAS, the Bermuda Way Neighborhood is one of the City's many prioritized water service areas that required replacement of aging water infrastructure, and

WHEREAS, this project upgraded and replaced deficient water mains, associated water valves, services, and fire hydrants to increase service reliability, flows, and pressures, and

WHEREAS, the project area is bounded by Roosevelt Drive on the west, Sherwood Avenue on the east, Granger Avenue on the north, and Orangeburg Avenue on the south, and

WHEREAS, on October 4, 2016, by Resolution No. 2016-402, Council approved a prequalified local consultant list for surveying services for various capital improvement projects. The list of companies consisted of DF Engineering, North Star Engineering Group, and Hawkins & Associate, and

WHEREAS, in February, 2017, staff requested a proposal from Hawkins & Associates (Hawkins) for Land Surveying Services for the Bermuda Way Strengthen & Replace Water Mains project, and

WHEREAS, staff negotiated with Hawkins to complete the topographic land survey services for a fee not to exceed \$10,700, and

WHEREAS, in August 2017, Hawkins was asked to submit a proposal for final design services, and

WHEREAS, staff negotiated with Hawkins to complete the project plans for a fee not to exceed \$43,576, and

WHEREAS, bids were advertised on April 16, 2019, and were publicly opened on May 14, 2019, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and D.A. Wood Construction, Inc., Oakdale, California, was the apparent lowest responsible and responsive bidder, and

WHEREAS, on June 25, 2019, by Resolution No. 2019-302, Council awarded a contract to D.A. Wood Construction, Inc., of Oakdale, California, for the construction of the Bermuda Way Strengthen & Replace Water Main project in the amount of \$1,568,249, plus \$125,460 for contingency, not to exceed \$1,693,710, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of September 3 2019, and all contract work was completed by March 19, 2020, and

WHEREAS, the total project costs were \$1,864,133 which included design, construction, and construction administration costs. The total project amount originally budgeted was \$2,434,340 which included \$2,023,710 for the construction contract and contingency with D.A. Wood Construction, Inc., and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of up to and not to exceed 8% (\$125,460) of the original contract price. There were three change orders resulting in an

overall increase of \$80,615 for change order work as listed on the attached change order log, and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Bermuda Way Strengthen & Replace Water Main project is hereby accepted as complete from contractor, D.A. Wood Construction, Inc., Oakdale, California, and that the City Clerk is authorized to complete all necessary steps to file the appropriate notices and documents with the County Recorder, release securities, and authorize payments totaling \$1,648,864.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-478**

RESOLUTION APPROVING AN AMENDMENT TO THE PURCHASING AGREEMENT WITH REPUBLIC SERVICES, INC., FORWARD INC. LANDFILL, OF MANTECA, CA, FOR NON-HAZARDOUS WASTE DISPOSAL BY \$49,534 FROM \$180,000 TO \$229,534 AND EXTENDING THE TERM OF THE AGREEMENT FROM JANUARY 31, 2020 TO JANUARY 31, 2023 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City uses Republic Services, Inc., Forward Inc. Landfill (Forward), to dispose of Wastewater Screening and Grit, and

WHEREAS, Forward is located in Manteca, CA, and is the closest landfill to the City that is approved to accept wastewater solids by the Central Valley Regional Water Quality Control Board, and

WHEREAS, Wastewater Screening and Grit (grit) is part of the City's wastewater treatment process, and

WHEREAS, grit (dirt, rocks, sand, egg shells, etc.) enters the Sutter Wastewater Treatment plant through pipelines from the City's collection system and part of the treatment process is to settle and remove grit and pumped it to the grit classifier and separator where it is dewatered and put into a disposal bin, and

WHEREAS, the grit then must be properly disposed of at a permitted landfill, and

WHEREAS, on January 16, 2018 by Resolution No. 2018-07, Council approved a Purchasing Agreement and Special Waste Services Agreement with Republic Services, Inc., Forward Inc. Landfill, Manteca CA for the annual cost not to exceed \$60,000; and not to exceed \$180,000 over three years, and

WHEREAS, prior to dumping at Forward, the City must perform testing on the grit and sewer spoils; those findings are then reported to Forward before the grit and

sewer spoils are accepted for disposal and once cleared for disposal, they will prepare a Special Waste Service Agreement for signature, and

WHEREAS, the amendment to the purchasing agreement being requested to extend the term from January 31, 2020 to January 31, 2023 and increase the funding by \$49,534 to cover the additional three years, and

WHEREAS, the additional costs are based on the rate schedule identified on the Special Waste Agreement for Non-Hazardous Wastes from Republic Services to dispose of the City's wastewater grit only and initially costs \$40.40 per ton, plus \$2.27 per ton County Fee, plus \$18.00 per load Environmental Fee, with annual increases effective one year from the approval date, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to be formally bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the purchasing agreement with Republic Services, Inc., Forward Inc. Landfill, of Manteca, CA, for non-hazardous waste disposal by \$49,534 from \$180,000 to \$229,534 and extending the term of the agreement from January 31, 2020 to January 31, 2023

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to issue the amendment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-479**

RESOLUTION APPROVING AN AGREEMENT WITH WEST YOST ASSOCIATES, INC., OF SACRAMENTO, CA, FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE RIVER TRUNK REALIGNMENT – GRAVITY SYSTEM PROJECT IN THE AMOUNT OF \$2,453,750 PLUS \$245,375 IN ADDITIONAL SERVICES (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED \$2,699,125, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on March 22, 2016, by Resolution No. 2016-125, Council approved an agreement with Carollo Engineers, Inc. for preparation of Final Design Services to complete the design and construction documents for the River Trunk Realignment project, and

WHEREAS, given the cost and different components of the overall project, staff determined the best approach was to separate the project into three separate projects, and

WHEREAS, due to the size and complexity of this project, staff recommends utilizing consultants to provide construction management and inspection services as well as design support during construction, and

WHEREAS, on March 28, 2020, by Resolution No. 2020-201, Council approved a pre-qualified consultant list for Construction Management and Inspection Services for various Capital Improvement Program projects, and

WHEREAS, on May 29, 2020, a Request for Proposals (RFP) was issued for Projects 2 and 3, to the City's five prequalified firms who provide Construction Management and Inspection Services, and

WHEREAS, staff received proposals from four firms, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and,

therefore, exempt from the bid requirement. However, staff proceeded with the RFP process pursuant to Administrative Directive 3.1 and recommends approval of an agreement with West Yost Associates, Inc. for Construction Management and Inspection Services for the River Trunk Realignment – Gravity System Project.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with West Yost Associates, Inc., in the amount of \$2,453,750, plus \$245,375 in additional services (if needed), for a total amount not to exceed \$2,699,125 for Construction Management and Inspection Services for the River Trunk Realignment – Gravity System Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-480**

**RESOLUTION AMENDING THE FISCAL YEAR 2020-21 CAPITAL
IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$2,724,125 TO
BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER RESERVES
IN ORDER TO FULLY FUND AN AGREEMENT FOR CONSTRUCTION
MANAGEMENT AND INSPECTION SERVICES AND STAFF TIME FOR
PROJECT MANAGEMENT AND ADMINISTRATION FOR THE RIVER
TRUNK REALIGNMENT – GRAVITY SYSTEM PROJECT**

WHEREAS, certain budgetary transactions are necessary in the amount of \$2,724,125, in order to fund the agreement with West Yost Associates, Inc., including support by City staff for the River Trunk Realignment – Gravity System Project, and

WHEREAS, the Fiscal Year 2020-21 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2020-21 Capital Improvement Program Budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

Exhibit A

101290 River Trunk - Gravity System

Current Budget	\$0.00
Construction Management and Inspection Services Agreement	\$2,453,750.00
10% Additional Services (If Needed)	\$245,375.00
City Staff Time	\$25,000.00
Revised Budget	\$2,724,125.00

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-481**

**RESOLUTION APPROVING A SECOND AMENDMENT TO THE
PROFESSIONAL SERVICES AGREEMENT FOR SECURITY SERVICES WITH
RANK INVESTIGATION & PROTECTION (RANK SECURITY), INC.
INCREASING THE AGREEMENT BY \$150,000 FROM \$3,699,756 TO \$3,846,756
OVER SEVEN YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO EXECUTE THE AMENDMENT**

WHEREAS, on February 5, 2019 the City Council approved two agreements for citywide security services to Allied universal Security Services and Rank Investigation and Protection Inc. for various City owned facilities; and

WHEREAS, due to the need of a secondary provider and the cost advantage, compared to seven other providers, the City entered into a five-year agreement with two one-year extension options with Allied Universal Security Services and Rank Investigation & Protection, Inc. for an estimated annual cost not to exceed \$741,230 and \$112,378 respectively and a total amount not to exceed \$5,880,468 and \$891,916 respectively over the seven-year period; and

WHEREAS, on September 24, 2019, due to increase in crime, theft and vandalism, the City Council approved a first amendment with Rank to increase the annual estimated cost of the first year by \$641,498 and revising the amount not to exceed to \$3,966,756 over the seven years; and

WHEREAS, on August 4, 2020, the Dryden Golf Park Clubhouse was heavily damaged by a fire; and

WHEREAS, Alliant, the property insurance company that insured the structure on behalf of the City, established a claim and dispatched Belfor Property Restoration of Modesto, CA (Belfor) to secure the property; and

WHEREAS, after the fire and during the inspection period, Belfor notified staff of vandalism noticed at the property; to secure the building from additional vandalism, staff immediately reached out to Rank Security for security services during non-business hours; and

WHEREAS, Rank Security continues to provide lower cost for armed services by approximately 23 percent.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment to the Professional Services Agreement for security services with Rank Investigation & Protection (Rank Security), Inc. increasing the agreement by \$150,000 from \$3,699,756 to \$3,846,756 over seven years.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-482**

**RESOLUTION APPROVING AMENDMENT #2 TO THE CITY OF MODESTO'S
NEIGHBORHOOD STABILIZATION PROGRAM 3 PLAN RELATED TO
RIVER VISTA DEVELOPMENT AND AUTHORIZING THE CITY MANAGER
OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS AND/OR
AGREEMENTS**

WHEREAS, the U.S. Department of Housing and Urban Development (HUD), as a result of the Dodd-Frank Act, allocated \$1.0 billion nationally to jurisdictions responding to high foreclosure rates, and

WHEREAS, the City's third round of Neighborhood Stabilization Program (NSP3) funding from HUD provided targeted emergency assistance to address slum and blight, as well as, provide more affordable housing units in Modesto, and

WHEREAS, on February 8, 2011, by Resolution 2011-41, the City Council accepted the grant award and NSP3 Plan, and

WHEREAS, in order to meet timeliness expenditure deadlines, on May 22, 2012, Council approved Amendment #1 by Resolution 2012-200 to expand the allowable service area and extend the eligible activities to include new construction, and

WHEREAS, On September 4, 2012, the City of Modesto and Habitat for Humanity, Stanislaus (hereafter Habitat) entered into an NPS3 Loan Agreement (Original Agreement) that awarded \$1,000,000 to Habitat for the acquisition and construction of 21 affordable for-sale housing units for a project known as River Vista, and

WHEREAS, under the Original Agreement, Habitat was required to complete construction of the 21 affordable for-sale housing units by March 2015, and

WHEREAS, on September 13, 2016, Council approved the first Amendment to the NSP3 Loan Agreement between the City and Habitat under which the City agreed to

credit Habitat a prorated share of the outstanding principal of the Original Agreement after each property was sold to first time homebuyers, and

WHEREAS, these agreements allowed for the City and Habitat to establish a financing plan, identify a manageable construction timeline, while allowing the units to remain affordable and move toward completion of the River Vista project, and

WHEREAS, the City has continued to work in partnership with Habitat for Humanity and has been meeting with Habitat monthly since 2016 in order to complete the 21-unit subdivision, and

WHEREAS, at this time, Habitat has been able to fully complete and occupy ten properties with first-time homebuyers and another unit is currently under construction with a projected completion spring 2021, and

WHEREAS, in 2012, HUD first noticed through 77 Federal Register 70799-70805, the closure of the NSP programs and convert all program income to the Community Development Block Grant (CDBG) funding and the latest update to the Federal Notice in 2019 offered further guidance to the transfer and closeout of these grants, and

WHEREAS, the City of Modesto applied for, and was selected to participate in HUD's technical assistance and the goal of the TA initiative is for grantees to complete the NSP closeout process or initiate closeout paperwork, and

WHEREAS, this technical assistance provided the City with guidance to assist with the completion of the River Vista project allowing for the City to close out the NSP3 grant, and

WHEREAS, the City would need to conduct an NSP3 Plan Amendment to change the scope of work from the completion of 21 units, to 11 units. As described in this report, this change complies with HUD's guidelines, and meets the City's original NSP grant requirements, and

WHEREAS, by approving this NSP3 Plan Amendment, the City would allow Habitat to retain the 10 remaining parcels without having to return any revenue generated in the future from the sales of the 10 remaining properties, reducing the outstanding receivable recorded when the initial loan was disbursed, and

WHEREAS, the approval of this NSP3 Plan Amendment #2 and the authorization to amend the scope will take effect in the form of an amendment to the River Vista Agreements which are included with this report, and

WHEREAS, Habitat will still be required to comply with certain conditions of development to ensure the unfinished properties are used for affordable homeownership, and under a strict development schedule. If either of these conditions are not met, the City would require Habitat to return the properties to the City to ensure they are built for low-income housing in a timely manner, and

WHEREAS, the City and Habitat will enter into agreements to remove the 10 remaining properties from the NSP3 Program, but ensure they are still used for affordable homeownership and subject to a strict development schedule, and

WHEREAS, in accordance with HUD, a substantial Amendment to the PY 2019-2020 Annual Action Plan is required, and usually a 30-day public comment period is required; however, HUD has waived this requirement provided that no less than five (5) days are provided for public comments on each substantial amendment, and

WHEREAS, the amendments are highlighted in Exhibit A City of Modesto Neighborhood Stabilization Program 3 Substantial Amendment #2, and

WHEREAS, when processing a Plan Amendment, HUD allows the City to make these amendments by conducting a 15-day public comment period. Any comments or views of citizens received in writing, or orally at public hearings, will be considered by the City when preparing such amendments. An attached summary of the comments, including notation of excluded items, will be attached to the amendment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Amendment #2 to the City of Modesto's Neighborhood Stabilization Program 3 Plan related to River Vista Development.

BE IT FURTHER RESOLVED; that the City Manager or his designee is authorized to execute any documents and/or agreements necessary to carry out the intent of this Resolution in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

Exhibit A

SUBSTANTIAL AMENDMENT

City of Modesto

Neighborhood Stabilization Program

Substantial Amendment #2

City Council November 10, 2020:

The U.S. Department of Housing and Urban Development (HUD), as a result of the Dodd-Frank Act of 2010, allocated \$1.0 billion nationally to jurisdictions responding to high foreclosure rates. The City's third round of Neighborhood Stabilization Program (NSP3) funding from HUD provided targeted emergency assistance to address slum and blight, as well as, provide more affordable housing units in Modesto.

On February 8, 2011, by Resolution 2011-41, the City Council accepted a grant award in the amount of \$ 2,951,549 and approved the City's NSP3 Plan as required by HUD.

The purpose of the Substantial Amendment #2 is to change the scope of Activity 002-01-Habitat:

1. Activity 002-01-Habitat

Funding: \$1,000,000 NSP3

National Objective: NSP ONLY-LMMI

Activity Type: Construction of New Housing

Description: Originally proposed to complete 21 units of affordable housing to be constructed in a project locally known as River Vista. The funding of was used to acquire parcel 037-029-064 through 073 and 037-029-079 through 088 and invest in the construction of 11 of the 21 units.

Activity Amendment 1: Adjust the scope of work from the completion of 21 units to the completion of 11 units.

Activity Amendment 2: Dispose of the remaining 10 units in accordance with 24 CFR 570.201 (b) as provided in the HUD NSP Policy Alert - Guidance on Land Bank Disposition – November 25, 2014.

In accordance with, 24 CFR 91.505(a), a substantial Amendment to the Neighborhood Stabilization Plan 3 (NSP3) Action Plan is required due to the change in scope.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-483**

**RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED
DEVELOPMENT ZONE, P-D(577)**

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(577), was filed by the Housing Authority of the County of Stanislaus on July 22, 2020, to allow detached and attached affordable dwellings for veterans and seniors, two single family dwellings, and an office in the easterly dwelling, property located northwest of the intersection of S. Martin Luther King Drive and Vine Street, and

WHEREAS, after a public hearing held on October 19, 2020, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2020-14, that amending Planned Development Zone, P-D(577), as requested will not be detrimental to the public health, safety or welfare because the project will dedicate and construct improvements for Vine Street between S. Martin Luther King Drive and Briggs Ditch and will conform to City standards, the requested P-D amendment will result in an orderly planned use of land because the project is infill residential development compatible with the adjacent residential uses, and the requested P-D amendment is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) because the proposed P-D amendment allowing for new multi-family residential uses is consistent with the Modesto Urban Are General Plan, which designates the property as Residential (R), and the requested reduction in parking of 10 parking spaces from the required number of 44 spaces will not adversely affect surrounding uses

because it is anticipated that many residents of the project will not own motor vehicles and because on-street parking is available near the project, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on November 10, 2020, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of the Housing Authority of the County of Stanislaus for an amendment to Planned Development Zone, P-D(577), will not be detrimental to the public health, safety or welfare, will result in an orderly planned use of land, and is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) for the reasons set forth in Planning Commission Resolution No. 2020-14 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. _____ -C.S. on the 10th day of November, 2020, amending Planned Development Zone, P-D(577), to allow detached and attached affordable dwellings for veterans and seniors, two single family dwellings, and an office in the easterly dwelling.

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

1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(577), is hereby approved subject to the following conditions:

1. Prior to the issuance of a building permit, all development shall conform to the Development Plan and building elevations titled "Vine Street Housing Project" stamped approved by the City Council.

2. Prior to the issuance of a building permit, any variation from the approved site plan or building elevations on file with the City must be reviewed and approved by the Director of Community and Economic Development or designee.
3. The improvement plans shall include all landscaping, parking and common areas, and any and all easements required for the establishment of new utilities and the preservation of existing utilities.
4. Prior to the issuance of a certificate of occupancy, dedication shall be provided for all parcels having a Vine Street easement unless determined by CED Director or designee that such dedication is infeasible.
5. Prior to issuance of a certificate of occupancy, Vine Street shall be constructed to City standards as a 44-foot street with curb, gutter, sidewalk, street trees, drive approaches, storm drainage, and utilities, as applicable, from S. Martin Luther King Drive to Briggs Ditch unless determined by CED Director or designee that such construction is infeasible, due to the inability to secure dedication for Vine Street, as outlined in Condition No. 4.
6. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the utility companies and City Engineer or designee. Easements for utilities, irrigation and electrical lines to remain shall be reserved as required.
7. Prior to the first Certificate of Occupancy, fences along all property lines except those along Vine Street, S. Martin Luther King Drive, and Briggs Ditch shall be replaced with six-foot-high double-alternating board fences with decorative masonry pilasters no more than sixteen (16) feet on center.
8. Prior to issuance of a building permit, trash enclosures shall be designed using building materials, colors and finishes which are consistent or compatible with those used for the residential buildings, as approved by the Community and Economic Development Director.
9. Prior to issuance of a building permit, the developer shall submit a lighting plan that includes the location and design of proposed lighting fixtures for review and approval by the Director of Community and Economic Development. Said plans shall include specifications of the proposed lighting fixtures and demonstrate the adequate shielding of lighting fixtures to minimize glare or light spillage upon neighboring residents west of the project site. The height of the lighting should not exceed 15 feet above grade.
10. Along pedestrian corridors, the use of low mounted bollard light standards, which reinforce pedestrian scale, shall be used. Steps and ramps should be illuminated wherever possible, with built-in light fixtures

to the satisfaction of the Director of Community and Economic Development.

11. All signs shall comply with the sign requirements of the R-1 Zone, with placement, sizing, and number of monument signs in accordance to the requirements of the R-1 Zone. Prior to issuance of a sign permit, individual sign plans for the project shall be submitted for separate review and approval prior to installation.
12. Prior to Certificate of Occupancy of any structure, all ground mounted utility structures such as transformers and HVAC equipment shall be located out of view from a public street to the satisfaction of the Director of Community and Economic Development. Equipment shall be placed underground or adequately screened through the use of landscaping or masonry walls.
13. Exterior building elevations showing building wall materials, roof types, exterior colors and appropriate vertical dimensions shall be included in the development construction drawings.
14. Construction drawings shall demonstrate that all building drainage gutters, down spouts, vents, etc. located on exterior walls, are be completely concealed from public view or designed to be architecturally compatible (decorative) with the exterior building design and color to the satisfaction of the Director of Community and Economic Development.
15. Prior to occupancy of any structure, striping of parking stalls, aisles and driveways shall conform to the provisions of MMC Section 10-5.105, Parking Lot Design Standards. Parking area shall include two accessible parking spaces, with one space being van-accessible.
16. Parking lot shade trees shall be provided in all new parking areas to meet current parking lot shading requirements (1 tree per 8 stalls, 50 percent coverage within 10 years).
17. Any public improvements that are missing, damaged, or that are not consistent with current City standards shall be designed and constructed to City standards in accordance with Modesto Municipal Code Section 7-1.701. Such improvements may include, but may not be limited to, curb and gutter, drive approach, sidewalk, ADA access ramps, fire hydrants, and street lights. All public improvement plans shall be designed by a Registered Engineer and reviewed and approved by the City Engineer prior to issuance of an Encroachment Permit.
18. The City is replacing water lines in the area, including 8-inch lines in S. Martin Luther King Drive and Vine Street. When complete, the new water lines will provide adequate service for the project. The City must complete installation of water lines and the project must connect to the system prior to issuance of a certificate of occupancy. If additional

connection or an upgrade to the existing connection is required, then water connection fees shall be paid and an encroachment permit obtained from the City prior to any work being done in the public right of way.

19. There is a 6-inch sewer main in Vine Street, which conveys flow to a 6-inch and 8-inch pipe in S. Martin Luther King Drive. This main has adequate capacity to serve the project. The project must connect to the system prior to issuance of a certificate of occupancy. If additional connection or an upgrade to the existing connection is required, then water connection fees shall be paid and an encroachment permit obtained from the City prior to any work being done in the public right of way.
20. The City does not have a gravity/positive storm system in Vine Street. The applicant has proposed an on-site storm drainage management system that will manage all storm water runoff generated from this development. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit improvement plans conforming to design requirements of the most current edition of the City of Modesto Guidance Manual for Development, Stormwater Quality Control Measures and the City of Modesto Municipal Code.
21. Prior to the issuance of a Grading, Demolition, or Building Permit, developer shall submit improvement plans that integrate Low Impact Development (LID) measures into a design that conforms to the requirements of the most current edition of the City of Modesto Guidance Manual for Development, Stormwater Quality Control Measures, and the City of Modesto Municipal Code. The plans shall retain, treat, and infiltrate the first 0.5 inch of stormwater runoff on site and incorporate pervious landscape features into the project design, wherever possible.
22. Prior to the issuance of a Grading, Demolition, or Building Permit, developer shall submit a plan to provide permanent, post-construction treatment (grass swale, bioretention, vegetative strip, or other approved proprietary device) to remove pollutants from the first 0.5 inch of stormwater runoff from site, consistent with the City's NPDES permit.
23. Prior to the issuance of a Grading, Demolition, or Building Permit, developer shall submit a plan for trash enclosures to be sufficiently elevated to prevent stormwater run-on from the parking lot. Floor of enclosures shall be graded to drain into adjacent landscape areas.
24. Prior to the issuance of a Grading, Demolition, or Building Permit, developer shall provide a signed and notarized Stormwater Treatment Device Access and Maintenance Agreement to Land Development Engineering, Stormwater, for recording.
25. Prior to the issuance of a Grading, Demolition, or Building Permit, Property Owner shall obtain coverage for project under the State Water Resources Control Board (SWRCB) General Permit for Stormwater

Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, as amended by 20210-0014-DWQ and 2012-0006-DWQ.

26. Prior to the issuance of a Grading, Demolition, or Building Permit, developer shall prepare and submit a Water Pollution Control Plan (WPCP) or Local SWPPP to Land Development Engineering, Stormwater, for review. The WPCP or Local SWPPP shall include a description of all erosion, sediment, and pollution control BMPs to be used at the construction or demolition site to prevent sediment and other sources of pollution from entering the City storm drain system, as well as a site plan showing their placement.
27. Prior to issuance of a building permit, applicant shall specify if solar will be applicable, with reference to current requirements, 2016 Title 24, Building Energy Efficiency Standards.
28. Fire hydrant spacing and distribution for this project is 500-feet O.C. Improvement plans shall demonstrate the provision of onsite fire hydrants as required.
29. Buildings shall be equipped with automatic fire sprinkler systems installed in accordance with NFPA 13 or 13R. Electronic monitoring of automatic fire sprinkler may be required if a separate sprinkler water supply or a separate shutoff valve from the domestic supply is provided.
30. Improvement plans shall demonstrate the provision of required fire hydrants within 90-feet of the Fire Department Connection (FDC) to fire sprinklers.
31. Plans for any electronically controlled vehicle access gates shall be submitted to an approved by the Fire Marshall prior to installation.
32. Applicant shall submit Landscape and Irrigation (L&I) plans for review and approval by the City's Parks Planning and Development (PPD) Division. L&I plans shall meet the current State of California Model Water Efficient Landscape Ordinance (MWELo) requirements, Modesto Municipal Code (MMC) requirements and City of Modesto standards at time of submittal.
33. Applicant shall provide street trees along Vine Street. Street tree(s) shall be spaced thirty-five (35') feet on center and located within seven feet (7') of the sidewalk or curb.
34. Applicant shall install parking lot shade trees per MMC requirements; one (1) shade tree for every eight (8) parking spaces, continuous and intermitted stall locations, within seven feet (7') of stalls.

35. Applicant shall install climbing vines on all walls, in a landscape planter, around the trash enclosure to discourage tagging.
36. Low Impact Development (LID) control and treatment measures shall be planted with vegetation for erosion protection and sediment entrapment to collect/treat storm water run-off before entering the storm drain system. Storm drainage basins shall be appropriately landscaped and irrigated to address the specific type of storm water control measure. Provide total square feet of the landscape area in project information.
37. Applicant shall install bicycle parking racks as part of the project development per MMC and Green Building Standards Code.
38. All department Conditions of Approval for the project shall be included with building plans and shall be continuously maintained on-site during project construction to the satisfaction of the Chief Building Official.
39. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
40. At the time of issuance of a building permit, the developer shall pay development impact fees at the established rate. Such fees may include but are not limited to, sewer and water connection fees, community facility fees, building permit and plan check fees.
41. Prior to start of construction, all-weather, hard-surfaced roadways shall be constructed and maintained free of obstructions at all times during construction as required by Director of Community and Economic Development.
42. Prior to Certificate of Occupancy for any structure, the applicant shall enroll and participate in the City's Crime-Free Multi-Family Housing Program as administered by the Modesto Police Department.
43. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

The following conditions are mitigation measures from the City of Modesto Urban Area General Plan Master EIR, and policies in the Urban Area General Plan, that will be applied to the project:

44. Review of new development shall be coordinated with SJVAPCD staff to ensure all projects subject to the SJVAPCD Rule 9510 (Indirect Source Review) comply fully with the rule. This rule fulfills the SJVAPCD's emission reduction commitments in the PM10 and Ozone Attainment Plans through emission reductions from the construction and use of development projects through design features and onsite measures. Rule 9510 applies to any applicant that seeks to gain a final discretionary approval for a development project, or any portion thereof, which meets certain minimum thresholds. (AQ-85, Policy VII.H.2.u)
45. Reduce particulate emissions from construction, grading, excavation, and demolition to the maximum extent feasible in accordance with the requirements of SJVAPCD Regulation VIII. Regulation VIII was adopted to reduce the amount of particulate matter suspended in the atmosphere as a result of emissions generated from anthropogenic (man-made) fugitive dust sources. (AQ-100, Policy VII.H.2.jj)
46. Require all access roads, driveways, and parking areas serving new commercial and industrial development to be constructed with materials that minimize particulate emissions in accordance with the requirements of SJVAPCD Regulation VIII and are appropriate to the scale and intensity of use. (AQ-101, Policy VII.H.2.kk)
47. Effectively stabilize dust emissions using water, chemical stabilizer / suppressant, cover with a tarp or other suitable cover or vegetative ground cover, all disturbed areas, including storage piles, which are not being actively utilized for construction purposes. (AQ-103, Policy VII.H.2.mm)
48. Effectively stabilize dust emissions using water or chemical stabilizer / suppressant, all onsite unpaved roads and off-site unpaved access roads. (AQ-104, Policy VII.H.2.nn)
49. Effectively control fugitive dust emissions utilizing application of water or by presoaking all land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities. (AQ-105, Policy VII.H.2.oo)
50. When materials are transported off site, cover all materials, or effectively wet them to limit visible dust emissions, and maintain at least six inches of freeboard from top of container. (AQ-107, Policy VII.H.2.qq)
51. Limit operations or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) (AQ-108, Policy VII.H.2.rr)

52. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, effectively stabilize said piles for fugitive dust emissions utilizing sufficient water or chemical stabilizer / suppressant. (AQ-109, Policy VII.H.2.ss)
53. Within urban areas, immediately remove trackout when it extends 50 or more feet from the site and at the end of each workday. (AQ-110, Policy VII.H.2.tt)
54. Prevent carryout and trackout for any site with 150 or more vehicle trips per day. (AQ-111, Policy VII.H.2.uu)
55. Limit traffic speeds on unpaved roads to 15 mph. (AQ-112, Policy VII.H.2.vv)
56. Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (AQ-114, Policy VII.H.2.xx)
57. Install wind breaks at windward side(s) of construction areas. (AQ-115, Policy VII.H.2.yy)
58. Suspend excavation and grading activity when winds exceed 20 mph (regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limit). (AQ-116, Policy VII.H.2.zz)
59. Limit the area subject to excavation, grading, and other construction activity at any one time. (AQ-117, Policy VII.H.2.aaa)
60. Implement noise-reducing construction practices as conditions of approval where substantial construction-related noise impacts would be likely to occur, such as with extended periods of pile driving, or where construction is expected to continue or where sensitive receptors would be affected by construction noise. Conditions of approval may include, but are not limited to:
 - Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;
 - Require impact tools to be equipped with shrouds or shields;
 - Require that the quietest equipment available be used; and,
 - Require selection of haul routes that affect the fewest number of people. (Noise-4, Policy VII-G.3.b)
61. Incorporate construction practices and acoustic treatment in new residential construction to reduce typical indoor noise levels to 45 dB. Developers of residential buildings within the 65 dBA contours shown in the General Plan Master EIR shall demonstrate that interior noise has been reduced to 45 dB. Other types of development should be protected against noise intrusion at least to the levels indicated on UAGP Table VII-2. (Noise-7, Policy VII-G.3.e)

62. Limit trucking to specific routes, times, and speeds that avoid or minimize adverse effects on sensitive receptors. (Noise-11, Policy VII-G.3.i)
63. Construction activities shall comply with the requirements of the City's Stormwater Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (SD-10, Policy VI.G.3)
64. Ensure that new development complies with the City of Modesto's Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures. (SD-12, Policy VI.G.5)
65. Require new development to implement an appropriate selection of permanent pollution control measures in accordance with the City's implementation policies for the municipal NPDES stormwater permit. (SD-13, Policy VI.G.6)
66. Integrate Low Impact Development principles into proposed development projects' design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered small-scale hydrologic devices. In designing development projects, minimize the amount of impervious surface in order to maximize on-site infiltration of stormwater runoff and minimize the potential for storm water runoff from the site. (SD-15, Policy VI.G.8)
67. Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (FWQ-11, Policy VI.G.3)
68. Ensure that new development complies with the City of Modesto's Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures. (FWQ-13, Policy VI.G.5)
69. Require new development to implement an appropriate selection of permanent pollution control measures in accordance with the City's implementation policies for the municipal NPDES stormwater permit. (FWQ-14, Policy VI.G.6)
70. Integrate Low Impact Development principles into proposed development projects' design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered small-scale hydrologic devices. In designing development projects, minimize the amount of

impervious surface in order to maximize on-site infiltration of stormwater runoff and minimize the potential for storm water runoff from the site. (FWQ-16, Policy VI.G.8)

Should any historic or archaeological artifacts be discovered, the following conditions will apply.

72. Whenever possible, avoid disturbing or damaging archaeological resources. Preservation in place to maintain the relationship between the artifacts and the archaeological context is the preferred manner of mitigating impacts to archaeological sites. Preservation may be accomplished by:
 - (1) Planning construction to avoid archaeological sites;
 - (2) Incorporating sites within parks, green space, or other open space;
 - (3) Covering the sites with a layer of chemically stable soil; and/or,
 - (4) Deeding the site into a permanent conservation easement.
73. When in-place mitigation is not feasible, data recovery through excavation may be necessary. A data recovery plan, which makes provisions for adequately recovering the scientifically consequential information about the site, shall be prepared and adopted prior to any excavation being undertaken. Such studies must be deposited with the Central California Information Center in Turlock, California. Special rules apply to any archaeological sites known to contain human remains (Health and Safety Code Section 7050.5; Guidelines Section 15126.4(b)).
74. Data recovery shall not be required if the lead agency determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in another EIR and are available for review at the California Historical Resource Regional Information Center (Guidelines Section 15126.4(b)). (AH-15, Policy VII.F.2[l])
75. Allow reasonable time for the qualified archaeologist to notify the proper authorities for a more detailed inspection and examination of the exposed cultural resources. During this time, excavation and construction would not be allowed in the immediate vicinity of the find; however, those activities could continue in other areas of the project site. (AH-16, Policy VII.F.2[m])
76. If any find is determined to be significant by the qualified archaeologist, representatives of the construction contractor and the City, the qualified archaeologist, and a representative of the Native American community (if the discovery is an aboriginal burial) will meet to determine the appropriate course of action. (AH-17, Policy VII.F.2[n])
77. All cultural materials recovered as part of a monitoring program are subject to scientific analysis, professional museum curation, and a report

prepared according to current professional standards. (AH-18, Policy VII.F.2[o])

Should any underground tanks or other potential sources of hazardous materials be discovered, the following conditions will be applied.

78. In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan would be prepared by the project applicant.

The plan would (1) specify measures to be taken to protect workers and the public from exposure to potential site hazards and (2) certify that the proposed remediation measures would clean up the wastes, dispose the wastes, and protect public health in accordance with federal, state, and local requirements. Permitting or work in the areas of potential hazard shall not proceed until the site remediation plan is on file with the City.

If a parcel is found to be contaminated to a level that prohibits the proposed use, the potential for reduction of the hazard should be evaluated. Site remediation is theoretically capable of removing hazards to levels sufficiently low to allow any use at the site. In practice, both the technical feasibility of the remediation and its cost (financial feasibility) should be evaluated in order to determine the overall feasibility of locating a specific use on a specific site. In some cases, it may require restriction to industrial use or a use that involves complete paving and covering of the parcel.

In accordance with OSHA requirements, any activity performed at a contaminated site shall be preceded by preparation of a separate site health and safety plan (prepared by the project applicant and filed with the City) for the protection of workers and the public. All reports, plans, and other documentation shall be added to the administrative record. (HM-5, Policy VI.M.3)

79. Applicants for building permits should determine that a site containing or formerly containing residences or farm buildings / structures has been fully investigated for the presence of hazardous materials or wastes prior to issuance of the permit. Investigation should consist of, at minimum, a Phase I environmental site assessment and a Phase II site assessment, if found necessary as a result of the Phase I assessment. The findings of the site assessment should be reported to the City and the County's Department of Environmental Resources. The appropriate remediation should occur prior to final occupancy of the approved development. (HM-8, Policy VI.M.6)

2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(577):

The construction program be accomplished in phases as follows:

1. Phase 1: detached one-bedroom dwelling units
2. Phase 2: attached one-bedroom dwelling units

Construction to be completed within two years of building permit issuance for each phase.

3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-7.108 of the Modesto Municipal Code.

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 1 of Chapter 7 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance amending Planned Development Zone, P-D(577), becomes effective.

BE IT FURTHER RESOLVED that the conditions of project approval set forth herein include certain fees, dedication requirements, reservations requirements, and other exactions, and that pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions.

BE IT FURTHER RESOLVED that the applicant is hereby further notified that the ninety (90) days approval period in which a protest of these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a) can be filed, begins on November 10, 2020, and that if a protest is not filed within this ninety (90)-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By 
Community & Economic Development Department
Planning Division

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-484**

RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2014042081): AMENDMENT TO P-D(577) TO ALLOW THE DEVELOPMENT OF 23 DETACHED AND 12 ATTACHED UNITS OF AFFORDABLE HOUSING

WHEREAS, on March 5, 2019, by Resolution 2019-108, City Council of the City of Modesto certified the Final Master Environmental Impact Report (“Master EIR”) (SCH No. 2014042081) for the Modesto Urban Area General Plan, and

WHEREAS, Housing Authority of Stanislaus County has proposed an amendment to P-D(577) to allow the development of 23 detached and 12 attached affordable housing units northwest of the intersection of S. Martin Luther King Drive and Vine Street, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto’s Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED Initial Study No. 2020-13 (“Initial Study”) which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning on October 30, 2020, the City caused to be published a 10-day notice of the City’s intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on November 10, 2020, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the amendment to P-D(577), a copy of which is attached hereto as **Exhibit “A”**, and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.
2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.
3. No new or additional mitigation measures or alternatives are required.
4. The subsequent project is within the scope of the project covered by the Master EIR.
5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-485**

**RESOLUTION APPROVING THE RENEWAL OF ONE (1) COMMERCIAL
CANNABIS RETAIL DISPENSARY PERMIT FOR DOCTOR'S CHOICE
DISPENSARY AT 2039 YOSEMITE AVE**

WHEREAS, the City Council has adopted a Commercial Cannabis Ordinance, Ordinance 3684-C.S., that established the City's regulatory framework for commercial cannabis uses, and

WHEREAS, under Section 10-3.704(b) of the Ordinance, the City Council via Resolution 2017-525 established the total number of commercial cannabis permits issued by the City for cannabis dispensaries at ten maximum (10) permits, and

WHEREAS, under Section 10-3.704(g) and City Council Resolution 2017-525, the City Manager designed the application forms and procedures for commercial cannabis dispensary renewal permits, with input from the City Council Ad Hoc Cannabis Committee, and

WHEREAS, City Council via Resolution 2018-566 issued a commercial cannabis permit to the following dispensary businesses, Doctor's Choice, located at 2039 Yosemite Ave., and

WHEREAS, Modesto Municipal Code 10-3.704(f)(5) states that cannabis permits are valid for two years from the date of City Council approval, and that therefore the above-listed permits will expire on December 19, 2020, unless renewed, and

WHEREAS, Doctor's Choice successfully opened within 18 months of permit issuance, and

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You, Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

Exhibit A: Community Benefits Committed to by Dispensary Businesses

EXHIBIT A

A. Non-Profits		Dispensary
1	The Business shall provide paid volunteers for (Specified Non-Profit) for a pre-determined amount of time.	
2	The Business elects to implement "Project Fishbowl," whereby fishbowls are placed on the Business' display counters to ask for donations to local charities. The Business shall match the amount contributed in the fishbowls, and donate the money or proportional in-kind donations to a charitable organization located within the City.	<ul style="list-style-type: none"> • Phenos
3	The Business elects to identify local 501(c)(3) organization(s), or other charitable organizations approved by the City, and their specific programs to benefit through in-kind and/or cash donations.	<ul style="list-style-type: none"> • CR&D • Doctors Choice • Cookies • People's Remedy (x2) • Medallion Wellness
4	The Business elects to establish a program that requires its employees to be a paid volunteer for projects or charitable organizations of the employee's choosing within the City.	
B. Employment		Dispensary
5	The Business shall designate at least four (4) employee positions to Modesto residents, and give preference to local applicants. Additionally, the Business shall give special considerations to prospective employee applicants that reside in the neighboring community.	<ul style="list-style-type: none"> • Phenos • People's Remedy (x2) • Medallion Wellness
6	The Business shall give preference to hiring new employees that reside in the City and those that reside nearest to the Business.	<ul style="list-style-type: none"> • CR&D • Doctors Choice • Cookies
7	The Business shall hire at a minimum number of employees based on projected annual income, number of employees shall be determined by the City.	
C. Education		Dispensary
8	The Business shall host regular open house opportunities for residents, customers, elected officials, and business owners to learn about the Business, and to ensure that concerns from neighborhood residents, the community at large, and City staff are being heard and addressed by the Business. Notices of these open houses shall be publicized, including not limited to, letters to the owner(s) of each property within three hundred (300) feet of the property where the Business is located.	<ul style="list-style-type: none"> • Phenos • People's Remedy (x2) • Medallion Wellness

EXHIBIT A

9	The Business shall develop and implement a community education program, which shall outline the risks of youth abuse of cannabis, and that identifies resources available to youth related to drugs and drug addiction. The program shall be made available to community members, youth organizations, and educational institutions.	
10	The business shall work closely with the Stanislaus County Substance Use Education and Prevention Services to assist with providing volunteers for community outreach.	<ul style="list-style-type: none"> • CR&D • Doctors Choice • Cookies
D. Good Neighbor Programs		Dispensary
11	The Business shall institute and train all Business employees in the "Good Neighbor Policy." The Policy includes monitoring the community to ensure the prevention of nuisances; listening to the community, including response to any community message received by email or phone within one (1) business day; getting to know neighbors, and representing professionalism.	
12	The Business shall provide daily litter removal services for the neighborhood surrounding the business within a proximity of 100 feet.	<ul style="list-style-type: none"> • CR&D • Phenos • People's Remedy (x2) • Medallion Wellness
13	The Business shall work with City staff to identify and collaborate on projects to improve the neighborhood in which the Business is located in, including, but not limited to, the Love Modesto Campaign, park playgrounds, landscaping improvements, tree planting, and removal of blight as stated in the City's strategic Plan.	<ul style="list-style-type: none"> • Cookies
14	The Business elects to contribute to the maintenance and upkeep of the shopping center in which the Business is located through a contribution of funding and/or in-kind support volunteer hours.	<ul style="list-style-type: none"> • Cookies • Doctors Choice

EXHIBIT A

E. Financial Donations	Dispensary
<p>15 The Business elects to donate a percentage or proportional in-kind donation (see below) of its net profits to charities located within the City, including but are not limited to, Sierra Vista Child & Family Services, Salvation Army, City Park Recreation Programming, Modesto Gospel Mission, and/or The Children's Crisis Center of Stanislaus County.</p> <ol style="list-style-type: none">1. If Annual Gross Receipts are more than \$3M - Donate 4% of net profit2. If Annual Gross Receipts are more than \$1.5M and less than or equal to \$3M: Donate 3% of net profit4. If Annual Gross Receipts are more than \$500K and less than or equal to \$1.5M: 2% of net profit.	<ul style="list-style-type: none">• Authentic 209

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-486**

**RESOLUTION APPROVING THE RENEWAL OF FIVE (5) COMMERCIAL
CANNABIS RETAIL DISPENSARY PERMITS FOR DISPENSARIES
CURRENTLY OPEN AT VARIOUS LOCATIONS IN THE CITY WITH
APPROPRIATE CONDITIONS**

WHEREAS, the City Council has adopted a Commercial Cannabis Ordinance, Ordinance 3684-C.S., that established the City’s regulatory framework for commercial cannabis uses, and

WHEREAS, under Section 10-3.704(b) of the Ordinance, the City Council via Resolution 2017-525 established the total number of commercial cannabis permits issued by the City for cannabis dispensaries at ten maximum (10) permits, and

WHEREAS, under Section 10-3.704(g) and City Council Resolution 2017-525, the City Manager designed the application forms and procedures for commercial cannabis dispensary renewal permits, with input from the City Council Ad Hoc Cannabis Committee, and

WHEREAS, City Council via Resolution 2018-566 issued commercial cannabis permits to the following dispensary businesses:

- CR & D, Inc. 439 Maze Blvd.
- Authentic 209 426 McHenry Ave.
- Cookies 1944 W. Orangeburg Ave.
- People's Remedy - McHenry 2308 McHenry Ave.
- Phenos Cooperative 1234 McHenry Ave.

, and

- Cookies 1944 W. Orangeburg Ave.
- People's Remedy - McHenry 2308 McHenry Ave.
- Phenos Cooperative 1234 McHenry Ave.

BE IT FURTHER RESOLVED by the Council that the City Manager is authorized to apply necessary and appropriate general and site-specific conditions of approval to individual Commercial Cannabis Dispensary Permit Renewals, including the community benefits committed to by the above dispensaries, as shown in **Exhibit A**.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 2020, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

Exhibit A: Community Benefits Committed to by Dispensary Businesses

EXHIBIT A

A. Non-Profits		Dispensary
1	The Business shall provide paid volunteers for (Specified Non-Profit) for a pre-determined amount of time.	
2	The Business elects to implement "Project Fishbowl," whereby fishbowls are placed on the Business' display counters to ask for donations to local charities. The Business shall match the amount contributed in the fishbowls, and donate the money or proportional in-kind donations to a charitable organization located within the City.	<ul style="list-style-type: none"> • Phenos
3	The Business elects to identify local 501(c)(3) organization(s), or other charitable organizations approved by the City, and their specific programs to benefit through in-kind and/or cash donations.	<ul style="list-style-type: none"> • CR&D • Doctors Choice • Cookies • People's Remedy (x2) • Medallion Wellness
4	The Business elects to establish a program that requires its employees to be a paid volunteer for projects or charitable organizations of the employee's choosing within the City.	
B. Employment		Dispensary
5	The Business shall designate at least four (4) employee positions to Modesto residents, and give preference to local applicants. Additionally, the Business shall give special considerations to prospective employee applicants that reside in the neighboring community.	<ul style="list-style-type: none"> • Phenos • People's Remedy (x2) • Medallion Wellness
6	The Business shall give preference to hiring new employees that reside in the City and those that reside nearest to the Business.	<ul style="list-style-type: none"> • CR&D • Doctors Choice • Cookies
7	The Business shall hire at a minimum number of employees based on projected annual income, number of employees shall be determined by the City.	
C. Education		Dispensary
8	The Business shall host regular open house opportunities for residents, customers, elected officials, and business owners to learn about the Business, and to ensure that concerns from neighborhood residents, the community at large, and City staff are being heard and addressed by the Business. Notices of these open houses shall be publicized, including not limited to, letters to the owner(s) of each property within three hundred (300) feet of the property where the Business is located.	<ul style="list-style-type: none"> • Phenos • People's Remedy (x2) • Medallion Wellness

EXHIBIT A

9	The Business shall develop and implement a community education program, which shall outline the risks of youth abuse of cannabis, and that identifies resources available to youth related to drugs and drug addiction. The program shall be made available to community members, youth organizations, and educational institutions.	
10	The business shall work closely with the Stanislaus County Substance Use Education and Prevention Services to assist with providing volunteers for community outreach.	<ul style="list-style-type: none"> • CR&D • Doctors Choice • Cookies
D. Good Neighbor Programs		Dispensary
11	The Business shall institute and train all Business employees in the "Good Neighbor Policy." The Policy includes monitoring the community to ensure the prevention of nuisances; listening to the community, including response to any community message received by email or phone within one (1) business day; getting to know neighbors, and representing professionalism.	
12	The Business shall provide daily litter removal services for the neighborhood surrounding the business within a proximity of 100 feet.	<ul style="list-style-type: none"> • CR&D • Phenos • People's Remedy (x2) • Medallion Wellness
13	The Business shall work with City staff to identify and collaborate on projects to improve the neighborhood in which the Business is located in, including, but not limited to, the Love Modesto Campaign, park playgrounds, landscaping improvements, tree planting, and removal of blight as stated in the City's strategic Plan.	<ul style="list-style-type: none"> • Cookies
14	The Business elects to contribute to the maintenance and upkeep of the shopping center in which the Business is located through a contribution of funding and/or in-kind support volunteer hours.	<ul style="list-style-type: none"> • Cookies • Doctors Choice

EXHIBIT A

E. Financial Donations	Dispensary
<p>15 The Business elects to donate a percentage or proportional in-kind donation (see below) of its net profits to charities located within the City, including but are not limited to, Sierra Vista Child & Family Services, Salvation Army, City Park Recreation Programming, Modesto Gospel Mission, and/or The Children's Crisis Center of Stanislaus County.</p> <ol style="list-style-type: none">1. If Annual Gross Receipts are more than \$3M - Donate 4% of net profit2. If Annual Gross Receipts are more than \$1.5M and less than or equal to \$3M: Donate 3% of net profit4. If Annual Gross Receipts are more than \$500K and less than or equal to \$1.5M: 2% of net profit.	<ul style="list-style-type: none">• Authentic 209

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-487**

**RESOLUTION APPROVING A LIMITED TERM COMMERCIAL CANNABIS
RETAIL DISPENSARY PERMIT RENEWAL FOR PEOPLE'S REMEDY
LOCATED AT 1982 CROWS LANDING ROAD WITH APPROPRIATE
CONDITIONS**

WHEREAS, the City Council has adopted a Commercial Cannabis Ordinance, Ordinance 3684-C.S., that established the City's regulatory framework for commercial cannabis uses, and

WHEREAS, under Section 10-3.704(b) of the Ordinance, the City Council via Resolution 2017-525 established the total number of commercial cannabis permits issued by the City for cannabis dispensaries at ten maximum (10) permits, and

WHEREAS, under Section 10-3.704(g) and City Council Resolution 2017-525, the City Manager designed the application forms and procedures for commercial cannabis dispensary renewal permits, with input from the City Council Ad Hoc Cannabis Committee, and

WHEREAS, City Council via Resolution 2018-566 issued a total number of eight (8) commercial cannabis dispensary permits in the City of Modesto, and

WHEREAS, Modesto Municipal Code 10-3.704(f)(5) states that cannabis permits are valid for two years from the date of City Council approval, and that therefore the permit will expire on December 19, 2020, unless renewed, and

WHEREAS, People's Remedy submitted an application for renewal of their cannabis permit located at 1982 Crows Landing Road, and

WHEREAS, as part of the renewal process, the City has provided all dispensary businesses with a list of options for community benefits, and each dispensary in their

permit renewal application has committed to community benefits from the options provided, and

WHEREAS, Modesto Municipal Code 10-3.705 (a)(3) states the City may revoke a commercial cannabis permit should the business fail to open within 18 months of the permit.

WHEREAS, People's Remedy located at 1982 Crows Landing Road in the City of Modesto did not open within the 18 months of permit issuance, and

WHEREAS, the City Council Cannabis Ad Hoc Committee recommended limited-term permit approval for People's Remedy, with the condition that City staff and the business develop a strategy to open within a specified timeline, and

WHEREAS, the limited term permit approval is automatically extended to December 19, 2022 should People's Remedy complete construction, secure a Certificate of Occupancy, and be open for business by July, 1, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to Modesto Municipal Code Section 10-3.704(f), City of Modesto Commercial Cannabis Permit is renewed for People's Remedy located at 1982 Crows Landing Road, until July 1, 2021.

BE IT FURTHER RESOLVED by the Council that if the People's Remedy located at 1982 Crows Landing Road, has met their obligation to the satisfaction of the City Manager, the Commercial Cannabis Permit shall be automatically extended to December 19, 2022.

BE IT FURTHER RESOLVED by the Council that the City Manager is authorized to apply necessary and appropriate general and site-specific conditions of

approval to individual Commercial Cannabis Dispensary Permit Renewals, including the community benefits committed to by People's Remedy, as shown in **Exhibit A**.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

Exhibit A: Community Benefits Committed to by Dispensary Businesses

EXHIBIT A

A. Non-Profits		Dispensary
1	The Business shall provide paid volunteers for (Specified Non-Profit) for a pre-determined amount of time.	
2	The Business elects to implement "Project Fishbowl," whereby fishbowls are placed on the Business' display counters to ask for donations to local charities. The Business shall match the amount contributed in the fishbowls, and donate the money or proportional in-kind donations to a charitable organization located within the City.	<ul style="list-style-type: none"> • Phenos
3	The Business elects to identify local 501(c)(3) organization(s), or other charitable organizations approved by the City, and their specific programs to benefit through in-kind and/or cash donations.	<ul style="list-style-type: none"> • CR&D • Doctors Choice • Cookies • People's Remedy (x2) • Medallion Wellness
4	The Business elects to establish a program that requires its employees to be a paid volunteer for projects or charitable organizations of the employee's choosing within the City.	
B. Employment		Dispensary
5	The Business shall designate at least four (4) employee positions to Modesto residents, and give preference to local applicants. Additionally, the Business shall give special considerations to prospective employee applicants that reside in the neighboring community.	<ul style="list-style-type: none"> • Phenos • People's Remedy (x2) • Medallion Wellness
6	The Business shall give preference to hiring new employees that reside in the City and those that reside nearest to the Business.	<ul style="list-style-type: none"> • CR&D • Doctors Choice • Cookies
7	The Business shall hire at a minimum number of employees based on projected annual income, number of employees shall be determined by the City.	
C. Education		Dispensary
8	The Business shall host regular open house opportunities for residents, customers, elected officials, and business owners to learn about the Business, and to ensure that concerns from neighborhood residents, the community at large, and City staff are being heard and addressed by the Business. Notices of these open houses shall be publicized, including not limited to, letters to the owner(s) of each property within three hundred (300) feet of the property where the Business is located.	<ul style="list-style-type: none"> • Phenos • People's Remedy (x2) • Medallion Wellness

EXHIBIT A

9	The Business shall develop and implement a community education program, which shall outline the risks of youth abuse of cannabis, and that identifies resources available to youth related to drugs and drug addiction. The program shall be made available to community members, youth organizations, and educational institutions.	
10	The business shall work closely with the Stanislaus County Substance Use Education and Prevention Services to assist with providing volunteers for community outreach.	<ul style="list-style-type: none"> • CR&D • Doctors Choice • Cookies
D. Good Neighbor Programs		Dispensary
11	The Business shall institute and train all Business employees in the "Good Neighbor Policy." The Policy includes monitoring the community to ensure the prevention of nuisances; listening to the community, including response to any community message received by email or phone within one (1) business day; getting to know neighbors, and representing professionalism.	
12	The Business shall provide daily litter removal services for the neighborhood surrounding the business within a proximity of 100 feet.	<ul style="list-style-type: none"> • CR&D • Phenos • People's Remedy (x2) • Medallion Wellness
13	The Business shall work with City staff to identify and collaborate on projects to improve the neighborhood in which the Business is located in, including, but not limited to, the Love Modesto Campaign, park playgrounds, landscaping improvements, tree planting, and removal of blight as stated in the City's strategic Plan.	<ul style="list-style-type: none"> • Cookies
14	The Business elects to contribute to the maintenance and upkeep of the shopping center in which the Business is located through a contribution of funding and/or in-kind support volunteer hours.	<ul style="list-style-type: none"> • Cookies • Doctors Choice

EXHIBIT A

E. Financial Donations	Dispensary
<p>15 The Business elects to donate a percentage or proportional in-kind donation (see below) of its net profits to charities located within the City, including but are not limited to, Sierra Vista Child & Family Services, Salvation Army, City Park Recreation Programming, Modesto Gospel Mission, and/or The Children's Crisis Center of Stanislaus County.</p> <ol style="list-style-type: none">1. If Annual Gross Receipts are more than \$3M - Donate 4% of net profit2. If Annual Gross Receipts are more than \$1.5M and less than or equal to \$3M: Donate 3% of net profit4. If Annual Gross Receipts are more than \$500K and less than or equal to \$1.5M: 2% of net profit.	<ul style="list-style-type: none">• Authentic 209

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-488**

**RESOLUTION APPROVING THE COMMERCIAL CANNABIS RETAIL
DISPENSARY PERMIT RENEWAL FOR MEDALLIAON WELLNESS
LOCATED AT 1313 MCHENRY AVENUE WITH APPROPRIATE
CONDITIONS**

WHEREAS, the City Council has adopted a Commercial Cannabis Ordinance, Ordinance 3684-C.S., that established the City's regulatory framework for commercial cannabis uses, and

WHEREAS, under Section 10-3.704(b) of the Ordinance, the City Council via Resolution 2017-525 established the total number of commercial cannabis permits issued by the City for cannabis dispensaries at ten maximum (10) permits, and

WHEREAS, under Section 10-3.704(g) and City Council Resolution 2017-525, the City Manager designed the application forms and procedures for commercial cannabis dispensary renewal permits, with input from the City Council Ad Hoc Cannabis Committee, and

WHEREAS, City Council via Resolution 2018-566 issued a total number of eight (8) commercial cannabis dispensary permits in the City of Modesto, and

WHEREAS, Modesto Municipal Code 10-3.704(f)(5) states that cannabis permits are valid for two years from the date of City Council approval, and that therefore the permit will expire on December 19, 2020, unless renewed, and

WHEREAS, Medallion Wellness submitted an application for renewal of their cannabis permit on September 30, 2020, and

WHEREAS, the City Council Cannabis Ad Hoc Committee recommends that the cannabis permit for Medallion Wellness be renewed by the City Council, and

WHEREAS, as part of the renewal process, the City has provided all dispensary businesses with a list of options for community benefits, and each dispensary in their permit renewal application has committed to community benefits from the options provided, and

WHEREAS, in approving Medallion's cannabis dispensary permit by Resolution 2018-566 adopted on December 19, 2018, imposed a condition requiring a solid fence on the rear property line, and

WHEREAS, Medallion Wellness is requesting that as part of their renewal, they be allowed to construct a gate in the rear fence to allow access to the alley behind the dispensary, and

WHEREAS, the City Council Cannabis Ad Hoc Committee recommended that the Council approve this modification to their condition to allow a gate.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto pursuant to Modesto Municipal Code Section 10-3.704(f), that the City of Modesto Commercial Cannabis Permit for Medallion Wellness, located at 1313 McHenry Avenue, is renewed upon a showing of full compliance with all City requirements, for a further two years, with the new expiration date of December 19, 2022.

BE IT FURTHER RESOLVED by the Council that Medallion Wellness is authorized to construct a gate in the fence along the rear property line to allow access to the alley, in a manner to the satisfaction of the Community and Economic Development Director.

BE IT FURTHER RESOLVED by the Council that the City Manager is authorized to apply necessary and appropriate general and site-specific conditions of

approval to this Commercial Cannabis Dispensary Permit Renewal, including the community benefits committed to by Medallion Wellness, as shown in **Exhibit A**.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

Exhibit A: Community Benefits Committed to by Dispensary Businesses

EXHIBIT A

A. Non-Profits		Dispensary
1	The Business shall provide paid volunteers for (Specified Non-Profit) for a pre-determined amount of time.	
2	The Business elects to implement "Project Fishbowl," whereby fishbowls are placed on the Business' display counters to ask for donations to local charities. The Business shall match the amount contributed in the fishbowls, and donate the money or proportional in-kind donations to a charitable organization located within the City.	<ul style="list-style-type: none"> • Phenos
3	The Business elects to identify local 501(c)(3) organization(s), or other charitable organizations approved by the City, and their specific programs to benefit through in-kind and/or cash donations.	<ul style="list-style-type: none"> • CR&D • Doctors Choice • Cookies • People's Remedy (x2) • Medallion Wellness
4	The Business elects to establish a program that requires its employees to be a paid volunteer for projects or charitable organizations of the employee's choosing within the City.	
B. Employment		Dispensary
5	The Business shall designate at least four (4) employee positions to Modesto residents, and give preference to local applicants. Additionally, the Business shall give special considerations to prospective employee applicants that reside in the neighboring community.	<ul style="list-style-type: none"> • Phenos • People's Remedy (x2) • Medallion Wellness
6	The Business shall give preference to hiring new employees that reside in the City and those that reside nearest to the Business.	<ul style="list-style-type: none"> • CR&D • Doctors Choice • Cookies
7	The Business shall hire at a minimum number of employees based on projected annual income, number of employees shall be determined by the City.	
C. Education		Dispensary
8	The Business shall host regular open house opportunities for residents, customers, elected officials, and business owners to learn about the Business, and to ensure that concerns from neighborhood residents, the community at large, and City staff are being heard and addressed by the Business. Notices of these open houses shall be publicized, including not limited to, letters to the owner(s) of each property within three hundred (300) feet of the property where the Business is located.	<ul style="list-style-type: none"> • Phenos • People's Remedy (x2) • Medallion Wellness

EXHIBIT A

9	The Business shall develop and implement a community education program, which shall outline the risks of youth abuse of cannabis, and that identifies resources available to youth related to drugs and drug addiction. The program shall be made available to community members, youth organizations, and educational institutions.	
10	The business shall work closely with the Stanislaus County Substance Use Education and Prevention Services to assist with providing volunteers for community outreach.	<ul style="list-style-type: none"> • CR&D • Doctors Choice • Cookies
D. Good Neighbor Programs		Dispensary
11	The Business shall institute and train all Business employees in the "Good Neighbor Policy." The Policy includes monitoring the community to ensure the prevention of nuisances; listening to the community, including response to any community message received by email or phone within one (1) business day; getting to know neighbors, and representing professionalism.	
12	The Business shall provide daily litter removal services for the neighborhood surrounding the business within a proximity of 100 feet.	<ul style="list-style-type: none"> • CR&D • Phenos • People's Remedy (x2) • Medallion Wellness
13	The Business shall work with City staff to identify and collaborate on projects to improve the neighborhood in which the Business is located in, including, but not limited to, the Love Modesto Campaign, park playgrounds, landscaping improvements, tree planting, and removal of blight as stated in the City's strategic Plan.	<ul style="list-style-type: none"> • Cookies
14	The Business elects to contribute to the maintenance and upkeep of the shopping center in which the Business is located through a contribution of funding and/or in-kind support volunteer hours.	<ul style="list-style-type: none"> • Cookies • Doctors Choice

EXHIBIT A

E. Financial Donations	Dispensary
<p>15 The Business elects to donate a percentage or proportional in-kind donation (see below) of its net profits to charities located within the City, including but are not limited to, Sierra Vista Child & Family Services, Salvation Army, City Park Recreation Programming, Modesto Gospel Mission, and/or The Children's Crisis Center of Stanislaus County.</p> <ol style="list-style-type: none">1. If Annual Gross Receipts are more than \$3M - Donate 4% of net profit2. If Annual Gross Receipts are more than \$1.5M and less than or equal to \$3M: Donate 3% of net profit4. If Annual Gross Receipts are more than \$500K and less than or equal to \$1.5M: 2% of net profit.	<ul style="list-style-type: none">• Authentic 209

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-489**

RESOLUTION APPROVING THE ADDITIONAL CORONAVIRUS RELIEF FUNDS (CRF) FROM STANISLAUS COUNTY AND THE CITY'S SPENDING PLAN IN THE AMOUNT OF \$2,745,524 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO CARRY OUT ANY ADMINISTRATIVE ACTIONS REQUIRED FOR THE CITY TO RECEIVE THE CRF FUNDS OR ENTER AND EXECUTE ANY AGREEMENTS NECESSARY IN ORDER TO RECEIVE AND EXPEND THE CRF FUNDS

WHEREAS, the COVID-19 virus, better known as the novel Coronavirus, is a respiratory virus that has spread across the world and has created a global pandemic by devastating communities and the world economy, and

WHEREAS, based on information from the County Public Health Office and reports made available by the US Center for Disease Control these numbers are expected to rise and the impact to our local economy is projected to get worse, and

WHEREAS, to respond to this pandemic, the President of the United States signed the CARES Act into law which provided \$2 trillion intended to provide funding for costs associated with protecting the public from the health and economic impacts of the COVID-19 pandemic, and

WHEREAS, the CARES Act included an allocation to Stanislaus County in the amount of \$96.1 million for support with addressing the COVID-19 pandemic across the County, and

WHEREAS, on June 9th, 2020 the Stanislaus County Board of Supervisors approved a local plan for the use of the County's \$96.1 million in funding, and

WHEREAS, on June 23, 2020, the Stanislaus County Board of Supervisors met and approved an agreement that included an allocation of the \$96.1 million to all 9 cities within the County on a population basis, and

WHEREAS, based on this formula, and the original approval by the Board of Supervisors, the City of Modesto was eligible to receive \$7,506,803, and

WHEREAS, however, since the approval of the State budget on Monday, June 29th that included an allocation of CARES funds for Modesto, the original allocation from the County was reduced by the amount that was allocated by the State, and

WHEREAS, the revised amount allocated to Modesto from the County was \$4,761,279, and

WHEREAS, on July 7, 2020 under Resolution 2020-290, City Council approved entering into the subrecipient agreement with the County and receiving the County CRF allocated funds with the goal of using the funds to cover costs related to COVID-19, and

WHEREAS, the expenditure plan dedicated these funds to Fire Department personnel costs that directly related to COVID-19 response, and

WHEREAS, on October 13, 2020 via Resolution 2020-0551, the Stanislaus County Board of Supervisors approved a revised spending plan for the \$108.9 Million in Coronavirus Aid, Relief and Security (CARES) Act Coronavirus Relief Funds, and

WHEREAS, due to better than expected financial outcomes in FY 2019-20, the County approved an amended allocation of the local CRF funds to provide the full allocations to the nine cities within the County, which resulted in an additional \$2,745,524 being granted to the City of Modesto, and

WHEREAS, these funds will need to be expended on eligible COVID-19 expenditures and meet the Treasury guidelines defined under the CARES Act, and the funds must also be expended no later than December 30, 2020, and

WHEREAS, the City has prepared an expenditure plan intended to create additional small business grants in the amount of \$1,372,762; and reimburse FY 2020-21 public safety COVID-19 eligible labor costs in the amount of \$1,372,762, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the additional allocation of Coronavirus Relief Funds (CRF) from Stanislaus County and the City's Spending Plan in the amount of \$2,745,524.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to carry out any administrative actions or enter into and execute any agreements required for the City to receive and expend the CRF funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki
NOES:	Councilmembers:	Mayor Brandvold
ABSENT:	Councilmembers:	None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-490**

**RESOLUTION AMENDING THE FISCAL YEAR 2020-21 MULTI-YEAR
OPERATING BUDGET TO ESTABLISH A NEW PROJECT AND
APPROPRIATE A REVENUE AND EXPENDITURE BUDGET IN THE
AMOUNT OF \$2,745,524 FUNDED BY THE ADDITIONAL CORONAVIRUS
RELIEF FUNDS (CRF) FROM STANISLAUS COUNTY**

WHEREAS, the COVID-19 virus, better known as the novel Coronavirus, is a respiratory virus that has spread across the world and has created a global pandemic by devastating communities and the world economy, and

WHEREAS, to respond to this pandemic, the President of the United States signed the CARES Act into law which provided \$2 trillion intended to provide funding for costs associated with protecting the public from the health and economic impacts of the COVID-19 pandemic, and

WHEREAS, the CARES Act included an allocation to Stanislaus County in the amount of \$96.1 million for support with addressing the COVID-19 pandemic across the County, and

WHEREAS, on June 9th, 2020 the Stanislaus County Board of Supervisors approved a local plan for the use of the County's \$96.1 million in funding, and

WHEREAS, on June 23, 2020, the Stanislaus County Board of Supervisors met and approved an agreement that included an allocation of the \$96.1 million to all 9 cities within the County on a population basis, and

WHEREAS, based on this formula, and the original approval by the Board of Supervisors, the City of Modesto was eligible to receive \$7,506,803, and

WHEREAS, however, since the approval of the State budget on Monday, June 29th that included an allocation of CARES funds for Modesto, the original allocation from the County was reduced by the amount that was allocated by the State, and

WHEREAS, the revised amount allocated to Modesto was \$4,761,279, and

WHEREAS, on July 7, 2020 under Resolution 2020-290, City Council approved entering into the subrecipient agreement with the County and receiving the County CRF allocated funds with the goal of using the funds to cover costs related to COVID-19, and

WHEREAS, the expenditure plan dedicated these funds to Fire Department personnel costs that directly related to COVID-19 response, and

WHEREAS, on October 13, 2020 via Resolution 2020-0551, the Stanislaus County Board of Supervisors approved a revised spending plan for the \$108.9 Million in Coronavirus Aid, Relief and Security (CARES) Act Coronavirus Relief Funds, and

WHEREAS, due to better than expected financial outcomes in FY 2019-20, the County approved an amended allocation of the local CRF funds to provide the full allocations to the nine cities within the County, which resulted in an additional \$2,745,524 being granted to the City of Modesto, and

WHEREAS, these funds will need to be expended on eligible COVID-19 expenditures and meet the Treasury guidelines defined under the CARES Act, and the funds must also be expended no later than December 30, 2020, and

WHEREAS, the City has prepared an expenditure plan intended to create additional small business grants in the amount of \$1,372,762; and reimburse FY 2020-21 public safety COVID-19 eligible labor costs in the amount of \$1,372,762, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the additional allocation of Coronavirus Relief Funds (CRF) from Stanislaus County and approves the appropriation of these funds into a new multi-year operating project established in Fiscal Year 2020-21 with a revenue and expenditure appropriation in the amount of \$2,745,524.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to carry out any administrative actions or enter into and execute any agreements required for the City to receive and expend the CRF funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki
NOES:	Councilmembers:	Mayor Brandvold
ABSENT:	Councilmembers:	None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-491**

**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 3, 2020,
AND DECLARING THE RESULTS OF SAID ELECTION**

WHEREAS, on Tuesday, November 3, 2020, a Regular Municipal Election was held in the City of Modesto (herein called “City”) of Stanislaus County to elect the following:

1. One member to Mayor for a four year term;
2. One Councilmember to District 1 for a four year term;
3. One Councilmember to District 3 for a four year term; and
4. One Councilmember to District 6 for a four year term.

WHEREAS, only one candidate for each of the Board of Education Trustee Areas 2, 4 and 6 was nominated for their respective Trustee Areas, and pursuant to Education Code Section 5326, the Candidates were appointed as follows and an election on these offices was not held:

John Ervin	Member, Modesto Board of Education, Trustee Area 2, for a term of four years.
Abel Maestas	Member, Modesto Board of Education, Trustee Area 4, for a term of four years.
Homero Mejia	Member, Modesto Board of Education, Trustee Area 6, for a term of four years.

WHEREAS, said election was held on Tuesday, November 3, 2020, 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 Stanislaus County Registrar of Voters, at the request of the City Council, canvassed the returns of said regular municipal election in accordance with law, and reported the results of the election of the City Clerk, which the City Clerk certified to the Council by a Certificate of Canvass and Statement of Votes dated November 23, 2020, 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 election results as shown on the Certificate of Canvass and Statement of Votes and the results of the election are hereby ratified, confirmed, approved, and declared.

SECTION 2. That in accordance with Section 10264 of the Elections Code, a copy of said Certificate of Canvass and Statement of Votes, which is attached hereto marked as **Exhibit “A”** and made a part hereof, shows a complete tabulation of the following:

- (A) The whole number of votes cast for Mayor and in Districts 1, 3 and 6, in the City.
- (B) The names of the persons voted for.
- (C) 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 Regular Municipal Election, the following named persons having received a majority of the votes cast for the elective offices, as designated on **Exhibit “A”**, are hereby declared to be duly and regularly elected to such office, and the City Clerk is hereby directed to issue a Certificate of election to each such persons, certifying his/her election to the office appearing after his/her name, and to administer to each of said persons the oath of office prescribed by the Constitution and laws of the State of California and the Charter of the City, to wit:

Rosa Escutia-Braaton	Councilmember for a term of four years, District 1, Modesto City Council.
Chris Ricci	Councilmember for a term of four years, District 3, Modesto City Council.
David Wright	Councilmember for a term of four years, District 6, Modesto City Council.

SECTION 4. The Charter provides that if no candidate for the office of Mayor of the City of Modesto receives a majority vote at a regular municipal election, a Second Regular Municipal Election shall be held by mail ballot at which the two candidates receiving the highest number of votes at the first regular municipal election shall have their names on the ballot for election of the office. Therefore, the two candidates receiving the highest number of votes for Mayor, Sue Zwahlen and Doug Ridenour, shall have their names on the ballot for a run-off election to be held on Tuesday, February 2, 2021.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of December, 2020, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-492**

RESOLUTION REAPPOINTING GARY BLOM AND APPOINTING RHODA YARE AND MINAL DESAI TO THE CITY OF MODESTO BOARD OF ZONING ADJUSTMENT, EACH WITH A TERM EXPIRATION OF JANUARY 1, 2025

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, Gary Blom was appointed to the Modesto Board of Zoning Adjustment on November 9, 2016, by Council Resolution No. 2016-453, to a four-year term set to expire on January 1, 2021, and

WHEREAS, Gary Blom is eligible for a second, four-year term, and

WHEREAS, two current members do not wish to serve a second term, which leaves two vacancies on the board, and

WHEREAS, the Appointments Committee met on October 22, 2020, and recommended reappointment of Gary Blom and the appointment of Rhoda Yare and Minal Desai to the Modesto Board of Zoning Adjustment.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby reappoints Gary Blom and appoints Rhoda Yare and Minal Desai to the Modesto Board of Zoning Adjustment, each with a term expiration of January 1, 2025.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Board of Zoning Adjustment, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of December, 2020, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Madrigal, Ricci, Zoslocki
Kenoyer, Wright, Mayor Brandvold

NOES: Councilmembers: None


ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-493**

**RESOLUTION REAPPOINTING HANK POLLARD AND AMEET BIRRING
AND APPOINTING OMAR SILVA TO THE CITY OF MODESTO PLANNING
COMMISSION, EACH WITH A TERM EXPIRATION OF JANUARY 1, 2025**

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

WHEREAS, on November 1, 2016, the City Council for the City of Modesto appointed Hank Pollard to the Planning Commission, by Council Resolution 2016-442, and

WHEREAS, on February 14, 2017, the City Council for the City of Modesto appointed Ameet Birring to the Planning Commission, by Council Resolution 2017-45, and

WHEREAS, Hank Pollard and Ameet Birring are eligible for a second, four-year term, and

WHEREAS, Commissioner Rosa Escutia-Braaton's second term is set to expire on January 1, 2021, leaving a vacancy on the Planning Commission, and

WHEREAS, the Appointments Committee met on October 22, 2020, and recommended reappointment of Hank Pollard and Ameet Birring and the appointment of Omar Silva to the Modesto Planning Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby reappoints Hank Pollard and Ameet Birring and appoints Omar Silva to the City of Modesto Planning Commission, each with a term expiration of January 1, 2025.

BE IT FURTHER RESOLVED, the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Planning Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of December, 2020, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Madrigal, Ricci, Zoslocki
Kenoyer, Wright, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-494**

RESOLUTION REAPPOINTING JOE CAHILL AND APPOINTING LISA LOMAS TO THE CITY OF MODESTO LANDMARK PRESERVATION COMMISSION, EACH WITH A TERM EXPIRATION OF JANUARY 1, 2025

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, Joe Cahill was appointed to the Modesto Landmark Preservation Commission on July 11, 2017, by Council Resolution 2017-271, to a four year term set to expire on January 1, 2021, and

WHEREAS, Joe Cahill is eligible for a second, four year term, and

WHEREAS, Commissioner David Roddick's first term is set to expire on January 1, 2021, leaving a vacancy on the Commission, and

WHEREAS, the Appointments Committee met on October 8, 2020, and recommended appointment of Lisa Lomas to the Modesto Landmark Preservation Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby reappoints Joe Cahill and appoints Lisa Lomas to the Modesto Landmark Preservation Commission, each with a term expiration of January 1, 2025.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Planning Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of December, 2020, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Madrigal, Ricci, Zoslocki
Kenoyer, Wright, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-495**

RESOLUTION APPROVING THE PURCHASE OF THREE (3) ONE-TON TRUCKS TO SONORA FORD, SONORA, CA., FOR A TOTAL AMOUNT NOT TO EXCEED \$141,951, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, three (3) One-Ton trucks with specific configurations, which are scheduled for replacement, will be used by various departments and divisions; Water, Wastewater and Building Services; and

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs; and

WHEREAS, the replacement of three (3) One-Ton trucks was approved by the City Manager and City Council with the adopted Fiscal Year 2016-2017 budget; and

WHEREAS, on February 19, 2020 the Purchasing Division issued RFB 1920-53 for Three (3) One-Ton trucks with specific configuration on the City's website under commodity code 07047 for Trucks, Cab and Chassis; and

WHEREAS, thirteen companies downloaded the RFB, one company chose to respond to the bid; the responding vendor was not a local vendor; and

WHEREAS, on March 17, 2020 the bid was formally opened in the City Clerk's office, Sonora Ford, Sonora, CA. was the only responsive and responsible bidder; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed \$50,000 for material, equipment or contractual services to be formally bid. Based on providing the overall lowest responsive and responsible bid, City Staff recommends the award of bid for three (3) One-Ton trucks to Sonora Ford, Sonora, CA., which conforms to the Modesto Municipal Code 8-3.203; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of three (3) One-Ton Trucks from Sonora Ford, Sonora, CA., for a total amount not to exceed \$141,951.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute the purchase order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of December, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Madrigal, Ricci, Zoslocki
Kenoyer, Wright, Mayor Brandvold

NOES: Councilmembers: None

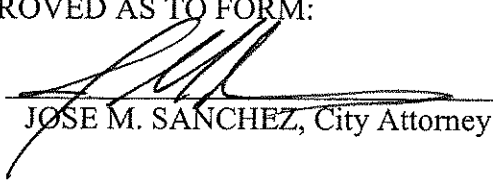
ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-496**

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR CUSTODIAL SERVICES AND SUPPLIES TO CCS FACILITY SERVICES, FRESNO, CA, FOR A FIVE-YEAR AGREEMENT WITH TWO 1-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED COST OF \$667,298 AND A TOTAL AMOUNT NOT TO EXCEED \$4,981,080 OVER SEVEN YEARS, WITH ANY NEW SITE ADDITIONS, REMOVALS, OR SUBSTANTIVE SERVICE CHANGES TO BE AUTHORIZED BY THE DIRECTOR OF FINANCE OR HER DESIGNEE; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City provides custodial services for approximately 155,000 square feet of rental, office and public facility space; and

WHEREAS, the agreement will provide custodial services and supplies for City owned buildings that will include cleaning, dusting, mopping, disinfecting, scrubbing, sweeping, vacuuming and waxing, as well as disinfecting facilities and assisting with event set-up and take-down at multiple sites; and

WHEREAS, on April 20, 2020, the Purchasing Division issued RFP 1819-51 for custodial services and supplies under six (6) category codes; and

WHEREAS, on June 30, 2020, in an effort to slow the spread of COVID19, bids were formally opened by the City Clerk and broadcast via Microsoft Teams Livestream; and

WHEREAS, seven (7) companies chose to respond, none of which were local vendors; Six (6) companies provided responsive and responsible proposals, one (1) was deemed non-responsive; and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award for for custodial services and supplies to CCS Facility Services, Fresno, CA, for an estimated annual cost not to exceed \$667,298; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to follow formal bid procedures and RFB No. 1819-51 conforms with this MMC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of proposal and agreement for custodial services and supplies to CCS Facility Services, Fresno, CA, for a five-year agreement with two 1-year extension options, for an annual estimated cost of \$667,298 and a total amount not to exceed \$4,981,080 over seven years, with any new site additions, removals, or substantive service changes to be authorized by the Director of Finance or her designee.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of December, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Madrigal, Ricci, Zoslocki
Kenoyer, Wright, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-497**

RESOLUTION REJECTING THE PROPOSALS FOR ON-CALL TRAFFIC ENGINEERING SERVICES FOR THE TRAFFIC ENGINEERING DIVISION, AND AUTHORIZING STAFF TO RE-ADVERTISE FOR BID AT A FUTURE DATE WITH AN AMENDED SCOPE OF WORK

WHEREAS, there are only two full time engineers in the Traffic Engineering Division, and

WHEREAS, to assist staff in completing projects, the Traffic Engineering Division requested proposals for services including preparation of plans, specifications and estimates of costs of projects, detailed studies on specific items, conducting investigations, preparation of reports, and assistance with construction administration on various projects, and

WHEREAS, staff solicited and formally advertised for a Request for Qualifications (RFQ) through Planet Bids (#53510) for transportation engineering services to assist the Traffic Engineering Division with capital improvement projects, and

WHEREAS, three City staff members rated each of the proposals based on various categories and objectives, and

WHEREAS, from the ratings of the nine proposals that were received, four were selected for interviews on August 25th and 26th, and

WHEREAS, after the interviews, it was determined that the RFQ needed to include some modifications to scope of services and other miscellaneous areas, and

WHEREAS, staff communicated with the California Department of Transportation (Caltrans) on the appropriate language needing to be added or changed, and

WHEREAS, based on the proposals received, staff recommends rejecting the bids and re-advertising.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all proposals for On-Call Traffic Engineering Services for the Traffic Engineering Division, and authorizes staff to re-advertise for bid at a future date with an amended scope of work.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of December, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Madrigal, Ricci, Zoslocki
Kenoyer, Wright, Mayor Brandvold

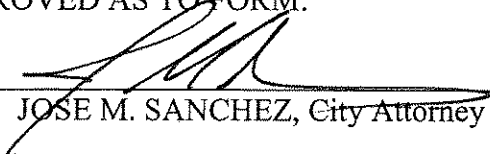
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-498**

RESOLUTION ACCEPTING THE CERES TRUNK REHABILITATION PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING \$5,824,831 TO ROLFE CONSTRUCTION, INC., OF ATWATER, CA

WHEREAS, the Wastewater Collection System Master Plan listed the Ceres Trunk as a high priority project because it was one of the most severely corroded reinforced concrete pipes (RCP) sewer trunks in the City, and

WHEREAS, the Ceres Trunk is known as a secondary trunk and conveys all flow from northern Ceres and Area 8 (southeast Modesto) to the River Trunk, and

WHEREAS, the Ceres Trunk crosses under Highway 99 and the Tuolumne River (Shackelford Crossing), and consists of 18-inch to 24-inch diameter RCP sections, and

WHEREAS, this project replaced the oldest and most deteriorated segments of the Ceres Trunk, from Blankenburg Avenue, east of Highway 99, to the Shackelford Crossing, near Zeff Road and Crows Landing Road, and

WHEREAS, the project also included the rehabilitation of the existing Highway 99 crossing and the installation of a second 24-inch diameter pipeline for reliability, and

WHEREAS, the project required coordination with the industrial businesses connected to the Ceres Trunk, and

WHEREAS, also, the City's property agent had to work with the property owners to acquire necessary easements, and right of way entries, and

WHEREAS, on September 3, 2013, by Resolution No. 2013-315, the City Council approved a prequalified list of consultants for Engineering Design Services for Wastewater and Storm Drain CIP projects, and

WHEREAS, city staff issued a Request for Proposal (RFP) to the list of consultants for preparation of the Preliminary Design Report (PDR) for the Ceres Trunk Rehabilitation and Reliability project. Two proposals were received on July 3, 2014, and were reviewed by a selection committee that consisted of Engineering and Operations & Maintenance staff from the Utilities Department. The selection committee determined that Brown and Caldwell was the most responsive and qualified firm to prepare the PDR, and

WHEREAS, on December 2, 2014, by Resolution No. 2014-512, the City Council approved an agreement with Brown and Caldwell for the preparation of the PDR for the Ceres Trunk Rehabilitation and Reliability project, and

WHEREAS, on October 27, 2015, by Resolutions No. 2015-403 and 2015-404, the City Council accepted the Preliminary Design Report dated September 11, 2015 for the Ceres Trunk Rehabilitation and Reliability Project as complete; and approved an agreement with Brown and Caldwell for Final Design Services for the Ceres Trunk Rehabilitation and Reliability Project, and

WHEREAS, bids were advertised on September 12, 2017, and were publicly opened on October 17, 2017, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and Rolfe Construction, Inc., of Atwater, CA, was the apparent lowest responsible and responsive bidder, and

WHEREAS, on November 28, 2017, by Resolution No. 2017-469, Council awarded a contract to Rolfe Construction, Inc., of Atwater, CA, for the construction of the Ceres Trunk Rehabilitation project in the amount of \$5,743,485, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of January 29, 2019, and all contract work was completed by August 30, 2019, and

WHEREAS, the total project costs were \$7,028,054 which included design, construction, and construction administration costs. The total project amount originally budgeted was \$7,834,614 which included \$6,202,967 for the construction contract and contingency with Rolfe Construction, Inc., and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of 8% (\$459,476) of the original contract price, and

WHEREAS, there were fourteen change orders on this project with an overall increase of \$81,346, and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Ceres Trunk Rehabilitation project is hereby accepted as complete from contractor, Rolfe Construction, Inc., Atwater, California, and that the City Clerk is authorized to complete all necessary steps to file the appropriate notices and documents with the County Recorder, release securities, and authorize payments totaling \$5,824,831.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of December, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Madrigal, Ricci, Zoslocki
Kenoyer, Wright, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-499**

RESOLUTION ACCEPTING THE CROWS LANDING SEWER TRUNK PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING \$3,057,530 TO A. TEICHERT & SON, INC., DBA TEICHERT CONSTRUCTION, ROSEVILLE, CALIFORNIA

WHEREAS, the Crows Landing Sewer Trunk provides service to south Modesto and west Ceres, and

WHEREAS, during a routine maintenance of the sewer trunk in 2018, crews noticed severe deterioration of the reinforced concrete pipe's crown, and

WHEREAS, the alignment of the trunk parallels the Tuolumne River within a utility easement on private property, and

WHEREAS, the location made it difficult to access during maintenance and the sewer trunk was susceptible to river discharge if issues arose, and

WHEREAS, the improvements rerouted the 30-inch trunk onto Crows Landing Road and connected the pipe to an existing stub-out at the Ceres Trunk before the Tuolumne River crossing, and

WHEREAS, staff opted to utilize a new corrosion resistant pipe material, Vylon, which is a high strength structural polyvinyl chloride pipe, and

WHEREAS, bids were advertised on March 26, 2019, and were publicly opened on April 23, 2019, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and A. Teichert & Son, Inc., dba Teichert Construction, Roseville, CA, was the apparent lowest responsible and responsive bidder, and

WHEREAS, on June 25, 2019, by Resolution No. 2019-299, Council awarded a contract to A. Teichert & Son, Inc., dba Teichert Construction, Roseville, California, for the construction of the Crows Landing Sewer Trunk project in the amount of \$2,976,842, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of September 3, 2019, and all contract work was completed by April 30, 2020, and

WHEREAS, the total project costs were \$3,233,877 which included design, construction, and construction administration costs. The total project amount originally budgeted was \$3,673,102 which included \$3,274,526 for the construction contract and contingency with Teichert Construction, and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of 8% (\$238,147) of the original contract price, and

WHEREAS, by Resolution 2019-300 on June 25, 2019 the Directors Authority was increased to 10% (\$297,684) of the original contract price, and

WHEREAS, there were four change orders on this project with an overall increase of \$80,687, and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Crows Landing Sewer Trunk project is hereby accepted as complete from contractor, Teichert Construction, Roseville, California, and that the City Clerk is

authorized to complete all necessary steps to file the appropriate notices and documents with the County Recorder, release securities, and authorize payments totaling \$3,057,530

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of December, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Madrigal, Ricci, Zoslocki
Kenoyer, Wright, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-500**

RESOLUTION ACCEPTING THE RIGHT TURN LANE IMPROVEMENTS AT WESTBOUND D STREET TO NORTHBOUND 9TH STREET PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING \$870,310 TO ROSS F. CARROLL, INC. OF OAKDALE, CALIFORNIA

WHEREAS, in February 2012, the City applied for Congestion Mitigation and Air Quality (CMAQ) funds to provide a route for right turning motorists on westbound D Street without blocking or being blocked by through traffic and to construct a bus turnout on northbound 9th Street, north of the 9th Street/D Street intersection, and

WHEREAS, on December 11, 2012, by Resolution No. 2012-509, Council accepted (CMAQ) funds in the amount of \$101,810 for Preliminary Engineering, and

WHEREAS, on March 3, 2015, by Resolution No. 2015-68, Council accepted an additional \$35,000 in (CMAQ) funds for Preliminary Engineering. These funds were to be utilized for continuance of environmental studies requested by Caltrans, which were not part of the original scope of work, and

WHEREAS, on May 12, 2015, by Resolution No. 2015-148, Council accepted \$35,000 in Regional Surface Transportation Program (RSTP) funds for Preliminary Engineering. These funds were allocated for additional soil sample testing and a Phase 2 Preliminary Site Assessment, as required by Caltrans, and

WHEREAS, On September 8, 2015 Caltrans authorized an additional \$20,823 in CMAQ funds for Preliminary Engineering to complete soil sample testing and \$15,000 in CMAQ funds for staff support to coordinate with dry utility companies during the Right of

Way phase. With this authorization being under \$50,000, the funds were accepted by City Manager signature, and

WHEREAS, on September 13, 2016, by Resolution No. 2016-348, Council accepted CMAQ funds in the amount of \$278,870 and \$168,395 in RSTP funds for construction. The Council also accepted \$115,000 in Federal Transit Administration (FTA) funds for construction of the proposed bus turnout, and

WHEREAS, on July 10, 2018, by Resolution No. 2018-277, Council amended the Fiscal Year 2017-2018 Annual and Capital Improvement Budget which recognized \$291,038 of unbudgeted Department of Transportation (Caltrans) revenue in the Capital Grants Capital Improvement Project Fund, Fund 3130, to the Right Turn Lane WB D Street at Northbound 9th Street Capital Improvement Project, #100728, and reallocated funding to Engineering/Design/Administration, Construction, Construction Administration and Contingency expenses as approved by Caltrans in accordance with the E-76, and

WHEREAS, on September 5, 2017, by Resolution No. 2017-338, Council accepted \$15,000 in CMAQ funds for Preliminary Engineering and \$239,000 for Construction (\$19,000 - CMAQ, \$220,000 - RSTP), and

WHEREAS, bids were advertised on July 31, 2018, and were publicly opened on August 28, 2018, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and Ross F. Carroll, Inc. of Oakdale, California, was the apparent lowest responsible and responsive bidder, and

WHEREAS, on October 9, 2018, by Resolution No. 2018-443, Council awarded a contract to Ross F. Carroll, Inc., of Oakdale, CA, for the construction of the Right Turn

Lane Improvements Westbound D Street to Northbound 9th Street project in the amount of \$859,300, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of March 4, 2019, and all contract work was completed by March 3, 2020, and

WHEREAS, the total project costs were \$1,259,092 which included design, construction, and construction administration costs. The total project amount originally budgeted was 1,314,936 which included \$945,230 for the construction contract and contingency with Ross F. Carroll, Inc., and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of 10% (\$85,930) of the original contract price, and

WHEREAS, there were six change orders on this project with an overall increase of \$13,710, and

WHEREAS, there was a deduction to the contract in the amount of \$2,700 for substitution of a Disadvantaged Business Enterprise (DBE) subcontractor with a non-DBE subcontractor, and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Right Turn Lane Improvements Westbound D Street at Northbound 9th Street Improvements project is hereby accepted as complete from contractor, Ross F. Carroll, Inc. of Oakdale, California, and that the City Clerk is authorized to complete all necessary steps

to file the appropriate notices and documents with the County Recorder, release securities, and authorize payments totaling \$870,310.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of December, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Madrigal, Ricci, Zoslocki
Kenoyer, Wright, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-501**

**RESOLUTION ACCEPTING THE SOUTH MARTIN LUTHER KING DRIVE
STRENGTHEN & REPLACE WATER MAINS PROJECT AS COMPLETE,
AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY
RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS
TOTALING \$860,248 TO D.A. WOOD CONSTRUCTION, INC., OAKDALE, CA**

WHEREAS, the South Martin Luther King Drive Strengthen & Replace Water Mains project was a partnership between the City's Community and Economic Development Department and the Utilities Department, and

WHEREAS, the Community and Economic Development Department administers Community Development Block Grant funds that were used to partially fund this project, and

WHEREAS, as a U.S. Department of Housing and Urban Development (HUD) entitlement community, the City is required to develop an Annual Action Plan that describes proposed activities funded with Community Development Block Grant (CDBG), HOME Investment Partnerships, and Emergency Solutions Grant funds, and

WHEREAS, the Annual Action Plan must align and support the priorities in the City's Program Year 2015-2020 Consolidated Plan, and

WHEREAS, after vetting the project to ensure it met CDBG eligibility criteria, the water main project was identified within the HUD 2019-2020 Annual Action Plan, which was approved by Council on May 14, 2019 via Resolution No. 2019-240, and

WHEREAS, the South Martin Luther King Drive neighborhood is one of many prioritized areas identified in the City's Water Master Plan that required replacement of current, aging water infrastructure, and

WHEREAS, the South Martin Luther King Drive Strengthen & Replace Water Mains project replaced and upgraded deficient water mains ranging in size from 2” to 6” with 8” City Standard water mains, associated water valves, services, and fire hydrants to increase reliability, flows, and pressures, and

WHEREAS, the project area is bounded by South Martin Luther King Drive on the west, South Madison Street on the east, Spruce Street on the north, and Paradise Road on the south, and

WHEREAS, this project complies with CDBG program rules as it is located within a low-income Census Tract Block Group as defined by the U.S Census Bureau and HUD, and

WHEREAS, bids were advertised on October 16, 2019, and were publicly opened on November 12, 2019, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and D.A. Wood Construction, Inc., Oakdale, California, was the apparent lowest responsible and responsive bidder, and

WHEREAS, on December 10, 2019, by Resolution No. 2019-550, Council awarded a contract to D.A. Wood Construction, Inc., of Oakdale, California, for the construction of the South Martin Luther King Drive Strengthen & Replace Water Mains project in the amount of \$865,504, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of January 24, 2020, and all contract work was completed by April 1, 2020, and

WHEREAS, the total project costs were \$949,558 which included design, construction, and construction administration costs. The total project amount originally

budgeted was \$1,148,224 which included \$952,054 for the construction contract and contingency with D.A. Wood Construction, Inc., and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of up to and not to exceed 10% (\$86,550) of the original contract price. There were three change orders resulting in an overall decrease of \$5,256 for change order work as listed on the **attached** change order log, and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the South Martin Luther King Drive Strengthen and Replace Water Mains project is hereby accepted as complete from contractor, D.A. Wood Construction, Inc., Oakdale, California, and that the City Clerk is authorized to complete all necessary steps to file the appropriate notices and documents with the County Recorder, release securities, and authorize payments totaling \$860,248.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of December, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Madrigal, Ricci, Zoslocki
Kenoyer, Wright, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

CONTRACT CHANGE ORDER LOG

Date: October 14, 2020

CHANGE ORDER NO.	DESCRIPTION	EXECUTED	AMOUNT	TIME EXT.	CAUSE		
					DESIGN ISSUE	UNFORSEEN CONDITIONS	ADDED SCOPE
PROJECT NUMBER AND NAME:							
2020/11 - S. Martin Luther King Drive Strengthen and Replace Water Mains (101209) (CDBG NO. 1335)							
01	Add Additional 1" Service To 307 California	05/15/20	\$7,081.78	0 W.D.	No	No	No
02	Additional Service For Testing Station @ 312 California Street	05/25/20	\$869.00	0 W.D.	No	No	No
03	Balancing Change Order	10/15/20	-\$13,207.28	0 W.D.	No	Yes	No

Original Contract Amount: **\$865,504.00**

Total Working Days Time Extension: **0**

Original Director's CCO Authority: **\$86,550.40**

Total Change Orders Processed To Date: **-\$5,256.50**

IDA To:

IDA Date:

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-502**

RESOLUTION REJECTING ALL BIDS FOR THE SUTTER SANITARY SEWER TRUNK REHABILITATION PROJECT, PHASE 1 AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT AT A FUTURE DATE

WHEREAS, the bids were publicly opened on October 27, 2020, pursuant to City Charter Section 1307, and five blind bids were received, and

WHEREAS, in accordance with Section 2.02.B of the City's General Provisions, to ensure impartiality when selecting the bid alternates, each bidder was assigned an identification letter for their submitted bid form to the City Clerk and the bidder's names associated with the bid packages received and amounts read out have not been disclosed, and

WHEREAS, all five blind bids received were above the engineer's estimate, with the percentages varying from 18.22% to 57.09% higher, and

WHEREAS, the Utilities Department staff determined that it would be in the best interest of the City to reject all bids and re-advertise the project at a later date, with a reanalyzed and accordingly revised engineer's estimate, to better reflect the complexity of the work, due to the Highway 99 underground crossing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids received for the Sutter Sanitary Sewer Trunk Rehabilitation Project, Phase 1.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of December, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Madrigal, Ricci, Zoslocki
Kenoyer, Wright, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-503**

**RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 ANNUAL
OPERATING AND CAPITAL IMPROVEMENT FUND BUDGETS AND
AUTHORIZING THE CITY MANAGER, TO TAKE THE NECESSARY STEPS
TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2020-2021.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2020-2021 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Stephanie Lopez*
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: *Jose M. Sanchez*
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2020-21

FINANCE

- A budget adjustment in the amount of \$122,149 is needed in the below funds to account for the increase in the Unfunded Accrued Liability (UAL) as result of the 30-day extension received from CalPERS. To ensure sufficient cashflow, the City requested a 30-day extension on the UAL lump-sum payment that was originally due on July 1st, 2020 and the City successfully processed the payment prior to August 31st, 2020

Fund	FY20-21 Adopted	Increase	FY20-21 Revised
0100 - General Fund	\$16,528,733	\$90,261	\$16,618,994
1133 - HUD Administration	\$86,382	\$471	\$86,853
1300 - Capital Improvement Support	\$389,631	\$2,126	\$391,757
1610 - Traffic Offender Fund	\$34,379	\$188	\$34,567
1700 - Surface Transportation Fund	\$560,688	\$3,059	\$563,747
3220 - Infrastructure Financing Program Administration	\$82,512	\$450	\$82,962
4000 - Parking Fund	\$49,377	\$269	\$49,646
4100 - Water Fund	\$1,357,072	\$7,404	\$1,364,476
4210 - Sewer Operations Fund	\$1,473,404	\$8,034	\$1,481,438
4310 - Airport Operating Fund	\$56,021	\$306	\$56,327
4480 - Storm Drainage Fund	\$78,266	\$427	\$78,693
4520 - Bus Service Fund - DAR	\$11,381	\$62	\$11,443
4540 - Bus Fixed Route Max Operations Fund	\$221,905	\$1,210	\$223,115
4700 - Community Center Operations Fund	\$45,702	\$249	\$45,951
4890 - Compost Fund	\$79,006	\$431	\$79,437
4891 - Solid Waste Fund	\$90,384	\$493	\$90,877
4892 - Green Waste Fund	\$337,170	\$1,840	\$339,010
5110 - Inventory Purchases Fund	\$15,694	\$86	\$15,780
5120 - Mail Services ISF Fund	\$11,184	\$61	\$11,245
5230 - Information Technology Fund	\$454,785	\$2,482	\$457,267
5310 - Insurance - Administration Fund	\$57,960	\$316	\$58,276
5400 - Fleet Management Fund	\$253,733	\$1,384	\$255,117
5520 - Employee Benefits Administration Fund	\$17,893	\$98	\$17,991
5800 - P/R Building Services Fund	\$73,712	\$403	\$74,115
5810 - 10th Street Place Building Services	\$7,146	\$39	\$7,185
Grant Total	\$22,374,120	\$122,149	\$22,496,269
5510 - Employee Management Fund	\$22,374,120	\$122,149	\$22,496,269

FIRE DEPARTMENT

- A budget adjustment is necessary for the Non-Capital Multi-Year Project 100960 (AMR/General EMS) in Fund 0180 (Fire Department Unrestricted Non-Capital Projects) to recognize additional revenue that has been received in this project for emergency medical services revenues in the amount of \$57,420. This will bring the total revenue

budget of the project to an amount of \$886,144. In order for the project expenditure budget to be balanced and in line with the revenues received, an increase in expenditure appropriation must be approved as well. The expenditure budget needs to be increased by an amount of \$163,207 in the Task FY 2020-21 Appr Unit C. This will bring the project revenue and expenditure budgets in alignment.

POLICE DEPARTMENT

- A budget adjustment is necessary in the amount of \$126,614 for the 2020 BJAG Grant (101297), Grant # 2020-DJ-BX-0226, to program the revenues and offsetting expenses as per the approved grant program categories as described on Resolution 2020-332, MOU with County for a Joint Application approved by Council on 8/11/20.

PUBLIC WORKS

- *The following adjustments are being made from the various city Fleet Replacement sub-funds to the Fleet Replacement Fund (5409). This action is being done to reimburse the Fleet Replacement Fund (5409) for vehicle purchases that had been made as required by fund accounting rules in FY 20-21 for the July 2020 – September 2020 period. Below is a table showing the net effect in each sub-fund as a result of the various adjustments.*

Fund	Fund Name	Net Impact of Adjustments
5410	GF Equipment Replacement	\$40,558
	Total Transfer Outs	\$40,558
5409	Transfer In – Fleet Management Fleet Replacement	\$40,558
	Total Transfer Ins	\$40,558

A budget adjustment is necessary to establish a transfer in the amount of \$40,558 from General Fund Equipment Fleet Replacement Fund 5410 to Fleet Replacement Fund 5409 for a purchase made in FY 20/21 for (1) SUV Patrol.

- A budget adjustment in the amount of \$2,787,056 for fund 4540-Bus Fixed Route MAX Operations, cost center 53472-Transit Services is necessary to increase Federal Transit Administration revenues and reduce Local Transportation Fund revenues to fund 25% of our FY 21 transportation operator contract with National Express Transit Corp. The City of Modesto Transit Division received CARES Act funding to support the operation of transit services during the COVID-19 pandemic.
- A budget adjustment in the amount of \$2,192,464 for fund 4540-Bus Fixed Route MAX Operations, cost center 53490-Transit FTA Pass-Through is necessary to increase Federal Transit Administration revenues. The City of Modesto Transit Division received CARES Act funding to support the operation of transit services during the COVID-19 pandemic. The City of Modesto acts as a pass-through to Stanislaus County StaRT transit services.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-504**

RESOLUTION APPROVING A FOURTH AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH DOKKEN ENGINEERING, FOR PROFESSIONAL DESIGN SERVICES FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY - PHASE 1 PROJECT BY \$304,270 FROM \$8,851,728 TO A TOTAL NOT TO EXCEED AMOUNT OF \$9,155,998, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE FOURTH AMENDMENT

WHEREAS, the purpose of the State Route 132 West Freeway/Expressway - Phase 1 Project is to improve regional and interregional circulation, relieve traffic congestion along existing State Route 132, and enhance safety and operations for the existing and proposed transportation network, and

WHEREAS, on May 2, 2017, by Resolution No. 2017-174, Council approved an agreement with Dokken Engineering for professional design services in the amount of \$6,400,000, plus \$600,000 for additional services, for a total contract amount of \$7,000,000, and

WHEREAS, on January 22, 2019, by Resolution No. 2019-01, Council approved a First Amendment to the agreement with Dokken in the amount of \$344,096, for a total contract amount of \$7,344,096, and

WHEREAS, on May 7, 2019, by Resolution No. 2019-208, Council approved a Second Amendment to the agreement with Dokken Engineering in the amount of \$144,422, for a total contract amount of \$7,488,518, and

WHEREAS, on September 24, 2019, by Resolution No. 2019-441, Council approved a Third Amendment to the agreement with Dokken Engineering in the amount of \$1,363,210, for a total contract amount of \$8,851,728, and

WHEREAS, on October 8, 2020, Dokken Engineering submitted to the City a budget augmentation for additional tasks in the amount of \$304,270, for a total contract amount of \$9,155,998, and

WHEREAS, these additional needs are described by task as follows:

Task 36: Melton Olmsted Structure Modifications

Task 36.1: Melton Olmsted Structure Modifications (Hourly)

Task 37: Surveying During Construction

Task 37.1: Surveying During Construction (Hourly)

Task 38: Cathodic Protection

Task 38.1: Design of Cathodic Protection - Dokken (Hourly)

Task 38.2: Design of Cathodic Protection - Murray Smith (Lump Sum)

Task 39: Groundwater Level Measurements

Task 39.1: Sounding Coordination and Well Research (Hourly)

Task 39.2: Groundwater Soundings (Each, Lump Sum)

Task 40: Site Reviews for ADA Compliance

Task 40.1: Site Reviews for ADA Compliance (Hourly)

Task 41: Additional Design Support

Task 41.1: Additional As Needed Design Support (Hourly)

WHEREAS, the City opened bids for the construction of State Route 132 West Freeway/Expressway – Phase I Project on August 20, 2019, and

WHEREAS, due to the complexity of the project, design support services are required during the construction of the project to provide technical support to the construction manager, and

WHEREAS, Dokken Engineering completed the preliminary design and final design of the project satisfactorily, and

WHEREAS, as the City does not have the staffing level or subject matter expertise to provide design support during construction for the State Route 132 West Freeway/Expressway – Phase I Project, City staff recommends approving a Fourth Amendment with Dokken Engineering as this will allow for the design support during the construction period for the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Fourth Amendment increasing the agreement amount with Dokken Engineering, for professional design services for the State Route 132 West Freeway/Expressway - Phase 1 Project by \$304,270 from \$8,851,728 to a total not to exceed amount of \$9,155,998.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute the Fourth Amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-505**

RESOLUTION APPROVING AN \$68,490 HOMEOWNER REHABILITATION LOAN AND A \$10,000 HOMEOWNER REHABILITATION GRANT, FOR BENJAMIN AZIZPOUR AND DORIS AZIZPOUR FOR THE PROPERTY LOCATED AT 3028 SNYDER AVENUE, MODESTO, CA 95356 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENTS

WHEREAS, on September 3, 2020 HRLC approved a \$59,244 Homeowner Rehabilitation Loan and a \$10,000 Homeowner Rehabilitation Grant, for Benjamin Azizpour and Doris Azizpour for the property located at 3028 Snyder Avenue, Modesto, CA 95356, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to follow the formal bid procedures, and

WHEREAS, the project was advertised for bids on October 2, 2020, and

WHEREAS, bids were publicly opened on November 3, 2020 and Paine Construction of Rio Linda, California was the apparent low bidder, bid tabulation **attached**, and

WHEREAS, the bid analysis is as follows: number of bids received 3, number of bids within 15% of the Housing Rehabilitation Specialist's estimate 1, number of bids above the Housing Rehabilitation Specialist's estimate 1, number of bids not meeting Formal Bidding requirements 1, and

WHEREAS, Paine Construction's bid is 14.9% above the Housing Rehabilitation Specialist's estimate and the other bid is 19% higher than the Housing Rehabilitation Specialist's estimate, and

WHEREAS, section 6 Homeowner Rehabilitation Program Policies & Procedures approved by City of Modesto Council by Resolution 2019-513 on November 26, 2019 section 14.0 cost reasonableness and scope of work subsection 14.5 states “bids received must be within 15% of the Housing Rehabilitation Specialist’s cost estimate”, and

WHEREAS, the project was awarded to Paine Construction for \$78,490 inclusive of a 12% contingency, and

WHEREAS, the Homeowner Rehabilitation Program was created to assist with low-income homeowners in the needed rehabilitation and health and safety concerns of their property, and

WHEREAS, to ensure quality work, city staff assists with procurement of the contractor and oversight of the project, and

WHEREAS, City staff oversees the project to verify timelines and workmanship standards are adhered to, and

WHEREAS, the City only provides funding and project oversight; the homeowner goes into direct agreement with the contractor.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a \$68,490 Homeowner Rehabilitation Loan and a \$10,000 Homeowner Rehabilitation Grant, for Benjamin Azizpour and Doris Azizpour for the property located at 3028 Snyder Avenue, Modesto, CA 95356.

BE IT FURTHER RESOLVED that authorizing the City Manager or his designee to execute the agreements in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Stephanie Lopez for*
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

OFFICE OF THE CITY CLERK
Tenth Street Place
1010 10th Street Suite 6600
MODESTO CA 95354

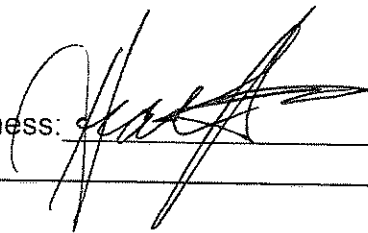
DATE: November 3, 2020

TIME: 11:00 A.M.

Bid Opening: 3028 Snyder Ave.

Engineer's Estimate:

Opened By: Dana Sanchez

Witness: 

Pinnacle G.C.

El Dorado Hills, CA.

Bid: \$ 109,487.⁰⁰—

Daine Construction, Inc.

Rio Linda, CA.

Bid: \$ 70,800.⁰⁰—

Bid:

Bid:

Bid:

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-506**

RESOLUTION APPROVING AN ACQUISITION AND SHORTFALL AGREEMENT BETWEEN THE CITY OF MODESTO, CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1, AND PS NORTHERN CA ONE, INC., IN THE AMOUNT NOT TO EXCEED \$526,996, FOR CONSTRUCTION OF OFF-SITE IMPROVEMENTS COMPLETED BY THE DEVELOPER AS PART OF THE DEVELOPMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT IN BOTH THE CAPACITY OF CITY MANAGER AND AS DISTRICT ADMINISTRATOR

WHEREAS, in January 2008, by Resolution No. 2008-024 City of Modesto adopted the Policies and Procedures for the Formation, Annexation, and Administration of Community Facilities Districts Created Pursuant to the Provisions of the Mello-Roos Community Facilities Act of 1982, and

WHEREAS, the policy allows developers to install public improvements which benefit properties within a proposed CFD, and be reimbursed for the work if certain parameters are met, and

WHEREAS, on April 6, 2004, the City of Modesto formed City of Modesto Community Facilities District No. 2004-1 (CFD No. 2004-1) to pay for various infrastructure improvements as well as the maintenance of parks, parkways and open space, storm drainage basin and related facilities that serve the Village One area, and

WHEREAS, a developer may construct identified improvements for CFD No. 2004-1 and be reimbursed, provided an agreement for such improvements is entered into with the City and CFD No. 2004-1 prior to commencement of work, and

WHEREAS, PS Northern CA One, Inc. (Applicant) is constructing a one-story self-storage within the boundaries of CFD No. 2004-1, and

WHEREAS, the proposed project includes the construction of certain public improvements at South-side of Sylvan Avenue, between Elsagr Way and Wood Sorrel Drive that are eligible for reimbursement, and

WHEREAS, an Acquisition & Shortfall Agreement between the City of Modesto, City of Modesto Community Facilities District No. 2004-1 (Village One #2) and PS Northern CA One, Inc., must be executed prior to commencement of work in order for Applicant to be reimbursed for certain public improvements, and

WHEREAS, the proposed Acquisition and Shortfall Agreement has a maximum reimbursement amount of \$526,996; however, reimbursement will be based upon actual expenses incurred and in no event will exceed the maximum reimbursement amount, and

WHEREAS, reimbursement is strictly limited to funds from the City of Modesto Community Facilities District No. 2004-1 (Village One #2).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby approves an Acquisition and Shortfall Agreement between the City of Modesto, City of Modesto Community Facilities District 2004-1, and PS Northern CA One, Inc., in the amount not to exceed \$526,996, for construction of certain public improvements completed by the developer as part of the one-story self-storage located at South-side of Sylvan Avenue, between Elsagr Way and Wood Sorrel Drive.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement in both the capacity of City Manager and as District Administrator, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-507**

RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET, PROJECT #101074 IN THE AMOUNT OF \$526,996 TO FUND IMPROVEMENTS AT THE SOUTH-SIDE OF SYLVAN AVENUE BETWEEN ELSAKR WAY AND WOOD SORREL DRIVE IN VILLAGE ONE #2 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, in January 2008, by Resolution 2008-024, the City adopted the policies and procedures for the formation, annexation, and administration of Community Facilities Districts, and

WHEREAS, on April 6, 2004, the City formed City of Modesto Community Facilities District No. 2004-1 (CFD No. 2004-1) to pay for various infrastructure improvements as well as the maintenance of parks, parkways, and open space, storm drainage basin and related facilities that serve the Village One area, and

WHEREAS, PS Northern CA One, Inc (Developer) is constructing a one-story self-storage within the boundaries of CFD No. 2004-1, and

WHEREAS, the proposed project will construct public improvements at the South-side of Sylvan Avenue, between Elsagr Way and Wood Sorrel Drive that include roadway improvements, landscaping, paving, curb, gutters, sidewalks, storm drainage, traffic signal modification and MID and AT&T pole relocation, and

WHEREAS, the City and the Developer will enter into an Acquisition and Shortfall Agreement, which will prescribe how the Developer will construct the facilities and how the City will reimburse the applicant, and

WHEREAS, the City will reimburse the Developer a maximum of \$526,996 for the Acquisition and Shortfall Agreement, and

WHEREAS, the City Council shall consider amending the Capital Improvement Program (CIP) budget for Project #101074 in the amount of \$526,996 to allow for the maximum reimbursement allowed to the Developer.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Modesto that it hereby amends the Fiscal Year 2020-2021 Capital Improvement Program (CIP) Budget in the amount of \$526,996 for Project #101074 to fund improvements at the South-side of Sylvan Avenue between Elsagr Way and Wood Sorrel Drive in Village One #2 and reallocate funds to the project discretionary expense tasks.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provision 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 December, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-508**

**RESOLUTION APPROVING THE FIRST AMENDMENT TO THE
COMMUNITY HOUSING AND SHELTER SERVICES ESG CARES ACT
HOMELESS PREVENTION RENTAL ASSISTANCE SUBRECIPIENT
AGREEMENT INCREASING THE CONTRACT AMOUNT FROM \$40,000 TO
\$100,000 PLUS \$10,000 FOR STAFF ACTIVITY DELIVERY COSTS, AND
AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE
THE AGREEMENT**

WHEREAS, the City of Modesto is an entitlement community under three U.S. Department of Housing and Urban Development (HUD) programs within its Office of Community Planning and Development (CPD), and

WHEREAS, as an entitlement community, the City annually receives entitlement funds from the Community Development Block Grant, Emergency Solutions Grant, and HOME Investment Partnerships Program (HOME) programs, and

WHEREAS, on March 27, 2020, President Trump signed the Coronavirus Aid, Relief and Economic Security Act (CARES Act) (Public Law 116-136) which made available supplemental Community Development Block Grant (CDBG-CV) funding and Emergency Solutions Grants (ESG-CV1 and ESG-CV2) for the prevention of, preparation for, and response to the 2019 novel Coronavirus, and

WHEREAS, as an entitlement community, the City was awarded \$1,118,269 in CDBG-CV funds and \$3,928,372 in combined total in two separate awards CARES Act ESG-CV1 and ESG-CV-2 to support a range of eligible activities to aid in the City's response to COVID-19, and

WHEREAS, millions of people have experienced serious disruptions to their jobs following social distancing public health recommendations and state and local shelter-in-place orders aimed at slowing the spread of the virus, and

WHEREAS, June 29, 2020 the City released its Notice of Funding availability for ESG-CV eligible projects including non-profits that would prepare for, respond to, or prevent COVID-19 in areas such as emergency shelter operations, street outreach, homeless prevention, and rapid rehousing, and

WHEREAS, Community Housing and Shelter Services (CHSS) applied for and was awarded \$40,000 under this NOFA for a Homeless Prevention and Rental Assistance program to assist households impacted by COVID-19, and

WHEREAS, the pandemic is on-going the City along with its community partners have participated in on-going surveys conducted by the Stanislaus Community Foundation and it found that housing support and financial assistance was among the top three needs within the community and mirrored study results by both HUD and State of California, and

WHEREAS, based on the survey's conducted, the moratoriums on evictions being lifted, and the direction from HUD, City staff reached out to both providers that were awarded contracts for homeless prevention as a result of COVID-19, and both providers expressed the need for additional funding to continue to provide these services to the residents of the City, and

WHEREAS, Community Housing and Shelter Services (CHSS) has been operating and managing HUD funded homeless prevention assistance in the City of Modesto for over 30 year. They have consistently served an average of 29 individuals per year for the last three years.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a resolution for the First Amendment to the Community Housing

and Shelter Services ESG CARES Act Homeless Prevention Rental Assistance subrecipient agreement increasing the contract amount from \$40,000 to \$100,000, and approves the use of \$10,000 in ESG CARES Act Funding for staff activity delivery costs.

BE IT FURTHER RESOLVED, by the Council of the City of Modesto that the City Manager or his designee, is authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-509**

RESOLUTION APPROVING A FIRST AMENDMENT TO THE INTERFAITH HOSPITALITY NETWORK OF GREATER MODESTO DBA FAMILY PROMISE OF GREATER MODESTO ESG CARES ACT HOMELESS PREVENTION RENTAL ASSISTANCE SUBRECIPIENT AGREEMENT INCREASING THE CONTRACT AMOUNT FROM \$40,000 TO \$100,000, AND APPROVING THE USE OF \$10,000 IN ESG CARES ACT FUNDING FOR STAFF ACTIVITY DELIVERY COSTS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, the City of Modesto is an entitlement community under three U.S. Department of Housing and Urban Development (HUD) programs within its Office of Community Planning and Development (CPD), and

WHEREAS, as an entitlement community, the City annually receives entitlement funds from the Community Development Block Grant, Emergency Solutions Grant, and HOME Investment Partnerships Program (HOME) programs, and

WHEREAS, on March 27, 2020, President Trump signed the Coronavirus Aid, Relief and Economic Security Act (CARES Act) (Public Law 116-136) which made available supplemental Community Development Block Grant (CDBG-CV) funding and Emergency Solutions Grants (ESG-CV1 and ESG-CV2) for the prevention of, preparation for, and response to the 2019 novel Coronavirus, and

WHEREAS, as an entitlement community, the City was awarded \$1,118,269 in CDBG-CV funds and \$3,928,372 in combined total in two separate awards CARES Act ESG-CV1 and ESG-CV-2 to support a range of eligible activities to aid in the City's response to COVID-19, and

WHEREAS, millions of people have experienced serious disruptions to their jobs following social distancing public health recommendations and state and local shelter-in-place orders aimed at slowing the spread of the virus, and

WHEREAS, June 29, 2020 the City released its Notice of Funding availability for ESG-CV eligible projects including non-profits that would prepare for, respond to, or prevent COVID-19 in areas such as emergency shelter operations, street outreach, homeless prevention, and rapid rehousing, and

WHEREAS, Interfaith Hospitality Network of Greater Modesto dba Family Promise of Greater Modesto (Family Promise) applied for and was awarded \$40,000 under this NOFA for a Homeless Prevention and Rental Assistance program to assist households impacted by COVID-19, and

WHEREAS, the pandemic is on-going the City along with its community partners have participated in on-going surveys conducted by the Stanislaus Community Foundation and it found that Housing Support and Financial Assistance was among the top three needs within the community and mirrored study results by both HUD and State of California, and

WHEREAS, based on the survey's conducted, the moratoriums on evictions being lifted, and the direction from HUD, City staff reached out to both providers that were awarded contracts for homeless prevention as a result of COVID-19, and both providers expressed the need for additional funding to continue to provide these services to the residents of the City, and

WHEREAS, Family Promise has been operating and managing HUD funded homeless prevention assistance programs in the City of Modesto since 2005, and its programs have helped stabilize over 20 families in the Central Valley area, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to follow formal bid procedures. An award of this amended agreement to extend additional funding is exempt as a contract for professional services as defined in Modesto Municipal Code Section 8-3.103, and

WHEREAS, all applicants that applied for this service were funded as part of the first round of CARES Act Funding.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Interfaith Hospitality Network of Greater Modesto DBA Family Promise of Greater Modesto ESG CARES Act Homeless Prevention Rental Assistance subrecipient agreement increasing the contract amount from \$40,000 to \$100,000, and approves the use of \$10,000 in ESG CARES Act funding for staff activity delivery costs.

BE IT FURTHER RESOLVED, that the City Manager or his designee, is authorized to execute the amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-510**

RESOLUTION AWARDING A \$500,000 GRANT IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CDBG) TO CENTER FOR COMMUNITY SELF-HELP (DBA SELF HELP FEDERAL CREDIT UNION) AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS AND/OR AGREEMENTS

WHEREAS, as a U.S. Department of Housing and Urban Development (HUD) entitlement community, the City is required to develop an Annual Action Plan that describes proposed activities funded with Community Development Block Grant (CDBG), Home Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funds, and

WHEREAS, the Program Year 2020-2021 Annual Action Plan Community Development Block Grant (CDBG) budget includes funding for Public Facility activities, and

WHEREAS, the intent of this budgeted item is to allow the City to partner with local organizations to develop public facilities to advance local community development efforts and to address Consolidated Plan priorities while meeting the regulatory requirements associated with the federal entitlement funds that the City receives, and

WHEREAS, in 2016, Self Help Federal Credit Union (SHFCU) and the City of Modesto agreed to partner on the development of a community center in South Modesto to provide much needed services in this economically disadvantaged community, and

WHEREAS, as a partner in the local efforts of community development advancement, the City identified this project in the 2020-2021 HUD Annual Action Plan which was adopted by City Council on May 12, 2020 by resolution number 2020-224, and

WHEREAS, without the support of CDBG funding, SHFCU would only build a stand-alone branch office, and

WHEREAS, CDBG funds will pay for predevelopment costs associated with the community center located at Stanislaus County Assessor Parcel Numbers 038-032-039 and 038-032-002 identified as 900 and 924 Crows Landing Road Modesto, California 95351, south east of Highway 99, and

WHEREAS, CDBG funds will also be used to partially pay for off-site improvements including the installation of a traffic light located at the intersection of Crows Landing Road and Pueblo Avenue Modesto CA in order to mitigate safety concerns for the additional traffic anticipated by the project, and

WHEREAS, on November 12, 2020, the Citizens Housing and Community Development Committee reviewed and recommended forwarding this item to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto awards a \$500,000 grant in Community Development Block Grant funds (CDBG) to the Center for Community Self-Help (DBA Self Help Federal Credit Union) that will be develop a community center in South Modesto.

BE IT FURTHER RESOLVED; that the City Manager or his designee, is hereby authorized to execute the grant agreement with the Center for Community Self-Help and other necessary documents, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-511**

RESOLUTION AMENDING THE FISCAL YEAR 2020-21 MULTI-YEAR PROJECT BUDGET TO ESTABLISH A NON-CAPITAL PROJECT (101293) TO BE FUNDED WITH COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF \$500,000 TO SELF HELP CREDIT UNION FOR THE DEVELOPMENT OF A COMMUNITY CENTER AT 900 AND 924 CROWS LANDING ROAD AND AN ADDITIONAL \$25,000 FOR ACTIVITY DELIVERY COSTS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, as a U.S. Department of Housing and Urban Development (HUD) entitlement community, the City is required to develop an Annual Action Plan that describes proposed activities funded with Community Development Block Grant (CDBG), Home Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funds, and

WHEREAS, from time to time, the City receives project proposals to address the needs of low- and moderate-income persons, and

WHEREAS, on May 12, 2020, by Resolution 2020-224, City Council approved the Program Year 2020 Annual Action Plan, and

WHEREAS, Self Help Federal Credit Union (SHFCU) and the City of Modesto agreed to partner on the development of a community center in South Modesto to provide much needed services in this economically disadvantaged community, and to partially fund the project with \$500,000 in CDBG funds, and

WHEREAS, on November 12, 2020, the Citizens Housing and Community Development Committee reviewed, approved and forwarded the project proposal and funding recommendation to the City Council for review and approval, and

WHEREAS, a non-capital project will be established in the amount of

\$500,000 Community Development Block Grant (CDBG) entitlement funds plus 5% for activity delivery costs for a total project budget of \$525,000, which is incorporated by reference herein to reflect an approved reallocation of funds as set forth in the Integrated Disbursement and Information System (IDIS) reporting system.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Modesto that it hereby amending the fiscal year 2020-21 multi-year project budget to establish a non-capital project (101293) to be funded with Community Development Block Grant (CDBG) funds in the amount of \$500,000 to Self Help Credit Union for the development of a community center at 900 and 924 Crows Landing Road and an additional \$25,000 for activity delivery costs as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provision 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 December, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

<i>South Modesto Community Center</i>								
Expenses								
Project / Account	Task	Expenditure Type	IDIS Activity	Budget	Adjustment	Revised Budget	Funding Source	PY
101293	1372 Appr Unit C	Direct Grants	1372	\$ -	\$ 500,000.00	\$ 500,000.00	CDBG EN	20
101293	1372 AD Appr Unit C	Activity Delivery/Svcs City Forces	1372	\$ 25,000.00	\$ 25,000.00	\$ 50,000.00	CDBG EN	20
				\$ 25,000.00	\$ 525,000.00	\$ 550,000.00		
				<i>*\$25,000 previously budgeted for initial staff costs associated with project setup</i>				
Revenues								
Fund	Cost Center	Account	IDIS Activity	Budget	Adjustment		Description	
1130	14015	42030	1372	\$ -	\$ 550,000.00	\$ 550,000.00	Budgeted Reveue for Entitlement Funds	
				\$ -	\$ 550,000.00	\$ 550,000.00		

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-512**

RESOLUTION APPROVING A SECOND AMENDMENT TO THE AGREEMENT WITH PAYMENTUS CORPORATION, CHARLOTTE, NC, FOR THE PAYMENT GATEWAY AND ONLINE CUSTOMER SERVICE PORTAL FOR UTILITY BILLING AND MISCELLANEOUS ACCOUNTS RECEIVABLES, INCREASING THE AMOUNT BY \$1,647,537 FROM \$1,660,000 TO A NEW TOTAL NOT TO EXCEED THE AMOUNT OF \$3,307,537 OVER THE FIVE-YEAR TERM; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on October 23, 2018, Council approved Resolution No. 2018-466, to execute an agreement with Paymentus Corporation for the sole source procurement of an online portal and payment gateway for the Utility Billing and Accounts Receivable divisions of the Finance Department, and

WHEREAS, the portal provides a convenient avenue for customers to access account information such as billing details and water consumption as well as make one-time, regular or recurring payments at no charge to the customer, and

WHEREAS, on July 12, 2019 the City Manager approved the first amendment to the agreement, adding eCheck as an additional payment option for miscellaneous receivables customers with no change to the Council approved agreement amount, and

WHEREAS, with the City office closure from March to May of 2020 due to the COVID-19 pandemic, the City has encouraged our customers to utilize all available payment options such as: placing a check or money order in our drop box located on 11th Street outside City Hall; paying at an authorized pay station; paying by phone using our automated Interactive Voice System; and paying online using the Paymentus online portal, and

WHEREAS, when City Hall reopened in May 2020, customers continued to utilize our online and phone payment avenues as their primary payment options and the City Hall lobby traffic has remained significantly reduced while the number of payments being received online has nearly doubled when compared to pre-COVID-19 figures, and

WHEREAS, due to the increase in volume for the online utility bill payments, the cost of the merchant fees from the credit card companies have increased which is absorbed by the City, and

WHEREAS, the average number of online payments consistently increased by an average of eight percent (8%) per month in Fiscal Year 2020, and

WHEREAS, due to this increase in online payment traffic, expenditures to-date are \$589,069 with only \$74,931 available to cover expenditures from November 2020 to June 2021, and

WHEREAS, staff recommends a second amendment to the agreement with Paymentus Corporation, Charlotte, NC for an increase to the annual spending amount for the remainder of the first two years of the agreement from \$664,000 to \$1,065,001, with a 10% increase added to each remaining year on the remaining three extensions years of the five-year Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes a second amendment to the agreement with Paymentus Corporation, Charlotte, NC, for a payment gateway and online customer service portal for utility billing and miscellaneous accounts receivables, increasing the amount by \$1,647,537 from \$1,660,000 to a new total not to exceed the amount of \$3,307,537 over the five-year term.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-513**

**RESOLUTION APPROVING A TWO-YEAR RETAIL AND LEGAL
ADVERTISING CONTRACT WITH THE MODESTO BEE IN THE AMOUNT
OF \$200,000 (MCCLATCHY NEWSPAPER GROUP); AND AUTHORIZING
THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT**

WHEREAS, the City currently uses the Modesto Bee as its primary newspaper-advertising source; the Bee is used for the advertisement of retail classified and legal advertisements as required by law, and for retail advertisements for public information purposes, and

WHEREAS, the City is currently afforded a non-profit, no commitment daily rate of \$31.00 per column inch (pci) for retail and \$25.08 per column inch for legal for one run and \$20.26 per column inch for multiple consecutive run including additional charges for color printing, if needed, and

WHEREAS, the \$31.00 and \$25.08 per column inch rate will continue through December 30, 2022, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.204 (b) states, “All Purchases in excess of fifty thousand dollars (\$50,000), or when directed by the City Manager for any purchase of fifty thousand dollars or less, shall follow formal bid procedures, except for the following, which shall be exempt from the bid requirements: Where the Purchasing Agency’s requirements can be met solely by a single article or process.”, and

WHEREAS, MMC Section 1311. - Contracts for Official Advertising of the City Charter states, “The Council shall let annually contracts for the official advertising for the ensuing fiscal year which the City of Modesto only has one local newspaper.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the two-year retail and legal advertising contract with the Modesto Bee in the amount of \$200,000.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute the contact, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-514**

RESOLUTION APPROVING THE AWARD OF BID AND PURCHASING AGREEMENT FOR EMERGENCY RESPONSE VEHICLE PREPARATIONS TO STOMMEL INC. DBA LEHR AUTO ELECTRIC, SACRAMENTO, CA, FOR A TWO-YEAR AGREEMENT WITH THREE 1-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED COST OF \$160,000 AND A TOTAL AMOUNT NOT TO EXCEED \$800,000 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, once a replacement police vehicle is received from the vendor, the vehicle needs to be prepared for service and additional components are required to use the vehicle such as lights, seating, detainee partitions, etc. that make a police vehicle practical and safe to use in law enforcement situations; and

WHEREAS, city staff recommends a secondary Purchasing Agreement be established with an additional vendor that provides the emergency response vehicle preparation for public safety vehicles; and

WHEREAS, there have been opportunities that the City could generate savings utilizing Lehr Auto Electric based on prior pricing we have received for other types of vehicle parts; and

WHEREAS, on July 30, 2019, the County of Placer, CA issued an Invitation for Bid #20000 on the Bids and Tenders public website for the purchase of emergency response vehicle equipment, components, and installation services on an as-needed basis; and

WHEREAS, there were fifty-five potential bidders received notification about the bid, six (6) bidders downloaded the bid and three (3) bids were received and based on the lowest responsive and responsible bidder an agreement was awarded to Stommel Inc. dba Lehr Auto Electric; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to be formally bid; However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) “Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality.”; and

WHEREAS, MMC 8-3.202(d) permits the Purchasing Manager to utilize the “piggybacking” from a competitive bid process with the County of Placer, CA when the best cost savings interest of the City be served. Here, this exemption is satisfied because the County of Placer, CA Bid#20000 for emergency response vehicle preparation went through a formal competitive bidding process; Based on providing the overall lowest responsive and responsible bid, City staff recommends the award of bid and purchasing agreement with Stommel Inc. dba Lehr Auto Electric, Sacramento, CA which conforms to the Modesto Municipal Code 8-3.203.2.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and purchasing agreement for emergency response vehicle preparations to Stommel Inc. dba Lehr Auto Electric, Sacramento, CA, for a two-year agreement with three 1-year extension options, for an annual estimated cost of \$160,000 and a total amount not to exceed \$800,000 over five years.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-515**

RESOLUTION APPROVING THE PAYMENT FOR THE FURNISHING OF STREET SWEEPING MATERIAL RECEIVING SERVICE AND CITY-WIDE DISPOSAL SERVICES WITH BERTOLOTTI DISPOSAL MODESTO, CA, BERTOLOTTI TRANSFER & RECYCLING CENTER, MODESTO, CA, GILTON SOLID WASTE MANAGEMENT, MODESTO, CA, GILTON RESOURCES RECOVERY, MODESTO, CA AND FINK ROAD LANDFILL, CROWS LANDING, CA FOR AN ESTIMATED ANNUAL COST OF \$800,000 AND A TOTAL AMOUNT NOT TO EXCEED \$4,000,000 OVER FIVE YEARS; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PAYMENT

WHEREAS, the City of Modesto operational departments require services for garbage disposal, recycling, and other types of waste pick-up, disposal, and transfer, to support running their day to day services; and

WHEREAS, the waste is collected from the weekly pick-up services provided at all City-owned public facilities and City parks, gathered and delivered by City staff, Modesto Police Department (MPD) and contracted litter crews, and also includes overs and contamination generated at the Compost Facility from the green can collection program; and

WHEREAS, efforts by the Modesto Police Department's (MPD) Blight Abatement Team have led to the collection of significant amounts of garbage due to illegal dumping and/or camping city-wide; and

WHEREAS, the Green Waste Division makes use of material receiving and transfer services to take the piles of pruned refuse and tree brush that are deposited in alleys and curbside to the City Compost Facility for processing; and

WHEREAS, the Street Sweeping Program, street debris receiving and disposal services are used by many other departments within the City for various purposes, and

the consolidation of these services under one tracking mechanism in the City's ERP system will allow for a more efficient and effective providing of said services for the citizens of Modesto; and

WHEREAS, on February 20, 2020, the Purchasing Division issued RFB No.1920-40 Street Sweeping Material Receiving Services through email to two (2) permitted prospective bidders with a bid response due March 10, 2020; Both of which were local companies within a ten (10) mile radius from the Center of Modesto; However, the two (2) prospective bidders chose to not respond; and

WHEREAS, the Purchasing Division researched other permitted transfer stations in the area and discovered Turlock Transfer public rates were \$61.00/ton, Bertolotti Transfer Station public rates were \$63.00 and Gilton Resources Recovery rates were \$58.00/ton; the Purchasing Division negotiated with Gilton Resources regarding the rate difference and was advised our rate moving forward would be \$64/ton.; and

WHEREAS, the Street Sweeping Division began utilizing the Memorandum of Understanding between Stanislaus County and the City of Modesto for Solid Waste Disposal at the Fink Road Landfill at \$27.00/ton; there is a lower cost to the City but based on the geographical center in Modesto the distance is over double compared to the other local companies.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the payment for the furnishing of street sweeping material receiving service and City-wide disposal services with Bertolotti Disposal Modesto, CA, Bertolotti Transfer & Recycling Center, Modesto, CA, Gilton Solid Waste Management, Modesto, CA, Gilton Resources Recovery Modesto, CA and Fink Road Landfill, Crows

Landing, CA for an estimated annual cost of \$800,000 and a total amount not to exceed \$4,000,000 over five years.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute the payment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-516**

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR THE PURCHASE AND INSTALLATION OF LINKO DATABASE PROGRAM TO LINKO TECHNOLOGY, INC., DENVER, COLORADO, FOR TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN INITIAL COST NOT TO EXCEED \$199,135 AND A TOTAL AMOUNT NOT TO EXCEED \$545,525 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT.

WHEREAS, all facilities are tracked using the Internet Publicly Own Treatment Works Administration and Compliance System (IPACs) database program; and

WHEREAS, data from the database program is extracted for reporting to the State Water Board as required by the City's Wastewater Discharge Permit; and

WHEREAS, increases in regulatory requirements and recent audits by the EPA Cross-Media Electronic Reporting Rule (CROMERR), Compliant Database Program EPA have created additional monitoring, reporting and oversight of all permitted industries; and

WHEREAS, on May 10, 2020, the Purchasing Division issued RFP 1819-68 for a pre-treatment database program under fourteen category codes; and

WHEREAS, on June 23, 2020, in an effort to slow the spread of COVID 19, proposals were formally opened by the City Clerk and broadcast via Microsoft Livestream; and

WHEREAS, one company chose to respond; and

WHEREAS, this company provided a responsive and responsible proposal as determined by Purchasing staff and the evaluation committee which consisted of staff members from multiple City departments; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to follow formal proposal procedures and RFP 1819-68 conforms with this MMC, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of proposal and agreement for the purchase and installation of Linko Database Program to Linko Technology, Inc., Denver, Colorado, for two (2) year agreement with three (3) one-year extension options, for an initial cost not to exceed \$199,135 and a total amount not to exceed \$545,525 over five years.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-517**

RESOLUTION APPROVING AN AGREEMENT WITH BENZ AIR ENGINEERING CO. INC. DBA AIR WEST FILTRATION FOR THE FURNISHING OF ON-CALL REPAIR AND MAINTENANCE SERVICES FOR NEDERMAN EXHAUST REMOVAL SYSTEMS, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST OF \$15,000 AND A TOTAL AMOUNT NOT TO EXCEED \$75,000 OVER A FIVE-YEAR TERM, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, exhaust removal systems are required in Modesto Fire Department (MFD) stations, as they reduce the rate of diesel exhaust that spreads into areas where firefighters eat, sleep and reside; and

WHEREAS, MFD currently has Nederman exhaust removal systems equipped in each station, and they must be serviced and maintained regularly in order to ensure the health and safety of our firefighters; and

WHEREAS, MFD has been contracted with Benz Air to repair and maintain installed Nederman exhaust systems since September 2015, and that agreement expired on September 30, 2020; and

WHEREAS, MFD must renew its agreement with Benz Air in order to ensure proper functionality of Nederman equipment; and

WHEREAS, the term of the new agreement is for two (2) years beginning October 1, 2020 through September 30, 2022 and may be renewed for three (3) additional one-year terms; and

WHEREAS, the total estimated cost for Fiscal Years 20-21, 21-22, 22-23, 23-24 and 24-25 is \$75,000 which will be paid from the General Fund Fire Department budget, specifically the Facilities and Fleet account.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Benz Air Engineering Co. Inc. DBA Air West Filtration for the furnishing of on-call repair and maintenance services for Nederman exhaust removal systems, for a two (2) year agreement with three (3) one-year extension options, for an estimated annual cost of \$15,000 and a total amount not to exceed \$75,000 over a five-year term.

BE IT FURTHER RESOLVED that the City Manager or designee is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-518**

**RESOLUTION APPROVING A THIRD AMENDMENT EXTENDING THE
TERMINATION DATE WITH OCCU-MED LTD., FRESNO, CA, FOR THE
FURNISHING OF OCCUPATIONAL MEDICINE SERVICES THROUGH JUNE
30, 2021, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO
EXECUTE THE AMENDMENT**

WHEREAS, on May 15, 2015, by Resolution No. 2015-145, Council approved the award of proposal and contract for the furnishing of occupational medicine services for the Human Resources Department to Occu-Med Ltd., Fresno, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$115,444, and over five (5) years of \$577,220 with a scheduled termination date of May 11, 2020 based on the City exercising the remaining options for extension, and

WHEREAS, the annual spending rate of \$115,444 wasn't maintained because HR/Risk did not anticipate the higher utilization rate for occupational medicine citywide, and

WHEREAS, on March 5, 2019, by Resolution 2019-105, Council approved an amendment to the agreement increasing the total agreement amount by \$390,000 from \$577,220 to \$967,220, and

WHEREAS, on April 14, 2020, by Resolution 2020-176, Council approved an amendment to the agreement increasing the total agreement amount by \$50,000 from \$967,220 to \$1,017,220, and

WHEREAS, the current Council approved agreement is reaching its approved term expiration and the City recognizes the need to renew a full Request for Proposals

(RFP) for occupational medicine services to establish a program that meets the needs of all departments based on state and federal regulations and best practice, and

WHEREAS, this amendment will authorize the necessary time to continue to provide occupational medicine services without interruption until proposal and selection process is closed and completed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a third amendment to the agreement with Occu-Med Ltd., to continue providing occupational medicine services to the City through June 30, 2021.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager, or designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-519**

RESOLUTION APPROVING A PURCHASE AGREEMENT WITH COMCAST BUSINESS COMMUNICATIONS, LLC, PHILADELPHIA, PA, BY UTILIZING THE COMPETITIVE BID PROCESS WITH THE STATE OF CALIFORNIA COMCAST CALNET 3 FOR COMMUNICATION SERVICES, FOR A THREE-YEAR AGREEMENT WITH AN ANNUAL ESTIMATED COST NOT TO EXCEED \$32,000 AND A TOTAL AMOUNT NOT TO EXCEED \$96,000 OVER THREE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Comcast communication services provide the Modesto Police Department the ability to communicate with the Stanislaus Regional 911 Center for essential public safety dispatch and emergency response services for the community, and

WHEREAS, in 2017, by Resolution 2047-47, Council awarded a three-year agreement to Comcast Business Communications, LLC for Communication Services, and

WHEREAS, the Comcast agreement expired in August 2020 and reverted to month-to-month, and

WHEREAS, on February 19, 2019 the City of Modesto entered into the State of California Comcast CALNET 3 Agreement C3-B-15-03-TS-40 and is eligible to add communication services through this statewide agreement, and

WHEREAS, the State of California Comcast CALNET 3 agreement is a California Department of Technology (DOT) competitively bid agreement that provides statewide telecommunications services for all state and local government agencies, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to be formally bid, and

WHEREAS, MMC 8-3.204(d) states that “Where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality”, and

WHEREAS, MMC 8-3.202(h) states that “With the approval of Council, join with the State of California and other units of government in cooperative purchasing plans when the best interest of the City would be served thereby”, and

WHEREAS, this purchase conforms to the Modesto Municipal Codes.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approved the purchase agreement with Comcast Business Communications, LLC, Philadelphia, PA, by utilizing the competitive bid process with the State of California Comcast CALNET 3 for communication services, for a three-year agreement with an annual estimated cost not to exceed \$32,000 and a total amount not to exceed \$96,000 over three years.

BE IT FURTHER RESOLVED, that the City Manager or his designee is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-520**

RESOLUTION APPROVING AN AGREEMENT WITH OFFICER DANIEL STARR FOR THE PURCHASE OF RETIRED CITY OF MODESTO POLICE CANINE, VOLK; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Chief of Police for the City of Modesto, from time to time, officially retires police canines from departmental service, and

WHEREAS, Modesto Police K-9 Volk has reached an age where he is unable to perform at a satisfactory level with a new handler or partner, and

WHEREAS, City of Modesto police canine handler, Officer Daniel Starr, wishes to purchase and assume possession of his assigned canine, Volk, upon the dog's official retirement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Officer Daniel Starr for the purchase of retired police canine, Volk, for One Dollar (\$1.00).

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-521**

**RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF
MODESTO AND MODESTO POLICE CANINE ASSOCIATION FOR THE
DONATION AND TRANSFER OF CANINE RONIN, TO THE CITY OF
MODESTO FOR USE AS A POLICE CANINE; AND AUTHORIZING THE CITY
MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the Modesto Police Canine Association received a private donation for Ronin, a Belgian Malinois from Top Dog K-9, with the intent to donate him to the Modesto Police Department once he was certified, and

WHEREAS, Ronin was certified on March 7th, 2019, and the Modesto Police Canine Association would like to donate Ronin to the City, for use as a police canine, and

WHEREAS, the City will assume all liability for risk and dangers relating to City's ownership of Ronin, and

WHEREAS, Ronin is a donation to the Modesto Police Department, there is no fiscal impact to the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement between the City of Modesto and Modesto Police Canine Association for the donation and transfer of canine Ronin for use as a police canine.


BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-522**

RESOLUTION APPROVING AN AGREEMENT WITH BARTLE WELLS ASSOCIATES, BERKELEY, CA, FOR THE PREPARATION OF THE WASTEWATER RATE STUDY IN THE AMOUNT OF \$119,275, PLUS \$11,928 IN ADDITIONAL SERVICES (IF NEEDED) FOR A TOTAL AMOUNT NOT TO EXCEED \$131,203, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on January 26, 2016, by Resolution 2016-27, Council approved the Wastewater Rate Study prepared by Bartle Wells Associates (BWA), and

WHEREAS, in consideration of changes to the City's wastewater utility, including escalating operation and maintenance costs, new regulatory requirements, major system capital and operating improvements for both the collections system and at the treatment plants, City staff is recommending a current study of the wastewater rate and fee structure, based on actual costs of service, for the current and future operation of the wastewater enterprise, and

WHEREAS, the current wastewater rate structure will not adequately fund increased operating expenditures, capital improvement and maintenance needs, state-mandated studies, or meet debt service coverage requirements, and

WHEREAS, staff is recommending the use of a financial advisory and utility rate consulting firm to complete the study, and

WHEREAS, this effort will be conducted in parallel with an update to the Wastewater System Engineer's Report, which will address the current costs of doing business along with reprioritizing schedules of all required wastewater system improvement projects to meet both present and future growth demands and projected regulatory requirements, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement, and

WHEREAS, staff is recommending the use of BWA to increase project delivery efficiencies due to BWA's familiarity and recent involvement with the Wastewater Rate Study approved by Council in 2016, and

WHEREAS, BWA has project specific understanding that will benefit the update of this document.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Bartle Wells Associates, of Berkeley, CA for Consultant Services for the preparation of the Wastewater Rate Study in the amount of \$119,275, for the identified scope of services, plus \$11,928 in additional services, if needed, for a total not to exceed amount of \$131,203.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-523**

RESOLUTION APPROVING AN AGREEMENT WITH CAROLLO ENGINEERS, WALNUT CREEK, CA, FOR THE PREPARATION OF THE WASTEWATER SYSTEM ENGINEER'S REPORT UPDATE IN THE AMOUNT OF \$149,870, PLUS \$14,987 IN ADDITIONAL SERVICES (IF NEEDED) FOR A TOTAL AMOUNT NOT TO EXCEED \$164,857, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on January 26, 2016, by Resolution 2016-26, Council approved the Wastewater System Engineer's Report prepared by Carollo Engineers (Carollo), and

WHEREAS, in consideration of changes to the City's wastewater utility, including escalating operation and maintenance costs, new regulatory requirements, major system capital and operating improvements for both the collections system and at the treatment plants, City staff is recommending a current study of the wastewater rate and fee structure, based on actual costs of service, for the current and future operation of the wastewater enterprise, and

WHEREAS, the current wastewater rate structure will not adequately fund increased operating expenditures, capital improvement and maintenance needs, state-mandated studies, or meet debt service coverage requirements, and

WHEREAS, staff is recommending the use of a financial advisory and utility rate consulting firm to complete the study, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement, and

WHEREAS, staff is recommending the use of Carollo to increase project delivery efficiencies due to Carollo's familiarity and recent involvement with the Wastewater System Engineer's Report approved by Council in 2016, and

WHEREAS, Carollo has project specific understanding that will benefit the update of this document.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Carollo Engineers, of Walnut Creek, CA for Consultant Services for the preparation of the Water System Engineer's Report Update in the amount of \$149,870, for the identified scope of services, plus \$14,987 in additional services, if needed, for a total not to exceed amount of \$164,857.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-524**

RESOLUTION AMENDING THE FISCAL YEAR 2020-21 OPERATING BUDGET IN THE AMOUNT OF \$165,000 TO BE TRANSFERRED INTO COST CENTER 43110 – WASTEWATER RATE ANALYSIS FROM WASTEWATER FUND RESERVES IN ORDER TO FULLY FUND EXPENSES ASSOCIATED WITH THE WASTEWATER RATE STUDY AND WASTEWATER SYSTEM ENGINEER’S REPORT UPDATE, INCLUDING SUPPORT BY CITY STAFF

WHEREAS, certain budgetary transactions are necessary in the amount of \$165,000, in order to fund the preparation of the Wastewater Rate Study and the Wastewater System Engineer’s Report Update, and

WHEREAS, the Fiscal Year 2020-21 Operating Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2020-21 Operating Budget as shown in **Exhibit A**, attached hereto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

The purpose of this action is to amend the budget of Cost Center 43110 – Wastewater Rate Analysis in the amount of \$165,000 to cover expenses associated with the following consultant agreements and the related staff time to administer the effort:

Carollo Engineers	Wastewater System Engineer’s Report Update
Bartle Wells Associates	Wastewater Rate Study

		Current Budget	Proposed Adjustment	Revised Budget
4210	Sewer			
43110	Wastewater Rate Analysis			
53300	Professional Services	\$ 223,453.63	\$ 145,000.00	\$ 368,453.63
54500	Services City Forces - Interfund	\$ 12,204.00	\$ 10,000.00	\$ 22,204.00
54501	Services City Forces - Intrafund	\$ 2,143.00	\$ 10,000.00	\$ 12,143.00
			\$ 165,000.00	

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-525**

RESOLUTION APPROVING AN AGREEMENT WITH BARTLE WELLS ASSOCIATES, BERKELEY, CA, FOR THE PREPARATION OF THE WATER RATE STUDY IN THE AMOUNT OF \$132,925, PLUS \$13,293 IN ADDITIONAL SERVICES (IF NEEDED) FOR A TOTAL AMOUNT NOT TO EXCEED \$146,218, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on July 14, 2015, by Resolution 2015-156, Council approved an agreement with Bartle Wells Associates (BWA) to conduct a Water Rate Study in an amount not to exceed \$121,000, and

WHEREAS, on June 7, 2016, by Resolution 2016-240, Council approved the Water Rate Study prepared by BWA, and

WHEREAS, in consideration of changes to the City's water utility, including escalating operation and maintenance costs, new regulatory requirements and major system capital improvements, City staff is recommending a current study of the water rate and fee structure, based on actual costs of service, for the current and future operation of the water enterprise, and

WHEREAS, the current water rate structure will not adequately fund increased operating expenditures, capital improvement and maintenance needs, state-mandated studies, or meet debt service coverage requirements, and

WHEREAS, staff is recommending the use of a financial advisory and utility rate consulting firm to complete the study, and

WHEREAS, this effort will be conducted in parallel with an update to the Water System Engineer's Report, which will address the current costs of doing business along with reprioritizing schedules of all required water system improvement projects to meet both present and future growth demands and projected regulatory requirements, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement, and

WHEREAS, staff is recommending the use of BWA to increase project delivery efficiencies due to BWA's familiarity and recent involvement with the Water Rate Study approved by Council in 2016, and

WHEREAS, BWA has project specific understanding that will benefit the update of this document.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Bartle Wells Associates, of Berkeley, CA for Consultant Services for the preparation of the Water Rate Study in the amount of \$132,925, for the identified scope of services, plus \$13,293 in additional services, if needed, for a total not to exceed amount of \$146,218.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-526**

RESOLUTION APPROVING AN AGREEMENT WITH WEST YOST ASSOCIATES, SACRAMENTO, CA, FOR THE PREPARATION OF THE WATER SYSTEM ENGINEER'S REPORT UPDATE IN THE AMOUNT OF \$48,500, PLUS \$4,850 IN ADDITIONAL SERVICES (IF NEEDED) FOR A TOTAL AMOUNT NOT TO EXCEED \$53,350, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on September 2, 2014, by Resolution 2014-336, Council approved an agreement with West Yost Associates (West Yost) for consultant services to develop the City's Water Master Plan which also included the preparation of a Water System Engineer's Report in an amount not to exceed \$1,292,500, and

WHEREAS, on June 7, 2016, by Resolutions 2016-239, Council approved the Water System Engineer's Report prepared by West Yost, and

WHEREAS, in consideration of changes to the City's water utility, including escalating operation and maintenance costs, new regulatory requirements and major system capital improvements, City staff is recommending a current study of the water rate and fee structure, based on actual costs of service, for the current and future operation of the water enterprise, and

WHEREAS, the current water rate structure will not adequately fund increased operating expenditures, capital improvement and maintenance needs, state-mandated studies, or meet debt service coverage requirements, and

WHEREAS, staff is recommending the use of a financial advisory and utility rate consulting firm to complete the study, and

WHEREAS, this effort will be conducted in parallel with the update to the Water System Engineer's Report, which will address the current costs of doing business along

with reprioritizing schedules of all required water system improvement projects to meet both present and future growth demands and projected regulatory requirements, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement, and

WHEREAS, staff is recommending the use of West Yost to increase project delivery efficiencies due to West Yost's familiarity and recent involvement with the Water System Engineer's Report approved by Council in 2016, and

WHEREAS, West Yost has project specific understanding that will benefit the update of this document.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with West Yost Associates, of Sacramento, CA for Consultant Services for the preparation of the Water System Engineer's Report Update in the amount of \$48,500, for the identified scope of services, plus \$4,850 for additional services, if needed, for a total not to exceed amount of \$53,350.

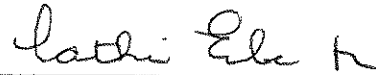
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-527**

RESOLUTION AMENDING THE FISCAL YEAR 2020-21 OPERATING BUDGET IN THE AMOUNT OF \$65,000 TO BE TRANSFERRED INTO COST CENTER 43070 - WATER RATE ANALYSIS FROM WATER FUND RESERVES IN ORDER TO FULLY FUND EXPENSES ASSOCIATED WITH THE WATER RATE STUDY AND WATER SYSTEM ENGINEER'S REPORT UPDATE, INCLUDING SUPPORT BY CITY STAFF

WHEREAS, certain budgetary transactions are necessary in the amount of \$65,000, in order to fund the preparation of the Water Rate Study and the Water System Engineer's Report Update, and

WHEREAS, the Fiscal Year 2020-21 Operating Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2020-21 Operating Budget as shown in **Exhibit A**, attached hereto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

The purpose of this action is to amend the budget of Cost Center 43070 – Water Rate Analysis in the amount of \$65,000 to cover expenses associated with the following consultant agreements and the related staff time to administer the effort:

West Yost Associates Water System Engineer’s Report Update
Bartle Wells Associates Water Rate Study

4100 Water
43070 Water Rate Analysis

		Current Budget	Proposed Adjustment	Revised Budget
53300	Professional Services	\$ 182,334.25	\$ 45,000.00	\$ 227,334.25
54500	Services City Forces - Interfund	\$ 2,143.00	\$ 10,000.00	\$ 12,143.00
54501	Services City Forces - Intrafund	\$ 12,204.00	\$ 10,000.00	\$ 22,204.00
			<u>\$ 65,000.00</u>	

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-528**

**RESOLUTION APPROVING THE SOLE SOURCE PURCHASE OF BEACON
AMA (BEACON) SOFTWARE AND ASSOCIATED HARDWARE TO BADGER
METER, INC., FOR TWO YEARS WITH (3) ONE-YEAR EXTENSION
OPTIONS, FOR AN ESTIMATED COST FOR THE FIRST YEAR OF \$63,200,
AND A TOTAL COST NOT TO EXCEED \$289,680 OVER FIVE YEARS, AND
AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO
ISSUE THE PURCHASE AGREEMENT**

WHEREAS, State Assembly Bill 2572 requires that urban water suppliers install water meters on all service connections by the year 2025, and

WHEREAS, the City has contracted with Badger Meter, Inc. for the provision of residential and industrial meters and automated reading equipment since 2006, and

WHEREAS, on June 7, 2016, by Resolution No. 2016-235, Council authorized the Sole Brand purchase of Badger Meter water meters, automated meter readers, and related parts to Badger Meter, Inc. (formerly National Meter and Automation, Inc.), for an amount not to exceed \$3,646,665 over five years, and

WHEREAS, on January 23, 2018, by Resolution No. 2018-44, Council amended the agreement for the purchase of additional water meters and parts for a new total amount not to exceed \$4,100,327 over five years, and

WHEREAS, Badger Meter water meters are currently installed on nearly 75,000 service connections across the City of Modesto and outlying systems, and

WHEREAS, the City currently relies on Orion Read Center software and mobile read kits to extract water usage data from Badger water meters, and

WHEREAS, BEACON and Orion Read Center are proprietary to Badger Meter, Inc., and

WHEREAS, Badger Meter, Inc. no longer supports Orion Read Center software out and has transitioned to the BEACON software suite to read water meters. Due to this transition, there is a need to implement the new software as well as add additional hardware to continue reading Badger water meters, and

WHEREAS, BEACON is a cloud-based software that provides increased data protection and preservation as well as allowing automatic software upgrades and a more efficient method for troubleshooting technical issues, and

WHEREAS, Staff currently use laptops pre-loaded with Orion Read Center software that must be purchased exclusively from Badger Meter, Inc. Switching to BEACON will allow the City to purchase laptops and tablets through a separate competitive bid, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment, or contractual services to follow formal bid procedures. However, MMC 8-3.204(b) provides that a purchase may be exempted from the City's formal bidding requirements where the Purchasing Agency's requirements can be met solely by a single article or process. Due to the previously designated Sole Brand status of Badger Meter, the City's water meter system is manufactured entirely by Badger Meter, Inc. and only Badger Meter parts and software are compatible with the existing system. Therefore, staff recommends the BEACON AMA software and related hardware of this agreement to Badger Meter, Inc. should be exempt from the formal bidding procedures in accordance with Modesto Municipal Code 8-3.204(b) since Badger Meter, Inc. is the sole provider of BEACON AMA meter reading software, and

WHEREAS, funds have been budgeted in the Water Fund in the following cost centers:

- 4100-45060-53300 Professional Services
- 4100-45060-57005 Information Technology Equipment >\$5,000

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sole source purchase of BEACON AMA software and associated hardware to Badger Meter, Inc., for two years with (3) one-year extension options, for an estimated cost for the first year of \$63,200, and a total cost not to exceed \$289,680 over five years.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to issue a purchasing agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-529**

RESOLUTION ACCEPTING THE GROGAN PARK TIVOLI PRODUCTION WELL PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING \$2,098,273 TO TNT INDUSTRIAL CONTRACTORS OF SACRAMENTO, CA

WHEREAS, the Grogan Park Tivoli Production Well project constructed site improvements that enabled the Grogan Park Production Well to increase service reliability of the City's water system as described in the 2010 Water System Engineer's Report, and

WHEREAS, the first phase of the project, which consisted of drilling the well, was awarded on September 13, 2016, by Resolution 2016-367, and was accepted by Council on November 14, 2017, by Resolution 2017-446, and

WHEREAS, the final phase of the project for site improvements consists of a new well head, connection to the existing water system, electrical controls, a chlorine room, a flushing vault, and a standby emergency generator, and

WHEREAS, bids were advertised on June 27, 2017, and were publicly opened on July 25, 2017, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and TNT Industrial Contractors of Sacramento, California, was the apparent lowest responsible and responsive bidder, and

WHEREAS, on September 26, 2017, by Resolution No. 2017-373, Council awarded a contract to TNT Industrial Contractors of Sacramento, CA, for the construction of Grogan Park Tivoli Production Well project in the amount of \$2,027,645, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of November 6, 2017, and all contract work was completed by April 3, 2020, and

WHEREAS, the total project costs were \$2,313,357 which included design, construction, and construction administration costs. The total project amount originally budgeted was \$2,548,728 which included \$2,189,857 for the construction contract and contingency with TNT Industrial Contractors of Sacramento, and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of up to and not to exceed 8% (\$162,212) of the original contract price. There were thirteen change orders resulting in an overall increase of \$70,628 for change order work as listed on the **attached** change order log, and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Grogan Park Tivoli Production Well project is hereby accepted as complete from contractor, TNT Industrial Contractors of Sacramento, California, and that the City Clerk is authorized to complete all necessary steps to file the appropriate notices and documents with the County Recorder, release securities, and authorize payments totaling \$2,098,273.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

CONTRACT CHANGE ORDER LOG

Date: November 09, 2020

CHANGE ORDER NO.	DESCRIPTION	EXECUTED	AMOUNT	TIME EXT.	CAUSE		
					DESIGN ISSUE	UNFORSEEN CONDITIONS	ADDED SCOPE
PROJECT NUMBER AND NAME:							
2017/17 - Grogan Park (Tivoli) Production Well (101035) (Aka Tivoli Well - Sylvan at Litt Road Roundabout)							
01	Eye Wash Station materials upgrade.	03/09/18	\$1,273.00	0 W.D.	No	No	Yes
02	Change In Fencing Material	11/15/18	\$2,293.72	0 W.D.	No	No	No
03	Additional Aggregate Base Work Near Entrance	04/26/19	\$9,002.95	0 W.D.	No	No	Yes
04	177 Additional Working Days	08/15/19	\$0.00	177 W.D.	No	No	No
05	2 Gallon Brakelights	08/15/19	\$1,134.96	5 W.D.	No	No	No
06	North Side Landscape - Irrigation	08/15/19	\$12,034.53	5 W.D.	No	No	No
07	Tesco Changes To HSQ Report	08/15/19	\$5,655.27	0 W.D.	No	No	No
08	Install Additional Mow Band	08/15/19	\$15,433.00	0 W.D.	No	No	No
09	Additional Conduits For Up Flow Meter	09/20/19	\$6,301.52	15 W.D.	No	No	No
10	Additional Asphalt at Transformer Pad Area	09/30/19	\$10,490.20	8 W.D.	No	No	No
11	Cane Bolt	11/15/19	\$698.12	5 W.D.	No	No	No
12	Additional Non-Compensatory Working Days	07/10/20	\$0.00	143 W.D.	No	No	No
13	Pre-Lubrication Programming For Pump Start Up	07/10/20	\$6,310.76	0 W.D.	No	No	No

Original Contract Amount: \$2,027,645.00

Total Working Days Time Extension: 358

Original Director's CCO Authority: \$162,211.60

Total Change Orders Processed To Date: \$70,628.03

IDA To:

IDA Date:

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-530**

RESOLUTION AUTHORIZING AN INCREASE OF THE DIRECTOR OF UTILITIES AUTHORITY TO ISSUE CHANGE ORDERS ON THE CARPENTER ROAD LANDFILL MITIGATION PROJECT FROM 48 PERCENT (\$1,812,767) TO 88 PERCENT (\$3,312,767) OF THE ORIGINAL CONSTRUCTION CONTRACT PRICE OF \$3,776,598 WITH PACIFIC STATES ENVIRONMENTAL CONTRACTORS, INC. OF DUBLIN, CA

WHEREAS, on August 14, 2018, by Resolution No. 2018-345 Council awarded a construction contract to Pacific States Environmental Contractors, Inc. of Dublin, CA in an amount not to exceed \$3,776,598 for the Carpenter Road Landfill Mitigation Project, and

WHEREAS, on February 25, 2020, by Resolution No. 2020-113, Council authorized an increase of the Director of Utilities' Authority to issue change orders on the Carpenter Road Landfill Mitigation Project from 10 percent (\$377,659) to 48 percent (\$1,812,767) of the original construction contract price of \$3,776,598 with Pacific States Environmental Contractors, Inc. of Dublin, CA due to design revisions and unforeseen conditions, and

WHEREAS, a change order policy is utilized for each construction contract awarded by the City, and

WHEREAS, if after the contract is executed, a change in the original scope of work is determined necessary by staff, the policy authorized the Director to approve a change order up to a cumulative amount of the original contract, and

WHEREAS, in most cases, the budgeted amount set by the policy and specific requests by resolution are typically sufficient, however, as it relates to the Carpenter

Road Landfill Mitigation Project, anticipated change order costs will exceed the authority allowed by policy, and

WHEREAS, during the course of construction, the volume of waste encountered, excavated and relocated from the identified areas in the project plans, have exceeded the estimated quantity, and

WHEREAS, the additional waste material excavated and relocated has resulted in the need for additional cover soil material needed to cap the waste, as well as backfill material needed to fill-in the basin area resulting from the excavation at the southerly edge of the West Landfill, and

WHEREAS, the cost associated with backfilling the basin area to the south of the West Landfill is substantial and will require future financial planning by the City. The waste material discovered outside the project limits will require separate permitting, coordination, design and funding as it was not included in the current project, and

WHEREAS, based on these unforeseen conditions, the initial project scope will need to be revised due to the cost impacts. Staff has determined that completing the project per the bid items is not feasible; however immediate action is necessary to secure the site by covering the exposed waste material, and

WHEREAS, additional change order work not included in the original bid is needed to be added to the project to allow completion of this portion of the project. NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase in Director's Authority to issue change orders for the Carpenter Road Landfill Mitigation Project from 48 percent (\$1,812,767) to 88 percent (\$3,312,767).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-531**

RESOLUTION APPROVING AN AMENDED LOAN AMORTIZATION SCHEDULE FOR THE TWO INTERFUND LOAN FOR CARPENTER ROAD LANDFILL MITIGATION PROJECT, RESCINDING RESOLUTION NO. 2020-114 AND APPROVING A THIRD INTERFUND LOAN IN THE AMOUNT OF \$1,540,000 FROM THE WATER FUND RESERVES TO THE CARPENTER ROAD LANDFILL FUND, TO BE PAID BACK WITH INTEREST FROM FUTURE REVENUE COLLECTED ON THE GARBAGE RATES

WHEREAS, the City of Modesto owned and operated the Carpenter Road Landfill from 1956 to 1968, and the landfill includes fill sites on both the east and west sides of Carpenter Road, along the Tuolumne River, and

WHEREAS, the City is required by State law to perform post closure landfill maintenance, monitoring, and reporting for the landfill site, and

WHEREAS, On August 14, 2018, Council, by Resolution No. 2018-345, awarded a construction contract to Pacific States Environmental Contractors, Inc. in the amount of \$3,776,598 for the Carpenter Road Landfill Mitigation project, and

WHEREAS, On August 14, 2018, Council, by Resolution No. 2018-349, approved an interfund loan in the amount of \$2,300,000 from the Water Fund Reserves to the Carpenter Road Landfill Fund to assist with the funding of this project so that the project remains within the parameters of the set schedule approved by the Regional Water Quality Control Board, and

WHEREAS, the project design has experienced revisions due to Federal Emergency Management Agency (FEMA) “No Rise Certification” requirements, which have resulted in additional scope of work to address the significant changes in the design and unforeseen conditions such as increased excavation quantities and additional work

associated with the sloped area, depth of debris material and additional environmental measures to address odors, and

WHEREAS, additional change order work not included in the original bid is needed to be added to the project to allow completion of the project, and

WHEREAS, additional funds are needed to cover the costs of the additional work to allow completion of the project, and

WHEREAS, staff recommends amending the first and second interfund loans to extend their repayment schedule, and

WHEREAS, establishing a third interfund loan in the amount of \$1,540,000, and

WHEREAS, principal payments for each loan will be paid back each fiscal year through fiscal year 2027-28 plus interest, as outlined in **Exhibit A**, and

WHEREAS, City policy allows for interfund loans to be made at the interest rate of the City's investment portfolio, which is currently 2.35%.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amended interfund loan amortization schedule for the first and second interfund loans for Carpenter Road Landfill Mitigation project, rescinding Resolution No. 2018-349 and approving a third interfund loan in the amount of \$1,540,000 from the Water Fund Reserves to the Carpenter Road Landfill Fund for the Carpenter Road Landfill Clean Closure Mitigation Project, to be paid back with interest from future revenue collected on the garbage rate, as outlined in **Exhibit A**.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

Exhibit A

LOAN AMORTIZATION SCHEDULE

LOAN SUMMARY

Loan amount	2,300,000.00
Loan period in years	8
Number of payments per year	1
Scheduled number of payments	8
Start date of loan	09/30/2018
Total interest	297,275.00
NAME	Carpenter Road Landfill Loan 1



The amortization schedule will be updated yearly as the interest rate is calculated per the Prior 12 Month Income Return on the City's investment Portfolio

PMT NO	PAYMENT DATE	BEGINNING BALANCE	INTEREST RATE	TOTAL PAYMENT	PRINCIPAL	INTEREST	ENDING BALANCE	CUMULATIVE INTEREST
1	09/30/2019	2,300,000.00	2.35%	54,050.00	-	54,050.00	2,300,000.00	54,050.00
2	09/30/2020	2,300,000.00	2.35%	341,550.00	287,500.00	54,050.00	2,012,500.00	108,100.00
3	09/30/2021	2,012,500.00	2.35%	334,793.75	287,500.00	47,293.75	1,725,000.00	155,393.75
4	09/30/2022	1,725,000.00	2.35%	328,037.50	287,500.00	40,537.50	1,437,500.00	195,931.25
5	09/30/2023	1,437,500.00	2.35%	321,281.25	287,500.00	33,781.25	1,150,000.00	229,712.50
6	09/30/2024	1,150,000.00	2.35%	314,525.00	287,500.00	27,025.00	862,500.00	256,737.50
7	09/30/2025	862,500.00	2.35%	307,768.75	287,500.00	20,268.75	575,000.00	277,006.25
8	09/30/2026	575,000.00	2.35%	301,012.50	287,500.00	13,512.50	287,500.00	290,518.75
9	09/30/2027	287,500.00	2.35%	294,256.25	287,500.00	6,756.25	-	297,275.00

LOAN AMORTIZATION SCHEDULE

LOAN SUMMARY

Loan amount	900,000.00
Loan period in years	8
Number of payments per year	1
Scheduled number of payments	8
Start date of loan	02/28/2020
Total interest	95,175.00
NAME	Carpenter Road Landfill Loan 2



The amortization schedule will be updated yearly as the interest rate is calculated per the Prior 12 Month Income Return on the City's investment Portfolio

PMT NO	PAYMENT DATE	BEGINNING BALANCE	INTEREST RATE	TOTAL PAYMENT	PRINCIPAL	INTEREST	ENDING BALANCE	CUMULATIVE INTEREST
1	02/28/2021	900,000.00	2.35%	133,650.00	112,500.00	21,150.00	787,500.00	21,150.00
2	02/28/2022	787,500.00	2.35%	131,006.25	112,500.00	18,506.25	675,000.00	39,656.25
3	02/28/2023	675,000.00	2.35%	128,362.50	112,500.00	15,862.50	562,500.00	55,518.75
4	02/29/2024	562,500.00	2.35%	125,718.75	112,500.00	13,218.75	450,000.00	68,737.50
5	02/28/2025	450,000.00	2.35%	123,075.00	112,500.00	10,575.00	337,500.00	79,312.50
6	02/28/2026	337,500.00	2.35%	120,431.25	112,500.00	7,931.25	225,000.00	87,243.75
7	02/28/2027	225,000.00	2.35%	117,787.50	112,500.00	5,287.50	112,500.00	92,531.25
8	02/29/2028	112,500.00	2.35%	115,143.75	112,500.00	2,643.75	-	95,175.00

LOAN AMORTIZATION SCHEDULE

LOAN SUMMARY

Loan amount	1,540,000.00
Loan period in years	7
Number of payments per year	1
Scheduled number of payments	7
Start date of loan	12/31/2020
Total interest	129,250.00
NAME	Carpenter Road Landfill Loan 3



The amortization schedule will be updated yearly as the interest rate is calculated per the Prior 12 Month Income Return on the City's investment Portfolio

PMT NO	PAYMENT DATE	BEGINNING BALANCE	INTEREST RATE	TOTAL PAYMENT	PRINCIPAL	INTEREST	ENDING BALANCE	CUMULATIVE INTEREST
1	12/31/2021	1,540,000.00	2.35%	256,190.00	220,000.00	36,190.00	1,320,000.00	36,190.00
2	12/31/2022	1,320,000.00	2.35%	251,020.00	220,000.00	31,020.00	1,100,000.00	67,210.00
3	12/31/2023	1,100,000.00	2.35%	245,850.00	220,000.00	25,850.00	880,000.00	93,060.00
4	12/31/2024	880,000.00	2.35%	240,680.00	220,000.00	20,680.00	660,000.00	113,740.00
5	12/31/2025	660,000.00	2.35%	235,510.00	220,000.00	15,510.00	440,000.00	129,250.00
6	12/31/2026	440,000.00	2.35%	230,340.00	220,000.00	10,340.00	220,000.00	139,590.00
7	12/31/2027	220,000.00	2.35%	225,170.00	220,000.00	5,170.00	-	144,760.00

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-532**

RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 CAPITAL IMPROVEMENT PROJECT BUDGET BY \$1,540,000 FOR THE CARPENTER ROAD LANDFILL MITIGATION PROJECT (101046), AND FISCAL YEAR 2020-2021 OPERATING BY \$1,540,000 FOR THE TRANSFER FROM THE WATER FUND (4100) TO THE CARPENTER ROAD LANDFILL FUND (4893)

WHEREAS, on August 14, 2018, by Resolution No. 2018-345 Council awarded a construction contract to Pacific States Environmental Contractors, Inc. of Dublin, CA in an amount not to exceed \$3,776,598 for the Carpenter Road Landfill Mitigation Project, and

WHEREAS, a change order policy is utilized for each construction contract awarded by the City, and

WHEREAS, if after the contract is executed, a change in the original scope of work is determined necessary by staff, the policy authorized the Director to approve a change order up to a cumulative amount of the original contract, and

WHEREAS, in most cases, the budgeted amount set by the policy and specific requests by resolution are typically sufficient, however, as it relates to the Carpenter Road Landfill Mitigation Project, anticipated change order costs will exceed the authority allowed by policy, and

WHEREAS, staff has negotiated the change order work, but estimates are above the approved contingency limit set by Council at 48 percent or (\$1,812,767), and

WHEREAS, the anticipated cost for the change order work is estimated to be 88 percent or (\$3,312,767), and

WHEREAS, the total anticipated expenditures will be increased by \$1,540,000 for change orders and staff costs, and

WHEREAS, staff has reviewed all funding sources for the project and has determined that an additional \$1,540,000 in budget is needed to fund construction, contingency, construction administration, and design support.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2020-2021 Capital Improvement Program Budget for Carpenter Road Landfill Mitigation Project and appropriating a transfer from Carpenter Road Landfill Fund and Water Fund to fully fund the Carpenter Road Landfill Mitigation Project in the amount of \$1,540,000.

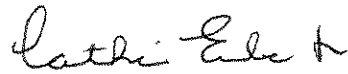
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-533**

RESOLUTION APPROVING A MID-YEAR RATE ADJUSTMENT TO THE MAXIMUM RATE SCHEDULE FOR CITY SOLID WASTE COLLECTION SERVICES PROVIDED BY THE GARBAGE HAULERS, FOR AN INCREASE OF \$0.15 FOR THE CARPENTER ROAD LANDFILL FEE AND A DECREASE OF \$0.12 FOR THE QUARTERLY FUEL ADJUSTMENT AND ALLOWABLE PASS-THROUGH COSTS FOR A NET INCREASE OF \$0.03 PER MONTH FOR RESIDENTIAL SERVICES, AND AN INCREASE OF \$0.25 FOR THE CARPENTER ROAD LANDFILL FEE AND A DECREASE OF \$0.13 FOR THE QUARTERLY FUEL ADJUSTMENT FOR A NET INCREASE OF \$0.12 PER CUBIC YARD PER MONTH FOR COMMERCIAL SERVICES, AND AN INCREASE OF \$8.53 PER PULL FOR INDUSTRIAL SERVICES TO BECOME EFFECTIVE JANUARY 1, 2021, AND RESCINDING RESOLUTION NO. 2020-358 FOR THE OCTOBER 1, 2020 ANNUAL RATE ADJUSTMENT

WHEREAS, with the adoption of Ordinance No. 3068-C.S. in November of 1997, the City no longer sets rates for the collection of garbage in Modesto, and instead performs a comprehensive review of cost information submitted by the contract garbage haulers, and

WHEREAS, the City sets the maximum rate that the haulers may charge for the various types of services provided under the contracts based on cost data provided by the lowest cost hauler, and

WHEREAS, Section f (2) of the City's Service Agreements with its solid waste collectors requires that when the City makes adjustments to the collection services provided under the Agreements, any additional costs should be covered by adjustments to the maximum rates, and

WHEREAS, in addition, maximum rates for solid waste collection services are reviewed annually as per the Agreements with the City's garbage collection companies, and

WHEREAS, the City analyzes the audited financial statements provided by the

garbage haulers, supplemental data provided by the garbage haulers, and fuel price information and forecast prices developed by the United States Department of Energy, and

WHEREAS, on June 27, 2006, by Resolution No. 2006-410, Council approved making routine quarterly adjustments as needed to the component of the maximum rates attributable to the cost of fuel, and

WHEREAS, on September 1, 2020 by Resolution No. 2020-358, Council approved the annual rate adjustment to the Maximum Rate Schedule for Solid Waste Services to become effective October 1, 2020, and

WHEREAS, the fuel rates analyzed for this rate adjustment were based on the Department of Energy average diesel fuel prices from July 2020 through September 2020, and

WHEREAS, staff's recommendation is a fuel decrease of \$0.11 per month for residential services plus a \$0.01 decrease in allowable pass-through costs, and a decrease of \$0.13 per cubic yard per month for commercial services, and

WHEREAS, the City of Modesto owned and operated the Carpenter Road Landfill from 1956 to 1968, and the landfill includes fill sites on both the east and west sides of Carpenter Road, along the Tuolumne River, and

WHEREAS, the City is required by State law to perform post closure landfill maintenance, monitoring, and reporting for the landfill site, and

WHEREAS, on March 4, 2015, the Central Valley Regional Water Quality Control Board issued a Cleanup and Abatement Order (CAO R5-2015-0700) which specified waste from the east landfill be excavated and relocated to the west landfill and

then a final cover and slope stabilization be put in place along the west landfill with a retention basin on the east landfill, and

WHEREAS, on June 12, 2018, Council adopted the Maximum Rate Schedule for Solid Waste Collection Services, by Resolution No. 2018-242, which allocated Carpenter Road Landfill fees needed to fund this project, and

WHEREAS, On August 14, 2018, Council, by Resolution No. 2018-345, awarded a construction contract to Pacific States Environmental Contractors, Inc. in the amount of \$3,776,598 for the Carpenter Road Landfill Mitigation project, and

WHEREAS, on February 25, 2020, by Resolution No. 2020-113, Council authorized an increase of the Director of Utilities' Authority to issue change orders on the Carpenter Road Landfill Mitigation Project from 10 percent (\$377,659) to 48 percent (\$1,812,767) of the original contract price of \$3,776,598 with Pacific States Environmental Contractors, Inc. of Dublin, CA due to design revisions and unforeseen conditions, and

WHEREAS, the Carpenter Road Landfill fees were not adjusted at that time for this change order, and

WHEREAS, during the course of construction, the project has experienced unforeseen conditions which has resulted in substantial change orders from the original approved amount, and

WHEREAS, the primary conditions that arose included a greater amount of waste than was originally estimated to be excavated on the east side and relocated to the west side; a Federal Emergency Management Agency (FEMA) "No-Rise" requirement that resulted in moving more waste on the west side than was known to be present to keep it

out of the flood plain resulting in a large basin on the west side; and having to find clean soil for use as final cover, as the soil that was planned to be used tested outside of the allowable limits for contaminants by the Regional Water Quality Control Board, and

WHEREAS, staff is returning to Council to request approval for another increase in Director's authority from \$1,812,767 to a not-to-exceed amount of \$3,312,767 which will be needed to administer the work for this portion of the project, and

WHEREAS, for these reasons staff is recommending at this time to increase the Carpenter Road Landfill fees by \$0.15 to the residential maximum rate per month, by \$0.25 per cubic yard per month to the commercial rate, and by \$8.53 per pull for the industrial rate, and

WHEREAS, the net impact of the quarterly fuel decreases, allowable pass-through costs decrease, and the Carpenter Road Landfill fee increases is a \$0.03 increase in the Residential Maximum Rate raising it from \$36.63 per month to \$36.66 per month; a \$0.12 increase per cubic yard per month for the Commercial Maximum Rate raising it from \$47.41 to \$47.53 per cubic yard per month; and a \$8.53 per pull for the Maximum Industrial Rate raising it from \$436.48 to \$445.97 per pull, to be effective January 1, 2021, and

WHEREAS, it was found and determined by the Council of the City of Modesto that the existing schedules of rates and charges for garbage service in the City of Modesto should be revised as recommended, and

WHEREAS, the fiscal impact related to the proposed adjustments for residential, commercial and industrial garbage and recycling services will increase revenue over the next six months of the fiscal year to the Carpenter Road Landfill Fund by \$60,423, the

General Fund by \$1,148, and the Streets Fund by \$566.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Maximum Charges for Garbage Services provided by the garbage haulers, as **attached** hereto as **Attachment A**, dated January 1, 2021, and incorporated herein by reference. Said Maximum Charges for Garbage Service shall include all other services as stipulated in the Service Agreements and shall become effective January 1, 2021 and shall remain in effect until revised or rescinded by Council.

BE IT FURTHER RESOLVED, that Resolution No. 2020-358 for the October 1, 2020 annual rate adjustment is hereby rescinded effective January 1, 2021.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

ATTACHMENT A

MAXIMUM CHARGES FOR GARBAGE SERVICE - JANUARY 1, 2021

STANDARD CONTAINERS - Maximum Monthly Rate

Standard container service includes the following:

- 1 container for garbage and 1 container for organics waste recycling picked up once a week
- 2 bulky item collections per year by appointment
- City tree maintenance; collection & composting of green waste and forestry materials
- Removal of illegally dumped items in streets and alleys
- Drop off program for household hazardous waste

Base Rate	\$ 30.50
Recycling Fee	\$ 0.41
Green Waste Fee	\$ 4.98
Carpenter Rd Landfill Fee	\$ 0.63
Geer Rd Landfill Fee	\$ 0.14
MAXIMUM MONTHLY RATE	\$ 36.66

Additional Garbage Container - \$ 13.00 each per month picked up once a week

Additional Organics Container - \$8.00 each per month picked up once a week

*Containers must be placed in a location set forth in Section 5-5.111 of the MMC.

DETACHABLE CONTAINERS - Maximum Monthly Rate

Weekly rental for Detachable Containers shall not exceed the rate for 1 pick-up per week for each size container.

Base Rate	\$ 35.23
Recycling Fee	\$ 0.70
Green Waste Fee	\$ 9.71
Litter Abatement	\$ 0.57
Carpenter Rd Landfill Fee	\$ 1.08
Geer Rd Landfill Fee	\$ 0.24
MAXIMUM RATE 1 CU YD	\$ 47.53

Container Size	Regular Container Maximum Rates					
	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
1 CY	\$47.53	\$95.06	\$142.59	\$190.12	\$237.65	\$285.18
2 CY	\$95.06	\$190.12	\$285.18	\$380.24	\$475.30	\$570.36
3 CY	\$142.59	\$285.18	\$427.77	\$570.36	\$712.95	\$855.54
4 CY	\$190.12	\$380.24	\$570.36	\$760.48	\$950.60	\$1,140.72
5 CY	\$237.65	\$475.30	\$712.95	\$950.60	\$1,188.25	\$1,425.90
6 CY	\$285.18	\$570.36	\$855.54	\$1,140.72	\$1,425.90	\$1,711.08

****Residential and Commercial Fuel Component adjustments** - The fuel component is set annually as part of the base cost. It is reviewed quarterly and adjustments shall be made as needed. The adjustment shall be based on the average price of fuel for a preceding quarter as follows: July 1/January-March; October 1/April-June; January 1/July-September; April 1/October-December. Average prices shall be determined based on published prices for California from the Department of Energy, Energy Information Agency and a fuel factor based on the haulers' audited financials at annual rate review each year.

DROP BOX CONTAINERS – Maximum Rate Per Pick-Up

Actual disposal charges are paid and negotiated directly between the customer and the garbage company. The garbage company will provide up to 40CY Drop Box containers for stated charges subject only to load limit of transfer vehicle. An AB 939 Green Waste Diversion Fee of \$17.96 per ton is added to the disposal charges.

Base Rate	\$ 376.64
Recycling Fee	\$ 24.15
Carpenter Rd Landfill Fee	\$ 37.03
Geer Rd Landfill Fee	\$ 8.15
MAXIMUM RATE PER PICK-UP	\$ 445.97

Rental Fees

\$0.85 per day up to 7-day maximum rental

\$3.00 per day for boxes kept 7 or more days without servicing

\$10.00 per day for boxes kept 21 or more days without servicing

COMPACTORS – Maximum Monthly Rate

Front Loader Compactors

Compactor Rates						
Container	NUMBER OF COLLECTIONS PER WEEK					
Size	1	2	3	4	5	6
3 CY	\$427.77	\$855.54	\$1,283.31	\$1,711.08	\$2,138.85	\$2,566.62
4 CY	\$570.36	\$1,140.72	\$1,711.08	\$2,281.44	\$2,851.80	\$3,422.16
6 CY	\$855.54	\$1,711.08	\$2,566.62	\$3,422.16	\$4,277.70	\$5,133.24

Roll-Off Compactors

- 6CY to 40CY \$445.97 per pick-up
- Hospital waste compactors \$265.00 per pick-up
- Washing compactor \$30.00
- Disposal Charge Actual charge to be paid by customer
- AB939 Green Waste Diversion Fee \$17.96 per ton

EXTRA PICKUPS

Standard containers or equivalent \$3.50 plus \$2.30/container
 Detachable containers \$12.00 plus \$4.15/cubic yard

SPECIAL SERVICE CONDITIONS

In situations where none of the above maximum rates reasonably apply, the cost of service is to be negotiated between the garbage company and the customer.

**DETACHABLE CONTAINER ONLY
 REPLACEMENT AND CLEANING SERVICE**

1 CY	1½ CY	2 CY	3 CY	4 CY	5 CY	6 CY
\$10.12	\$11.00	\$12.10	\$15.40	\$20.24	\$25.08	\$29.92

NOTATION: Pursuant to Section 11-6.16(c)(2) of the Modesto Municipal Code, the garbage company may require a deposit equivalent to two months service charge from customers prior to beginning service. The deposit will be credited back to the customer after 18 months under specified conditions.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-534**

**RESOLUTION ACCEPTING THE CAPITAL FACILITIES FEES ANNUAL
REPORT FOR FISCAL YEAR 2019-2020 AND MAKING FINDINGS
RELATED TO EACH OF THE FEE CATEGORIES**

WHEREAS, the City of Modesto imposes fees to mitigate the impacts of development, pursuant to Government Code section 66000 *et seq.*, and

WHEREAS, California Government Code sections 66001 and 66006 require cities to annually make certain fee-related information available to the public and findings relating to the necessity of collecting fees for new development, and

WHEREAS, the City, in accordance with Government Code section 66006(a) and Section 8-1.904 of the Modesto Municipal Code, established Capital Facilities Fees (CFF) for the purpose collecting fees to fund the construction of public improvements that will be needed as a result of new development, and

WHEREAS, on March 22, 2011, by Resolution No. 2011-105, Council established the nexus for fees imposed by each land use, said nexus and fees were later amended by Resolution No. 2019-464 on October 8, 2019, and

WHEREAS, the updates included combining the Parks and Air Quality fees into one fee, reinstating the deferral policy to extend the single-family residential CFF, water connection fee, and wastewater capacity fee deferrals until close of escrow, the ability for an applicant to request a reduction in the CFF if it is determined that the project will generate a lower number of trips than the trip generation rates that were used as the basis for the current CFF, reducing the Police Fee by 32% due to the reduction in the police level of service from 1.85 to 1.2 sworn officers per 1,000 residents and applying an inflation factor of 3.49% to all fees, and

WHEREAS, the following fees were established by Resolution No. 2019-464:

- The Streets CFF fund was established to accrue funds for arterial roadways, intersections, expressways, freeway interchanges and associated landscaping, and
- The Public Transportation CFF fund was established to accrue funds for the expansion of the City's transit system including additional buses and their associated facilities, and
- The Air Quality Mitigation CFF Fund was established to accrue funds to assist in the reduction of automobile travel, specifically for the development of park and ride lots, Class I Bike Trails, and
- The Police CFF Fund was established to accrue funds for additional policing needs including an additional station, police cars and associated equipment, a northeast area precinct, a training facility, a computer aided dispatch system, and an expanded radio system, and
- The Fire CFF Fund was established to accrue funds for the construction of additional fire stations, fire vehicles, and a new training station, and
- The Parks CFF Fund was established to accrue funds for the development of additional regional parks, community centers, and neighborhood parks, and the expansion of the McClure Country Place, and
- The General Government CFF Fund was established to accrue funds for the debt service payments on City Hall, related parking facilities, the corporation yard and related facilities, City vehicles and the City's information technology expansion, and

WHEREAS, on January 1, 2020 the Air Quality CFF Fund and the Parks CFF Fund were combined to form the Parks and Air Quality CFF Fund, and

WHEREAS, the Capital Facilities Fee Annual Report for Fiscal Year 2019-20 has been completed and is on file with the City Clerk and is **attached** as **Exhibit “A”**, and

WHEREAS, a public hearing at the City Council in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California was set for December 8, 2020, to enable the public to have the opportunity to comment on the CFF collected.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby makes the following findings relating to each of the fee categories:

- 1) The Capital Facilities Fee program, set forth in City Council Resolution No. 2019-464, and incorporated herein by reference, continues to be a necessary program to fund future infrastructure needed for new development.
- 2) The Capital Facilities Fee Annual Report for Fiscal Year 2019-20 (**Exhibit A**) reports on the below information for each of the fee categories:
 - a. The amount of the fee. (Table 1b)
 - b. The beginning and ending balance of the account or fund. (Table 2)
 - c. The amount of the fees collected and the interest earned. (Table 2)
 - d. An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees. (Table 10)

- 3) The CFF revenue anticipated for the full development of infrastructure improvements for new development has not been fully collected to complete the financing of incomplete improvements. It is presently anticipated that there will be no regular sources of funding to develop CFF infrastructure improvements apart from CFF collections.
- 4) The anticipated dates for the full collection of fees is unknown at this time as fees are based on development activity which is not controlled by the City.
- 5) The necessary funds for constructing and/or purchasing the following have not yet been accumulated and the approximate date is not yet known, but there is still a need as outlined in Resolution No. 2019-464, and therefore fees should still be collected for the following purposes:
 - Additional fire stations, fire vehicles, and a new training station, and
 - An additional police station, police cars and associated equipment, a northeast area precinct, a training facility, a computer-aided dispatch system, and an expanded radio system, and
 - Development of additional regional parks, community centers, neighborhood parks, and the expansion of McClure Country Place, and
 - Debt service payments on City Hall, related parking facilities, the corporation yard and related facilities, City vehicles and the City's information technology expansion, and
 - Reduction of automobile travel, specifically for the development of park and ride lots and Class I Bike Trails, and

- Arterial roadways, intersections, expressway, freeway interchanges and all of their associated landscaping, and
- Expansion of the transit system.

6) All reportable fees, collections and expenditures have been received, deposited, invested and expended in compliance with the relevant sections of the California Government Code and all other applicable laws for the Fiscal Year 2019-20.

7) No refunds and allocations of reportable fees, as required by California Government Code section 66001, are deemed payable at this time.

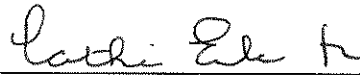
BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2019-20 Capital Facilities Fees Report as described in **Exhibit “A”, attached** hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

City of Modesto Capital Facilities Fees Annual Report Fiscal Year 2019-20

Prepared By:

The Community and Economic Development Department
Infrastructure Financing Program

December 2020



Contents

A. What Are Impact Fees?	2
B. Establishing An Impact Fee Program	2
C. Adoption of a Capital Improvement Program.....	2
D. Reporting	3
CURRENT FEE SCHEDULES	5
FIVE YEAR REVENUE AND EXPENSE HISTORY	6
DEFERRED CAPITAL FACILITIES FEES	6
EXEMPTIONS.....	6
REFUNDS.....	7
CREDITS.....	7
TRANSFERS	7
CAPITAL IMPROVEMENT PROJECTS.....	7
REDUCTION OF CAPITAL FACILITIES FEES	7

List of Tables

Table 1a: FEE SCHEDULES EFFECTIVE JULY 1, 2019 THROUGH DECEMBER 31, 2020
Table 1b: FEE SCHEDULES EFFECTIVE JANUARY 1, 2020 THROUGH JUNE 30, 2020
Table 2: COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES YEAR ENDED JUNE 30, 2020
Table 3: FIVE YEAR REVENUE HISTORY
Table 4: FIVE YEAR EXPENDITURE HISTORY
Table 5: FIVE YEAR REVENUE AND EXPENDITURE HISTORY
Table 6: MULTIFAMILY, COMMERCIAL AND INDUSTRIAL DEFERRALS
Table 7: LOW INCOME EXEMPTIONS
Table 8: CREDITS FOR PREVIOUSLY EXISTING BUILDINGS
Table 9: TRANSFERS WITHIN CAPITAL FACILITIES FEES FUNDS
Table 10: CAPITAL IMPROVEMENT PROGRAM (CIP) EXPENDITURES
Table 11: REDUCTION OF CAPITAL FACILITIES FEES

LEGAL REQUIREMENTS

A. What Are Impact Fees?

California Government Code §66000 allows a local jurisdiction to establish an impact fee to mitigate the impacts of new development. These fees may be used for the purchase, construction, expansion, rehabilitation, or acquisition of public facilities, and must be consistent with the adopted fee program, which is updated every five years.

New development increases the demand for health and safety service provided by a city, affects the quality of the community's infrastructure, and increases the need for public facilities. Typically, impact fees are paid to a city at the time a building permit is issued and assist in paying for the cumulative impact of new development through infrastructure improvements and additions. Facilities partly funded by impact fees include police, fire and administrative buildings, park sites, bike trails, public landscape areas, community centers, transportation and transit facilities and roadway improvements. Impact fees cannot be used for maintenance of existing or future city facilities.

B. Establishing An Impact Fee Program

The City of Modesto ("City") impact fee program, more commonly known as the Capital Facilities Fees Program ("CFF Program"), was established in 1987 and has been updated periodically to reflect the changes in land values, projects and costs. Impact fees imposed on new development must have the proper nexus to any project on which they are imposed. The CFF Program sets forth the relationship between contemplated future developments, facilities needed to serve future development and the estimated cost of those improvements based on the current General Plan for build-out. Estimated project costs and the summary of fee apportionment for each CFF Program fee category are identified in the 2003 and 2011 CFF Program updates.

C. Adoption of a Capital Improvement Program

California Government Code §66002 requires local agencies that have implemented an impact fee program to adopt a Capital Improvement Program (CIP) indicating the approximate location, size, and time of projects, plus an estimate for the costs of all facilities or improvements to be financed by the impact fees. At a minimum, a formal CIP is recommended as a five-year plan. The City annually produces a five-year CIP which assists in maintaining and updating the City's General Plan.

The City's CIP connects annual capital expenditures to a long-range plan for public improvements. The City's CIP also assists in maximizing the funds available, connecting the plan for public improvements to the City's capacity for funding, and projecting expenditures over a period of years. This type of fiscal management is particularly important during periods where budgetary demands exceed financial resources. The City's CIP is financed in part by the impact fees collected through the CFF Program.

D. Reporting

Annual reporting of a local agency's impact fee program is required by Government Code §66006. The impact fees collected must be segregated from general and other funds containing fees collected for other improvements. Interest on each impact fee fund or account must be credited to that fund or account and be used only for the purpose for which the impact fee was collected.

California Government Code §66006(b) requires that a local agency make the following information available to the public for each separate impact fee fund on an annual basis and that the local agency review that information at a public meeting. The law also requires the annual report include the following information for the prior fiscal year and be made available within 180 days after the last day of each fiscal year:

- Describe the type of impact fee in the account or fund.
- Identify the amount of the impact fee.
- Provide the beginning and ending balance of the account or fund.
- Provide the amount of impact fees collected and interest earned.
- Identify each public improvement on which impact fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with the impact fee.
- Identify an approximate date by which the construction of the public improvement will commence, if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement and the public improvement remains incomplete.
- Describe each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned impact fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.
- Provide the amount of refunds made due to sufficient funds being collected to complete financing on incomplete public improvements, and the amount of reallocation of impact funds made to administrative costs of refunding unexpended revenues exceeding the amount to be refunded.

If an agency no longer needs the funds for the purposes collected or fails to make the required findings or perform certain administrative tasks prescribed, the agency may be required to refund, on a prorated basis to owners of the properties upon which the impact fees for the improvement were imposed, the monies collected for that project and any interest earned on those funds.

CITY OF MODESTO
CAPITAL FACILITIES FEES ANNUAL REPORT
FISCAL YEAR 2019-20

California Government Code §66001(d) also requires that the local agency make all of the following findings every fifth year with respect to that portion of the account remaining unexpended, whether committed or uncommitted:

- Identify the purpose to which the impact fee is to be allocated.
- Demonstrate a reasonable relationship between the impact fee and the purpose for which it is charged.
- Identify all sources and amounts of funding anticipated to complete financing of incomplete improvements.
- Designate the approximate dates on which the funding is expected to be deposited into the appropriate account or fund.
- In any action imposing a fee as a condition of approval of a development project by a local agency, the local agency shall determine how there is a reasonable relationship between the amount of the impact fee and the cost of the public facility or portion of the public facility attributable to the development on which the impact fee is imposed.

DESCRIPTION OF CAPITAL FACILITIES FEES

The CFF Program mitigates the impacts associated with new development on certain public facilities. The CFF Program is used to finance the acquisition, construction, and improvement of public facilities as a result of new development. The City has the following eight (8) CFF Program fee categories:

Streets Capital Facilities Fee – Fund 3410

This fee is collected for roadway improvements such as expressways, interchanges, arterial and collector roads, turn lanes, intersections and traffic signals.

Public Transportation Capital Facilities Fee – Fund 3420

This fee is collected for new buses, bus shelters, bus stops, the bus maintenance facility, and the northeast transfer station.

Air Quality Mitigation Capital Facilities Fee – Fund 3430

This fee is collected for facilities that reduce automobile travel by facilitating alternative modes of travel such as the Amtrak station parking lot, park and ride lots, vanpooling, carpooling, Class I bike trails, bike storage, turn lanes, footpaths, and pedestrian accesses.

Police Capital Facilities Fee – Fund 3440

This fee is collected for the Police Tactical Training Center, police vehicles, parking facilities, communication systems, special equipment, and the future Northeast Area Precinct (to be shared with Fire).

Fire Capital Facilities Fee – Fund 3450

This fee is collected for fire facility expansions, fire vehicles, special equipment, and the future Northeast Area Precinct (to be shared with Police).

Parks Capital Facilities Fee – Fund 3460

This fee is collected for land and construction costs for neighborhood, community, and regional parks, sports facilities, and community buildings.

City Hall and Other Government Facilities Capital Facilities Fee – Fund 3470

This fee is collected for debt service payments on City Hall, related parking facilities, the corporation yard and related facilities, City vehicles, and the City's information technology expansion.

Administration Capital Facilities Fee – Fund 3480

This fee is collected for the administration of the CFF Program. This includes preparation of an Annual CFF Program Report, preparation of a Five-Year CFF Report, day-to-day management of the CFF Program including preparation of annual CIP budgets, CFF Program annual inflationary updates, land value analyses and updates and CFF Program Proformas.

FY 2019-2020 CURRENT FEE SCHEDULES & POLICIES AND PROCEDURES UPDATE

The current CFF Program allows for an annual inflationary adjustment equal to the increase in the annual change in the San Francisco Bay Area Engineering News Record Construction Cost Index through the month of December of the preceding year. In Fiscal Year 2019-20, the City Council approved Resolution No. 2019-464 adopting updating capital facilities fees and modifying the capital facilities fees policies and procedures that went into effect on January 1, 2020. The updates were approved by the City Council on October 8, 2019 and included the following:

- Combining the Parks and Air Quality fees into one fee
 - Parks and Air Quality categories still be collected at the same level, but be combined
- Reinstating the deferral policy to extend the single-family residential CFF, water connection fee, and wastewater capacity fee deferrals until close of escrow
- An applicant may request a reduction in the CFF if it is determined that the project will generate a lower number of trips than the trip generation rates that were used as the basis for the current CFF
- Reducing the Police Fee by 32% due to the reduction in the police level of service from 1.85 to 1.2 sworn officers per 1,000 residents
- Applying an inflation factor of 3.49% to all fees

**CITY OF MODESTO
CAPITAL FACILITIES FEES ANNUAL REPORT
FISCAL YEAR 2019-20**

Table 1a and 1b provide a breakdown of CFF fees prior to the update and currently adopted fees schedule. Table 1a of the CFF fees were initially adopted on March 22, 2011 per Resolution 2011-105. Table 1b was adopted on October 8, 2019 per Resolution 2019-464.

COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES¹

The Combining Statement of Revenues, Expenditures and Changes in Fund Balances provided in Table 2 outlines the beginning and ending balance of each fund for Fiscal Year 2019-20. Expenditures are identified by general categories. All revenue, unless collected under the deferral program, is collected at the time a building permit is issued. Since the CFF Program is a “pay-as-you-go” program, the City must accrue enough revenue prior to commencing construction of a project, resulting in an “aging” of fund balances. The aging or accumulation occurs until enough revenue has been collected to construct a project.

FIVE YEAR REVENUE AND EXPENSE HISTORY¹

As previously discussed, most revenue is collected when a building permit is issued for new development. Tables 3 and 4 provide a five-year snapshot of the CFF Program revenues and expenditures, respectively. Table 5 offers a combined picture of revenues, expenses and fund balance levels over the past five years.

DEFERRED CAPITAL FACILITIES FEES

Multi-Family, Commercial and Industrial

CFF Deferral Programs for Multi-Family, Commercial, and Industrial developments have been in place since 1991. Deferrals assist in off-setting the cost of new development by allowing applicants to pay a portion of the CFF due at the time of building permit issuance and the balance, plus interest, over a predetermined period of time. Table 6 details the two (2) active deferrals in Fiscal Year 2019-20.

Single-Family Residential

The single-family deferral program allows applicants to pay a portion of their fees due at the time of building permit issuance and defer payment of the CFF, water connection and wastewater capacity fees until final inspection.

EXEMPTIONS

The City of Modesto encourages the construction of Very Low and Low Income Housing development projects within the City. CFF exemptions can be provided to the Housing

¹Financial data is current as of October 23, 2020

**CITY OF MODESTO
CAPITAL FACILITIES FEES ANNUAL REPORT
FISCAL YEAR 2019-20**

Authority of Stanislaus or to Community Housing Development Organizations (CHDO) for the development of low and very-low income households (under 60% of the area median income). As Table 7 indicates, there were no exemptions processed in Fiscal Year 2019-20.

REFUNDS

CFF may be refunded if a building permit expires, is revoked, voluntarily surrendered or voided, and no construction or improvement of land has commenced. In addition, CFF paid for placement of Trailers may be refunded if requested in writing within six years of payment, minus the administration component. There were no CFF refunds made in Fiscal Year 2019-20

CREDITS

CFF credits are granted when previously existing building(s) are removed and new building(s) are constructed. These credits may off-set up to but not more than 100% of the CFF due for the new development. Table 8 details the credits provided in Fiscal Year 2019-20.

TRANSFERS

A total of eleven (11) inter-fund transfers occurred in Fiscal Year 2019-20. Table 9 offers details of each transfer.

CAPITAL IMPROVEMENT PROJECTS¹

Information on projects funded by the CFF Program can be found in Table 10. The information in the table includes a listing of current projects, estimated construction start and end dates, estimated project costs, percentage of project funded by the CFF Program and general accounting information.

REDUCTION OF CAPITAL FACILITIES FEES

An applicant may request a reduction in the CFF if it is determined that the project will generate a lower number of trips than the trip generation rates that were used as the basis for the current CFF. Any such fee reduction must be based on a trip generation study, using accepted methodology, as determined by the City. The fee reduction shall be no greater than a proportionate reduction in trips demonstrated in the trip generation study. Any such reduction shall be approved by the City Manager. Table 11 details one (1) case that were granted a reduction in CFF in Fiscal Year 2019-20.

¹Financial data is current as of October 23, 2020

**CITY OF MODESTO
CAPITAL FACILITIES FEES ANNUAL REPORT
FISCAL YEAR 2019-20**

Table 1a: Fee Schedules Effective July 1, 2019 through December 31, 2019

2011 CFF PROGRAM - Development within City Limits										
Fee Category	Unit Measure Per	Streets	Public Transp.	Air Quality	Police	Fire	Parks	General Gov't.	Admin	Total
Single-Family Residential	Dwelling Unit	\$ 6,592	\$ 96	\$ 576	\$ 896	\$ 382	\$ 5,461	\$ 504	\$ 286	\$ 14,793
Multi-Family Residential	Dwelling Unit	\$ 4,566	\$ 67	\$ 759	\$ 540	\$ 176	\$ 3,395	\$ 309	\$ 154	\$ 9,966
Senior Housing	Dwelling Unit	\$ 3,978	\$ 36	\$ 741	\$ 526	\$ 172	\$ 3,311	\$ 303	\$ 109	\$ 9,176
Hotel/Motel	Room	\$ 3,427	\$ 60	\$ -	\$ 204	\$ 67	\$ -	\$ 117	\$ 86	\$ 3,961
Retail <50,000 SF	1,000 SF	\$ 9,910	\$ 197	\$ -	\$ 243	\$ 80	\$ -	\$ 140	\$ 268	\$ 10,838
Retail 50,000-100,000 SF	1,000 SF	\$ 8,227	\$ 162	\$ -	\$ 243	\$ 79	\$ -	\$ 139	\$ 223	\$ 9,073
Retail 100,000-300,000 SF	1,000 SF	\$ 6,944	\$ 137	\$ -	\$ 244	\$ 80	\$ -	\$ 140	\$ 189	\$ 7,734
Retail >300,000 SF	1,000 SF	\$ 6,478	\$ 126	\$ -	\$ 243	\$ 79	\$ -	\$ 140	\$ 177	\$ 7,243
Medical Office	1,000 SF	\$ 12,518	\$ 250	\$ -	\$ 406	\$ 133	\$ -	\$ 232	\$ 345	\$ 13,884
General Office	1,000 SF	\$ 6,058	\$ 107	\$ -	\$ 406	\$ 133	\$ -	\$ 233	\$ 156	\$ 7,093
Hospital	1,000 SF	\$ 8,779	\$ 155	\$ -	\$ 405	\$ 133	\$ -	\$ 233	\$ 218	\$ 9,923
Daycare	1,000 SF	\$ 4,847	\$ 85	\$ -	\$ 406	\$ 133	\$ -	\$ 233	\$ 126	\$ 5,830
Church	1,000 SF	\$ 1,033	\$ 18	\$ -	\$ 411	\$ 134	\$ -	\$ 237	\$ 36	\$ 1,869
Nursing Home	1,000 SF	\$ 1,512	\$ 26	\$ -	\$ 409	\$ 134	\$ -	\$ 236	\$ 47	\$ 2,364
Industrial (Manufacturing)	1,000 SF	\$ 2,348	\$ 41	\$ -	\$ 174	\$ 57	\$ -	\$ 100	\$ 60	\$ 2,780
Industrial (Warehousing)	1,000 SF	\$ 1,647	\$ 29	\$ -	\$ 175	\$ 57	\$ -	\$ 100	\$ 44	\$ 2,052

**CITY OF MODESTO
CAPITAL FACILITIES FEES ANNUAL REPORT
FISCAL YEAR 2019-20**

Table 1a, cont'd: Fee Schedules Effective July 1, 2019 through December 31, 2019

2011 CFF PROGRAM - Development within City's Sphere of Influence										
Fee Category	Unit Measure Per	Streets	Public Transp.	Air Quality	Police	Fire	Parks	General Gov't.	Admin	Total
Single-Family Residential	Dwelling Unit	\$ 7,167	\$ 76	\$ 1,453	\$ -	\$ -	\$ -	\$ -	\$ 185	\$ 8,881
Multi-Family Residential	Dwelling Unit	\$ 5,158	\$ 55	\$ 921	\$ -	\$ -	\$ -	\$ -	\$ 126	\$ 6,260
Senior Housing	Dwelling Unit	\$ 3,018	\$ 33	\$ 1,008	\$ -	\$ -	\$ -	\$ -	\$ 100	\$ 4,159
Hotel/Motel	Room	\$ 3,613	\$ 38	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 54	\$ 3,705
Retail <50,000 SF	1,000 SF	\$ 10,309	\$ 108	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 150	\$ 10,567
Retail 50,000-100,000 SF	1,000 SF	\$ 8,583	\$ 90	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 126	\$ 8,799
Retail 100,000-300,000 SF	1,000 SF	\$ 7,276	\$ 77	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 107	\$ 7,460
Retail >300,000 SF	1,000 SF	\$ 6,797	\$ 73	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 100	\$ 6,970
Medical Office	1,000 SF	\$ 13,107	\$ 139	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 192	\$ 13,438
General Office	1,000 SF	\$ 6,415	\$ 67	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 98	\$ 6,580
Hospital	1,000 SF	\$ 9,180	\$ 97	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 137	\$ 9,414
Daycare	1,000 SF	\$ 5,176	\$ 55	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 80	\$ 5,311
Church	1,000 SF	\$ 1,239	\$ 13	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26	\$ 1,278
Nursing Home	1,000 SF	\$ 1,747	\$ 18	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 33	\$ 1,798
Industrial (Manufacturing)	1,000 SF	\$ 2,497	\$ 26	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 38	\$ 2,561
Industrial (Warehousing)	1,000 SF	\$ 1,782	\$ 19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 28	\$ 1,829

**CITY OF MODESTO
CAPITAL FACILITIES FEES ANNUAL REPORT
FISCAL YEAR 2019-20**

Table 1b: Fee Schedules Effective January 1, 2020 through June 30, 2020

2020 CFF PROGRAM - Development within City Limits									
Fee Category	Unit Measure Per	Streets	Transit	Parks and Air Quality	Police	Fire	General Gov't.	Admin	Total
Single-Family Residential	Dwelling Unit	\$ 6,822	\$ 99	\$ 6,248	\$ 634	\$ 395	\$ 522	\$ 296	\$ 15,016
Multi-Family Residential	Dwelling Unit	\$ 4,725	\$ 69	\$ 4,299	\$ 382	\$ 182	\$ 320	\$ 160	\$ 10,137
Senior Housing	Dwelling Unit	\$ 4,117	\$ 37	\$ 4,193	\$ 372	\$ 178	\$ 314	\$ 113	\$ 9,324
Hotel/Motel	Room	\$ 3,547	\$ 62	\$ -	\$ 144	\$ 69	\$ 121	\$ 90	\$ 4,033
Retail <50,000 SF	1,000 SF	\$ 10,256	\$ 204	\$ -	\$ 172	\$ 83	\$ 145	\$ 277	\$ 11,137
Retail 50,000-100,000 SF	1,000 SF	\$ 8,514	\$ 168	\$ -	\$ 172	\$ 82	\$ 144	\$ 230	\$ 9,310
Retail 100,000-300,000 SF	1,000 SF	\$ 7,186	\$ 142	\$ -	\$ 173	\$ 83	\$ 145	\$ 195	\$ 7,924
Retail >300,000 SF	1,000 SF	\$ 6,704	\$ 130	\$ -	\$ 172	\$ 82	\$ 145	\$ 183	\$ 7,416
Medical Office	1,000 SF	\$ 12,955	\$ 259	\$ -	\$ 287	\$ 138	\$ 240	\$ 357	\$ 14,236
General Office	1,000 SF	\$ 6,269	\$ 111	\$ -	\$ 287	\$ 138	\$ 241	\$ 162	\$ 7,208
Hospital	1,000 SF	\$ 9,085	\$ 160	\$ -	\$ 287	\$ 138	\$ 241	\$ 226	\$ 10,137
Daycare	1,000 SF	\$ 5,016	\$ 88	\$ -	\$ 287	\$ 138	\$ 241	\$ 131	\$ 5,901
Church	1,000 SF	\$ 1,069	\$ 19	\$ -	\$ 291	\$ 139	\$ 245	\$ 37	\$ 1,800
Nursing Home	1,000 SF	\$ 1,565	\$ 27	\$ -	\$ 290	\$ 139	\$ 244	\$ 48	\$ 2,313
Industrial (Manufacturing)	1,000 SF	\$ 2,430	\$ 42	\$ -	\$ 123	\$ 59	\$ 103	\$ 63	\$ 2,820
Industrial (Warehousing)	1,000 SF	\$ 1,704	\$ 30	\$ -	\$ 124	\$ 59	\$ 103	\$ 46	\$ 2,066

**CITY OF MODESTO
CAPITAL FACILITIES FEES ANNUAL REPORT
FISCAL YEAR 2019-20**

Table 1b, cont'd: Fee Schedules Effective January 1, 2020 through June 30, 2020

2020 CFF PROGRAM - Development within City's Sphere of Influence									
Fee Category	Unit Measure Per	Streets	Transit	Air Quality	Police	Fire	General Gov't.	Admin	Total
Single-Family Residential	Dwelling Unit	\$ 7,417	\$ 79	\$ 1,504	\$ -	\$ -	\$ -	\$ 191	\$ 9,191
Multi-Family Residential	Dwelling Unit	\$ 5,338	\$ 57	\$ 953	\$ -	\$ -	\$ -	\$ 130	\$ 6,478
Senior Housing	Dwelling Unit	\$ 3,123	\$ 34	\$ 1,043	\$ -	\$ -	\$ -	\$ 104	\$ 4,304
Hotel/Motel	Room	\$ 3,739	\$ 39	\$ -	\$ -	\$ -	\$ -	\$ 56	\$ 3,834
Retail <50,000 SF	1,000 SF	\$ 10,669	\$ 112	\$ -	\$ -	\$ -	\$ -	\$ 155	\$ 10,936
Retail 50,000-100,000 SF	1,000 SF	\$ 8,883	\$ 93	\$ -	\$ -	\$ -	\$ -	\$ 130	\$ 9,106
Retail 100,000-300,000 SF	1,000 SF	\$ 7,530	\$ 80	\$ -	\$ -	\$ -	\$ -	\$ 110	\$ 7,720
Retail >300,000 SF	1,000 SF	\$ 7,034	\$ 76	\$ -	\$ -	\$ -	\$ -	\$ 103	\$ 7,213
Medical Office	1,000 SF	\$ 13,564	\$ 144	\$ -	\$ -	\$ -	\$ -	\$ 199	\$ 13,907
General Office	1,000 SF	\$ 6,639	\$ 69	\$ -	\$ -	\$ -	\$ -	\$ 102	\$ 6,810
Hospital	1,000 SF	\$ 9,500	\$ 100	\$ -	\$ -	\$ -	\$ -	\$ 143	\$ 9,743
Daycare	1,000 SF	\$ 5,357	\$ 57	\$ -	\$ -	\$ -	\$ -	\$ 82	\$ 5,496
Church	1,000 SF	\$ 1,282	\$ 13	\$ -	\$ -	\$ -	\$ -	\$ 28	\$ 1,323
Nursing Home	1,000 SF	\$ 1,808	\$ 19	\$ -	\$ -	\$ -	\$ -	\$ 34	\$ 1,861
Industrial (Manufacturing)	1,000 SF	\$ 2,584	\$ 27	\$ -	\$ -	\$ -	\$ -	\$ 39	\$ 2,650
Industrial (Warehousing)	1,000 SF	\$ 1,844	\$ 20	\$ -	\$ -	\$ -	\$ -	\$ 29	\$ 1,893

**CITY OF MODESTO
CAPITAL FACILITIES FEES ANNUAL REPORT
FISCAL YEAR 2019-20**

Table 2: Combining Statement of Revenues, Expenditures and Changes in Fund Balances Year Ended June 30, 2020¹

FY 2019-20	3410	3420	3430	3432	3440	3450	3460	3470	3480	Total
	Streets	Public Transp.	Air Quality	Parks & Air Quality	Police	Fire	Parks	General Gov't	Admin.	
REVENUES:										
Intergovernmental	\$ 8,672,922	\$ -	\$ 12,879	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 8,685,801
Fees Collected	\$ 2,902,289	\$ 45,152	\$ 161,162	\$ 500,440	\$ 300,057	\$ 126,470	\$ 1,121,876	\$ 184,949	\$ 104,020	\$ 5,446,415
Interest and Rent	\$ 324,687	\$ 6,267	\$ 6,940	\$ 4,888	\$ 9,334	\$ 3,361	\$ 106,838	\$ 5,629	\$ 1,024	\$ 468,968
Net Change in Fair Value of Investments	\$ 344,819	\$ 6,861	\$ 7,513	\$ 6,938	\$ 10,829	\$ 4,116	\$ 116,754	\$ 6,687	\$ 1,197	\$ 505,714
Miscellaneous	\$ 16,750	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 16,750
TOTAL REVENUES	\$ 12,261,467	\$ 58,280	\$ 188,494	\$ 512,266	\$ 320,220	\$ 133,947	\$ 1,345,468	\$ 197,265	\$ 106,241	\$ 15,123,648
EXPENDITURES:										
Current:										
General Gov't.	\$ 3,777	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,135	\$ -	\$ 90,888	\$ 95,800
Community Development	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Highways and Streets	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Public Works	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Parks and Recreation	\$ 18,866	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 18,866
Public Safety	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Capital Outlay:										
Community Development	\$ 15,055	\$ -	\$ 8,228	\$ -	\$ -	\$ -	\$ 17,844	\$ -	\$ -	\$ 41,127
Highways and Streets	\$ 3,270,321	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,270,321
Parks and Recreation	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 182,183	\$ -	\$ -	\$ 182,183
TOTAL EXPENDITURES	\$ 3,308,019	\$ -	\$ 8,228	\$ -	\$ -	\$ -	\$ 201,162	\$ -	\$ 90,888	\$ 3,608,297
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	\$ 8,953,448	\$ 58,280	\$ 180,266	\$ 512,266	\$ 320,220	\$ 133,947	\$ 1,144,306	\$ 197,265	\$ 15,353	\$ 11,515,351
OTHER FINANCING SOURCES (USES)										
Transfers In*	\$ (122,546)	\$ -	\$ (22,428)	\$ -	\$ -	\$ -	\$ 382,740	\$ -	\$ -	\$ 237,766
Transfers Out*	\$ (10,573)	\$ -	\$ (4,699)	\$ -	\$ (415,000)	\$ (50,003)	\$ -	\$ (275,000)	\$ (4,699)	\$ (759,974)
Sale of Assets	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL OTHER FINANCING SOURCES	\$ (133,119)	\$ -	\$ (27,127)	\$ -	\$ (415,000)	\$ (50,003)	\$ 382,740	\$ (275,000)	\$ (4,699)	\$ (522,208)
EXCESS (DEFICIENCY) OF REVENUES & OTHER USES	\$ 8,820,329	\$ 58,280	\$ 153,139	\$ 512,266	\$ (94,780)	\$ 83,944	\$ 1,527,046	\$ (77,735)	\$ 10,654	\$ 10,993,143
FUND BALANCES, July 1	\$ 20,060,869	\$ 334,079	\$ 317,305	\$ -	\$ 427,056	\$ (749,417)	\$ 5,558,639	\$ 292,543	\$ 73,486	\$ 26,314,560
PRIOR PERIOD ADJUSTMENT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
FUND BALANCES, June 30	\$ 28,881,198	\$ 392,359	\$ 470,444	\$ 512,266	\$ 332,276	\$ (665,473)	\$ 7,085,685	\$ 214,808	\$ 84,140	\$ 37,307,703

*See Table 9 for transfer details

¹Financial data is current as of October 23, 2020

**CITY OF MODESTO
CAPITAL FACILITIES FEES ANNUAL REPORT
FISCAL YEAR 2019-20**

Table 3: Five Year Revenue History

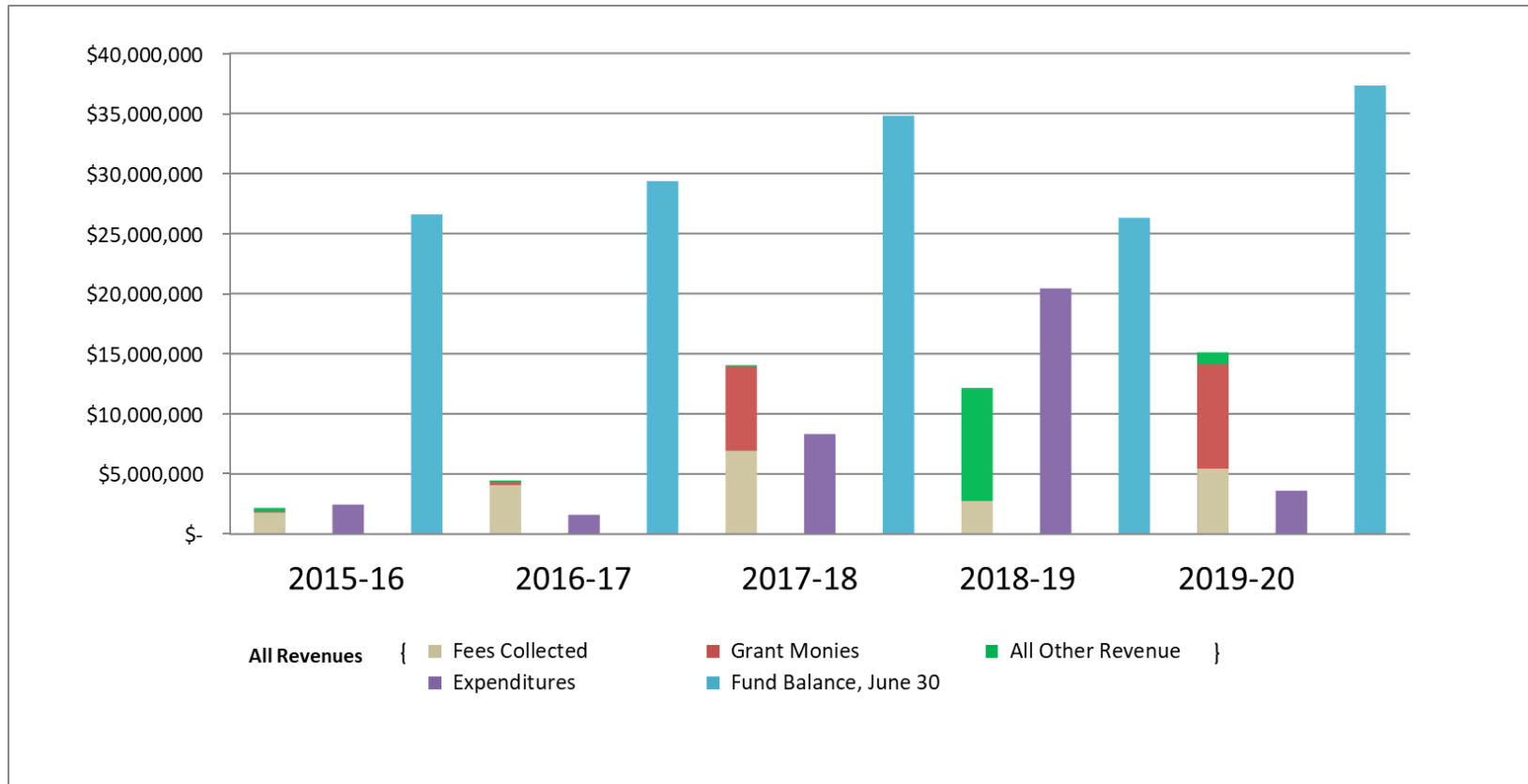
Fund	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	Five Year Total
FUND 3410 – STREETS						
Fees Collected	\$ 1,154,289	\$ 2,777,286	\$ 4,452,343	\$ 1,600,387	\$ 2,902,289	\$ 12,886,594
Grant Monies	\$ 95,318	\$ 257,056	\$ 6,485,930	\$ -	\$ 8,672,922	\$ 15,511,226
All Other Revenue Sources	\$ 209,320	\$ 223,723	\$ 253,321	\$ 9,190,803	\$ 686,256	\$ 10,563,423
Subtotal	\$ 1,458,927	\$ 3,258,065	\$ 11,191,594	\$ 10,791,190	\$ 12,261,467	\$ 38,961,243
FUND 3420 – PUBLIC TRANSP.						
Fees Collected	\$ 19,642	\$ 39,413	\$ 72,618	\$ 25,113	\$ 45,152	\$ 201,938
Grant Monies	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
All Other Revenue Sources	\$ 1,641	\$ 1,940	\$ 2,943	\$ 8,694	\$ 13,128	\$ 28,346
Subtotal	\$ 21,283	\$ 41,353	\$ 75,561	\$ 33,807	\$ 58,280	\$ 230,284
FUND 3430 – AIR QUALITY						
Fees Collected	\$ 31,925	\$ 71,743	\$ 170,138	\$ 75,705	\$ 161,162	\$ 510,673
Grant Monies	\$ 17,408	\$ 30,526	\$ 517,997	\$ -	\$ 12,879	\$ 578,810
All Other Revenue Sources	\$ 1,417	\$ 746	\$ (1,336)	\$ 31,056	\$ 14,453	\$ 46,336
Subtotal	\$ 50,750	\$ 103,015	\$ 686,799	\$ 106,761	\$ 188,494	\$ 1,135,819
FUND 3432-PARKS AND AIR QUALITY CAP FEES						
Fees Collected					\$ 500,440	\$ 500,440
Grant Monies					\$ -	\$ -
All Other Revenue Sources					\$ 11,826	\$ 11,826
Subtotal	\$ -	\$ -	\$ -	\$ -	\$ 512,266	\$ 512,266
FUND 3440 – POLICE						
Fees Collected	\$ 125,740	\$ 178,304	\$ 389,376	\$ 152,870	\$ 300,057	\$ 1,146,347
Grant Monies	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
All Other Revenue Sources	\$ 3,607	\$ 2,568	\$ 5,027	\$ 9,986	\$ 20,163	\$ 41,351
Subtotal	\$ 129,347	\$ 180,872	\$ 394,403	\$ 162,856	\$ 320,220	\$ 1,187,698
FUND 3450 – FIRE						
Fees Collected	\$ 45,888	\$ 70,398	\$ 145,364	\$ 61,022	\$ 126,470	\$ 449,142
Grant Monies	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
All Other Revenue Sources	\$ 640	\$ 1,097	\$ 2,419	\$ 5,361	\$ 7,477	\$ 16,994
Subtotal	\$ 46,528	\$ 71,495	\$ 147,783	\$ 66,383	\$ 133,947	\$ 466,136
FUND 3460 – PARKS						
Fees Collected	\$ 300,445	\$ 764,012	\$ 1,343,507	\$ 692,884	\$ 1,121,876	\$ 4,222,724
Grant Monies	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
All Other Revenue Sources	\$ 23,574	\$ 30,471	\$ 46,990	\$ 146,123	\$ 223,592	\$ 470,750
Subtotal	\$ 324,019	\$ 794,483	\$ 1,390,497	\$ 839,007	\$ 1,345,468	\$ 4,693,474
FUND 3470 – GENERAL GOV'T						
Fees Collected	\$ 71,594	\$ 100,986	\$ 221,271	\$ 86,494	\$ 184,949	\$ 665,294
Grant Monies	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
All Other Revenue Sources	\$ 436	\$ 682	\$ 2,759	\$ 7,511	\$ 12,316	\$ 23,704
Subtotal	\$ 72,030	\$ 101,668	\$ 224,030	\$ 94,005	\$ 197,265	\$ 688,998
FUND 3480 – ADMINISTRATION						
Fees Collected	\$ 36,462	\$ 76,673	\$ 138,953	\$ 54,770	\$ 104,020	\$ 410,878
Grant Monies	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
All Other Revenue Sources	\$ 534	\$ 508	\$ 877	\$ 1,700	\$ 2,221	\$ 5,840
Subtotal	\$ 36,996	\$ 77,181	\$ 139,830	\$ 56,470	\$ 106,241	\$ 416,718
TOTAL	\$ 2,139,880	\$ 4,628,132	\$ 14,250,497	\$ 12,150,479	\$ 15,123,648	\$ 48,292,636

**CITY OF MODESTO
CAPITAL FACILITIES FEES ANNUAL REPORT
FISCAL YEAR 2019-20**

Table 4: Five Year Expenditure History

Fund	2015-16	2016-17	2017-18	2018-19	2019-20	Five Year Total
Fund 3410 –Streets	\$ (2,393,138)	\$ (1,200,904)	\$ (7,587,438)	\$ (19,909,526)	\$ (3,308,019)	\$ (34,399,025)
Fund 3420 –Public Transp.	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Fund 3430 –Air Quality	\$ (25,957)	\$ (318,813)	\$ (618,128)	\$ (13,243)	\$ (8,228)	\$ (984,369)
Fund 3432 –Parks & Air Quality	-	-	-	\$ -	\$ -	\$ -
Fund 3440 –Police	-	-	-	\$ -	\$ -	\$ -
Fund 3450 –Fire	-	-	-	\$ -	\$ -	\$ -
Fund 3460 –Parks	\$ (4,795)	\$ (230)	\$ (81)	\$ (428,046)	\$ (201,162)	\$ (634,314)
Fund 3470 –General Gov't	-	-	-	\$ -	\$ -	\$ -
Fund 3480 –Administration	\$ (29,399)	\$ (84,066)	\$ (107,582)	\$ (87,478)	\$ (90,888)	\$ (399,413)
TOTAL	\$ (2,453,289)	\$ (1,604,013)	\$ (8,313,229)	\$ (20,438,293)	\$ (3,608,297)	\$ (36,417,121)

Table 5: Five Year Revenue and Expenditure History¹



¹Financial data is current as of October 23, 2020

**CITY OF MODESTO
CAPITAL FACILITIES FEES ANNUAL REPORT
FISCAL YEAR 2019-20**

Table 6: Multifamily, Commercial and Industrial Deferrals

Receivable		Applicant	Address	Agreement Start Date	Agreement End Date	Years Remaining	Balance		Outstanding Balance
Fund							30-Jun-19	Payoffs	
Fund 3410 Streets	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	2	\$ 50,014.89	\$ 16,101.51	\$ 33,913.38	
	Wisdom Place LLC	1600 Wisdom Way	1/30/2017	12/1/2021	3	\$ 78,973.70	\$ 25,424.33	\$ 53,549.37	
Subtotal						\$ 128,988.59	\$ 41,525.84	\$ 87,462.75	
Fund 3420 Public Transportation	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	2	\$ 989.73	\$ 318.63	\$ 671.10	
	Wisdom Place LLC	1600 Wisdom Way	1/30/2017	12/1/2021	3	\$ 1,154.79	\$ 371.77	\$ 783.02	
Subtotal						\$ 2,144.52	\$ 690.40	\$ 1,454.12	
Fund 3430 Air Quality	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	2	\$ -	\$ -	\$ -	
	Wisdom Place LLC	1600 Wisdom Way	1/30/2017	12/1/2021	3	\$ 13,124.94	\$ 4,225.37	\$ 8,899.57	
Subtotal						\$ 13,124.94	\$ 4,225.37	\$ 8,899.57	
Fund 3440 Police	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	2	\$ 1,388.79	\$ 447.10	\$ 941.69	
	Wisdom Place LLC	1600 Wisdom Way	1/30/2017	12/1/2021	3	\$ 9,339.00	\$ 3,006.54	\$ 6,332.46	
Subtotal						\$ 10,727.79	\$ 3,453.64	\$ 7,274.15	
Fund 3450 Fire	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	2	\$ 456.48	\$ 146.96	\$ 309.52	
	Wisdom Place LLC	1600 Wisdom Way	1/30/2017	12/1/2021	3	\$ 3,043.82	\$ 979.91	\$ 2,063.91	
Subtotal						\$ 3,500.30	\$ 1,126.87	\$ 2,373.43	
Fund 3460 Parks	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	2	\$ -	\$ -	\$ -	
	Wisdom Place LLC	1600 Wisdom Way	1/30/2017	12/1/2021	3	\$ 58,713.21	\$ 18,901.79	\$ 39,811.42	
Subtotal						\$ 58,713.21	\$ 18,901.79	\$ 39,811.42	
Fund 3470 General Gov't.	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	2	\$ 799.12	\$ 257.26	\$ 541.86	
	Wisdom Place LLC	1600 Wisdom Way	1/30/2017	12/1/2021	3	\$ 5,343.98	\$ 1,720.41	\$ 3,623.57	
Subtotal						\$ 6,143.10	\$ 1,977.67	\$ 4,165.43	
Fund 3480 Administration	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	2	\$ 1,351.91	\$ 435.22	\$ 916.69	
	Wisdom Place LLC	1600 Wisdom Way	1/30/2017	12/1/2021	3	\$ 2,662.91	\$ 857.28	\$ 1,805.63	
Subtotal						\$ 4,014.82	\$ 1,292.50	\$ 2,722.32	
TOTAL						\$ 227,357.27	\$ 73,194.08	\$ 154,163.19	

Table 7: Low Income Deferrals/Exemptions

There were no exemptions processed in Fiscal Year 2019-20.

**CITY OF MODESTO
CAPITAL FACILITIES FEES ANNUAL REPORT
FISCAL YEAR 2019-20**

Table 8: Credits for Previously Existing Buildings

Fund	Address	CFF Due	CFF Credit	CFF Paid
Fund 3410	1229 Boulder Ave.	\$ 6,591.76	\$ (6,591.76)	\$ -
Streets				\$ -
		\$ 6,591.76	\$ (6,591.76)	\$ -
Fund 3420	1229 Boulder Ave.	\$ 96.15	\$ (96.15)	\$ -
Public Transp.				\$ -
		\$ 96.15	\$ (96.15)	\$ -
Fund 3430	1229 Boulder Ave.	\$ 575.45	\$ (575.45)	\$ -
Air Mitigation				\$ -
		\$ 575.45	\$ (575.45)	\$ -
Fund 3440	1229 Boulder Ave.	\$ 896.46	\$ (896.46)	\$ -
Police				\$ -
		\$ 896.46	\$ (896.46)	\$ -
Fund 3450	1229 Boulder Ave.	\$ 381.66	\$ (381.66)	\$ -
Fire				\$ -
		\$ 381.66	\$ (381.66)	\$ -
Fund 3460	1229 Boulder Ave.	\$ 5,461.58	\$ (5,461.58)	\$ -
Parks		\$ -		\$ -
		\$ 5,461.58	\$ (5,461.58)	\$ -
Fund 3470	1229 Boulder Ave.	\$ 504.44	\$ (504.44)	\$ -
General Govt.				\$ -
		\$ 504.44	\$ (504.44)	\$ -
Fund 3480	1229 Boulder Ave.	\$ 285.50	\$ (285.50)	\$ -
Administration				\$ -
		\$ 285.50	\$ (285.50)	\$ -
		\$ 14,793.00	\$ (14,793.00)	\$ -

**CITY OF MODESTO
CAPITAL FACILITIES FEES ANNUAL REPORT
FISCAL YEAR 2019-20**

Table 9: Transfers within Capital Facilities Fees Funds¹

Fund	Transfer Description	Loan Maturity Date	Rate of Interest	Transfer Amount
Fund 3410 - Streets	Transfer In - Fund 1420 - Right Turn Lane Southbound McHenry Ave. to Westbound Briggsmore Ave.			\$ 40,000
	Transfer Out - Fund 3160 - Project 100786: SR99/Pelandale construction			\$ (13,167)
	Transfer Out - Fund 3160 - Project 101119: SR132 West Expressway			\$ (149,379)
	Transfer Out - Fund 5230			\$ (10,573)
				\$ (133,119)
Fund 3420 - Transit				\$ -
				\$ -
Fund 3430 - Air Quality	Transfer In - Fund 1410 - Connect MJC Bike Path to Virginia Corridor			\$ (22,428)
	Transfer Out - Fund 5230 - Project 101220: Hyland OnBase and Docusign apportionment			\$ (4,699)
				\$ (27,127)
Fund 3440 - Police	Transfer Out - Fund 0100 - Police Department Headquarters			\$ (415,000)
				\$ (415,000)
Fund 3450 - Fire	Transfer Out - Fund 0100 - Fire Station #11			\$ (130,000)
				\$ (130,000)
Fund 3460 - Parks	Transfer Out - Fund 3140 - Project 100778: PRN - Virginia Corridor Phase 6 Construction			\$ 382,740
				\$ 382,740
Fund 3470 - General Gov't	Transfer Out - Fund 0100 - Fire Station #11			\$ (275,000)
				\$ (275,000)
Fund 3480 - Administration	Transfer Out - Fund 5230 - Project 101220: Hyland OnBase and Docusign apportionment			\$ (4,700)
				\$ (4,700)
TOTAL				\$ (602,206)

¹Financial data is current as of October 23, 2020

**CITY OF MODESTO
CAPITAL FACILITIES FEES ANNUAL REPORT
FISCAL YEAR 2019-20**

Table 10: Capital Improvement Program (CIP) Expenditures¹

Fund	Project Number	Project Name	% Funded by Fee	% Funded by Other	Budget	Expenditures	Committed Funds	FY 2019/20 Expenditures	Balance Available	Estimated Construction Start FY	Estimated Construction End FY
Fund 3410 Streets	100046	Pelandale Interch at SR99	71%	29%	\$ 9,509,987	\$ 8,802,105	\$ 381,528	\$ -	\$ 326,354	2004/15	2022/23
	100048	Claratina/McHenry Plan Lane	100%	0%	\$ 341,500	\$ 39,005	\$ -	\$ -	\$ 302,495	2022/23	2023/24
	100049	Oakdale Road Widening	100%	0%	\$ 87,588	\$ 12,458	\$ -	\$ -	\$ 75,130	2022/23	2023/24
	100051	Claratina: McHenry/Coffee 4 Ln	100%	0%	\$ 6,062,911	\$ 3,179,619	\$ 612,002	\$ 975,592	\$ 1,295,698	2023/24	2024/25
	100586	CED - 7th St Bridge Tuolumne	91%	9%	\$ 923,600	\$ 296,261	\$ -	\$ 22,772	\$ 602,763	2022/23	2024/25
	100614	State Route 132 W. Express	26%	74%	\$ 34,437,560	\$ 27,293,349	\$ 240,806	\$ 2,231,848	\$ 4,671,557	2019/20	2022/23
	100632	Rt Turn Ln McHenry to Briggs	36%	64%	\$ 3,021,892	\$ 466,517	\$ 1,261,627	\$ 56,800	\$ 1,236,948	2020/21	2021/22
	100787	Pelandale I/C Monument Sign	100%	0%	\$ 384,652	\$ 260,852	\$ 1,350	\$ 22,611	\$ 99,839	2014/15	2021/22
	100943	Claus Rd Bike Path	100%	0%	\$ 80,000	\$ 66,363	\$ 7,303	\$ -	\$ 6,334	2018/19	2020/21
	100944	Tuolumne, 7th & B Intersection	100%	0%	\$ 200,000	\$ 155	\$ -	\$ 390	\$ 199,455	2022/23	2023/24
	100945	Hetch-Hetchy Crossing	100%	0%	\$ 5,070,000	\$ 407,970	\$ 33,512	\$ 15,055	\$ 4,613,463	2022/23	2023/24
	101181	Claus Road Plan Line	100%	0%	\$ 250,000	\$ -	\$ -	\$ -	\$ 250,000	2023/24	2024/25
	101182	Standiford Interchange PID	100%	0%	\$ 1,598,000	\$ 4,240	\$ -	\$ 3,811	\$ 1,589,950	2028/29	2029/30
<i>Subtotal</i>								\$ 3,328,879			
Fund 3430 Air Quality	100882	MJC Bike Path Phase 2	11%	89%	\$ 1,130,000	\$ 984,488	\$ 1,814	\$ 8,229	\$ 135,470	2016/17	2019/20
<i>Subtotal</i>								\$ 8,229			
Fund 3460 Parks	100677	Lighting Playground & Shade	100%	0%	\$ 785,834	\$ 2,559	\$ -	\$ -	\$ 783,275	2021/22	2022/23
	100779	MGCP Maintenance Facility	72%	28%	\$ 536,000	\$ 284,562	\$ -	\$ 182,183	\$ 69,255	2018/19	2020/21
	101017	Mary Grogan Park - Phase 2	100%	0%	\$ 1,950,000	\$ 8,049	\$ -	\$ 17,885	\$ 1,924,066	2021/22	2021/22
<i>Subtotal</i>								\$ 200,068			
TOTAL								\$ 3,537,176			Report Date: 11/17/2020

¹Financial data is current as of October 23, 2020

**CITY OF MODESTO
CAPITAL FACILITIES FEES ANNUAL REPORT
FISCAL YEAR 2019-20**

Table 11: Reduction of Capital Facilities Fees

Date	Applicant / Developer	Location / Address	Initial CFF Category	Final CFF Category	Initial CFF Fee	Final CFF Fee	Determination
10/9/2019	Ashmar LP/Derrel's Mini Storage ¹	111 Maripose Road (Modesto, CA)	Retail (Commercial)	Industrial (Warehousing)	\$333,430	\$83,219.50	Per the Trip Generation Report submitted by applicant, City staff agrees that the Warehouse CFF designation is considerably less trips than the Retail CFF designation

¹Parcel is located in the City's Sphere of Influence – quoted at 45,500 sq. ft.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020- 535**

**RESOLUTION ACCEPTING THE FISCAL YEAR 2019-20 ANNUAL REPORT
OF FUNDS HELD FOR FUTURE IMPROVEMENTS, AND MAKING FINDINGS
RELATED TO EACH SECURITY ON FILE**

WHEREAS, California Government Code Sections 66000 and 66006 require that the City make certain information available to the public and findings relating to the necessity of collecting fees for new development, and

WHEREAS, the City is collecting impact fees as security for future improvements that will be needed as a condition of approval for new development, and

WHEREAS, \$2,500 in impact fees were paid by Fuentes Construction on March 8, 2001, as a condition of approval for Project #100782 located at 1024 Florence Avenue, Modesto, for future improvements including connection to the City sewer system and the installation of curb, gutter and sidewalk improvements, and

WHEREAS, \$29,393.72 in impact fees were collected from American Home Builders as a condition of approval for Project #100783 located at 3055 Floyd Avenue, Modesto, on June 20, 2005, for future improvements including the expansion of Beta Street to the north of the property, and

WHEREAS, \$27,165 in impact fees were collected from Best Modesto Partners on September 30, 2008, as a condition of approval for Project #100784 located at 3019 Floyd Avenue, Modesto, for future improvements including the construction of an on-site driveway and the reconstruction of the nearby bus turnout and off-site driveway, and

WHEREAS, it has been determined that full funding for the various improvements has not yet been received, and

WHEREAS, it has been determined by staff that the impact fees collected for all three projects should be retained until additional funding can be obtained, and

WHEREAS, a public hearing at the City Council in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California was set for December 8, 2020, to enable the public to have the opportunity to comment on the impact fees collected.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby finds and determines that the impact fees collected for future improvements are necessary to fund future infrastructure needed for new development.

1. That the revenue anticipated for the full development of infrastructure improvements required for these projects have not been fully collected to complete the financing of said improvements. It is presently anticipated that there will be no regular sources of funding to develop the required improvements apart from impact fees collected from neighboring properties.
2. That the anticipated dates for the full collection of fees is unknown at this time as impact fees are based on development activity which is not controlled by the City.
3. That the funding for the future improvements to include connection to the City sewer system and the installation of curb, gutter and sidewalk improvements located at 1024 Florence Avenue, Modesto, is not yet known, but there is still a need, and therefore fees should still be retained for these purposes.
4. That the timing for the future improvements including the expansion of Beta Street to the north of the property located at 3055 Floyd Avenue, Modesto, is not

yet known, but there is still a need, and therefore fees should still be retained for these purposes.

5. That the timing for the future improvements including the construction of an on-site driveway and the reconstruction of the nearby bus turnout and off-site driveway located at 3019 Floyd Avenue, Modesto, is not yet known, but there is still a need, and therefore fees should still be retained for these purposes.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-536**

RESOLUTION APPROVING THE CITY OF MODESTO'S CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT FOR PROGRAM YEAR 2019-2020; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE REQUIRED DOCUMENTS FOR SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, each year, the City receives Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funding from the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS, to receive these funds, the City must develop and adopt a Consolidated Plan every five years, and

WHEREAS, the Consolidated Plan analyzes the City's housing and community development needs, with priority on serving low- and moderate-income individuals, households, and neighborhoods (as defined by HUD), describes long-term strategies for meeting those needs, and addresses how the City will utilize CDBG, HOME and ESG funding, and

WHEREAS, in addition to the Consolidated Plan, the City must annually prepare and adopt an Annual Action Plan specifying the goals and priorities for that particular Program Year, and

WHEREAS, ninety (90) days after the conclusion of each Program Year, HUD requires the City to prepare and submit a Consolidated Annual Performance Evaluation Report (CAPER). Due to COVID-19 and authorities granted under the CARES Act, this requirement was extended to 180 days after the completion of the Program Year which

ended June 30, 2020, therefore, the CAPER is due to HUD no later than December 28, 2020, and

WHEREAS, a CAPER describes how the City used its Community Development Block Grant, HOME Investment Partnerships Program, and Emergency Solutions Grant funds in a particular fiscal year to address the needs and priorities established in the Consolidated Plan, and

WHEREAS, a notice informing the public of the availability of the Program Year 2018-2019 CAPER, and the start of the public comment period, was published in the Modesto Bee and Vida en el Valle on November 11, 2020, and

WHEREAS, the public review comment period will close on December 8, 2020, and

WHEREAS, the Citizens' Housing and Community Development Committee (CH&CDC) considered the proposed CAPER on November 12, 2020, and recommended forwarding it to the City Council for approval, and

WHEREAS, a duly noticed public hearing was held by the City Council on December 8, 2020 at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, and

WHEREAS, any comments received during the public review period or during the City Council meeting will be incorporated into the final CAPER.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes approval of the 2019-2020 Consolidated Annual Performance Evaluation Report for the use of Community Development Block Grant, HOME Investment Partnerships Program, and Emergency Solutions Grant funds.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign any required certifications and documents for submittal to the U.S. Department of Housing and Urban Development.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-537**

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR THE FURNISHING OF GOLF COURSE MANAGEMENT SERVICES FOR CREEKSIDE GOLF COURSE AND DRYDEN GOLF COURSE, AND GOLF COURSE MAINTENANCE SERVICES FOR ALL CITY OWNED GOLF COURSES, TO BRIGHTVIEW GOLF MAINTENANCE, INC., CALABASAS, CA, IN PARTNERSHIP WITH KEMPERSPORTS MANAGEMENT, MODESTO, CA, FOR A THREE-YEAR AGREEMENT WITH TWO TWO-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST OF \$2,632,648 AND A TOTAL AMOUNT NOT TO EXCEED \$18,428,536 OVER SEVEN YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City owns, operates and manages the Municipal Golf Course (“MUNI”), Dryden Park Municipal Golf Course (“Dryden”), and Creekside Municipal Golf Course (“Creekside”), and

WHEREAS, in June 2020, the City issued a Request for Proposals (RFP) to provide golf course management and maintenance services and six vendors attended the mandatory site visit at Creekside Golf Course, and

WHEREAS, BrightView Golf Maintenance Inc., (“BrightView”), in partnership with KemperSports Management, Inc., (“KemperSports”), was the sole bidder and staff found the bid to be responsive and responsible, and

WHEREAS, on October 26, 2020, the Finance Committee recommended the award of proposal and Agreement for the furnishing of Golf Course Management services for Creekside Golf Course and Dryden Golf Course, and Golf Course Maintenance services for all City owned golf courses, to BrightView Golf Maintenance, Inc., Calabasas, CA, in partnership with KemperSports Management, Modesto, CA, for a three-year Agreement with two two-year extension options, be forwarded to Council for approval, and

WHEREAS, the City's existing agreements for maintenance of the three (3) golf courses and management of two (2) courses expires on December 31, 2020, and

WHEREAS, the new agreement for maintenance of three (3) and management of two (2) of the City's golf courses is a three (3) year contract with two (2) two-year extensions, in an amount not to exceed \$2,632,648 per year and \$18,428,536 over seven (7) years, and

WHEREAS, the award of proposal and contract for the furnishing of golf course management and maintenance services for the Parks, Recreation and Neighborhoods Department to BrightView Golf Maintenance Inc., in partnership with KemperSports Management Inc., conforms to Modesto Municipal Code 8-3.203.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a three (3) year agreement with two (2) two-year extension options at the sole discretion of the City, in an amount not to exceed \$2,632,648 per year, and \$18,428,536 over seven (7) years, for furnishing golf course management and maintenance services to BrightView Golf Maintenance, Inc., in partnership with KemperSports Management, Inc.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-538**

RESOLUTION APPROVING A PURCHASING AGREEMENT WITH AXON ENTERPRISE, INC. SCOTTSDALE, AZ, BY UTILIZING THE COMPETITIVE BIDDING PROCESS WITH OMNIA, CITY OF TUCSON, AZ, FOR AXON OFFICER SAFETY PLAN 7, FOR A TOTAL COST NOT TO EXCEED \$2,566,211; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Police Department was an early adopter of body-worn cameras, wearing in-field body cameras since 2012, and

WHEREAS, the Council first authorized the purchase of body cameras from TASER International by Resolution No. 2012-239, and

WHEREAS, in 2016, the Council authorized an additional five (5) year agreement with TASER International (now doing business as AXON Enterprise, Inc.), and

WHEREAS, the current agreement with AXON Enterprise, Inc. expires on August 31, 2021, and

WHEREAS, the Modesto Police Department is entitled to an upgrade of the latest body cameras and its Taster X26P conducted energy weapons will be out of warranty in 2021, and

WHEREAS, AXON Enterprise, Inc. has an Officer Safety Plan 7 agreement available to the Modesto Police Department that will include upgraded chest mounted body cameras, upgraded conducted energy weapons, an in-car camera system, side arm signaling and interview room audio/video recording capabilities, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to be formally bid.

WHEREAS, exceptions to the formal bidding process are granted in MMC 8-3.204(d) “Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality,” and

WHEREAS, additionally, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the cost savings interest of the City would be served, and

WHEREAS, here, Axon Enterprise, Inc. should be exempt from the formal bidding procedure in accordance with the Modesto Municipal Code 8-204(d) as this vendor and the Modesto Police Department have invested over eight years developing an effective and efficient program with the Axon Enterprise, Inc. platform and changing equipment, storage methods, or video platforms would be costly to implement, and

WHEREAS, additionally, Axon Enterprise, Inc. should be exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8-3.202(h) as the City of Tucson, AZ, conducted a Request for Proposal through Omnia and awarded to Axon Enterprise, Inc. for Officer Safety Plan 7 and its components, and

WHEREAS, therefore, this purchase qualifies for exemption from the formal bidding process.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a purchasing agreement between the City of Modesto and AXON Enterprise, Inc. for the Officer Safety Plan 7.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 2020, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney