MODESTO CITY COUNCIL
RESOLUTION NO. 2025-01

RESOLUTION ACCEPTING THE RESIGNATION OF TOM HALLINAN FROM THE MEASURE H OVERSIGHT BOARD

WHEREAS, the Measure H Oversight Board was established to review all revenues and expenditures of funds from the sales tax revenue generated from the passage of Measure H, and

WHEREAS, on June 27, 2023, by Resolution No. 2023-295, Tom Hallinan was appointed to serve as a member of the Measure H Oversight Board, and

WHEREAS, Tom Hallinan has tendered her resignation from the Measure H Oversight Board effective October 18, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the resignation of Tom Hallinan from the Measure H Oversight Board with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-02

RESOLUTION ACCEPTING THE RESIGNATION OF DAMON ROBBINS FROM THE VISIT MODESTO BOARD OF DIRECTORS AND APPOINTING BRAD MORAD TO FILL THE PARTIAL UNEXPIRED TERM ENDING DECEMBER 31, 2025, FOLLOWED BY A FULL TERM FROM JANUARY 1, 2026, TO DECEMBER 31, 2029

WHEREAS, the Modesto Convention and Visitors Bureau (CVB) is a re-established independent California Nonprofit Mutual Benefit Corporation; and

WHEREAS, although operating independently from the City of Modesto, the Council approved a First Amendment to the bylaws of the CVB on May 7, 2019, by Resolution No. 2019-201. The amended byways stated that appointments to serve on the Board will be formally made by the City Council from persons nominated by the CVB Board of Directors; and

WHEREAS, the organization is allocated a portion of Transient Occupancy Taxes to attract visitors to the area, provide coordination and leadership for the community relating to convention activity and tourism, gather community information designed to convey the status of the visitor industry, and to work with stakeholders to structure and implement suitable financing plans; and

WHEREAS, in accordance with the applicable bylaws, the Board of Directors (BOD) shall be comprised of a minimum of seven and no more than nine members in the following categories:

- Entertainment: three (3) members shall represent a major entertainment, restaurant, sports venue, retail business or attraction,
- Lodging: two (2) shall represent the lodging industry within the City of Modesto,

- Residents: two (2) shall be residents of the City of Modesto which may or may not be directly associated with the tourism, hospitality, or entertainment industries, but shall have demonstrated an interest in the City (Resident),
- At-Large: two (2) additional Board Members, if appointed, shall meet a minimum of one of the previous qualifications; and

WHEREAS, on December 5, 2023, the organization's Board of Directors amended its bylaws to formally change the organization's name to Visit Modesto, revising Board Member terms from a two (2) year period to four (4) years, and adjusting allowable consecutive terms from three (3) years to two (2); and

WHEREAS, a Director that has been appointed to fill an unexpired term of another Director may serve two (2) full additional four (4) year terms following the end of the unexpired term; and

WHEREAS, on February 6, 2024, by Resolution No. 2024-03, Damon Robbins was appointed to the Visit Modesto Board of Directors with a term expiration date of December 31, 2025; and

WHEREAS, on September 4, 2024, Damon Robbins resigned his position on the Visit Modesto Board. Brad Morad applied to serve on the Board on April 16, 2024, and was approved by the Visit Modesto Board of Directors on August 19, 2024. Following Brad Morad's nomination by the Visit Modesto Board, his application now qualifies for formal approval; and

WHEREAS, the resignation of Damon Robbins and appointment of Brad Morad to the Visit Modesto Board of Directors was considered by the Appointments Committee on December 4, 2024, and a motion was passed recommending the acceptance of Damon

Robbins' resignation, appointment of Brad Morad, and forwarding the action to Council for approval.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby accepts the resignation of Damon Robbins from the Visit Modesto Board of Directors and approves the appointment of Brad Morad to fill the partial unexpired term ending December 31, 2025, followed by a full term from January 1, 2026, to December 31, 2029.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-03

RESOLUTION ACCEPTING THE RESIGNATION OF MATTHEW HOLBROOK FROM THE CITIZENS' TRANSPORTATION SALES TAX COMMISSION

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions with the recommendation of the City's Appointments Committee; and

WHEREAS, The Measure L Citizens' Transportation Sales Tax Commission was created on (date) by Ordinance No. 3656-C.S. The purpose of the Measure L Citizens' Transportation Sales Tax Commission is to provide oversight of the collection and spending of tax revenue generated by Measure L; and

WHEREAS, on October 8, 2024, by Resolution No. 2024-363, Matthew Holbrook was appointed to serve as a member of the Citizens' Transportation Sales Tax Commission; and

WHEREAS, Matthew Holbrook has tendered his resignation from the Citizens' Transportation Sales Tax Commission effective October 31, 2024.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby accepts the resignation of Matthew Holbrook from the Citizens' Transportation Sales Tax Commission with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January, 2025, 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:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSÉ M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-04

RESOLUTION ACCEPTING THE RESIGNATION OF JAMES MCKAY FROM THE AIRPORT ADVISORY COMMITTEE

WHEREAS, the Modesto City-County Airport (Airport) operates for the benefit of all businesses, industries, visitors and residents in the City of Modesto, Stanislaus County, and the surrounding areas; and

WHEREAS, 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, the Airport Advisory Committee (AAC) was formed; and

WHEREAS, interested citizens are appointed as members to the AAC by both the Modesto City Council and the Stanislaus County Board of Supervisors to advise on policy matters pertaining to the operation and management of the Airport; and

WHEREAS, on March 5, 2019, by Resolution No. 2019-94, James McKay was appointed to the position of Public at Large of the AAC; and

WHEREAS, on April 4, 2023, by Resolution No. 2023-127, James McKay was re-appointed to the same position on the AAC with a term expiration date of April 4, 2027; and

WHEREAS, James McKay has resigned from the Airport Advisory Committee effective November 16, 2024.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby accepts the resignation of James McKay from the Airport Advisory Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-05

RESOLUTION APPOINTING HANS HAUSELMANN TO THE CITY OF MODESTO PLANNING COMMISSION WITH A PARTIAL TERM EXPIRING DECEMBER 31, 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, Planning Commissioner Jose Vazquez resigned on August 26, 2024; and

WHEREAS, the Appointments Committee met on December 4, 2024, and recommended the appointment of Hans Hauselmann to the Planning Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it herby appoints Hans Hauselmann**,** City of Modesto Planning Commission with a partial term expiring December 31, 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 14th day of January, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-06

RESOLUTION APPOINTING NARAMSEN GORIELTO THE CITY OF MODESTO PLANNING COMMISSION WITH A TERM EXPIRING DECEMBER 31, 2028

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, Planning Commissioner Omar Silva term ends on December 31, 2024, and

WHEREAS, the Appointments Committee met on December 4, 2024, and recommended the appointment of Naramsen Goriel to the Planning Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it herby appoints Naramsen Goriel**,** City of Modesto Planning Commission with a term expiring December 31, 2028.

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 14th day of January, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-07

RESOLUTION APPOINTING MICHAEL ARROYO TO THE CITY OF MODESTO PLANNING COMMISSION WITH A TERM EXPIRING DECEMBER 31, 2028

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, Planning Commissioner Ameet Birring's' term expired on December 31, 2024; and

WHEREAS, the Appointments Committee met on December 4, 2024, and recommended the appointment of Michael Arroyo to the Planning Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it herby appoints Michael Arroyo**,** to the City of Modesto Planning Commission with a term expiring December 31, 2028.

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 14th day of January, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-08

RESOLUTION REAPPOINTING PLANNING COMMISSIONER ERIN BLACK TO THE CITY OF MODESTO PLANNING COMMISSION WITH A TERM EXPIRING DECEMBER 31, 2028

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, Planning Commissioner Erin Black's first partial term ends on December 31, 2024; and

WHEREAS, the Appointments Committee met on December 4, 2024, and recommended the reappointment of Erin Black to the Planning Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it herby reappoints Erin Black**,** to the City of Modesto Planning Commission with a term expiring December 31, 2028.

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 14th day of January, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-09

RESOLUTION REAPPOINTING MARK NISKANEN TO THE CITY OF MODESTO BOARD OF ZONING ADJUSTMENT WITH A SECOND TERM EXPIRING DECEMBER 31, 2028

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, Board Member Mark Niskanen's first term ends on December 31, 2024; and

WHEREAS, the Appointments Committee met on December 4, 2024, and recommended the reappointment of Mark Niskanen the Board of Zoning Adjustment.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it herby reappoints Mark Niskanen, to the City of Modesto Board of Zoning Adjustment with a second term expiring December 31, 2028.

BE IT FURTHER RESOLVED, 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 14th day of January, 2025, by Mayor Zwahlen, 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:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-10

RESOLUTION REAPPOINTING MINAL DESAI TO THE CITY OF MODESTO BOARD OF ZONING ADJUSTMENT WITH A SECOND TERM EXPIRING DECEMBER 31, 2028

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, Board Member Minal Desai's first term ends on December 31, 2024; and

WHEREAS, the Appointments Committee met on December 4, 2024, and recommended the reappointment of Minal Desai to the Board of Zoning Adjustment.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it herby reappoints Minal Desai, to the City of Modesto Board of Zoning Adjustment with a second term expiring December 31, 2028.

BE IT FURTHER RESOLVED, 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 14th day of January, 2025, by Mayor Zwahlen, 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:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-11

RESOLUTION REAPPOINTING HARRISON POWER TO THE CITY OF MODESTO LANDMARK PRESERVATION COMMISSION WITH A SECOND TERM EXPIRING DECEMBER 31, 2028

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, Landmark Preservation Commissioner Harrison Power term expired on December 31, 2024; and

WHEREAS, the Appointments Committee met on December 4, 2024, and recommended the reappointment of Harrison Power to the Landmark Preservation Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it herby reappoints Harrison Power for a second term, to the City of Modesto Landmark Preservation Commission with a term expiring December 31, 2028.

BE IT FURTHER RESOLVED, the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Landmark Preservation Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January, 2025, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-12

RESOLUTION APPOINTING BRINDER SINGH TO THE CITY OF MODESTO LANDMARK PRESERVATION COMMISSION WITH A TERM EXPIRING DECEMBER 31, 2028

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, Landmark Preservation Commissioner Bonnie Acree's partial term expired on December 31, 2024; and

WHEREAS, the Appointments Committee met on December 4, 2024, and recommended the appointment of Brinder Singh to the Landmark Preservation Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it herby appoints Brinder Singh, to the City of Modesto Landmark Preservation Commission with a term expiring December 31, 2028.

BE IT FURTHER RESOLVED, the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Landmark Preservation Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January, 2025, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-13

RESOLUTION APPROVING THE APPOINTMENT OF MONICA SORIA TO THE DISABLED ACCESS APPEALS BOARD WITH A TERM EXPIRATION OF DECEMBER 31, 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 December 4, 2024, and recommended the appointment of Monica Soria 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 Monica Soria to the Disabled Access Appeals Board with a term expiration of December 31, 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 14th day of January, 2025, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-14

RESOLUTION APPROVING THE APPOINTMENT OF CHRISTINE STEWART TO THE DISABLED ACCESS APPEALS BOARD WITH A TERM EXPIRATION OF DECEMBER 31, 2026

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 December 4, 2024, and recommended the appointment of Christine Stewart 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 Christine Stewart to the Disabled Access Appeals Board with a term expiration of December 31, 2026.

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 14th day of January, 2025, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-15

RESOLUTION APPROVING THE APPOINTMENT OF DAVID TOWNSEND TO THE DISABLED ACCESS APPEALS BOARD WITH A TERM EXPIRATION OF DECEMBER 31, 2026

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 December 4, 2024, and recommended the appointment of David Townsend 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 David Townsend to the Disabled Access Appeals Board with a term expiration of December 31, 2026.

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 14th day of January, 2025, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-16

RESOLUTION APPROVING THE APPOINTMENT OF DAVID HARTER TO THE DISABLED ACCESS APPEALS BOARD WITH A TERM EXPIRATION OF DECEMBER 31, 2028

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 December 4, 2024, and recommended the appointment of David Harter 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 David Harter to the Disabled Access Appeals Board with a term expiration of December 31, 2028.

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 14th day of January, 2025, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-17

RESOLUTION APPROVING THE APPOINTMENT OF TERRY MOFFATT TO THE DISABLED ACCESS APPEALS BOARD WITH A TERM EXPIRATION OF DECEMBER 31, 2028

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 December 4, 2024, and recommended the appointment of Terry Moffatt 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 Terry Moffatt to the Disabled Access Appeals Board with a term expiration of December 31, 2028.

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 14th day of January, 2025, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-18

RESOLUTION APPOINTING DR. TONY SILLEMON, JENNIFER ANNE (RALLY) AOYAMA, RICARDO R. ORTIZ, DR. BIANCA AGASSI, AND ELIZABETH BUENROSTRO TO THE CITY OF MODESTO ENTERTAINMENT COMMISSION WITH TERMS FROM JANUARY 1, 2025 TO DECEMBER 31, 2028

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 Entertainment Commission is a nine-member advisory commission on matters pertaining to entertainment-related permits for the City of Modesto, and

WHEREAS, seven vacancies currently exist on the Entertainment Commission; a total of thirteen applications were received, and

WHEREAS, of the thirteen applicants none qualified nor applied for the Board of Director member of an Economic or Tourist Organization that promotes Modesto or Event Planning or Marketing Specialist positions — two (2) positions would remain open, and

WHEREAS, the Appointments Committee met on December 4, 2024, reviewed the applications, and recommended the appointments of Dr. Tony Sillemon, Jennifer Anne (Rally) Aoyama, Ricardo R. Ortiz, Dr. Bianca Agassi, and Elizabeth Buenrostro, to the Entertainment Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it herby appoints Dr. Tony Sillemon, Jennifer Anne (Rally) Aoyama, Ricardo R. Ortiz, Dr. Bianca Agassi, and Elizabeth Buenrostro, to the City of Modesto Entertainment Commission with terms from January 1, 2025, to December 31, 2028

BE IT FURTHER RESOLVED, the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Entertainment 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 14th day of January, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-19

RESOLUTION APPOINTING RAJMEET GREWAL TO THE BOARD OF ZONING ADJUSTMENT AS A PLANNING COMMISSION REPRESENTATIVE FOR 2025, WITH A TERM EXPIRATION OF DECEMBER 31, 2025

WHEREAS, Section 10-1.201 of the Modesto Municipal Code provides that one member of the Board of Zoning Adjustment shall be appointed from the members of the Planning Commission, and

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 January 23, 2024, by Resolution 2024-006, Council appointed Rajmeet Grewal to the Planning Commission for a four-year term, set to expire on December 31, 2027, and

WHEREAS, the Planning Commission met on November 18, 2024, and recommended the appointment of Commissioner Grewal as its representative to the Board of Zoning Adjustment for 2025.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto, that it hereby approves the appointment of Rajmeet Grewal to the Board of Zoning Adjustment as a Planning Commission Representative with a term expiration date of December 31, 2025.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January, 2025, 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:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-20

RESOLUTION APPOINTING CECIL RUSSELL TO THE CITIZEN'S HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE AS A PLANNING COMMISSION REPRESENTATIVE FOR 2025, WITH A TERM EXPIRATION OF DECEMBER 31, 2025

WHEREAS, pursuant to Article III, Section 3.01 of the bylaws for the Citizens Housing and Community Development Committee, the CH&CDC shall consist of eleven qualified persons, including one to be appointed by members of the City Planning Commission, and

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to represent various boards and commissions, and

WHEREAS, on April 4, 2023, by Resolution 2023-124, Council appointed Cecil Russell to the Planning Commission for a four-year term, set to expire on January 1, 2027, and

WHEREAS, on November 18, 2024, the Planning Commission recommended the appointment of Planning Commissioner Russell to the CH&CDC as a Planning Commission Representative for 2025 with a term expiration of December 31, 2025.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto, that it hereby appoints Cecil Russell to the Citizen's Housing and Community Development Committee as a Planning Commission Representative for 2025, with a term expiration of December 31, 2025.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	Alvarez, Ricci
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSÉ M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-21

RESOLUTION APPOINTING JIM SPELMAN AS A MEMBER-AT-LARGE FOR A FOUR-YEAR TERM FROM JANUARY 1, 2025, TO DECEMBER 31, 2028, ON THE CITY OF MODESTO GOLF COURSES ADVISORY COMMITTEE

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

WHEREAS, the Golf Courses Advisory Committee is comprised of five members representing local golf organizations: SIRS Golf Club, Muni-Niners Golf Club, Modesto Golf Club, Creekside Golf Club, and Dryden Women's Golf Club, and six Members-At-Large, and

WHEREAS, appointments specific to the named golf organizations are nominated by each respective organization and recommended to the City for consideration, and

WHEREAS, by Resolution 2021-096, Council appointed Jim Spelman to the Golf Courses Advisory Committee as a Member-At-Large, and

WHEREAS, Jim Spelman served one four-year term and has reapplied for a second term, and

WHEREAS, Jim Spelman is qualified to serve as a Member-At-Large for a four-year term from January 1, 2025 through December 31, 2028, and

WHEREAS, on December 4, 2024, the Appointments Committee recommended the appointment of Jim Spelman as a Member-At-Large.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointment of Jim Spelman as a Member-At-Large for a four-year term from January 1, 2025, to December 31, 2028, on the City of Modesto Golf Courses Advisory Committee.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Golf Courses Advisory Committee, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-22

RESOLUTION APPROVING ACCEPTANCE OF APPLICATIONS FOR THE FUTURE DEVELOPMENT OF COMPREHENSIVE PLANNING DISTRICTS REFERRED TO AS KIERNAN BUSINESS PARK, KIERNAN/MCHENRY, KIERNAN/CARVER CORRIDOR, COLLEGE WEST, HETCH-HETCH COMPREHENSIVE PLANNING DISTRICT REGIONAL COMMERCIAL, AND HETCH-HETCHY COMPREHENSIVE PLANNING DISTRICT VILLAGE RESIDENTIAL

WHEREAS, since the City's 1995 General Plan new growth boundaries located outside the City limits and inside the General Plan boundary have been defined with their own boundary and name. These locations are defined as Comprehensive Planning Districts (CPDs); and

WHEREAS, to address significant growth that occurred in the 1960s and '70s, slow-growth advocates initiated a process to hold city-wide elections to gauge public interest regarding substantial new annexation and development projects. This process featured ballot initiatives to require that subsequent major annexation and development projects be subject to an advisory vote prior to entitlement processing and related future extension of infrastructure; and

WHEREAS, on March 6, 1979, the voters of Modesto approved the Modesto Citizens Advisory Growth Management Act (Measure A). On November 4, 1997, voters approved the Modesto Citizens Advisory Growth Management Act of 1995 (Measure M); and

WHEREAS, the following CPDs have received negative advisory votes with no subsequent vote having occurred: Kiernan Business Park in 1997, Kiernan/McHenry in 1997, Kiernan/Carver Corridor in 2009, College West in 2009, Hetch-Hetchy CPD Regional Commercial in 2009, and Hetch-Hetchy CPD Village Residential in 2009;

and

WHEREAS, developer groups have inquired with the Community and Economic Development Department indicating interest in proceeding with the development process in the six (6) CPDs previously indicated; and

WHEREAS, there is past precedent for CPDs that received a negative advisory vote to move forward in the development process without a subsequent vote. Most recently, on February 8, 2022 Council directed staff to proceed with the development process for the Tivoli North CPD which received a negative advisory vote in 2009; and

WHEREAS, moving forward with future development applications, should they be received, for the identified CPDs will provide land needed to achieve the goals set forth in the Housing Element, as well as to provide a variety of commercial and economic development benefits for the community.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves acceptance of applications for the future development of comprehensive planning districts referred to as Kiernan Business Park, Kiernan/McHenry, Kieran/Carver Corridor, College West, Hetch-Hetchy Comprehensive Planning District Regional Commercial, and Hetch-Hetchy Comprehensive Planning District Village Residential.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January, 2025, 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:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-23

RESOLUTION APPROVING THE AMENDED BYLAWS FOR THE CITIZEN HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

WHEREAS, the City Council created the Citizens' Housing and Community Development Committee (CH&CDC) to oversee programs and policies related to the affordable housing and homeless initiatives that are often funded with its City's Housing and Urban Development (HUD) funds; and

WHEREAS, CH&CDC consists of 11 members appointed by the City Council for a 4-year term. The CH&CDC serves as an advisory group to the City Council on matters related to housing and community development; and

WHEREAS, CH&CDC Bylaws were last amended November 24, 2015, by Resolution No. 2015-456; and

WHEREAS, both the Citizens' Housing and Community Development Committee and Housing Rehabilitation Loan Committee require several administrative amendments to align with City policies and best practices, and address key challenges related to quorum and membership; and

WHEREAS, for instance, recruitments for committee vacancies that require representation of a specific sector such as construction, banking/finance, and service provision have not been able to yield successful recruitments; and

WHEREAS, additionally, both committees have experienced challenges with meeting quorum requirements which has resulted in meetings being cancelled; and

WHEREAS, staff is recommending the following amendments; and

1. Authorizing the Appointments Committee to fill a seat designated for a representative of a specific sector with a citizen at-large, when recruitments have been unsuccessful
2. Clarifying the definition of a quorum to only apply to filled seats on the committee
3. Clarifying the role of the alternate Council Member on the CHCDC to be able to vote in place of any absence or vacancy
4. Addition of language related to service requirements for member appointment by other committees or outside agencies
5. Refine language to provide a defined term of service
6. Refine language related to Meeting Attendance to align the attendance notification process with the City's best practices for other committees, including the Board and Commission Secretary/Liaison Meeting Administration Handbook
7. Addition of language that further clarifies the roles in the absence of both the Chair and Vice-Chair

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amended Bylaws for the Citizen 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 14th day of January, 2025, 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:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-24

RESOLUTION APPROVING THE AMENDED BYLAWS FOR THE HOUSING REHABILITATION LOAN COMMITTEE

WHEREAS, the City Council created Housing Rehabilitation Loan Committee (HRLC) is responsible for reviewing and approving loans issued as part of the City's Homeowner Rehabilitation Program and Homebuyer Assistance programs; and

WHEREAS, The HRLC Committee includes seven (7) members that are appointed by the City Council for a 4-year term, with one (1) alternate member from the Citizen Housing and Community Development Committee; and

WHEREAS, the HRLC Bylaws were last amended October 25, 2016 by Resolution No. 2016-424; and

WHEREAS, both the Citizens' Housing and Community Development Committee and Housing Rehabilitation Loan Committee require several administrative amendments to align with City policies and best practices, and address key challenges related to quorum and membership; and

WHEREAS, for instance, recruitments for committee vacancies that require representation of a specific sector such as construction, banking/finance, and service provision have not been able to yield successful recruitments; and

WHEREAS, additionally, both committees have experienced challenges with meeting quorum requirements which has resulted in meetings being cancelled; and

WHEREAS, staff is recommending the following amendments; and

1. Authorizing the Appointments Committee to fill a seat designated for a representative of a specific sector with a citizen at-large, when recruitments have been unsuccessful

2. Clarifying the definition of a quorum to only apply to filled seats on the committee
3. Clarifying the role of the alternate Council Member on the CHCDC to be able to vote in place of any vacancy
4. Addition of language related to service requirements for member appointment by other committees or outside agencies
5. Refine language to provide a defined term of service
6. Refine language related to Meeting Attendance to align the attendance notification process with the City's best practices for other committees, including the Board and Commission Secretary/Liaison Meeting Administration Handbook
7. Addition of language that further clarifies the roles in the absence of both the Chair and Vice-Chair

WHEREAS, to ensure that these committees remain in alignment with the Citywide best practices, staff is recommending the adoption of these amendments.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amended Bylaws for the Housing Rehabilitation Loan Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January, 2025, 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:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-25

RESOLUTION APPROVING AN AGREEMENT WITH THE STATE OF CALIFORNIA OFFICE OF EMERGENCY SERVICES TO TEMPORARILY HOUSE AND MAINTAIN A TYPE 6 FIRE ENGINE AND ITS ASSOCIATED EQUIPMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the California Governor's Office of Emergency Services (CalOES) has selected the Modesto Fire Department (MFD) to house and maintain a Type 6 fire engine, complete with equipment; and

WHEREAS, the use of the vehicle is intended to provide aid for the following all-hazard events, emergency incidents, civil defense, and disaster purposes: mutual aid; multiple alarm events and emergency incidents; emergency incidents threatening properties vital to national defense or important military installations; parades and displays; training of regular, volunteer and auxiliary firefighters; temporary standby for MFD's regular fire engine and the regular fire engines of other fire departments while out of service for repairs; and

WHEREAS, the term of the agreement is for ten years, which will take effect from a tentative date of September 10, 2024, through September 10, 2034. Upon acceptance of the agreement with CalOES, MFD agrees to house, maintain, and respond with the apparatus when requested.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an Agreement with the State of California Office of Emergency Services to temporarily house and maintain a Type 6 fire engine and its associated equipment.

BE IT FURTHER RESOLVED, that the City Manager is authorized to execute all documents and 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 14th day of January, 2025, 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:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-26

RESOLUTION APPROVING AN AGREEMENT WITH EMPLOYERS CHOICE SCREENING (ECS), SANTA FE SPRINGS, CA TO CONDUCT PRE-EMPLOYMENT BACKGROUND CHECKS FOR A THREE (3) YEAR AGREEMENT WITH TWO (2) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF $25,000 AND A TOTAL AMOUNT NOT TO EXCEED $125,000 OVER FIVE (5) YEARS; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THIS AGREEMENT

WHEREAS, the City, like many other local governments across the state, utilize professional third-party background check companies to perform their pre-employment background checks. It is one way the City can build a high-performance organization that attracts and retains high performance employees, and

WHEREAS, the City recognizes pre-employment background checks provide confirmation about a candidate's qualifications, verification of education/ employment and ensures a safer work environment through responsible hiring practices, and

WHEREAS, on November 12, 2024, by Resolution No. 2024-416, City Council approved a fourth amendment with the existing third-party background check vendor Employee Relations, Inc in a total amount not to exceed of $100,000. The Human Resources Department has utilized this vendor since January 31, 2020, and

WHEREAS, using a third-party provider assists the City in maintaining a compliant background screening program and mitigates potential legal risks. Employers Choice Screening (ECS) can professionally and legally conduct time consuming and difficult background checks ensuring all Federal, State, and local laws and regulations are followed; and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204 (a) Exceptions to Formal Bidding Requirements, Agreements for Professional Services are exempt from

the bidding requirements of Modesto Municipal Code 8-3.203 if competitive quotations or proposals have been sought informally from at least three (3) qualified entities. An approval to provide Pre-Employment Background Services to Employers Choice Screening conforms to Modesto Municipal Code 8-3.204, subsection (a) as they are providing professional services. Staff received seven (7) proposals and evaluated them based on the ability to address the RFP requirements, qualifications, references, software security, integration, and cost.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Professional Services agreement with Employers Choice Screening (ECS) for pre-employment background check screening for a three-year Agreement with two one-year extension options for an annual estimated amount of $25,000 and a total amount not to exceed $125,000 over five 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 14th day of January, 2025, 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:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-27

RESOLUTION APPROVING A SOLE SOURCE AGREEMENT WITH ALLIANT INSURANCE SERVICES, INC., IRVINE, CA AS THE BROKER OF RECORD FOR EMPLOYEE BENEFIT PLANS FOR A THREE-YEAR AGREEMENT WITH TWO ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF $98,000 AND A TOTAL AMOUNT NOT TO EXCEED $490,000 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THIS AGREEMENT

WHEREAS, the City recognizes Alliant Insurance Services, Inc. is the sole source insurance broker who provides insurance products and services offered through Public Risk Innovation, Solutions and Management Programs (PRISM), and

WHEREAS, on February 5, 2019, by Resolution No. 2019-54, City Council approved a consulting and broker of record agreement with Alliant Insurance Services to broker insurance services with PRISM, and

WHEREAS, PRISM's healthcare model controls cost increases by working with providers and pooling public agencies to gain economies of scale. The pooling approach creates value and long-term stability for the City by securing the lowest possible fixed costs from premier carrier partners and combining similar risk profiles in a financially stable pool, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 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 requirement where the Purchasing Agency's requirements can be met solely by a single article or process. Here, the brokerage agreement with Alliant Insurance Services, Inc. is the sole source broker for PRISM Health is the best option for City of Modesto. Therefore, staff

recommends the Consulting Agreement with Alliant Insurance Services, Inc. should be exempt from the formal bidding procedures in accordance with Modesto Municipal Code 8-3.204(b) since Alliant Insurance Services, Inc. is the Sole Provider and broker of PRISM Insurance Services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Sole Source agreement with Alliant Insurance Services, Inc., to conduct insurance consulting and broker of record services for a three-year Agreement with two one-year extension options for an annual estimated amount of $98,000 and a total amount not to exceed $490,000 over five 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 14th day of January, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-28

RESOLUTION APPROVING AN AGREEMENT WITH UMASS GLOBAL FOR AN EMPLOYEE LEADERSHIP DEVELOPMENTAL PROGRAM FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF $59,000 AND A TOTAL AMOUNT NOT TO EXCEED $295,000 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THIS AGREEMENT

WHEREAS, the City has identified the need for a citywide organizational development and succession plan that promotes proven strategies for a positive transformation in its overall culture, and

WHEREAS, prior to 2018, the City of Modesto did not have formal leadership or employee professional development programs in place, and

WHEREAS, on February 25, 2020, by Resolution No. 2020-101, City Council approved a five-year Agreement in a total amount not to exceed of $250,000 with Brandman University (Now University of Massachusetts Global). This program is an integral part of Organizational Development's employee career and leadership development programs at the City of Modesto, and

WHEREAS, from 2020-present, the Organizational Development team successfully launched many transformational programs to the City of Modesto Employees, and

WHEREAS, these ongoing programs provide proven tools and best practices to the City's future leaders. In addition to leadership curriculum, Microsoft Office courses, City Budgets, OnBase Agenda Report Writing, and other City of Modesto specific technical courses are offered throughout the year, and.

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all

purchases, which meet or exceed $100,000 for material, equipment, or contractual services to follow formal bid procedures. However, exceptions to the formal bidding process are granted in MMC 8-204(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, the Employee Leadership Development Program through UMass Global is exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8-3.204(d) since UMass Global has an established Employee Leadership Development Program with the City of Modesto and switching to a new training and development platform will result in additional financial cost and development, including resources needed to implement a new program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with UMass Global for an Employee Leadership Developmental Program for a two-year Agreement with three one-year extension options for an annual estimated amount of $59,000 and a total amount not to exceed $295,000 over five 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 14th day of January, 2025, 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:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-29

RESOLUTION APPROVING THE LEASE AGREEMENT WITH WILLIAM BRENT BURNSIDE, DBA BURNSIDE MANAGEMENT TEAM, MODESTO, CA, FOR USE OF FENCED PARKING LOT FOR A FOUR-YEAR AGREEMENT, FOR AN ANNUAL ESTIMATED AMOUNT OF $47,004, AND A TOTAL AMOUNT NOT TO EXCEED $188,016 OVER FOUR YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto's Police Department ('MPD") needs additional parking, and the City Council has previously approved lease agreements to meet MPD's parking needs; and

WHEREAS, this lease agreement will allow MPD to use 50 parking spaces in the lot owned by William Brent Burnside, DBA Burnside Management Team that is located on the corner of 11th and F Streets; and

WHEREAS, this lease agreement will provide much needed parking for MPD-owned vehicles and MPD employee-owned vehicles; and

WHEREAS, on March 24, 2015, by Resolution No. 2015-98, Council approved a Lease Agreement with Stanislaus Implement & Hardware Company, LTD for the use of its parking lot for $1,000 per month on a month-to-month basis; and

WHEREAS, several changes were requested by Stanislaus Implement & Hardware Company, LTD and Council approved the revised Parking Lot Lease with Stanislaus Implement & Hardware Co., LTD on May 5, 2015, by Resolution No. 2015-138, ultimately rescinding Resolution No. 2015-98; and

WHEREAS, on July 6, 2017, the property owner contacted the City regarding a desire to amend only the payment amount in the current lease agreement. At that time, the

property owner requested an increase from $1,000 to $1,500, effective September 1, 2017. On October 3, 2017, by Resolution No. 2017-386, Council approved an increase from $1,000 to $1,500, effective September 1, 2017; and

WHEREAS, on September 10, 2019, William Brent Burnside, DBA Burnside Management Team (Burnside Management Team) purchased the Stanislaus Implement & Hardware Co. LTD property located on the corner of 11th and F Street, which includes the parking lot used by the Police Department on a contract basis since March 2015; and

WHEREAS, on January 14, 2020, by Resolution No. 2020-014, Council approved a 5-year Lease Agreement with William Brent Burnside, DBA Burnside Management Team for the use of their parking lot for $3,500 per month. This agreement is set to expire on January 31, 2025; and

WHEREAS, William Brent Burnside, DBA Burnside Management Team, is agreeable to leasing the parking lot, in exchange for payment of monthly rent in the amount of Three Thousand Nine Hundred and Seventeen Dollars $3,917 per month.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Lease Agreement with William Brent Burnside, DBA Burnside Management Team for use of Fenced Parking Lot for an annual estimated amount of $47,004, and a total amount not to exceed $188,016 over four years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to negotiate and execute the lease 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 January, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-30

RESOLUTION APPROVING A GRANT OF PERMANENT EASEMENT TO MODESTO IRRIGATION DISTRICT TO COVER EXISTING IRRIGATION FACILITIES WITHIN A 5-FOOT-WIDE UNIFORM STRIP OF APN 084-002-046, AND CONSENTING TO THE RECORDATION THEREOF

WHEREAS, on October 18, 2021, by Resolution 2021-19, the Planning Commission approved the Vesting Parcel Map of property located at the northwest corner of Litt Road and Sylvan Avenue, and

WHEREAS, Staff became aware that the Modesto Irrigation District (MID) facilities located on the property did not have an easement to permit the placement of the facilities, nor access to upgrade, maintain, repair, replace or modify those facilities, and

WHEREAS, on September 24, 2024, by Resolution No. 2024-340, Council approved the summary vacation of a 40-foot strip of former Litt Road alignment (14,579 square feet) right-of-way; and authorized the City Manager to sign the final Parcel Map to complete the land division in the area, and

WHEREAS, the Utilities Department and MID routinely work together to coordinate infrastructure maintenance, installation, repair, upgrades, removal and modifications throughout the City, and

WHEREAS, the existing MID infrastructure on the property in question includes an irrigation line which is utilized primarily to convey irrigation water to their agricultural customers, and

WHEREAS, Staff is recommending the approval of a Grant of Permanent Easement to allow MID the ability to continue to operate and maintain the facilities located at 3409 Sylvan Avenue.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Grant of Permanent Easement to Modesto Irrigation District to cover existing irrigation facilities within a 5-foot-wide uniform strip of APN 084-002-046, and consenting to the recordation thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January, 2025, 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:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-31

RESOLUTION APPROVING A FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE MUNICIPAL GROUNDWATER IMPROVEMENT PROJECT IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, Nitrate, Arsenic, and Uranium contamination has led to Utilities Operations Staff having to install costly treatment systems, inactivate and destroy potable water supply wells, and continues to threaten others, and

WHEREAS, to help assure the long-term resilience of the City's groundwater supplies, Utilities Engineering Staff has been actively exploring the implementation of groundwater recharge projects, and

WHEREAS, on June 12, 2018, by Resolution No. 2018-231, Council accepted a preliminary award, and authorized entering into a funding agreement with the State Water Resources Control Board through the Proposition 1 Groundwater Planning Grant Program to fund the Nitrate/Arsenic/Uranium Remedial Investigation/Feasibility Study Project, and

WHEREAS, on June 12, 2018, by Resolution No. 2018-232, Council approved an Agreement with Jacobson James & Associates for the preparation of a Wellfield Remedial Investigation and Feasibility Study, and

WHEREAS, on May 7, 2024, by Resolution No. 2024-146, Council approved a First Amendment to the Agreement with Trihydro Corporation, formerly Jacobson James & Associates, for the preparation of a Wellfield Remedial Investigation and Feasibility Study, and

WHEREAS, as proposed, in the Wellfield Remedial Investigation and Feasibility Study completed on June 18, 2021, the Municipal Groundwater Improvement Project will consist primarily of modifications to the existing wellfield pumping operations strategy to reduce contaminate levels in raw pumped ground water and of the construction of Managed Aquifer Recharge (MAR) Basins to increase the volume of uncontaminated surface water recharged into the aquifer system to reduce the level of contamination and improve groundwater quality over time, and

WHEREAS, the California Environmental Quality Act requires that State and local agencies disclose and evaluate the significant environmental impacts of proposed projects and adopt all feasible mitigation measures to reduce or eliminate those impacts, and

WHEREAS, a Notice of Availability and Intent to Adopt the Final Initial Study/Mitigated Negative Declaration (IS/MND), prepared by the Trihydro Corporation on behalf of the City, was circulated to all Stakeholders within the Project area as well as Public and State Agencies through the State Clearinghouse, a division of the Governor's Office of Planning and Research, and

WHEREAS, the Draft IS/MND was made available for public review for 30 days beginning on September 21, 2023, and ending on October 20, 2023. One comment letter was received from the Central Valley Regional Water Quality Control Board, and it is included along with Utilities Engineering Staff's response in the Final IS/MND, and

WHEREAS, the Final IS/MND was prepared in compliance with the California Environmental Quality Act Guidelines, California Code of Regulations Title 14, § 15000. and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Final Initial Study/Mitigated Negative Declaration for the Municipal Groundwater Improvement Project in accordance with the California Environmental Quality Act.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January, 2025, 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:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-32

RESOLUTION APPROVING THE 2025 MEMORANDUM OF UNDERSTANDING WITH THE STANISLAUS AND TUOLUMNE RIVERS GROUNDWATER BASIN ASSOCIATION GROUNDWATER SUSTAINABILITY AGENCY FOR UNDERTAKING GROUNDWATER SUSTAINABILITY PLANNING, REPORTING, STUDIES, MUTUAL AID AND SUPPORT SERVICES WITHIN THE MODESTO SUB-BASIN AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MEMORANDUM OF UNDERSTANDING

WHEREAS, in September of 2014, Governor Edmund G. Brown signed into law the Sustainable Groundwater Management Act of 2014 (SMGA) which required, among other items, the formation of Groundwater Sustainability Agencies with a focus on long-term groundwater management, and

WHEREAS, on January 24, 2017, by Resolution No. 2017-30, Council authorized entering into a Memorandum of Understanding (MOU) to form the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency (STRGBA GSA), and

WHEREAS, the 2017 STRGBA GSA MOU established an initial means of cooperation amongst the member agencies to ensure that the Modesto Sub-basin remains locally and sustainably managed, and

WHEREAS, the 2025 STRGBA GSA MOU is meant to supplement the 2017 STRGBA GSA MOU with language formalizing the process by which to allow member agencies to reimburse another member agency designated as a budget or consultant agreement administrator for their equitable share, and

WHEREAS, the 2025 STRGBA GSA MOU also makes provisions for member agencies to provide direct services to another member agency or agencies.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency 2025 Memorandum of Understanding for undertaking groundwater sustainability planning, reporting, studies, mutual aid and support services within the Modesto Sub-basin.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Memorandum of Understanding 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 January, 2025, 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:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-33

RESOLUTION APPROVING AN AMENDMENT TO THE FISCAL YEAR 2024-25 OPERATING BUDGET IN THE AMOUNT OF $150,000 FROM WATER FUND RESERVES TO FUND THE CITY OF MODESTO'S SHARE OF THE STANISLAUS AND TUOLUMNE RIVERS GROUNDWATER BASIN ASSOCIATION GROUNDWATER SUSTAINABILITY AGENCY'S ACTIVITIES WITHIN THE MODESTO SUB-BASIN

WHEREAS, certain budgetary transactions are necessary in the amount of $150,000, in order to fund the City of Modesto's share of the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency's activities within the Modesto Sub-basin, and

WHEREAS, the Fiscal Year 2024-25 Operating 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 2024-25 Operating Budget in the amount of $150,000.

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 14th day of January, 2025, 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:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-34

RESOLUTION ACCEPTING THE RESIGNATION OF KYLE FORD FROM THE HOUSING REHABILITATION LOAN COMMITTEE

WHEREAS, the Housing Rehabilitation Loan Committee was established to review and approve the City of Modesto's (City) housing rehabilitation loans and grants and for reviewing policy and procedures for the program, and

WHEREAS, on April 6, 2021, by Resolution No. 2021-095, Kyle Ford was appointed to serve as a member of the Housing Rehabilitation Loan Committee, and

WHEREAS, Kyle Ford has tendered his resignation from the Housing Rehabilitation Loan Committee effective November 23, 2024.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby accepts the resignation of Kyle Ford from the Housing Rehabilitation Loan Committee with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of January, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-35

RESOLUTION APPROVING THE APPOINTMENT OF DAVID HARRIS AND LARRY SANDERS TO THE CITY OF MODESTO CITIZEN'S HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE WITH TERMS EXPIRING DECEMBER 31, 2028

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, Citizens' Housing and Community Development Committee member Sonja Hurst's first term expired on December 31, 2024; and

WHEREAS, Citizens' Housing and Community Development Committee member Anthony Drobnick's first term expired on January 1, 2025; and

WHEREAS, two vacancies currently exist on the Citizens' Housing and Community Development Committee; and

WHEREAS, a total of six applications were received; and

WHEREAS, the Appointments Committee met on December 4, 2024, reviewed the applications, and recommended the appointments of David Harris, and Larry Sanders to the Citizens' Housing and Community Development Committee.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it herby is approving the appointment of David Harris and Larry Sanders who are all Citizens At-Large to the City of Modesto Citizens' Housing and Community Development Committee with a term expiring December 31, 2028.

BE IT FURTHER RESOLVED, the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Citizens' Housing and Community Development Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of January, 2025, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-36

RESOLUTION APPROVING THE APPOINTMENT OF MARGIE JOHNSON TO THE HOUSING REHABILITATION LOAN COMMITTEE AS A CITIZEN'S HOUSING AND COMMUNITY DEVELOPMENT (CH&CDC) REPRESENTATIVE, WITH A TERM EXPIRATION OF DECEMBER 31, 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, Modesto's Citizen's Housing and Community Development Committee (CH&CDC) consists of 11 members appointed by the City Council. The CH&CDC serves as an advisory group to the City Council on matters related to housing and community development; and

WHEREAS, this committee provides an overall review of the City's housing and homelessness initiatives and making policy and funding recommendations which may include Community Development Block Grant (CDBG), Emergency Solution Grant (ESG), HOME Investment Partnerships (HOME), and other local, State, and Federal funded programs to the City Council; and

WHEREAS, according to Section 3.06 of Article III of the Citizen's Housing and Community Development Committee bylaws state that one member of this committee shall be appointed as an alternate to the Housing Rehabilitation Loan Committee by the Committee Chairperson; and

WHEREAS, HRLC Committee includes seven (7) members that are appointed by the City Council for a 4-year term, with one (1) alternate member from the Citizens Housing and Community Development Committee (CH&CDC); and

WHEREAS, to ensure adequate representation on HRLC, City staff is recommending the appointment of a current CH&CDC committee member to be its representative to the HRLC; and

WHEREAS, by a majority vote of the CH&CDC, the Chair is recommending the appointment of Margie Johnson to serve as an alternate to the HRLC; and

WHEREAS, if approved, Margie Johnson will serve as the CH&CDC representative on the HRLC for calendar year 2025 with a term expiration date of December 31, 2025.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby approves the appointment of Margie Johnson to the Housing Rehabilitation Loan Committee as a Citizen's Housing and Community Development (CH&CDC) Representative, with a term expiration of December 31, 2025.

BE IT FURTHER RESOLVED, the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Citizens' Housing and Community Development Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of January, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-37

RESOLUTION APPROVING THE APPOINTMENT OF EMMANUEL BECERRA AND JIM BISHOP AS CITY OF MODESTO REPRESENTATIVES TO THE TUOLUMNE RIVER REGIONAL PARK CITIZENS ADVISORY COMMITTEE (TRRP CAC) THROUGH DECEMBER 31, 2028

WHEREAS, the primary role of the Tuolumne River Regional Park Citizens Advisory Committee (TRRP CAC) is to act in an advisory capacity to the Tuolumne River Regional Park Joint Powers Agreement (JPA) Commission in matters pertaining to the design, development, enhancement and use of the park; and

WHEREAS, the Citizens Advisory Committee is a group of residents and registered voters from the members of the JPA, comprised of five (5) residents of Stanislaus County, three (3) residents of Modesto; and two (2) residents of Ceres; and

WHEREAS, the members are appointed, by their respective jurisdictions, to four-year terms with no limit to the number of terms they may serve; and

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions with the recommendation of the City's Appointments Committee; and

WHEREAS, of the three (3) City of Modesto members of the TRRP CAC, two (2) members' terms ended on December 31, 2024, and in preparation for the vacancies, staff coordinated with the City's Communication Team to outreach the solicitation of applications; and

WHEREAS, two applications were received, which were from the current TRRP CAC Members Emmanuel Becerra and Jim Bishop; and

WHEREAS, per the TRRP CAC Bylaws, there are no term limits for Committee Members, therefore current members are eligible to continue serving on the TRRP CAC, and

WHEREAS, on April 6, 2021, Council appointed Emmanuel Becerra to fill a vacancy on the TRRP CAC by Resolution No. 2021-097, through December 31, 2024; and

WHEREAS, during Mr. Becerra's time with the TRRP CAC, he has been an active member in good standing, and has expressed a desire to continue as a member of the TRRP CAC; and

WHEREAS, on July 14, 2015, Council appointed Jim Bishop to fill a vacancy on the TRRP CAC by Resolution No. 2015-241, through January 1, 2017; and

WHEREAS, Mr. Bishop has been reappointed two (2) additional times to the TRRP CAC: December 13, 2016, by Resolution No. 2016-493, with a term expiration of January 1, 2021, and on April 6, 2021, by Resolution No. 2021-97 with a term expiration of December 31, 2024; and

WHEREAS, during Mr. Bishop's time with the TRRP CAC, he has been an active member in good standing, and has expressed a desire to continue as a member of the TRRP CAC; and

WHEREAS, the Appointments Committee met on December 4, 2024, and recommended the reappointment of Emmanuel Becerra and Jim Bishop to the TRRP CAC.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby appoints Emmanuel Becerra and Jim Bishop to the Tuolumne River Regional Park Citizens Advisory Committee (TRRP CAC) through December 31, 2028.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of January, 2025, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-38

RESOLUTION APPROVING THE FIRST AMENDMENT INCREASING THE CONSULTANT SERVICES AGREEMENT AMOUNT WITH DE NOVO PLANNING GROUP FOR SPECIFIC PLAN SERVICES BY $400,000 FROM $500,000 TO A NEW TOTAL AMOUNT OF $900,000 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, the City of Modesto's planning approach is to define future Specific Plan areas and require a comprehensive, holistic planning process in advance of annexations; and

WHEREAS, the Community and Economic Development determined the need to contract with a private firm to assist in Specific Plan Services; and

WHEREAS, through an informal Request for Qualifications (RFQ) process, the City of Modesto entered into an on-call agreement with De Novo Planning Group on April 23, 2024 for Specific Plan Services as approved by City Council Resolution 2024-128 in the amount not to exceed $500,000; and

WHEREAS, having a contract with the De Novo Planning Group for Specific Plan Services eliminates the need to send out repetitive Request for Proposals (RFPs) for projects or services of similar size as well as reducing staff time and project costs; and

WHEREAS, this amendment will provide for continuity of services to complete Specific Plans when annexation applications are submitted to the City of Modesto; and

WHEREAS, the City will continue to assign projects to De Novo Planning Group as determined by the City based on the work needed for the submitted project; and

WHERAS, Modesto Municipal Code 8-3.203 generally requires all purchases which meet or exceed $100,000 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(f), “Where the Purchasing Manager, in his or her discretion, determines that is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment increasing the Consultant Services Agreement for Specific Plan Services with De Novo Planning Group by $400,000 from $500,000 to a new total amount of $900,000.

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 28th day of January, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-39

RESOLUTION APPROVING THE SECOND AMENDMENT INCREASING THE CONSULTANT SERVICES AGREEMENT AMOUNT WITH DE NOVO PLANNING GROUP FOR ENVIRONMENTAL PLANNING SERVICES BY $1,200,000 FROM $900,000 TO A NEW TOTAL AMOUNT OF $2,100,000 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, to continue providing uninterrupted planning services, the Community and Economic Development determined the need to contract with a private firm to assist in Environmental Planning Services; and

WHEREAS, through an informal Request for Qualifications (RFQ) process, the City of Modesto entered into an on-call agreement with De Novo Planning Group on July 11, 2023, for Environmental Planning Services; and

WHEREAS, having a contract with the De Novo Planning Group for Environmental Planning Services eliminates the need to send out repetitive Request for Proposals (RFPs) for projects or services of similar size as well as reducing staff time and project costs; and

WHEREAS, the City will continue to assign projects to De Novo Planning Group as determined by the City based on the work needed for the submitted project; and

WHERAS, in accordance with Modesto Municipal Code 8-3.203 generally requires all purchases, which meet or exceed $100,000 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 (f), “Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to

increase efficiency and avoid delays or disruptions to City projects or services."

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment increasing the Consultant Services Agreement for Environmental Planning Services with De Novo Planning Group by $1,200,000 from $900,000 to a new total amount of $2,100,000

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 28th day of January, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-40

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO), MODESTO, CA FOR MASTER DEVELOPMENT SERVICES OF BRIDGE HOUSING PROJECTS INCREASING THE AGREEMENT AMOUNT BY $625,000 TO A NEW TOTAL AMOUNT OF $700,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE REQUIRED AMENDMENT, AND RESCINDING RESOLUTION NO. 2024-338

WHEREAS, on November 7, 2023, by Resolution No. 2023-495, Council approved City staff to solicit proposals for Bridge Housing sites and allocating $3,000,000 sleeping cabin acquisition, site infrastructure and improvements; and

WHEREAS, on November 7, 2023, the City Council adopted Resolution No. 2023-496, approved amending the fiscal year 2023-2024 Multi-Year Non-Capital Multi-Year budget to create a new project and establish revenue, expense, and transfer budgets for the Bridge Housing projects to be funded with Measure H funds in the amount of $3,000,000; and

WHEREAS, on May 3, 2024, the City finalized an agreement Stanislaus County Affordable Housing Corporation to assist with the project management of bridge housing projects, develop project designs, and provide construction oversight for an amount not to exceed $75,000 for a period of 2 years, with 1 year extension option; and

WHEREAS, on September 24, 2024, by Resolution No. 2024-338, the City Council approved the First Amendment to the StanCo Agreement as the Master Developer to design and oversee the development of the project at 1530 Owens Drive in partnership with Modesto Gospel Mission (MGM); and

WHEREAS, City staff estimated the construction budget at $394,640, which included all general contractor costs and the installation of the sleeping cabins, to allow

StanCo to enter into the Agreement with the general contractor and oversee the construction and installation of sleeping cabins on behalf of the City of Modesto; and

WHEREAS, in October this project went out to bid and received 3 bids ranging between $527,000-1,025,000 and the lowest responsive bidder was Simile construction with a total development project budget of $527,482; and

WHEREAS, the First Amendment to the Agreement with StanCo approved by Resolution No. 2024-338 was not executed when it was identified that the agreement was not sufficient to cover the estimated construction costs; and

WHEREAS, staff is recommending an additional allocation of Measure H funding in the amount of $527,482 and an additional $97,518 to continue predevelopment evaluation for new Bridge Housing locations which brings the total revised amount to a not to exceed $700,000 to allow Stanislaus County Affordable Housing Corporation to manage and oversee all general contractor costs associated with the bridge housing site located at 1530 Owens Drive, Modesto and continue evaluating new Bridge Housing projects; and

WHEREAS, the initial estimates of this project were presented to the Citizens' Housing and Community Development Committee on August 8, 2024, and it was recommended to forward to Council for approval (as approved via Resolution 2024-338), however the revised estimate reflecting the additional cost of the project and additional funding for consulting support was not considered by the City Council due to the time sensitivity of the project; and

WHEREAS, in accordance with Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment,

or contractual services to follow formal bid procedures. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f), “Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under and existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services.”

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Agreement with Stanislaus County Affordable Housing Corporation (StanCo), Modesto, CA for master development services for bridge housing projects increasing the Agreement amount by $625,000 to a new total amount of $700,000.

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

BE IT FURTHER RESOLVED that Resolution No. 2024-338 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of January, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-41

RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF MODESTO, CALIFORNIA, TO ESTABLISH CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2025-1 (KIERNAN BUSINESS PARK SOUTH #2) REPLACING CFD 2012-1, AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES WITHIN SAID COMMUNITY FACILITIES DISTRICT

WHEREAS, pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code of the State of California (the "Act"), the City Council of the City of Modesto (the "City") is authorized to establish a community facilities district and to act as the legislative body for a community facilities district; and

WHEREAS, on May 1, 2012, the City established the City of Modesto Community Facilities District No. 2012-1 (Kiernan Business Park South) ("CFD No. 2012-1") pursuant to the Act; and

WHEREAS, the owners (collectively, the "Owner") of not less than 10 percent of the area of land depicted on the map of the proposed community facilities district referred establish to below on file with the City Clerk (the "Property"), have filed a written petition with the City to establish the City of Modesto Community Facilities No. 2025-1 (Kiernan Business Park South #2) (the "Community Facilities District") within the Community Facilities District to replace CFD No. 2012-1, in order to finance the cost of the facilities and services listed in **Appendix A** hereto (the "Facilities" and "Services"), as well as all costs associated with the creation of the Community Facilities District and administering the Community Facilities District (collectively, the "Incidental Expenses"); and

WHEREAS, the Owner has submitted to the City an application to form the Community Facilities District pursuant to the City's 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 (the "City's CFD Policies and Procedures"); and

WHEREAS, the Owner has submitted deposits required by the City for payment of City fees and costs incurred in conducting proceedings to create the Community Facilities District; and

WHEREAS, the petition submitted by the Owner complies with the requirements of 53319 of the Act and the City's CFD Policies and Procedures; and

WHEREAS, subject to the satisfaction of all applicable requirements of law, it is the intention of this City Council to finance the Incidental Expenses and to pay for the Facilities and Services through the formation of the Community Facilities District and the levy of annual facilities and maintenance special taxes and one-time facilities special tax, provided that the levy of the special taxes is approved at an election to be held within boundaries of the Community Facilities District, being the initial boundaries of the Community Facilities District; and

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds and determines as follows:

SECTION 1. The above recitals are true and correct and are incorporated herein by reference.

SECTION 2. The Community Facilities District is proposed to be established under the terms of the Act. It is further proposed that the boundaries of the Community Facilities District shall be as depicted on the map of the proposed Community Facilities District which is on file with the City Clerk entitled "Map of Proposed Boundaries of the

City of Modesto Community Facilities District No. 2025-1 (Kiernan Business Park South #2)." The City Clerk is hereby directed to sign the original map of the Community Facilities District and record it with all proper endorsements thereon with the County Recorder of the County of Stanislaus within fifteen days after the adoption of this resolution, all as required by Section 3111 of the Streets and Highways Code of the State of California.

SECTION 3. The name of the proposed community facilities district shall be "City of Modesto Community Facilities District No. 2025-1 (Kiernan Business Park South #2)."

SECTION 4. The City Council hereby designates the portions of the Community Facilities District as described in **Appendix C attached** hereto, as City of Modesto Community Facilities District No. 2025-1 (Kiernan Business Park South #2).

SECTION 5. The Facilities and Services proposed to be provided within the Community Facilities District, are services or facilities, as the case may be, which the City is authorized by law to construct, acquire, own and operate, or to provide. This City Council hereby finds and determines that the descriptions of the Facilities and Services contained herein is sufficiently informative to allow taxpayers within the proposed improvement areas within Community Facilities District, to understand what the funds of the Community Facilities District may be used to pay for. The Incidental Expenses expected to be incurred include the cost of forming the Community Facilities District and levying and collecting a special tax within the improvement areas within the Community Facilities District.

The description of the Facilities and Services may be modified upon the annexation of property into the Community Facilities District, provided such modified description shall only apply to such annexed areas. Additional improvement areas may be designated when property is annexed into the Community Facilities District.

SECTION 6. Except where funds are otherwise available, it is the intention of the City Council to levy in accordance with procedures contained in the Act within the Community Facilities District (i) a one-time special tax sufficient to pay for the costs of financing the purchase, construction, expansion, modification, rehabilitation or improvement of a portion of the Facilities (the "One-Time Facilities Special Tax"), and (ii) an annual special tax sufficient to pay for the costs of financing the Services (the "Annual Maintenance Special Tax," and, together with the Annual Facilities Special Tax and the One-Time Facilities Special Tax, the "Special Taxes"), and to pay for Incidental Expenses. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code of the State of California, a continuing lien to secure each levy of the Special Taxes shall attach to all nonexempt real property of the Community Facilities District, and that lien shall continue in force and effect until collection of the Special Taxes ceases.

The rate, method of apportionment and manner of collection of the special tax are described in detail in **Appendix B attached** hereto and incorporated herein as though set forth at length (the "Rate and Method"). **Appendix B** allows each landowner within the Community Facilities District to estimate the maximum amount that may be levied against each parcel.

If special taxes within the Community Facilities District are levied against any parcel used for private residential purposes to pay for public facilities, under no circumstances will such special tax be increased as a consequence of delinquency or default by the owner of any other parcel or parcels within the Community Facilities District. by more than ten percent (10%) within the same improvement area.

This City Council hereby determines the Rate and Method to be reasonable. The special tax is apportioned to each parcel on the basis of its land use and area pursuant to Section 53325.3 of the Act; and such special tax is not on or based upon the value or ownership of real property. In the event that a portion of the property within the Community Facilities District shall become for any reason exempt, wholly or partially, from the levy of the special tax, this City Council shall, on behalf of the Community Facilities District, cause the levy to be increased, subject to the limitation of the maximum special tax for a parcel as set forth in the Rate and Method, to the extent necessary upon the remaining property within the Community Facilities District, which is not delinquent or exempt in order to yield the special tax revenues required for the purposes described in this Section 6. The Annual Maintenance Special Tax shall be levied and collected in perpetuity. The One-Time Facilities Special Tax shall be levied and collected as provided in the Rate and Method.

SECTION 7. A public hearing (the "Hearing") on the establishment of the Community Facilities District, and the proposed Rate and Method shall be held on February 25, 2025, at 5:30 p.m., or as soon thereafter as practicable, at the Modesto City Council Chamber, 1010 Tenth Street, Modesto, CA 95353. Should this City Council determine to form the Community Facilities District, a special election will be held to

authorize the levy of the special tax within the Community Facilities District in accordance with the procedures contained in Government Code Section 53326. If held, the proposed voting procedure at the election is expected to be a landowner vote with each landowner of record as of the close of the Hearing within the district having one vote for each acre of land or portion thereof owned within the Community Facilities District. Ballots for the special election may be distributed by mail or by personal service.

SECTION 8. At the time and place set forth above for the Hearing, any interested person, including all persons owning lands or registered to vote within the proposed Community Facilities District may appear and be heard.

SECTION 9. Each officer of the City who is or will be responsible for providing the Facilities and Services within the proposed Community Facilities District, if it is established, , is hereby directed to study the proposed Community Facilities District and, at or before the time of the Hearing, file a report with this City Council containing a brief description of the Facilities and Services, as the case may be, which will in his or her opinion be required to meet adequately the needs of the proposed Community Facilities District and an estimate of the cost of providing those Facilities and Services and an estimate of the fair and reasonable cost of any Incidental Expenses to be incurred.

SECTION 10. The City may accept advances of funds or work-in-kind from any source, including, but not limited to, private persons or private entities, for any authorized purpose, including, but not limited to, paying any cost incurred by the City in creating the Community Facilities District. The City may enter into an agreement with the person or entity advancing the funds or work-in-kind, to repay all or a portion of the funds advanced,

or to reimburse the person or entity for the value, or cost, whichever is less, of the work-in-kind, as determined by this City Council, with or without interest.

SECTION 11. Pursuant to Section 53340 of the Act, and except as provided in Section 53317.3 of the Act or in the Rate and Method, properties of entities of the state, federal, and local governments shall be exempt from the levy of the Special Taxes.

SECTION 12. The City Council hereby finds that the proposed Facilities and Services are necessary to meet increased demands put upon the City as a result of the new development within the proposed Community Facilities District.

SECTION 13. The City Clerk is hereby directed to publish a notice (the "Notice") of the Hearing pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the area of the Community Facilities District. Such publication shall be completed at least seven days prior to the date of the Hearing. The City Clerk is further directed to mail a copy of the Notice to each of the landowners and registered voters, if any, within the boundaries of the Community Facilities District at least 15 days prior to the Hearing. The Notice shall contain the text or a summary of this Resolution, the time and place of the Hearing, a statement that the testimony of all interested persons or taxpayers will be heard, a description of the protest rights of the registered voters and landowners in the proposed Community Facilities District and a description of the proposed voting procedure for the election required by the Act.

SECTION 14. Should the Community Facilities District be formed, and the Special Taxes be authorized to be levied following the special election, the City shall cause CFD No. 2012-1 to be dissolved and cause a notice of cessation of special tax to be recorded in connection with CFD No. 2012-1.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of January, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

APPENDIX A

LIST OF FACILITIES AND SERVICES

The types of Facilities and Services proposed to be financed by Community Facilities District No. 2025-1 (CFD) are as follows:

The CFD shall be authorized to finance all or any part of the costs of acquisition, construction and improvement of public facilities, including but not limited to the following facilities (the "Facilities"):

The Facilities shall include all hard and soft costs associated within the Community Facilities District are :525 Ft. section of the east side of Dale Rd at Pelandale Ave, the improvements on Bangs Avenue from Dale Road to American Avenue, including the costs of acquisition of land and rights-of-way, the costs of design, engineering and planning, the costs of environmental or traffic studies, surveys or other reports, costs related to landscaping and irrigation, soils testing, permits, plan check, and inspection fees, insurance, legal and related overhead costs, coordination and supervision and any other costs or appurtenances related to any of the foregoing. The CFD may also fund, and the special taxes may also be used to directly pay for, the purchase, construction, expansion, improvement or rehabilitation of any of the Facilities, and to reimburse the City or any third parties for advances made to purchase, construct, expand, improve or rehabilitate any of the Facilities.

LIST OF SERVICES

The services to be funded in whole or in part by the CFD include all direct and incidental costs related to providing the maintenance of public infrastructure within the area of the CFD, and areas adjacent to or in the vicinity of such areas. More specifically, the services shall include, but not be limited to: maintenance, repair and replacement of parkways, tree pruning, landscaped medians.

The services to be provided include, but are not limited to, litter and debris removal, pruning, staking, fertilizing, plant replacement and restoration, fire and weed control, erosion control, trimming of vegetation, and storm drain system maintenance. Authorized services shall also include the following: (i) related reserves for the replacement of plants and materials.

The services to be financed by the CFD are in addition to those provided in the territory of the CFD before the date of creation of the CFD and will not supplant services already available within that territory when the CFD was created.

Administrative Expenses

The administrative expenses to be funded by the CFD include the direct and indirect expenses incurred by the City in carrying out its duties with respect to the CFD including, but not limited to, the levy and collection of special taxes, fees and expenses of attorneys, any fees of the County of Stanislaus related to the CFD or the collection of special taxes, an allocable share of the salaries of the City staff related thereto, and expenses incurred by the City in undertaking action to foreclose on properties for which the payment of special taxes is delinquent, and all other costs and expenses of the City in any way related to the CFD.

APPENDIX B

PROPOSED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2025-1
(KIERNAN BUSINESS PARK SOUTH #2)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

Special Taxes applicable to each Assessor's Parcel in the City of Modesto Community Facilities District No. 2025-1 (Kiernan Business Park South #2) shall be levied and collected according to the tax liability determined by the City Council through the application of the appropriate amount or rate for Taxable Property, as described below. All property in the CFD, unless exempted by law or by the provisions of Section G below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed into the CFD unless a separate Rate and Method of Apportionment is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre" or "Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map or other Development Plan.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, (commencing with Section 53311), Part 1, Division 2 of Title 5 of the California Government Code.

"Administrative Expenses" means any or all of the following: the expenses of the City in carrying out its duties with respect to the CFD, including, but not limited to, the levy and collection of Special Taxes, the fees and expenses of its counsel, charges levied by the County in connection with the levy and collection of Special Taxes, costs related to property owner inquiries regarding the Special Taxes, costs associated with appeals or requests for interpretation associated with the Special Taxes and this RMA, costs associated with foreclosure and collection of delinquent Special Taxes, and all other costs and expenses of the City in any way related to the establishment or administration of the CFD.

"Administrator" means the person or firm designated by the City to administer the Special Taxes according to this RMA.

"Annual Maintenance Special Tax" means a special tax levied in any Fiscal Year to pay the Maintenance Special Tax Requirement, as defined below.

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

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

"Assessor's Parcel Number" means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Facilities" means the public facilities authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

"Authorized Services" means the public services authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

"Building Permit" means a permit that allows for vertical construction of a building or buildings, which shall not include a separate permit issued for construction of the foundation thereof.

"CFD" means the City of Modesto Community Facilities District No. 2025-1 (Kiernan Business Park South #2).

"CFD Formation" means the date on which the Resolution of Formation to form the CFD was adopted by the City Council.

"City" means the City of Modesto.

"City Council" means the City Council of the City of Modesto, acting as the legislative body of the CFD.

"County" means the County of Stanislaus.

"Developed Property" means, in any Fiscal Year, the following:

For purposes of levying the Annual Maintenance Special Tax:

- for Single Family Detached Property, all Parcels for which a Final Map was recorded prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2024;

- for Single Family Attached Property, all Parcels for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2024;

- for Other Property, all parcels for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year.

For purposes of levying the One-Time Facilities Special Tax: all Parcels for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year.

"Development Class" means, individually, Developed Property and Undeveloped Property.

"Development Plan" means a condominium plan, apartment plan, site plan or other development plan that identifies such information as the type of structure, the acreage, the square footage, and/or the number of Units that will be developed on Single Family Attached Property or Other Property.

"Escalation Factor" means, in any Fiscal Year, the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%).

"Final Map" means a final map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq*) that creates Single Family Detached Lots. The term "Final Map" shall not include any large-lot subdivision map, Assessor's Parcel Map, or subdivision map or portion thereof, that does not create Single Family Detached Lots, including Assessor's Parcels that are designated as remainder parcels.

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

"Future Annexation Area" means that geographic area that, at the time of CFD Formation, was considered potential annexation area for the CFD and which was, therefore, identified as "future annexation area" on the recorded CFD boundary map. Such designation does not mean that any or all of the Future Annexation Area will annex into the CFD, but should property designated as Future Annexation Area choose to annex, the annexation may be processed pursuant to the streamlined annexation procedures provided in the Act.

"Maintenance Special Tax Requirement" means the amount of revenue needed in any Fiscal Year to pay for: (i) Authorized Services, (ii) establishment of reserves, (iii) Administrative Expenses, and (iv) amounts needed to cure any delinquencies in the payment of Annual Maintenance Special Taxes which have occurred in prior Fiscal Years.

"**Maximum Annual Maintenance Special Tax"** means the greatest amount of Annual Maintenance Special Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordance with Sections C and D below.

"**Maximum One-Time Facilities Special Tax"** means the greatest amount of One-Time Facilities Special Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordance with Sections C and D below.

"Maximum Special Taxes" means, collectively, the Maximum One-Time Facilities Special Tax and Maximum Annual Maintenance Special Tax.

"One-Time Facilities Special Tax" means a special tax, levied on Taxable Property to pay the One-Time Facilities Special Tax Requirement and collected by the City prior to a Building Permit being issued on a Parcel of Taxable Property.

"One-Time Facilities Special Tax Requirement" means, for a Parcel of Taxable Property in the CFD, the amount needed to pay the Parcel's share of the cost of Authorized Facilities as

determined by the City, which amount shall not exceed the Maximum One-Time Facilities Special Tax assigned to the Parcel pursuant to this RMA.

"Original Parcel" means an Assessor's Parcel in the CFD at the time of CFD Formation, or added to the CFD upon annexation, as identified in Attachment 1 (which shall be updated after each annexation). A Successor Parcel that is being further subdivided shall also be considered an Original Parcel for purposes of determining the Maximum Special Taxes pursuant to Section C below.

"Owners Association" means a homeowners association or property owners association that provides services to, and collects assessments, fees, dues, or charges from, property within the CFD.

"Owners Association Property" means any property within the boundaries of the CFD that is owned in fee or through easement by the Owners Association, not including any such property that is located directly under a residential structure.

"Other Property" means any Parcel of Developed Property in the CFD that is not Single Family Attached Property or Single Family Detached Property.

"Proportionately" means, for each Development Class, that the ratio of the actual Annual Maintenance Special Tax levied in any Fiscal Year to the Maximum Annual Maintenance Special Tax authorized to be levied in that Fiscal Year is equal for all parcels assigned to the Development Class.

"Public Property" means any property within the boundaries of the CFD that is owned by the federal government, State of California, County, City, or other public agency.

"Resultant Parcel" means one of the legal parcels created as a result of the lot line adjustment recorded with the Stanislaus County Recorder on October 25, 2024 as document #2024-0051886.

"RMA" means this Rate and Method of Apportionment of Special Taxes.

"SFD Unit" means a residential dwelling unit that does not share a common wall with another residential dwelling unit.

"Single Family Attached Property" means, in any Fiscal Year, all Parcels of Developed Property for which a building permit was issued for construction of a residential structure consisting of two or more Units that share common walls and are offered as for-sale Units, including such residential structures that meet the statutory definition of a condominium contained in Civil Code Section 1351.

"Single Family Detached Lot" means an individual residential lot, identified and numbered on a recorded Final Map, on which a Building Permit has been or is permitted to be issued for construction of an SFD

Unit without further subdivision of the lot and for which no further subdivision of the lot is anticipated pursuant to an approved Tentative Map.

"Single Family Detached Property" means, in any Fiscal Year, all Parcels of Developed Property for which a Building Permit was issued or will be issued for construction of a SFD Unit.

"Special Taxes" means, collectively, the One-Time Facilities Special Tax and the Annual Maintenance Special Tax.

"Subdivision Map" means a Final Map, large lot subdivision map, or other map recorded with the County that results in the subdivision of an Original Parcel into two or more Successor Parcels.

"Successor Parcel" means an Assessor's Parcel of Taxable Property created by the subdivision or reconfiguration of an Original Parcel on which construction of a residential or non-residential structure is permitted.

"Taxable Property" means all Assessor's Parcels within the boundaries of the CFD that are not exempt from the Special Tax pursuant to law or Section G below.

"Tentative Map" means a tentative map or substantial conformance exhibit for property in the CFD, including any adjustments or amendments thereto.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property within the CFD that are not Developed Property.

"Unit" means (i) for Single Family Detached Property, an SFD Unit and (ii) for Single Family Attached Property, an individual residential unit within a duplex, triplex, fourplex, townhome, or condominium structure.

B. DATA FOR ANNUAL ADMINISTRATION

On or about July 1 of each Fiscal Year, the Administrator shall identify the current Assessor's Parcel numbers for all Parcels of Taxable Property. The Administrator shall also: (i) assign each Parcel of Taxable Property to the appropriate Development Class; (ii) determine whether each Assessor's Parcel of Taxable Property is Developed Property or Undeveloped Property, (iii) for Developed Property, categorize each Parcel as Single Family Detached Property, Single Family Attached Property, or Other Property, (iv) for Parcels of Single Family Attached Property, determine the number of Units on each Parcel, (v) for Other Property, determine the Acreage of each Parcel, and (vi) determine the Maintenance Special Tax Requirement.

For Single Family Attached Property, the number of Units shall be determined by referencing the relevant Development Plan. If, in any Fiscal Year, an Assessor's Parcel includes both Developed Property and Undeveloped Property, the Administrator shall determine the acreage associated with the Developed Property, subtract this acreage from the total Acreage of the Assessor's Parcel, and use the remaining acreage to calculate the Special Tax that will apply to Undeveloped Property within the Assessor's Parcel. The Special Tax shall then be calculated for Developed Property on the Parcel, and the total Special Tax levied on the Assessor's Parcel shall be the sum of the Special Taxes determined separately for the Undeveloped Property and Developed Property on the Parcel.

C. CALCULATING THE MAXIMUM SPECIAL TAXES

The Administrator shall use the procedures set forth below to calculate the Maximum Special Taxes for each Parcel in the CFD in each Fiscal Year.

1. Original Parcels

The Maximum Special Taxes for each Original Parcel in the CFD as of CFD Formation are identified in Attachment 1. Attachment 1 will be updated by the Administrator as needed to reflect Original Parcels added to the CFD due to annexations.

2. Successor Parcels

a. *All Successor Parcels are Single Family Detached Lots*

If the Parcels created by a recorded Subdivision Map are all Single Family Detached Lots, the Administrator shall apply the following steps to allocate the Maximum Special Taxes assigned to the Original Parcel to each of the Successor Parcels created by the subdivision:

Step 1: Identify the Maximum Special Taxes assigned to the Original Parcel;

Step 2: Divide the Maximum Special Taxes from Step 1 by the number of Single Family Detached Lots created by the Subdivision Map to determine the Maximum Special Taxes for each Single Family Detached Lot.

b. *No Successor Parcels are Single Family Detached Lots*

If none of the Successor Parcels created by recordation of a Subdivision Map are Single Family Detached Lots, the Administrator shall apply the following steps to allocate the Maximum Special Taxes assigned to the Original Parcel to each of the Successor Parcels:

Step 1: Identify the Maximum Special Taxes assigned to the Original Parcel;

Step 2: Determine the total Acreage of Taxable Property created by subdivision of the Original Parcel;

Step 3: Divide the Maximum Special Taxes from Step 1 by the Acreage from Step 2 to calculate Maximum Special Taxes per acre;

Step 4: Multiply the per-acre Maximum Special Taxes from Step 3 by the Acreage in each Successor Parcel to calculate the Maximum Special Taxes for each Successor Parcel.

If, after subdivision of an Original Parcel, a Successor Parcel is further subdivided, the Successor Parcel shall be treated as an Original Parcel for purposes of allocating Maximum Special Taxes pursuant to Section C.2a, C.2b, or C.2c, as appropriate.

c. *Some, But Not All, Successor Parcels are Single Family Detached Lots*

If a Subdivision Map divides an Original Parcel into Successor Parcels, of which some are Single Family Detached Lots and some are not, the Administrator shall apply the following steps to allocate the Maximum Special Taxes assigned to the Original Parcel to each of the Successor Parcels:

Step 1: Identify the Maximum Special Taxes assigned to the Original Parcel;

Step 2: Determine the total Acreage of Taxable Property created by subdivision of the Original Parcel;

Step 3: Determine the total Acreage of Single Family Detached Property created by the subdivision by taking the sum of the Acreage in the individual Single Family Detached Lots;

Step 4: Divide the Maximum Special Taxes from Step 1 by the Acreage calculated in Step 2 to calculate Maximum Special Taxes per Acre;

Step 5: Multiply the per-acre Maximum Special Taxes calculated in Step 4 by the Acreage of Single Family Detached Property calculated in Step 3 to determine the total Maximum Special Taxes to be assigned to the Single Family Detached Property created by the subdivision;

Step 6: Divide the amount calculated in Step 5 by the number of Single Family Detached Lots created by the subdivision to determine the Maximum Special Taxes for each Single Family Detached Lot;

Step 7: Multiply the per-acre Maximum Special Taxes calculated in Step 4 by the Acreage of each Successor Parcel that is not Single Family Detached Property to calculate the Maximum Special Taxes for such Parcels.

If, after subdivision of an Original Parcel, a Successor Parcel is further subdivided, the Successor Parcel shall be treated as an Original Parcel for purposes of allocating Maximum Special Taxes pursuant to Section C.2a, C.2b, or C.2c, as appropriate.

After each reallocation of the Maximum Special Taxes upon subdivision or reconfiguration of Original Parcels, the sum of the Maximum Special Taxes assigned to Successor Parcels shall never be less than the Maximum Special Taxes assigned to the Original Parcels prior to such reallocation.

D. ESCALATION OF MAXIMUM SPECIAL TAXES

1. One-Time Facilities Special Tax

Beginning in January 2025 and each January thereafter, the Maximum One-Time Facilities Special Tax assigned to each Parcel shall be adjusted by the Escalation Factor. Each annual adjustment of the Maximum One-Time Facilities Special Tax shall become effective on the subsequent July 1.

2. Annual Maintenance Special Tax

Beginning in January 2025 and each January thereafter, the Maximum Annual Maintenance Special Tax shall be adjusted by the Escalation Factor. Each annual adjustment of the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

E. METHOD OF LEVY OF SPECIAL TAXES

1. One-Time Facilities Special Tax

Prior to issuance of a Building Permit for a Parcel of Taxable Property, the One-Time Facilities Special Tax shall be levied on the Parcel in the amount of the One-Time Special Tax Requirement for the Parcel, as determined by the City.

2. Annual Maintenance Special Tax

Each Fiscal Year, the Administrator shall determine the Maintenance Special Tax Requirement for that Fiscal Year. The Annual Maintenance Special Tax shall then be levied on all Parcels of Taxable Property as follows:

Step 1: The Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Developed Property within the CFD up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel for such Fiscal Year;

Step 2: If additional revenue is needed after Step 1, the Annual Maintenance Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property within the CFD, up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Undeveloped Property for such Fiscal Year.

F. COLLECTION OF SPECIAL TAXES

The One-Time Facilities Special Tax shall be collected prior to a Building Permit being issued for any residential or non-residential structure on Taxable Property and shall be immediately delinquent if not so paid.

The Annual Maintenance Special Tax shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Annual Maintenance Special Taxes through foreclosure or other available methods. The Annual Maintenance Special Tax will continue to be levied and collected unless and until the City determines that Annual Maintenance Special Tax revenues are no longer needed to pay for Authorized Services.

G. EXEMPTIONS

No Special Taxes shall be levied on Public Property or Owners Association Property, as defined herein. Notwithstanding the foregoing, if in any Fiscal Year, a Parcel of Public Property is converted to private use, such Parcel shall be subject to the levy of Special Taxes. In such case, the City shall determine the appropriate Maximum Special Taxes for the Parcel based on the land uses to be constructed on the Parcel.

H. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the rate and method of apportioning the Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City by ordinance or resolution for purposes of clarifying any vagueness or ambiguity in this RMA.

ATTACHMENT 1

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2025-1
(KIERNAN BUSINESS PARK SOUTH #2)

Maximum Special Taxes Assigned to Each Original Parcel

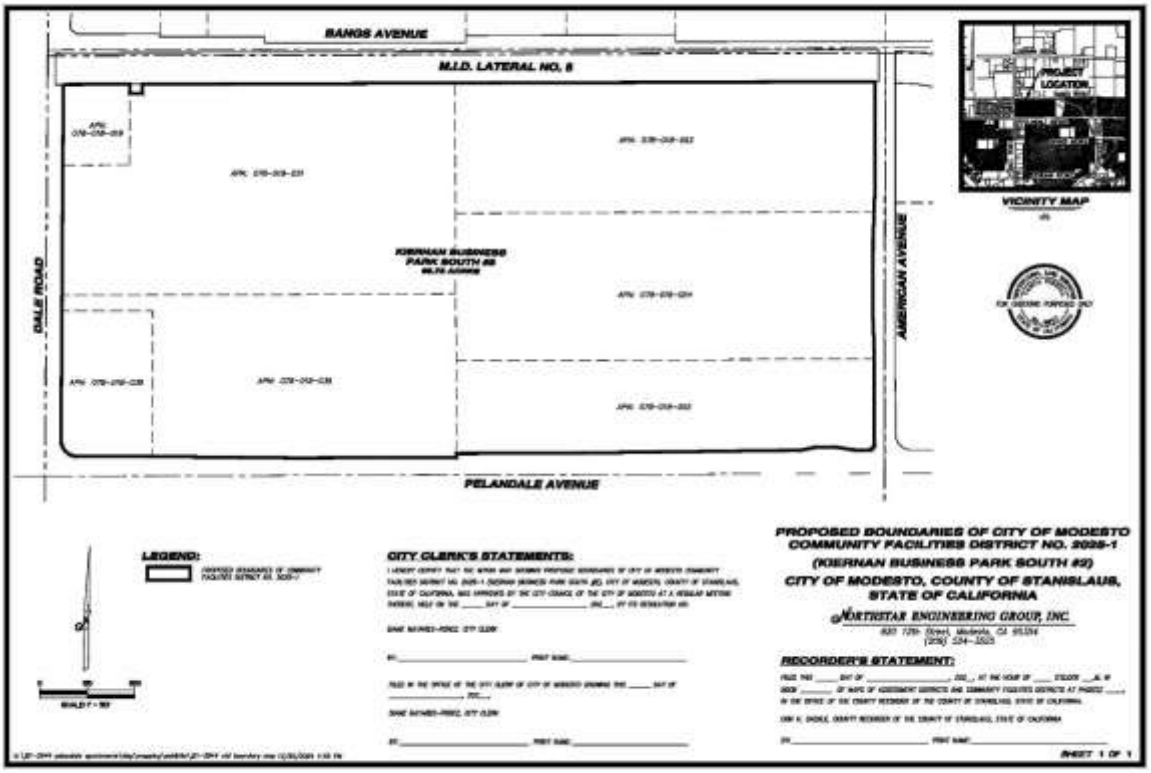
Assessor's Parcel Number	Fiscal Year 2024-25 Maximum One-Time Facilities Special Tax [1]	Fiscal Year 2024-25 Maximum Annual Maintenance Special Tax [2]
078-018-018	$91,059	$2,323
078-018-031	$1,315,865	$33,567
078-018-035	$843,408	$21,515
078-018-036	$0	$5,084
Resultant Parcel #1	$929,241	$23,705
Resultant Parcel #2	$1,047,916	$26,732
Resultant Parcel #3	$653,828	$16,679

1. Beginning in January 2025 and each January thereafter, the Maximum One-Time Facilities Special Tax shall be adjusted by the Escalation Factor. Each annual adjustment of the Maximum One-Time Facilities Special Tax shall become effective on the subsequent July 1.

2. Beginning January 2025 and each January thereafter, the Maximum Annual Maintenance Special Tax shall be adjusted annually by the Escalation Factor. Each annual adjustment of the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

APPENDIX C

PROPOSED BOUNDARY MAP OF
CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2025-1
(KIERNAN BUSINESS PARK SOUTH #2)



MODESTO CITY COUNCIL
RESOLUTION NO. 2025-42

RESOLUTION APPROVING THE THIRD AMENDMENT TO THE AGREEMENT FOR THE OPERATION OF THE KING-KENNEDY MEMORIAL CENTER WITH THE WEST MODESTO COMMUNITY COLLABORATIVE TO AMEND THE AGREEMENT TO A MONTH-TO-MONTH BASIS UNTIL JULY 1, 2025, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, in 1968, the King-Kennedy Memorial Center ("Center") was constructed for community programming and engagement, and

WHEREAS, from 1968 to 2008, the City operated, staffed, and offered community programming at the Center, and

WHEREAS, in 2008, Council, by Resolution No. 2008-081, approved an agreement with West Modesto Community Collaborative ("WMCC") to manage and operate the Center, and

WHEREAS, WMCC provides mental health services, community engagement, after school programming, summer camps, intervention programs and other services information to West Modesto, and

WHEREAS, on August 8, 2018, by Resolution No. 2018-303, Council approved a new agreement with WMCC to manage and operate the Center, and

WHEREAS, on February 11, 2020, by Resolution No. 2020-079, Council approved the First Amendment to the Agreement to provide access and use of Center outside of regular business hours and authorized WMCC to schedule and coordinate Center usage by the King-Kennedy Memorial Center Board of Directors, and

WHEREAS, on April 6, 2021, by Resolution No. 2021-110, Council approved the application for grant funds to renovate Dr. Martin Luther King Jr. Park ("MLK Park")

with construction of a gymnasium/multipurpose room near the Center resulting in the closure of MLK Park and Center during construction, and

WHEREAS, on July 11, 2023, by Resolution No. 2023-353, Council approved the Second Amendment to the Agreement for a one (1) year extension to allow time for the preparation of a Request for Proposal (RFP) for operation of the facility prior to MLK Park renovations and KKMC closure, and

WHEREAS, the timeline for current projects was amended for construction start dates to take place in chronological order to ensure proper resources and staff support would be available, and

WHEREAS, City staff propose to amend the current KKMC Operations Agreement with WMCC to a month-to-month basis until July 1, 2025, when construction is slated to begin for the MLK Park renovations project, and

WHEREAS, the RFP process for the KKMC Operations Agreement will begin in conjunction with the facility's closure for construction to provide agencies and community groups ample time to submit proposals for Center operations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Third Amendment to the Agreement for the Operation of the King-Kennedy Memorial Center with the West Modesto Community Collaborative to amend the Agreement to a month-to-month basis until July 1, 2025.

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 28th day of January, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-43

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE BRET HARTE NEIGHBORHOOD STRENGTHEN & REPLACE WATER MAINS PHASE 1B PROJECT, ACCEPTING THE BID AND AWARDING A CONSTRUCTION CONTRACT TO MID CAL PIPELINE & UTILITIES, OF MERCED, CA IN THE AMOUNT OF $1,731,369, AUTHORIZING THE DIRECTOR OF ENGINEERING SERVICES TO APPROVE CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF $259,706, 15% OF THE ORIGINAL CONTRACT PRICE, FOR A TOTAL PAYMENT AMOUNT NOT TO EXCEED $1,991,075 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, the existing water mains in the Bret Harte Neighborhood are aging, undersized steel mains which are prone to leaks and low pressure, and

WHEREAS, this project will upgrade approximately 3,720 linear feet of water mains, and the associated valves and fire hydrants and

WHEREAS, the result of this work will be improved system reliability, along with increased water pressure and fire flows, and

WHEREAS, the project was advertised for bids on October 18, 2024, and

WHEREAS, on November 19, 2024, bids were publicly opened, pursuant to City Charter Section 1307, and ten bids were received, and

WHEREAS, Mid Cal Pipeline & Utilities, of Merced, CA, was the responsible bidder with the lowest responsive bid, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment or contractual services to follow the formal bid procedures, and

WHEREAS, the award of a Contract for the construction of the Bret Harte Neighborhood Strengthen & Replace Water Mains Phase 1B Project to Mid Cal Pipeline

& Utilities, of Merced, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and Mid Cal Pipeline & Utilities was the lowest responsive and responsible bidder, and

WHEREAS, the City's "Change Order Approval Policy" establishes a Contract change order authority of 10% for Construction Contracts of this dollar value. However, after reviewing the plans and specifications, and given the nature of this project where unforeseen conditions may exist when dealing with existing construction, and other unaccounted for issues may arise, the City Council desires to increase the Director's authority to issue change orders of up to 15% ($259,706) of the Construction Contract amount.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Bret Harte Neighborhood Strengthen & Replace Water Mains Phase 1B Project, accepts the bid of $1,731,369, authorizes the Director of Engineering Services to approve Change Orders up to the cumulative amount of $259,706, 15% of the original Contract price, for a total payment amount not to exceed $1,991,075, and awards a Construction Contract to Mid Cal Pipeline & Utilities, of Merced, CA.

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 28th day of January, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-44

RESOLUTION APPROVING AN ENGINEERING SUPPORT DURING CONSTRUCTION AGREEMENT WITH SIEGFRIED ENGINEERING, OF MODESTO, CA, FOR THE BRET HARTE NEIGHBORHOOD STRENGTHEN & REPLACE WATER MAINS PHASE 1B PROJECT IN THE AMOUNT OF $29,800, PLUS $2,980 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED $32,780 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Siegfried Engineering is the Engineer-of-Record for the Bret Harte Neighborhood Strengthen & Replace Water Mains Phase 1B Project, and

WHEREAS, Engineering Support During Construction will be needed from Siegfried Engineering to ensure construction of the facilities meets the original design described in the plans and specifications, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to follow formal bid procedures, and

WHEREAS, exceptions to the formal bidding process are granted in the Modesto Municipal Code Section 8-3.204(d) “Where the Purchasing Manager, in his or 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, hiring a different engineering firm would require that firm to become familiar with the project and interpret engineering plans prepared by Siegfried Engineering, which would create inefficiencies and is not a best practice in the field of engineering; Staff, therefore recommends an Agreement with Siegfried Engineering for Engineering Support During Construction Services in the amount of $29,800, plus $2,980

in additional services, if needed, for a total amount not to exceed $32,780 be exempt from the formal bidding procedures in accordance with Modesto Municipal Code 8-3.204(d).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Engineering Support During Construction Services Agreement with Siegfried Engineering for the Bret Harte Neighborhood Strengthen & Replace Water Mains Phase 1B Project in the amount of $29,800, plus $2,980 for additional services, if needed, for a total amount not to exceed $32,780.

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 28th day of January, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-45

RESOLUTION AMENDING THE FISCAL YEAR 2024-25 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $678,500 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES TO FUND THE BRET HARTE NEIGHBORHOOD STRENGTHEN & REPLACE WATER MAINS PHASE 1B PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $678,500, in order to fund the Bret Harte Neighborhood Strengthen & Replace Water Mains Phase 1B Project, and

WHEREAS, the Fiscal Year 2024-25 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 2024-25 Capital Improvement Program Budget in the amount of $678,500.

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 28th day of January, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-46

RESOLUTION APPROVING AN AMENDED AND RESTATED MEMORANDUM OF AGREEMENT WITH STANISLAUS COUNTY FOR THE WEST MODESTO SEWER INFRASTRUCTURE PROJECT: SPENCER/MARSHALL NEIGHBORHOOD – COUNTY AREA 7 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Spence/Marshall Neighborhood – County Area 7 is an unincorporated, disadvantaged community comprised of approximately 114 parcels that rely solely on septic systems for the treatment of domestic wastewater, and

WHEREAS, the City owns and operates a sanitary sewer system adjacent to this area and is prepared to provide wastewater service to the Spencer/Marshall Neighborhood – County Area 7 in collaboration with Stanislaus County in an effort to lessen or eliminate the need for septic systems in the areas adjacent the City and to mitigate health and environmental hazards that can be caused by untreated wastewater, and

WHEREAS, on September 3, 2019, by Resolution No. 2019-398, Council approved an Agreement with Stanislaus County for Engineering Review and Construction Inspection Services Relating to the West Modesto County Area 7 Sewer Infrastructure Project; and

WHEREAS, under the Amended and Restated Agreement, the County and City will agree to expand the County Project to include the City's Septic to Sewer Program; Contingent upon the County's ability to secure appropriate funding for the Project and Program, and

WHEREAS, the County will be responsible for the design and construction of the improvements in the public right-of-way at no cost to the City and upon completion of the Project the County will transfer ownership of the infrastructure to the City to maintain and operate, and

WHEREAS, the City Program will cover the costs associated with the on-site (private property) improvements consisting of installing service laterals and the abandonment and/or removal of septic tanks, and

WHEREAS, reimbursement for the Project and Program will be facilitated by the County, and

WHEREAS, the County will be responsible for submitting a grant application to the State Water Resources Control Board for financing through the Clean Water State Revolving Fund and entering into the subsequent funding agreement.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amended and Restated Memorandum of Agreement with Stanislaus County for the West Modesto Sewer Infrastructure Project: Spencer/Marshall Neighborhood – County Area 7.

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 28th day of January, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-47

RESOLUTION APPROVING AN AMENDMENT TO THE FISCAL YEAR 2024-25 MULTI-YEAR PROGRAM BUDGET IN THE AMOUNT OF $2,693,506 FROM WASTEWATER RESERVES TO FUND THE CONSTRUCTION PHASE OF THE SEPTIC TO SEWER PROGRAM – COUNTY AREA 7 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $2,693,506, in order to fund the Septic to Sewer Program - Spencer/Marshall Neighborhood – County Area 7, and

WHEREAS, the Fiscal Year 2024-25 Multi-Year 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 2024-25 Multi-Year Program Budget in the amount of $2,693,506.

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 28th day of January, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-48

RESOLUTION APPROVING AN AMENDED AND RESTATED MEMORANDUM OF AGREEMENT WITH STANISLAUS COUNTY FOR THE WEST MODESTO SEWER INFRASTRUCTURE PROJECT: ROUSE/COLORADO NEIGHBORHOOD – COUNTY AREA 9 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Rouse/Colorado Neighborhood – County Area 9 is an unincorporated, disadvantaged community comprised of approximately 342 parcels that rely solely on septic systems for the treatment of domestic wastewater, and

WHEREAS, the City owns and operates a sanitary sewer system adjacent to this area and is prepared to provide wastewater service to the Rouse/Colorado Neighborhood – County Area 9 in collaboration with Stanislaus County in an effort to lessen or eliminate the need for septic systems in the areas adjacent the City and to mitigate health and environmental hazards that can be caused by untreated wastewater, and

WHEREAS, on March 7, 2023, by Resolution No. 2023-94, Council approved an Agreement with Stanislaus County for Engineering Review and Construction Inspection Services Relating to the West Modesto County Area 9 Sewer Infrastructure Project; and

WHEREAS, under the Amended and Restated Agreement, the County and City will agree to expand the County Project to include the City's Septic to Sewer Program; Contingent upon the County's ability to secure appropriate funding for the Project and Program, and

WHEREAS, the County will be responsible for the design and construction of the improvements in the public right-of-way at no cost to the City and upon completion of

the Project the County will transfer ownership of the infrastructure to the City to maintain and operate, and

WHEREAS, the City Program will cover the costs associated with the on-site (private property) improvements consisting of installing service laterals and the abandonment and/or removal of septic tanks, and

WHEREAS, reimbursement for the Project and Program will be facilitated by the County, and

WHEREAS, the County will be responsible for submitting a grant application to the State Water Resources Control Board for financing through the Clean Water State Revolving Fund and entering into the subsequent funding agreement.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amended and Restated Memorandum of Agreement with Stanislaus County for the West Modesto Sewer Infrastructure Project: Rouse/Colorado Neighborhood – County Area 9.

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 28th day of January, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-49

RESOLUTION APPROVING AN AMENDMENT TO THE FISCAL YEAR 2024-25 MULTI-YEAR PROGRAM BUDGET IN THE AMOUNT OF $8,427,259 FROM WASTEWATER RESERVES TO FUND THE CONSTRUCTION PHASE OF THE SEPTIC TO SEWER PROGRAM – COUNTY AREA 9 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $8,427,259, in order to fund the Septic to Sewer Program – Rouse/Colorado Neighborhood – County Area 9, and

WHEREAS, the Fiscal Year 2024-25 Multi-Year 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 2024-25 Multi-Year Program Budget in the amount of $8,427,259.

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 28th day of January, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-50

RESOLUTION ACCEPTING THE RESIGNATION OF JENNIFER BARILLAS FROM THE AUDIT COMMITTEE

WHEREAS, the Audit Committee was established to advise the City Council on items related to the work of the City Auditor and the City's financial statement or other types of audits, and

WHEREAS, on June 27, 2023, by Resolution No. 2023-296, Jennifer Barillas was appointed to serve as a member of the Audit Committee, and

WHEREAS, Jennifer Barillas has tendered her resignation from the Audit Committee effective January 17, 2025.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby accepts the resignation of Jennifer Barillas from the Audit Committee with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of February, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-51

RESOLUTION AMENDING THE FISCAL YEAR 2024-25 ANNUAL OPERATING AND CAPITAL IMPROVEMENT PROJECT 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 2024-25.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2024-25 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 4th day of February, 2025, by Councilmember Escutia-Braaton, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

COMMUNITY AND ECONOMIC DEVELOPMENT

- A budget adjustment in the amount of $200,000 is needed to account for the Homeowner Rehabilitation Loans that are being converted to Grants in the Revolving Loan Fund (1155). This program is designed to eliminate health and safety hazards in residential properties for qualifying low-income households, and each loan has met the affordability covenant. The Homeowner Rehabilitation Program is funded through the Community Block Grant Revolving Loan Fund.

- A budget adjustment in the amount of $55,000 is necessary to reduce CED - Planning operating expenditures and to establish a transfer from the General Fund (0100) to the Economic Development/Strategic Plan Fund (1800) for Project 101643 CED - TrakIT Improvement Project. The budget will be allocated to Project 101643 to fund eTrakit consulting services to be used by the Planning and Building Safety Division.

- A budget adjustment of $88,565 is necessary to set up an initial project expenditure budget for Project 101506 – Building Safety Abatement based on building code abatement fees generated to date. This fee's purpose is to recover costs and fund City services related to addressing dangerous property violations. This adjustment request recognizes an expenditure budget based on total revenue received to date since the reorganization of the Neighborhood Preservation Unit (NPU) over to the Modesto Police Department. NPU is authorized for the abatement of public nuisance issues while Building safety has retained responsibility for building code violation abatement as indicated in resolution 2011-437 which established fund 4910-abatement of public nuisance.

MEASURE H

- A budget adjustment in the amount of $15,000 is needed in the FIN – Measure H – Accounting cost center in the General Fund - Measure H (0160) to account for the annual audit expenses related to Fiscal Year 2024 and anticipated for the Fiscal Year 2025 annual audit.

MODESTO POLICE DEPARTMENT

- A budget adjustment in the amount of $52,780 is needed in the 2023-2024 Supplemental Law Enforcement Services Fund (SLESF) Project (101539) in the Police Grants Fund (1342) to increase the expense and revenue budget to account for State revenues and offsetting expenditures.

- A budget adjustment in the amount of $320,005 is needed in the General Fund (0100) Asset Forfeiture Cost Center 19465 to account for increased costs related to Public Safety Equipment and Tools and Field Supplies. Additionally, a budget adjustment in the amount of $613,781 to increase in revenue account 46507 – Seized Forfeitures which is reconciled on a yearly basis with Asset Forfeiture Trust Funds with a current balance of $1,365,285. The Asset Forfeiture Trust balance is made up of funds received from Stanislaus County adjudications related to seized assets during Police operations.

UTILITIES

- A budget adjustment in the amount of $1,152,162 is necessary to establish a transfer from the Sewer Operations Fund (4210) to the Sewer NVRRWP (North Valley Regional Recycled Water Program) State Revolving Loan Fund (4235). The transfer is being complete to assign the cash reserve for the NVRRWP loan to its own account as requested by the State Water Resources Control Board.

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-52

RESOLUTION ACCEPTING THE GRACEADA PARK POOL FENCING REPLACEMENT PROJECT AS COMPLETE, RELEASING SECURITIES, RELEASING PAYMENTS TOTALING $164,907 TO JOE'S LANDSCAPING & CONCRETE, INC. OF NEWMAN, CALIFORNIA, AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, the Graceada Park pool perimeter fence was determined to have exceeded its life span and deteriorated beyond repair; and

WHEREAS, this park improvement project addressed safety and access concerns at the Graceada Park Pool site and enhances public enjoyment and satisfaction of the park pool amenities; by correcting ADA access deficiencies, expanding public use capacity, and providing better maintenance service access; and

WHEREAS, the Graceada Park Pool Fencing Replacement project was advertised for bids on December 14, 2023; and

WHEREAS, the bids received were publicly opened on January 30, 2024; and

WHEREAS, Joe's Landscaping & Concrete, Inc., of Newman, CA, was the lowest responsive and responsible bidder at 1.06% below the engineers estimate; and

WHEREAS, on February 27, 2024, by Resolution No. 2024-069, Council awarded a contract to Joe's Landscaping & Concrete, Inc., of Newman, California in the amount of $152,719; and

WHEREAS, the contractor received the Notice to Proceed with a first working day of March 18, 2024, and all contract work was completed by May 15, 2024; and

WHEREAS, the total project costs were $195,286 which included all construction, design, and construction administration costs. The total project amount originally

budgeted was $214,335 which included $167,991 for the construction contract and contingency with Joe's Landscaping & Concrete, Inc.; and

WHEREAS, there were five change orders on this project with an overall increase of $12,188; 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 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 Graceada Park Pool Fencing Replacement project is hereby accepted as complete from contractor Joe's Landscaping & Concrete, Inc., of Newman, CA, 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 $164,907.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of February, 2025, by Councilmember Escutia-Braaton, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-53

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) FOR SERVICE BETWEEN THE CITY OF CERES, THE CITY OF MODESTO, THE STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT, THE CITY OF TURLOCK, AND THE STANISLAUS COUNTY FIRE WARDEN'S OFFICE FOR FIRE DEPARTMENT TRAINING SERVICES AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Fire Department is an all-risk fire department that responds to multiple types of emergency incidents and firefighters must be well trained and proficient in all emergencies; and

WHEREAS, as MFD is a partner in a Resource-Sharing Response Model including Modesto, Stanislaus Consolidated Fire Protection District (SCFPD), and Turlock (MST), it is imperative that the personnel are consistently trained and share common standards; and

WHEREAS, on June 28, 2022, by Resolution 2022-288, MFD entered into a Training Agreement with the City's partner agencies to provide one training division for all agencies in resource sharing, this included City of Modesto, City of Ceres, City of Turlock, and SCFPD. As a result, the participating agencies realized operational and fiscal efficiencies by sharing resources to deliver a common training platform; and

WHEREAS, as the City's regionalization efforts and partnerships continue to expand, the City is met with the need to update the existing MOU to include additional County resources. The proposed MOU will terminate the existing agreement and allow for the Stanislas County Fire Warden's Office (FWO) to be included as an additional party; and

WHEREAS, the Joint Training Division will be responsible for the ongoing training of all operational personnel; and

WHEREAS, a Training Committee will be established that will meet monthly to ensure that the goals of the Joint Training Division are being met. Each agency will assign one representative to serve on this committee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Memorandum of Understanding for service between the City of Ceres, the City of Modesto, the Stanislaus Consolidated Fire Protection District, the City of Turlock, and the Stanislaus County Fire Warden's Office for Fire Department Training Services.

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 February, 2025, by Councilmember Escutia-Braaton, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025–54

RESOLUTION APPROVING AN AMENDMENT TO THE BYLAWS OF THE MODESTO BLIGHT ABATEMENT ADVISORY COMMITTEE TO ALLOW FOR THE TWO POSITIONS OF REGISTERED ELECTORS OF STANISLAUS COUNTY TO BE FILLED BY REGISTERED ELECTORS OF THE CITY OF MODESTO FOR ONE TERM IF NO APPLICATIONS FOR THESE POSITIONS ARE RECEIVED

WHEREAS, in 2019, during the Strategic Planning sessions with community members, a major theme was dissatisfaction regarding blight throughout the City; and

WHEREAS, on December 10, 2019, by Resolution 2019-555, City Council approved the Blight Abatement Strategy, which included the creation of a blight abatement taskforce comprised of public and private stakeholders that will make recommendations to the City regarding program improvements, potential funding opportunities, and support increasing volunteerism; and

WHEREAS, on October 13, 2020, by Resolution 2020-428, City Council approved the formation of the Blight Abatement Advisory Committee (BAAC) and the bylaws and solicited membership of the committee's nine members; and

WHEREAS, the original bylaws state that the nine members of the Committee shall be registered electors of the City and two of the nine shall live outside the City but be registered electors of Stanislaus County; and

WHEREAS, ongoing vacancies have affected the efficiency and desired outcomes originally expected of the Committee; and

WHEREAS, the two positions of registered electors of Stanislaus County rarely receive applications, leaving these positions vacant on a regular basis; and

WHEREAS, at their December 19, 2024 meeting BAAC members voted unanimously to amend the BAAC bylaws such that when no applications are received for the two positions of registered electors of Stanislaus County, two eligible candidates for registered electors of the City of Modesto may be appointed to fill these positions for one term.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to the Bylaws of the Modesto Blight Abatement Advisory Committee to allow for the two positions of registered electors of Stanislaus County to be filled by registered electors of the City of Modesto for one term if no applications for these positions are received.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of February, 2025, by Councilmember Escutia-Braaton, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-55

RESOLUTION APPROVING THE AGREEMENT WITH AMANO MCGANN, INC., ROSEVILLE, MN FOR PARKING ACCESS CONTROL REVENUE SYSTEM UPGRADE, FIELD DEVICES AND SOFTWARE FOR A TOTAL AMOUNT NOT TO EXCEED $991,495 OVER FOUR YEARS, AND AUTHORIZING THE CITY MANGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto Public Works Department, Parking Services Division, operates and services the City's three parking garages and five surface lots. Through hourly parking rates and monthly contractual charges to area businesses, the City's parking facilities are fully funded; and

WHEREAS, on March 2, 2010, by Resolution No. 2010-076, the City awarded Amano McGann, Inc. the Agreement for the hardware installation and on-premises server and software of the original Parking Access Control Revenue System (PARCS). The City has entered into Annual Agreements for Parking Garage Automated System Equipment with Amano McGann, Inc. in the years since, with the current agreement set to expire April 2, 2025; and

WHEREAS, on October 17, 2024, the City Manager authorized the Purchasing Manager to solicit the procurement for PARCS Upgrade, field devices and software. A bid waiver was approved with the bidding exception of Original Equipment Manufacturer (OEM) as purchasing an entire new system through another supplier would be significantly more expensive and time extensive; and

WHEREAS, the proposed upgrade of the Amano One software includes license plate reader technology, touchless entry, pay, and the ability to manage gateless ingress/egress. Enhanced intercom technology, cameras at gate entrance and exit

machines and intuitive pay stations, will improve customer service for both permit holders and general users of the City's garages. Additionally, the software will be cloud based and reduce the burden on City staff and the budget for maintaining servers and software. The upgraded PARCS will improve overall garage management through enhanced controls and reporting capabilities; and

WHEREAS, on September 26, 2024, this item was presented and approved by the Technology Steering and Alignment Committee by a unanimous 5-0 vote; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 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 requirement where the Purchase Agency's requirements can be met solely by a single article or process. Here, purchasing an entire new system with a new vendor would cost substantially more than upgrading the current system. Therefore, staff recommends the Parking Access Control Revenue System Upgrade, Field Devices and Software Agreement with Amano McGann, Inc. should be exempt from the formal bidding procedures in accordance with Modesto Municipal Code 8-3.204(b) since Amano McGann, Inc. is the Original Equipment Manufacturer of Amano branded equipment; and

WHEREAS, on November 13, 2024, this item was presented to Finance Committee where the committee requested additional confirmation related to dual language, English and Spanish, as well as staff to visit installation sites with similar systems installed. Staff reviewed several installation sites and confirmed ease of use. Spanish language option is a requirement and Amano has guaranteed this will be

provided as soon as the programming control issues are rectified and planned for second-quarter of the calendar year.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Amano McGann, Inc., Roseville, MN for Parking Access Control Revenue System Upgrade, Field Devices and Software for a total amount not to exceed $991,495 over four years.

BE IT FURTHER RESOLVED the City Manager, or his designee, is hereby authorized to execute these 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 February, 2025, by Councilmember Escutia-Braaton, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-56

RESOLUTION APPROVING THE CITY OF MODESTO'S HOMEKEY+ PROJECT APPLICATION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) FOR THE PROJECT LOCATED AT 1121 NEEDHAM ST., MODESTO, CA 95354, WITH A TOTAL PROJECT COST NOT TO EXCEED $22,896,000, AND APPROVING A MEMORANDUM OF UNDERSTANDING THAT INCLUDES A COMMUNITY DEVELOPMENT BLOCK GRANT LOAN TO EL CAPITAN HOMEKEY LP IN AN AMOUNT NOT TO EXCEED $3,007,163, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SUBMIT THE APPLICATION, APPLICABLE DOCUMENTATION, WITH ALTERATIONS AS REQUIRED BY THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) AS WELL AS NEGOTIATE AND EXECUTE ANY RELATED PROGRAM AGREEMENTS OR DOCUMENTS REQUIRED FOR THE IMPLEMENTATION AND ACCEPTANCE OF HOMEKEY+ PROGRAM GRANT, AS REQUIRED BY HCD

WHEREAS, in March 2024, Proposition 1 passed by California voters advancing the state's goals to reduce homelessness and protect vulnerable populations through important changes to the Mental Health Services Act; and

WHEREAS, Proposition 1 provides up to $6.4 billion in bond funding to develop and expand behavioral health treatment, residential care settings, and Permanent Supportive Housing with approximately $2 billion of the Proposition 1 bond funds will be administered by HCD, in collaboration with the California Department of Veterans Affairs (CalVet) as the Homekey+ program, expanding upon the successful Homekey model; and

WHEREAS, Homekey+ program will support the development of Permanent Supportive Housing for veterans and other individuals with mental health and/or substance use disorder challenges who are at-risk of or experiencing homelessness; and

WHEREAS, El Capitan Homekey LP has submitted an application for the rehabilitation of the El Capitan Motel located at 1121 Needham Street in response to the City's open Notice of Funding Availability (NOFA); and

WHEREAS, the Project located at the current El Capitan Motel is comprised of 49 units, including a manager's unit; and

WHEREAS, the project proposal submitted by El Capitan Homekey LP proposes to fully convert 49 units from hotel occupancy to permanent supportive housing apartment units and one manager's unit; and

WHEREAS, staff is seeking approval to apply for a grant application in partnership with El Capitan Homekey LP to the Homekey+ program, for a total application amount not to exceed $18,466,000 in acquisition/ rehabilitation expenses, relocation, and operating subsidies; and

WHEREAS, to assist with the gap, the City is recommending the approval of a Memorandum of Understanding o allocate funding in an amount not to exceed $3,007,163 in Community Development Block Grant funding in the form of a loan contingent on the Homekey+ award; and

WHEREAS, if we receive the Homekey+ award, which is expected to be announced in summer 2025, staff will bring agreements and associated requirements from HCD back for Council approval to formally accept the award, as well as loan documents to formally approve the CDBG loan; and

WHEREAS, City staff is continuing to work with local partners, such as the Health Plan of San Joaquin, for additional grants that may lessen the City's commitment to the project if the funds are awarded; and

WHEREAS, the total application for Homekey+ funding is in the amount of $18,466,000, and the State required Resolution requires that project applicants seek double the total project request which amounts to $36,932,000, which is intended to allocate projects additional funding through the scoring process in the event that additional funding is available.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves City of Modesto's Homekey+ Project Application to California Department of Housing and Community Development (HCD) for the project located at 1121 Needham St., Modesto, CA 95354, with a total project cost not to exceed $22,896,000.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby approves Memorandum of Understanding which outlines the roles and responsibilities of the partners that includes a Community Development Block Grant loan to El Capitan Homekey LP in an amount not to exceed $3,007,163.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized, to submit the application, applicable documentation, with alterations as required by the California Department of Housing and Community Development (HCD) as well as negotiate and execute any related program agreements or documents required for the implementation and acceptance of Homekey+ Program Grant, as required by HCD.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of February, 2025, 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:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

AUTHORIZING RESOLUTION

RESOLUTION NO. 2025-57

EL CAPITAN

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF MODESTO AUTHORIZING JOINT APPLICATION TO AND PARTICIPATION IN THE HOMEKEY PROGRAM FOR THE DEVELOPMENT AT 1121 NEEDHAM STREET

WHEREAS:

A. The Department of Housing and Community Development ("HCD") has issued a Notice of Funding Availability, dated November 26, 2024 ("**NOFA**"), for the Homekey+ Program ("**Homekey+"** or "**Program**"). HCD has issued the NOFA for Homekey+ grant funds pursuant to Health and Safety Code Section 50675.1.3 (Assem. Bill No. 140 (2021-2022 Reg. Sess.), § 20.); Health and Safety Code Section 50675.1.5 (Assem. Bill No. 531 (2023-2024 Reg. Sess.); Section 14184.402 of the Welfare and Institutions Code; Section 5891.5 of the Welfare and Institutions Code; and Round 5 and 6 of the Homeless Housing, Assistance and Prevention (HHAP) grant program. (Assem. Bill No. 129 (Chapter 40, Statutes 2023) and Assem. Bill No. 166 (Chapter 48, Statutes 2024), respectively.

A. **City of Modesto** ("**Public Entity**") desires to jointly apply for Homekey grant funds with El Capitan Homekey LP, a California limited partnership ("**Co-Applicant No. 1**"), in the submittal of an application for Homekey+ funds ("**Application**") to the Department for review and consideration.

B. The Department is authorized to administer Homekey+ pursuant to the Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675) of Part 2 of Division 31 of the Health and Safety Code). Homekey+ funding allocations are subject to the terms and conditions of the NOFA, the Application, the Department-approved STD 213, Standard Agreement ("**Standard Agreement**"), and all other legal requirements of the Homekey+ Program.

THEREFORE, IT IS RESOLVED THAT:

1. Co-Applicant is hereby authorized and directed to submit a joint Application to the Department in response to the NOFA, and to jointly apply for Homekey+ grant funds in a total amount not to exceed **$36,932,000**.

2. If the Application is approved, Co-Applicant is hereby authorized and directed to enter into, execute, and deliver a Standard Agreement in a total amount not to exceed **$36,932,000**, any and all other documents required or deemed necessary or appropriate to secure the Homekey+ funds from the Department and to participate in the Homekey+ Program, and all amendments thereto (collectively, the "**Homekey+ Documents**").

3. Co-Applicant acknowledges and agrees that it shall be subject to the terms and conditions specified in the Standard Agreement, and that the NOFA and Application will be incorporated in the Standard Agreement by reference and made a part thereof. Any and all activities, expenditures, information, and timelines represented in the Application are enforceable through the Standard Agreement. Funds are to be used for the allowable expenditures and activities identified in the Standard Agreement.

4. **City Manager,** or his designee, is authorized to execute the Application and the Homekey+ Documents on behalf of Co-Applicant for participation in the Homekey+ Program.

PASSED AND ADOPTED this 4TH day of February 2025, by the following vote:

AYES: [6] NAYES: [0] ABSTAIN: [0] ABSENT: [1]

The undersigned, **Diane Nayares-Perez** of Co-Applicant, does hereby attest and certify that the foregoing is a true and full copy of a resolution of the governing body adopted at a duly convened meeting on the date above-mentioned, and that the resolution has not been altered, amended, or repealed.

SIGNATURE: _____ DATE: 2-6-2025

NAME: Diane Nayares-Perez TITLE: City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-58

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE SCENIC DRIVE PHASE II, DRY CREEK TRAIL PHASE II, KANSAS AVENUE, & NEIGHBORHOOD TRAFFIC CALMING PROGRAM CYCLE I PROJECT, ACCEPTING THE BID AND AWARDING A CONTRACT TO BAY CITIES PAVING & GRADING, INC., OF CONCORD, CA, IN THE AMOUNT OF $12,319,904, AND AUTHORIZING CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF $1,231,990, FOR A TOTAL AGREEMENT AMOUNT NOT TO EXCEED $13,551,894, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Scenic Drive Phase II, Dry Creek Trail Phase II, Kansas Avenue, & Neighborhood Traffic Calming Program Cycle I project, and City staff recommends approval by the City Council; and

WHEREAS, the bids received for the Scenic Drive Phase II, Dry Creek Trail Phase II, Kansas Avenue, & Neighborhood Traffic Calming Program Cycle I project, were publicly opened at 11:00 a.m. on December 10, 2024, and later tabulated by the Director of Engineering Services Department for the consideration of Council; and

WHEREAS, the Director of Engineering Services Department has recommended that the bid of $12,319,904 received from Bay Cities Paving & Grading, Inc. of Concord, CA be accepted as the lowest responsible and responsive bid and the contract be awarded to Bay Cities Paving & Grading, Inc.; and

WHEREAS, the Director of Engineering Services is authorized to approve Change Orders up to the cumulative amount of $1,231,990 (10% of the original contract price); and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment or contractual services, to follow the formal bid procedures; and

WHEREAS, an award of $12,319,904 and agreement for construction with Bay Cities Paving & Grading, Inc. of Concord, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and Bay Cities Paving & Grading, 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 the plans and specifications for the Scenic Drive Phase II, Dry Creek Trail Phase II, Kansas Avenue, & Neighborhood Traffic Calming Program Cycle I project, accepting the bid, and awarding a contract to Bay Cities Paving & Grading, Inc. of Concord, CA, in the amount of $12,319,904, authorizing the Director of Engineering Services to approve Change Orders up to the cumulative amount of $1,231,990 (10% of the original contract price) for a total agreement amount not to exceed $13,551,894.

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 4th day of February, 2025, by Councilmember Williams, 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:	Bavaro, Ricci, Williams, Wright
NOES:	Councilmembers:	None
RECUSE:	Councilmembers:	Escutia-Braaton, Mayor Zwahlen
ABSENT:	Councilmembers:	Alvarez

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-59

RESOLUTION APPROVING AGREEMENT WITH TRC ENGINEERS, INC., OF LATHROP, CA FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE SCENIC DRIVE PHASE II, DRY CREEK TRAIL PHASE II, KANSAS AVENUE, & NEIGHBORHOOD TRAFFIC CALMING PROGRAM CYCLE I PROJECT IN AN AMOUNT NOT TO EXCEED $870,525, PLUS $87,053 FOR ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED $957,578, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, due to limited staffing resources, current workloads and the size and complexity of this project, staff recommends utilizing a consultant for this project for proper project coverage and construction oversight, including Construction Management, Inspections and Materials Testing, and Public Outreach services for the anticipated 12-month construction period; and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), agreements for professional services are exempt from the formal bidding requirements of Modesto Municipal Code 8-3.203 if competitive proposals or quotations are sought from at least three (3) qualified entities; and

WHEREAS, in compliance with this requirement, a Request for Proposals (RFP) was issued on October 29, 2024 to the City's four (4) pre-qualified firms who provide Construction Management and Inspection Services; and

WHEREAS, TRC Engineers, Inc. was the only firm to return a proposal by the November 26, 2024 due date; and

WHEREAS, the proposal received from TRC Engineers, Inc. was evaluated by City staff and met and exceeded the proposal requirements for the Scenic Drive Phase II,

Dry Creek Trail Phase II, Kansas Avenue, & Neighborhood Traffic Calming Program Cycle I project, and

WHEREAS, TRC Engineers, Inc., has provided assistance with similar City projects including the Tully Road Pavement Rehabilitation project and the Briggsmore Avenue and Orangeburg Avenue Pavement Rehabilitation project and has rendered quality service with respect to coordination with staff, the public and the contractor, as well as efficient construction management, and

WHEREAS, staff recommends approval of the agreement with TRC Engineers, Inc. for the Scenic Drive Phase II, Dry Creek Trail Phase II, Kansas Avenue, & Neighborhood Traffic Calming Program Cycle I project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with TRC Engineers, Inc., of Lathrop CA for the Scenic Drive Phase II, Dry Creek Trail Phase II, Kansas Avenue, & Neighborhood Traffic Calming Program Cycle I project in the amount of $870,525, plus $87,053 for additional services, if needed, for a total amount not to exceed $957,578.

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 February, 2025, by Councilmember Williams, 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:	Bavaro, Ricci, Williams, Wright
NOES:	Councilmembers:	None
RECUSE:	Councilmembers:	Escutia-Braaton, Mayor Zwahlen
ABSENT:	Councilmembers:	Alvarez

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-60

RESOLUTION ACCEPTING THE RESIGNATIONS OF AUSTIN GRANT AND JOEL CAMPOS FROM THE CITY OF MODESTO'S EQUITY COMMISSION

WHEREAS, the Equity Commission was established to advise the City Manager and the City Council in matters that relate to equity and inclusion, equal opportunity, and disability related issues, and

WHEREAS, on January 10, 2023, by Resolution No. 2023-01, Austin Grant and Joel Campos were appointed to serve as members of the Equity Commission, and

WHEREAS, Austin Grant and Joel Campos have tendered their resignations from the Equity Commission effective December 16, 2024 and January 3, 2025 respectively.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby accepts the resignations of Austin Grant and Joel Campos from the Equity Commission with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ricci

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-61

RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE FISCAL YEAR 2025-26 ENGINEER'S ANNUAL REPORT FOR CITY OF MODESTO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 (DRY CREEK MEADOWS SUBDIVISIONS NOs. 1-6)

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 (LMAD No. 1) to provide funding for the landscape maintenance in the public right-of-way, street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6; and

WHEREAS, LMAD No. 1 was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and comprised of 749 single-family residential lots and three (3) public agency owned parcels; and

WHEREAS, Section 22620 et. seq. of the Streets and Highways Code requires the legislative body (the City Council) adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and orders the preparation and filing of the report; and

WHEREAS, the annual assessment for LMAD No. 1 has remained the same since 1996; and

WHEREAS, staff does not anticipate any new improvements or substantial changes in existing improvements.

NOW, THEREFORE, BE IT RESOLVED that the City Engineer is designated by the City Council as the Engineer of Work for LMAD No. 1 and is hereby directed to

prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ricci

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorney~~

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-62

RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE FISCAL YEAR 2025-26 ENGINEER'S ANNUAL REPORT FOR CITY OF MODESTO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 (DRY CREEK MEADOWS SUBDIVISIONS NOs. 7-10, CREEKWOOD MEADOWS SUBDIVISION AND YOSEMITE MEADOWS SUBDIVISIONS UNITS 1 AND 2)

WHEREAS, Resolution No. 89-460, adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Maintenance Assessment District No. 2 (LMAD No. 2) to provide funding for the landscape maintenance in the public right-of-way, street medians, and areas adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7 through 10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2; and

WHEREAS, LMAD No. 2 was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679); and

WHEREAS, Section 22620 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and direct staff to prepare and to file a report accordingly; and

WHEREAS, the annual assessment for LMAD No. 2 has gradually increased since July 2000; and

WHEREAS, staff does not anticipate any new improvements or substantial changes in existing improvements.

NOW, THEREFORE, BE IT RESOLVED, that the City Engineer is designated by this City Council as the Engineer of Work for LMAD No. 2 and is hereby directed to

prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ricci

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-63

RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE FISCAL YEAR 2025-26 ENGINEER'S ANNUAL REPORT FOR CITY OF MODESTO SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT

WHEREAS, on June 29, 1999, the County of Stanislaus formed the Shackelford Landscape and Lighting District (Shackelford LLD) for the purpose of administering the maintenance and service of six (6) 95-watt and seventy-six (76) 200-watt high-pressure sodium streetlights; and

WHEREAS, the Shackelford LLD was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679); and

WHEREAS, the Shackelford LLD is comprised of approximately 153 acres, includes 493 lots with both residential and commercial development, and is bounded by Crows Landing Road on the west, East Hatch Road on the south, Union Pacific Railroad on the east, and State Route 99 on the north; and

WHEREAS, on July 1, 2012, the City of Modesto assumed jurisdiction of the Shackelford Landscape and Lighting District from the County of Stanislaus; and

WHEREAS, Section 22620 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and direct staff to prepare and to file a report accordingly; and

WHEREAS, the annual assessment for the Shackelford LLD has gradually increased since June 1999; the method used to calculate the annual assessment is the total cost to operate and maintain the Shackelford LLD divided equally by the number of

parcels located within the district. If the costs to maintain the streetlights increased, then the levy would increase. There is no formal escalator for this district, and

WHEREAS, staff does not anticipate any new improvements or substantial changes in existing improvements.

NOW, THEREFORE, BE IT RESOLVED that the City Engineer is designated by the City Council as the "Engineer of Work" for the Shackelford LLD and is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ricci

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorney~~

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-64

RESOLUTION APPROVING THE SUBMISSION OF THE CITY'S LOCAL TRANSPORTATION FUNDS FISCAL YEAR 2023-24 AND 2024-25 CLAIM FOR NON-MOTORIZED AND OTHER PURPOSES (BIKE LANES AND PEDESTRIAN PATHWAYS) IN THE AMOUNT OF $487,911 TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG) AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, every year, the Stanislaus Council of Governments (StanCOG) distributes within their jurisdiction approximately $24.5 million in Local Transportation Funds (LTF) and State Transit Assistance Funds (STA) as required by the Transportation Development Act (TDA); and

WHEREAS, TDA funds are primarily intended for transit needs, however, the TDA mandates that 2% of the LTF funds be apportioned for non-motorized (bicycle and pedestrian) purposes; and

WHEREAS, on June 13, 2023, and June 10, 2024, StanCOG apportioned $243,628 and $244,283 respectively for non-motorized purposes for FY 2023-24 and 2024-25; and

WHEREAS, the City of Modesto was allocated a combined total of $487,911 for the bicycle and pedestrian projects per StanCOG Resolutions 22-71 and 23-30, which will be used to fund the Virginia Corridor Phase VII project to continue development of the trail from Woodrow Avenue to the Hetch Hetchy Trail (CIP 100813); and

WHEREAS, when preparing the Fiscal Year 2023-24 and 2024-25 claim, it was noted that $157,610 in funding, accumulated in prior Fiscal Years, had not been budgeted to projects; and

WHEREAS, staff recommends the proposed budget adjustment to align the project budgets with the funding held in deferred revenue in addition to the FY 2023-24 and 2024-25 for a total allocation of $645,521; and

WHEREAS, the City has prepared it's LTF Claim for Fiscal Year 2023-24 and 2024-25 pursuant to Articles 4 and 8 of Chapter 4 of Part 11, Division 10 of the California Public Utilities Code; and

WHEREAS, Council action authorizing submission of the claim is required by the rules and regulations governing the Transportation Development Act Funds, including StanCOG's approved Transit Cost Sharing Procedures, before any LTF funding can be released to the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submission of the City's Local Transportation Funds Fiscal Year 2023-24 and 2024-25 Claim for Non-motorized Purposes (bike lanes and pedestrian pathways and local streets and roads interest) in the amount of $487,911 to the Stanislaus Council of Governments (StanCOG).

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 25th day of February, 2025, by Vice-Mayor Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ricci

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-65

RESOLUTION AMENDING THE FISCAL YEAR 2024-2025 CAPITAL IMPROVEMENT PROGRAM BUDGET TO FUND PROJECT #100813 (VIRGINIA CORRIDOR PHASE VII) IN AN AMOUNT NOT TO EXCEED $645,521 IN TRANSFERS, REVENUE, AND TO BUDGET EXPENDITURES TO FUND THE PROJECT, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the Stanislaus Council of Governments (StanCOG) has informed the City that Local Transportation Funds (LTF) funds have been apportioned by StanCOG for allocation to the City; and

WHEREAS, this Claim for Non-motorized Purposes is the formal request by the City to StanCOG to release its apportionment of LTF funds for non-motorized and other purposes during the current fiscal year; and

WHEREAS, LTF funds provide the required local match for Federal funds received for the purpose of non-motorized and other projects (bicycle and pedestrian pathways and local streets and roads interest); and

WHEREAS, two percent (2%) of all LTF funds available to StanCOG are designated to be used for bicycle and pedestrian projects; and

WHEREAS, when preparing the Fiscal Year 2023-2024 and 2024-2025 claim, it was noted that $157,610 in funding, accumulated in prior Fiscal Years, had not been budgeted to projects. The proposed budget adjustment will align the project budgets with the funding held in deferred revenue; and

WHEREAS, the City has prepared its LTF Claim for Fiscal Year 2023-2024 and 2024-2025 pursuant to Articles 4 and 8 of Chapter 4 of Part 11, Division 10 of the California Public Utilities Code; and

WHEREAS, Council action authorizing submission of the claim is required by the rules and regulations governing the Transportation Development Act Funds, including StanCOG's approved Transit Cost Sharing Procedures, before any LTF funding can be released to the City; and

WHEREAS, $645,521 is available to be budgeted into the Fiscal Year 2024-2025 Capital Improvement Program Budget; and

WHEREAS, staff identified project #100813 – Virginia Corridor Phase VII to receive funding this fiscal year; and

WHEREAS, the Fiscal Year 2024-2025 Capital Improvement Budget must be amended to increase Project 100813 – Virginia Corridor Phase VII in a total amount of $645,521 to establish transfers, recognize revenue, and increase expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendments of the Fiscal Year 2024-2025 Capital Improvement Program Budget to fund project 100813 (Virginia Corridor Phase VII) in an amount not to exceed $645,521 in transfers, revenue and to budget expenditures to fund the project.

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 25th day of February, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ricci

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-66

RESOLUTION ACCEPTING THE EMPIRE YOSEMITE BOULEVARD WATER MAIN CROSSINGS STRENGTHEN & REPLACE PROJECT AS COMPLETE, RELEASING SECURITIES, RELEASING PAYMENTS TOTALING $1,125,289 TO DDS COMPANY, DOING BUSINESS AS KNIFE RIVER CONSTRUCTION OF STOCKTON, CA, AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, the existing water main crossings serving the Empire Yosemite Boulevard area was aging and the steel main was undersized; and

WHEREAS, this project improved nearly 1,400 linear feet of water main along Yosemite Boulevard; and

WHEREAS, the results of this project are improved system reliability by increasing water pressure for the residents, as well as increased flow to fire suppression systems via fire hydrants; and

WHEREAS, the Empire Yosemite Boulevard Water Main Crossings Strengthen & Replace project was advertised for bids on June 1, 2023; and

WHEREAS, bids were publicly opened on June 27, 2023; and

WHEREAS, DDS Company, DBA Knife River Construction, of Stockton, CA, was the lowest responsive and responsible bidder at 9.88% above the engineer's estimate; and

WHEREAS, on September 12, 2023, by Resolution 2023-414, Council awarded a contract to DDS Company, DBA Knife River Construction, in the amount of $1,096,065; and

WHEREAS, the contractor received the Notice to Proceed with a start date of December 4, 2023. All contract work was completed on May 21, 2024; and

WHEREAS, the total project costs were $1,216,190 which included design, construction, and construction administration costs. The total project amount originally budgeted was $1,463,925, which included $1,260,475 for the construction contract and contingency with DDS Company dba Knife River Construction; and

WHEREAS, there were seven change orders resulting in an overall increase of $29,224 for change order work as listed on the attached change order log; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, updated by Resolution No. 2019-326 on July 9, 2019, and updated by Resolution No. 2023-405 on September 12, 2023, established a contract change order authority of ten percent (10%) for construction contracts of this dollar value. However, after reviewing after reviewing the plans and specifications, and given the nature of the rehabilitation projects, it was deemed likely that this project would exceed the Director Authority; and

WHEREAS, staff requested that the Director's Authority to issue change orders be increased to 15% ($164,410) of the Construction Contract amount pursuant to Resolution No. 2023-24 approved on September 12, 2023; and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the City Clerk to file a Notice of Completion.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Empire Yosemite Boulevard Water Main Crossings Strengthen & Replace project is hereby accepted as complete, 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 $1,125,289 to the contractor DDS Company, DBA Knife River Construction, of Stockton, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ricci

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-67

RESOLUTION ACCEPTING THE PARK TURF REDUCTION PHASE I PROJECT AS COMPLETE, RELEASING SECURITIES, RELEASING PAYMENTS TOTALING $345,092 TO MARINA LANDSCAPE, INC., OF ORANGE, CA., AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, in June of 2023, the City was notified that it was awarded $3,359,922 by the 2022 Urban Community Drought Relief Program; and

WHEREAS, the City proposed to remove approximately 16 acres of non-functional turf grass from 21 parks and replace it with drought tolerant groundcover through the Park Turf Replacement Project; and

WHEREAS, Phase I of the Park Turf Reduction Project removed approximately 2.95 acres of turf at four (4) parks (Orchard, Moran Estates, East La Loma, and Chrysler); and

WHEREAS, the Park Turf Reduction Phase I Project was advertised for bids on August 14, 2023; and

WHEREAS, bids were publicly opened on September 12, 2024, and Marina Landscape, Inc., of Orange, CA, was the lowest responsible bidder at 1.40% below the engineers estimate; and

WHEREAS, on December 12, 2023, by Resolution No. 2023-521, Council awarded a contract to Marina Landscape, Inc., of Orange, CA in the amount of $342,445; and

WHEREAS, the contractor received the Notice to Proceed with a first working day of February 26, 2024, and all contract work was completed by May 10, 2024; and

WHEREAS, the total project costs were $438,655 which included design, construction, and construction administration costs. The total project (Phase I) amount originally budgeted was $428,057, which included $376,690 for the construction contract and contingency with Marina Landscape, Inc; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, updated by Resolution No. 2019-326 on July 9, 2019, and updated by Resolution No. 2023-405 on September 12, 2023 established a contract change order authority of ten percent (10%) for construction contracts of this dollar value; and

WHEREAS, there were two change orders on this project with an overall increase of $2,647; and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the City Clerk to file a Notice of Completion.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Park Turf Reduction Phase I Project is hereby accepted as complete, releasing securities, releasing payments totaling $345,092 to Marina Landscape, inc., of Orange, CA., and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ricci

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-68

RESOLUTION ACCEPTING THE SUTTER TRUNK REHABILITATION PHASE 2 PROJECT AS COMPLETE, RELEASING SECURITIES, RELEASING PAYMENTS TOTALING $5,335,597 TO A. TEICHART & SON, INC., DBA TEICHART CONSTRUCTION, OF ROSEVILLE, CA., AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, in 2017, the Sutter Trunk was deemed to be insufficient to convey existing and build-out peak wet weather flows; and

WHEREAS, completion of Phase 2 upgraded this section of the City's infrastructure and allowed for safe, efficient, and reliable sanitary sewer conveyance now and for the foreseeable future; and

WHEREAS, the project was advertised for bids on December 20, 2022; and

WHEREAS, bids were publicly opened on January 31, 2023, and A. Teichert & Son, Inc., DBA Teichert Construction, of Roseville, CA, was the lowest responsible bidder at 12.29% below the engineers estimate; and

WHEREAS, on April 4, 2023, by Resolution 2023-143, the City Council awarded a contract to A. Teichert & Son, Inc., DBA Teichert Construction, in the amount of $4,671,665; and

WHEREAS,. the Contractor received the Notice to Proceed with a start date of March 23, 2023. All contract work was completed on April 18, 2024; and

WHEREAS, the total project costs were $6,213,377 which included design, construction, construction management services (West Yost), and construction administration costs. The total project amount originally budgeted was $6,442,198, which included $5,335,597 for the construction contract and contingency with A. Teichert & Son, Inc., DBA Teichert Construction; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of eight percent (8%) for construction contracts of this dollar value. On April 4, 2023, Resolution 2023-144 established a 15% contingency threshold of no more than $700,750 to account for the complexity of this project; and

WHEREAS, there are nineteen change orders resulting in an overall increase of $663,932 for change order work as listed on the attached change order log. A summary of the expenditures for the overall project is listed below; 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 City Council of the City of Modesto that the Sutter Trunk Rehabilitation Phase 2 Project is hereby accepted as, releasing securities, releasing payments totaling $5,335,597 to a. Teichert & son, Inc., DBA Teichert construction, of Roseville, ca., and authorizing the city clerk to file a notice of completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ricci

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-69

RESOLUTION APPROVING THE AUDITED FINANCIAL STATEMENTS AND VARIOUS AUDIT REPORTS FOR FISCAL YEAR 2023-2024 AUDITED BY EXTERNAL AUDITORS VASQUEZ & COMPANY, LLP. FOR THE CITY'S ANNUAL COMPREHENSIVE FINANCIAL REPORT (ACFR), THIRTEEN (13) COMMUNITY FACILITIES DISTRICTS (CFDS), MEASURE H, AND VARIOUS JOINT POWERS AGENCIES (JPAS)

WHEREAS, pursuant to Section 1306 of the Charter of the City of Modesto, the City Council shall employ an independent certified public accountant who, at least annually, shall audit the books and records of the City of Modesto, and submit a final audit and report to the City Council as soon as practicable after the end of the fiscal year, and

WHEREAS, the accounting firm of Vasquez & Company, LLP., has completed their audit of the City's financial statements for the fiscal year ended June 30, 2024, and has provided its opinion on these financial statements based on that audit, and

WHEREAS, the independent auditors also audited financial statements of twelve Community Facilities Districts and various Joint Powers Agencies, as required by their respective enabling legislations, and for which the City of Modesto serves as the financial administrator, and

WHEREAS, by the Council of the City of Modesto it hereby accepts the Fiscal Year 2023-2024 annual audit reports for the City of Modesto, Community Facilities Districts, Measure H, and various Joint Powers Agencies, as listed 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 accepts the Fiscal Year 2023-2024 annual audit reports for the City of

Modesto and other Joint Power Agencies, as listed in **Exhibit A**, which is incorporated by reference herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ricci

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

City of Modesto:

1. Annual Comprehensive Financial Report FY 2023-2024
2. GANN Limit Report FY 2023-2024
3. Community Facilities District Number 1998-2 (Carver-Bangs/Pelandale-Snyder)
4. Community Facilities District Number 2000-2 (Coffee-Claratina)
5. Community Facilities District Number 1998-1 (Enterprise Business Park)
6. Community Facilities District Number 2003-1 (Fairview Village)
7. Community Facilities District Number 2007-2 (Kiernan Business Park West)
8. Community Facilities District Number 1997-1 (North Beyer Park)
9. Community Facilities District Number 2002-1 (Northpointe)
10. Community Facilities District Number 2004-1 (Village One #2)
11. Community Facilities District Number 1996-1 (Village One)
12. Community Facilities District Number 2016-2 (Kiernan Business Park East #2)
13. Community Facilities District Number 2007-1 (North Beyer #2)
14. Community Facilities District Number 2016-2 (The Vintage)
15. Community Facilities District Number 2021-1 (Woodglen)
16. Measure H 2023-2024

Other Agencies:

17. Abandoned Vehicle Abatement (AVA)
18. Modesto-Ceres Fire Protection Agency Financial Statements
19. Tuolumne River Regional Park (TRRP)
20. Transportation Development Agency (TDA)

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-70

RESOLUTION APPROVING THE AUDITED FISCAL YEAR 2023-2024 FEDERAL SINGLE AUDIT REPORT FOR THE CITY OF MODESTO FROM EXTERNAL AUDITORS VASQUEZ & COMPANY, LLP

WHEREAS, the City of Modesto Single Audit reports are federally mandated by the provisions of the Federal Single Audit Act Amendments of 1996 and Title 2 U.S. Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), which requires an audit to be conducted for any non-Federal entity that expends $750,000 or more a year in Federal awards, and

WHEREAS, this audit was conducted by the City's external auditors, Vasquez & Company, LLP, and the main objectives were to ensure a fair presentation of the basic financial statements and the schedule of expenditures of Federal awards, and to also audit the City's internal controls and compliance with legal requirements, with special emphasis on internal controls and legal requirements involving the administration of federal awards expended during the fiscal year, and

WHEREAS, as part of the City's Fiscal Year 2023-2024 Single Audit report, no findings were reported.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the audited Fiscal Year 2023-2024 Federal Single Audit report for the City of Modesto from external auditors Vasquez & Company, LLP.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ricci

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-71

RESOLUTION APPROVING THE PURCHASING AGREEMENT FOR THE PURCHASE OF TRANSIT MOTOR PARTS WITH GILLIG LLC, HAYWARD, CA, FOR A TWO-YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF $385,000 AND A TOTAL AMOUNT NOT TO EXCEED $1,925,000 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the City Fleet Services Division services and maintains 1,583 vehicles, heavy equipment, buses, fire trucks, trailers and other miscellaneous equipment for all areas of the City and of these vehicles, 61 are Gillig transit buses that are funded through the Stanislaus Regional Transit Authority; and

WHEREAS, each vehicle or piece of equipment has countless parts to support the unit to function safely and efficiently and components can fail or break on any piece of equipment, and preparing a list of parts that will be required in any given Fiscal Year is not feasible; and

WHEREAS, down time for any piece of equipment means that a crew or individual cannot perform their job duties and can adversely impact operations; and

WHEREAS, on March 13, 2018, under Resolution 2018-114, Council approved a Purchasing Agreement with Gillig, Hayward CA for the sole source procurement for transit bus parts for an annual cost not to exceed $250,000 and a total cost not to exceed $1,250,000 over five years and three amendments were approved under the City Manager authority to extend the termination date with the current termination date scheduled for February 28, 2025; and

WHEREAS, with the City's current fleet of Gillig Transit Buses the required parts to manage the repair and maintenance of the fleet must be purchased through the original equipment manufacturer; and

WHEREAS, establishing agreements with these vendors ensures dependable and consistent services and parts warranty compliance for these critical vehicles for the Modesto community; and

WHEREAS, Gillig is a major United States manufacturer of purpose-built buses located in California; and

WHEREAS, Gillig Transit buses are specifically designed, tested and manufactured to suit the severe duty cycles of Transit operations for Stanislaus Regional Transit Authority and all the parts used in these buses must meet specific and demanding standards of design, material, tolerance and processing in addition to normal vehicle standards such as Federal Motor Vehicle Safety Standards (FMVSS); and

WHEREAS, utilizing parts not designed for Gillig Transit buses will greatly reduce the reliability and safety of these buses based on the useful life of these buses; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 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 requirement where the Purchasing Agency's requirements can be met solely by a single article or process; and

WHEREAS, Gillig is the sole manufacturer for the parts needed for these critical operational vehicles and staff recommends the purchase of Bus Motor Parts of these Agreements with Gillig should be exempt from the formal bidding procedures in

accordance with Modesto Municipal Code 8-3.204(b) since Gillig is the Sole Manufacturers for these parts.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchasing Agreement for the purchase of Transit Motor Parts with Gillig LLC, Hayward, CA, for a two-year Agreement with three (3) one-year extension options, for an annual estimated amount of $385,000 and a total amount not to exceed $1,925,000 over five years.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, 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 25th day of February, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ricci

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-72

RESOLUTION APPROVING THE PURCHASING AGREEMENTS FOR THE PURCHASE OF PARTS AND REPAIR SERVICES WITH MUNICIPAL MAINTENANCE EQUIPMENT, SACRAMENTO, CA, FOR A TWO-YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COMBINED ESTIMATED AMOUNT OF $330,000 AND A TOTAL AMOUNT NOT TO EXCEED $1,650,000 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS

WHEREAS, the City Fleet Services Division services and maintains 1,583 vehicles, heavy equipment, buses, fire trucks, trailers and other miscellaneous equipment for all areas of the City and of these vehicles, 21 vehicles procured through Municipal Maintenance Equipment (MME) primarily utilized by the Utilities Department for VacCons, street sweepers, and heavy vehicle lifts; and

WHEREAS, each vehicle or piece of equipment has countless parts to support the unit to function safely and efficiently and components can fail or break on any piece of equipment, and preparing a list of parts that will be required in any given Fiscal Year is not feasible; and

WHEREAS, down time for any piece of equipment means that a crew or individual cannot perform their job duties and can adversely impact operations; and

WHEREAS, MME parts are currently purchased through the City's Blanket Purchase Order procedures which allows the department to purchase goods up to $100,000 by fiscal year; and

WHEREAS, each fiscal year, the City has been closely reaching $100,000 annually and staff anticipates the purchase of these parts will exceed $100,000 by fiscal

year end and the parts and/or services have been needed on a case-by-case basis throughout the year for these Fleet vehicles; and

WHEREAS, individual quotes were obtained annually to ensure the services were provided to ensure these vehicles are available to serve the community; and

WHEREAS, with the City's current fleet of MME vehicles and equipment the required parts to manage the repair and maintenance of the fleet must be purchased through the original equipment manufacturer; and

WHEREAS, establishing agreements with these vendors ensures dependable and consistent services and parts warranty compliance for these critical vehicles for the Modesto community; and

WHEREAS, MME is the local authorized distributor for VacCon purchases, service and parts; and

WHEREAS, they are also a major parts distributor for specialized vehicles used by the Utility and Public Works departments and the repairs are certified through MME and therefore maintain warranties, as well as provide repair parts and materials for operational needs for the City; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 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 requirement where the Purchasing Agency's requirements can be met solely by a single article or process; and

WHEREAS, MME is the sole manufacturer for the parts needed for these critical operational vehicles and staff recommends the purchase of Fleet Parts of these

Agreements with MME should be exempt from the formal bidding procedures in accordance with Modesto Municipal Code 8-3.204(b) since MME is the Sole Manufacturers for these parts.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchasing Agreements for the purchase of parts and repair services with Municipal Maintenance Equipment, Sacramento, CA for a two-year Agreement with three (3) one-year extension options, for an annual combined estimated amount of $330,000 and a total amount not to exceed $1,650,000 over five years.

BE IT FURTHER RESOLVED, that 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 25th day of February, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ricci

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-73

RESOLUTION APPROVING THE FIRST AMENDMENT WITH NEIL SULLIVAN LLC, CONCORD, CALIFORNIA FOR EXECUTIVE TEAM AND MANAGEMENT ENGAGEMENT SERVICES INCREASING THE AGREEMENT AMOUNT BY $50,000 TO A NEW TOTAL AMOUNT OF $200,000 THROUGH THE TERM OF THE AGREEMENT; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, Table Group is a consultant firm that provides highly qualified and experienced professionals that use their material and consulting methods to deliver the Lencioni content focused on issues such as organizational effectiveness and teamwork and Neil Sullivan is the assigned consultant for these services; and

WHEREAS, the Lencioni content consists of principles derived from the works of Patrick Lencioni focused on organization health, leadership, and teamwork; and

WHEREAS, on January 10, 2023, under Resolution 2023-10, Council approved an Agreement with Neil Sullivan LLC, Concord, California, for Executive Team and Management Engagement Services for a three-year period for an amount not to exceed $150,000 to continue with the organizational development at the executive levels for the entire organization; and

WHEREAS, utilizing the services of this consulting firm has brought value to ensure the City continues to develop a cohesive team and to continue to align the City's objectives for the organization across all City departments; and

WHEREAS, with the Human Resources expansion of the Organizational Development program through a wide range of emerging leader classes and leadership programs, it continues to improve the work culture and provide professional development for the City's management employees; and

WHEREAS, the next steps are to expand these workshop sessions to the management teams across all City departments to promote learning and to continue utilizing the concepts and organizational clarity across the City's leadership team; and

WHEREAS, expanding these workshops to the entire management team will further develop the future leadership roadmap to align the organization to a cohesive team environment and to continue building a high-performance organization; and

WHEREAS, by increasing this agreement by $50,000, all City departments will be able to conduct these workshops within their respective management teams and will maximize structuring collaborative seminars across departments to learn the foundation of the key principles through the Table Group program; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid; however, exceptions to the formal bidding process are granted in MMC 8-3.204(f) "Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services; and

WHEREAS, this amendment is continuing with the existing services but expanding the workshops to the next level of management under the Executive Team to broaden the framework and tools through the Lencioni principles across the management level of the organization.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment with Neil Sullivan LLC, Concord, California for Executive Team and Management Engagement Services increasing the Agreement amount by $50,000 to a new total amount of $200,000 through the term of the Agreement.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, 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 25th day of February, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ricci

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-74

RESOLUTION APPROVING THE AGREEMENTS FOR THE FURNISHING OF TEMPORARY STAFFING SERVICES WITH BOLT STAFFING SERVICE, INC., STOCKTON, CA, FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COMBINED ESTIMATED AMOUNT OF $519,268 AND A TOTAL COMBINED AMOUNT NOT TO EXCEED $2,596,341 OVER FIVE YEARS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS

WHEREAS, the City recognizes temporary employees are utilized to fill vacancies created through retirements, resignations, terminations, and are used on a seasonal basis during periods of high demand and to handle workload fluctuations, and

WHEREAS, the City has maintained agreements with temporary staffing agencies to enable City departments to supplement staff for projects and work overflow, and

WHEREAS, on January 25, 2024, the City Manager authorized the Human Resources Department to solicit bids for the furnishing of Temporary Staffing Services. On May 9, 2024, the Purchasing Division issued Request for Proposals RFP 2324-72 for the furnishing of Temporary Staffing Services. On July 2, 2024, proposals of the forty-five respondents were formally opened, and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases, which meet or exceed $100,000 for material, equipment or contractual services to be formally bid. Based on the responsive and responsible highest score proposer offering the furnishing of Temporary Staffing Services which conforms to the Modesto Municipal Code, 8-3.203 City staff recommends the award of proposal for furnishing of temporary staffing services to Bolt Staffing Services, Inc., Stockton, CA and Tryfacta, Inc., Stockton CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the furnishing of Temporary Staffing Services with Bolt Staffing Service, Inc., Stockton, CA in the amount of $1,557,805 and Tryfacta, Inc., Stockton, CA in the amount of $1,038,535, for a two-year agreement with three one-year extension options, for a total combined amount not to exceed $2,596,341 over five years.

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

BE IT FURTHER RESOLVED the Director of Finance, or her designee is authorized to adjust agreement totals between vendors based on contractor's availability and department's needs, ensuring the combined total amount does not change.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ricci

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-75

RESOLUTION APPROVING THE CREATION OF A NEW FUND, 1890 – OPIOID SETTLEMENTS FUND, TO TRACK THE OPIOIDS SETTLEMENT PROCEEDS AND OPIOIDS SPENDING PLAN AS DEFINED BY THE STATE OF CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES (DHCS)

WHEREAS, over the last few years, the City Council authorized joining settlement agreements related to national opioid litigation, specifically two nationwide Settlements Agreements (Settlements), to resolve opioid litigation against the three largest pharmaceutical distributors, McKesson, Cardinal Health and Amerisource Bergen (Distributors), and one manufacturer, Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson (collectively, Janssen); and

WHERAS, the State of California (CA) has joined both Settlements and expects to receive up to 9.92% of the national settlement funds; and

WHEREAS, the California State-Subdivision Agreements provide the framework for how funds from the Settlements may be distributed, allocated, and spent in California; and

WHEREAS, California may receive up to $1.8 billion from the Distributors Settlement to be paid over 18 years and $423 million from the Janssen Settlement to be paid over 9 years. The funds are divided in three funds: (1) the state fund 15%; (2) CA Subdivision Fund 15%; and (3) CA Abatement Accounts fund 70%; and

WHEREAS, the Department of Health Care Services (DHCS) is tasked with overseeing Participating Subdivisions that receive funds from the opioid settlements; and

WHEREAS, to allocate the Opioid Settlement funding effectively, extensive research has been conducted to explore options for enhancing current services and

introducing new programming. The funding must be used within specific categories, including providing treatment to vulnerable populations, such as the unhoused; and

WHEREAS, annually, by September 30th, participating subdivisions are required to submit a report to the DHCS detailing the total funds that have been expended and received by settlement type.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto approves the creation of a new Fund, 1890 – Opioid Settlements Fund, to track the Opioids Settlement Proceeds and Opioids Spending Plan as defined by the State of California Department of Health Care Services (DHCS).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ricci

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-76

RESOLUTION APPROVING AN AMENDMENT TO THE FISCAL YEAR 2024-2025 MULTI-YEAR BUDGET TO FUND PROJECT 101646 – OPIOID SETTLEMENT FUNDS IN THE AMOUNT OF $1,728,302 TO INCREASE EXPENDITURES AND RECOGNIZE REVENUE FOR THE OPIOIDS SPENDING PLAN BASED UPON THE SETTLEMENT AMOUNTS

WHEREAS, the City plans to join settlement agreements related to the national opioid litigation meant to resolve opioid litigation against the pharmaceutical distributors; and

WHEREAS, the City's participations in the opioid settlements will position the City to receive a percentage allocation for each settlement until August 2028 for an overall total of $5,856,382; and

WHEREAS, the Fiscal Year 2024-2025 Non-Capital Improvement Budget must be amended to fund Project 101646 – Opioid Settlement Funds in the total amount of $1,728,302 to increase expenditures and recognize revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto approves an amendment to the Fiscal Year 2024-2025 Multi-Year to fund Project 101646 – Opioid Settlement Funds in the amount of $1,728,302 to increase expenditures and recognize revenue for the Opioid Spending Plan based upon the settlement amounts.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ricci

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-77

RESOLUTION APPROVING THE FIRST AMENDMENT WITH AUDEAMUS DBA, SEBASTIAN, FOR THE BUILDING INTRUSION ALARM SERVICES, INCREASING THE AGREEMENT AMOUNT BY $122,696 FOR A NEW TOTAL NOT TO EXCEED $206,694; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, the City of Modesto, Public Works Department, Building Services Division is responsible for maintaining facilities within the City of Modesto; and

WHEREAS, there has not been a city-wide agreement for building intrusion alarms systems which includes monitoring, testing and maintenance or repair of alarm systems; and

WHEREAS, on September 26, 2023, by Resolution 2023-434, Council approved the agreement with Audeamus DBA Sebastian for two-years with three one-year extension options for an estimated annual amount for the first year of $33,149 and a total amount not to exceed $83,998 over five years; and

WHEREAS, with the success of Sebastian Intrusion Alarm capabilities, cost savings and the easy application for the end user and their outstanding customer service at our original six City properties, eight additional properties have requested to be added to the existing agreement; and

WHEREAS, the requested amendment amount includes site locations and inventories for remainder of the agreement in the amount of $83,998; and

WHEREAS, an additional $5,000 per year is being added to years two through five for both the contingency funds and the allowance for any maintenance and repairs for a total of $10,000 each year under each category; and

WHEREAS, an estimated 5.5% Consumer Price Index (CPI) increase has been added for years three, four, and five which are included in the Contracted Services pricing; and

WHEREAS, Modesto Municipal Code Section 8-3.203 requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “Where the Purchasing Manager, in her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope to increase efficiency and avoid delays or disruptions to City projects or services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment with Audeamus DBA Sebastian, for the Building Intrusion Alarm Services, increasing the agreement amount by $122,696 for a new total not to exceed $206,694.

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 25th day of February, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ricci

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-78

RESOLUTION APPROVING AN AGREEMENT WITH CAROLLO ENGINEERS, INC., SACRAMENTO, CA, FOR STANDARD OPERATING PROCEDURES DEVELOPMENT AND GAP ANALYSIS SERVICES IN THE AMOUNT OF $728,382, PLUS $72,838 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED $801,220; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto owns and operates the City's Regional Water Recycling Facility (RWRF); and

WHEREAS, the City has expanded and updated its Wastewater treatment processes to meet State and Federal water quality mandates; and

WHEREAS, the RWRF is permitted by the California Regional Water Quality Control Board, Central Valley Region to discharge treated effluent to the San Joaquin River and to the Delta-Mendota Canal; and

WHEREAS, the RWRF is divided into two campuses: the Sutter Campus and Jennings Campus; and

WHEREAS, the City of Modesto Region WRF has an antiquated set of Standard Operating Procedures (SOPs) that do not completely reflect current operations; and

WHEREAS, in a recent Gap Analysis for Operations, 212 suggested SOPs were identified as needing to be completed, 70 of which were designated high priority (Priority 1), and the remainder designated at a lower priority (Priority 2); and

WHEREAS, an independent, on-going project to develop the City of Modesto's Area Management Plan (AMP), has identified approximately 220 necessary Operational SOPs in conjunction with the 212 SOPs identified by the original Gap Analysis; and

WHEREAS, the original Gap Analysis focused on Plant Operations, which did

not include Plant Maintenance, and a Gap Analysis will be performed for Maintenace as a component of the Vendor's services; and

WHEREAS, this project will result in a comprehensive digital library of interrelated Priority 1 and Priority 2 SOPs, to be digitally attached to various databases utilized by Plant Operations and Maintenance; and

WHERAS, on May 24, 2024, the Purchasing Manager authorized staff to solicit proposals from the City of Modesto's prequalified Consultant List that was approved on April 12, 2022, by Resolution No. 2022-191; and

WHEREAS, on September 23, 2024, a Request for Proposals with a specific scope of work was issued to Woodard and Curran, West Yost, Carollo Engineers, and BKF engineering consulting firms; and

WHEREAS, on November 19, 2024, staff received and distributed one (1) proposal to a selection committee consisting of members from the City of Modesto Wastewater Division; and

WHEREAS, on November 26, 2024, the selection committee evaluated the proposal submitted by Carollo Engineers and determined it was responsive; and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), "Exceptions to Formal Bidding Requirements," Agreements for Professional Servies are exempt from the bidding requirements of Modesto Municipal Code 8-3.203 if competitive quotations or proposals have been sought informally from at least three (3) qualified entities. Staff complied with the informal bid procedures and solicited proposals from the City of Modesto's prequalified Consultant List approved by Resolution 2022-191. An award of an Agreement for Standard Operating Procedures Development for the Utilities

Department, Wastewater Division to use Carollo Engineers, Inc., Sacramento, CA, conforms to the Modesto Municipal Code. Staff recommends the approval of an Agreement for Standard Operating Procedures Development with Carollo Engineers, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement with Carollo Engineers, Inc., Sacramento, CA for Standard Operating Procedures Development and to perform Gap Analysis Services in the amount of $728,382, plus $72,838 in additional services, if needed, for an Agreement total not to exceed $801,220.

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 25th day of February, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ricci

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-79

RESOLUTION AMENDING THE FISCAL YEAR 2023-2024 NON-CAPITAL IMPROVEMENTS PROGRAM BUDGET TO INCREASE PROJECT NUMBER 101474 - SOP DEVELOPMENT BY $401,220, FROM $400,000, FOR A REVISED TOTAL AMOUNT NOT TO EXCEED $801,220, IN TRANSFERS, REVENUE, AND DISCRETIONARY EXPENDITURES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the Fiscal Year 2023-2024 Non-Capital Improvement Budget must be amended to increase Project 101474 - SOP Development, by a total amount of $401,220 to establish transfers, recognize revenue, and increase discretionary expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2023-2024 Non-Capital Improvements Program budget to increase Project Number 101474 - SOP Development by $401,220, from $400,000, for a revised total amount not to exceed $801,220, in transfers, revenue, and discretionary expenditures.

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

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The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ricci

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, ~~City Attorney~~

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-80

RESOLUTION ACCEPTING THE 2024 GENERAL PLAN ANNUAL PROGRESS REPORT AND AUTHORIZING STAFF TO SUBMIT IT TO THE STATE OF CALIFORNIA

WHEREAS, California Government Code Section 65400(a)(2) requires that local governments prepare an Annual Progress Report regarding General Plan implementation, including matters related to meeting the applicable share of regional housing needs (California Government Code Section 65584); and

WHEREAS, the 2024 General Plan Annual Progress Report provides updates regarding the status of the Urban Area General Plan and progress toward its implementation, including the degree to which Modesto has met its share of regional housing needs allocation through production of housing; and

WHEREAS, the 2024 General Plan Annual Progress Report includes major implementation activities that occurred during the calendar year; and

WHEREAS, the 2024 General Plan Annual Progress Report includes reporting for progress pertaining to the City's Housing Element, which is one of nine required general plan elements; and

WHEREAS, the State of California Housing and Community Development Department (HCD) requires municipalities submit information that allows HCD to track any impediments to the construction of new housing that may exist and to monitor progress toward satisfaction of statewide housing needs and goals; and

WHEREAS, the State has recently required that all annual reporting be submitted prior to April 1st each year; and

WHEREAS, the Planning Commission of the City of Modesto recommended the acceptance of and authorization to submit the 2024 General Plan Annual Progress Report to the State of California at its regular meeting on February 24, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the 2024 General Plan Annual Progress Report.

BE IT FURTHER RESOLVED that Staff is hereby directed to submit the 2024 General Plan Annual Progress Report to the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of March, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-81

RESOLUTION APPROVING THE ADDDITION OF MOORE IACOFANO GOLTSMAN, INC. (MIG) TO THE ON-CALL CONSULTANT SERVICES AGREEMENTS FOR MUNICIPAL PLANNING SERVICES AND AMENDING THE AGREEMENTS WITH PRECISION CIVIL ENGINEERING, INC., HARRIS & ASSOCIATES, INC., AND ENVIRONMENTAL SCIENCE ASSOCIATES (ESA) BY DECREASING THE AGREEMENTS BY $75,000 EACH, FOR A NEW AGREEMENT TOTAL OF $225,000 PER CONSULTANT FOR A TOTAL NOT TO EXCEED $900,000, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CONSULTANT SERVICES AGREEMENTS

WHEREAS, the City of Modesto's Planning Division has received an influx of new applications to develop various parcels within the City of Modesto; and

WHEREAS, to prevent interruptions in development services provided to the public, and to ensure the continuity of uninterrupted planning support and augmentation efforts, as well as Municipal Code updates, Specific Plans, Corridor Studies, a Comprehensive Development Impact Fees Study, and several other community plans, the City determined on-call consultants for municipal planning services are needed; and

WHEREAS, through an informal Request for Qualifications (RFQ) process, the City entered into on-call agreements not to exceed a total amount of $900,000 on May 12, 2023 by Council Resolution 2023-215 in the amount of $300,000 per consultant with Precision Civil Engineering, Inc., Harris & Associates, Inc., and Environmental Science Associates (ESA); and

WHEREAS, the City is seeking to add an additional consultant from the original RFQ to the qualified On-Call Consultant List to assist with municipal planning services by entering into an agreement with Moore Iacofano Goltsman, Inc. (MIG); and

WHEREAS, with the addition of the fourth consultant, the compensation amounts and terms of all the consultant agreements must be decreased in order to not exceed the

original total agreement amount of $900,000; and

WHEREAS, the cost for municipal planning services will be based upon time required for each specific project and scope of work; and

WHERAS, Modesto Municipal Code 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), "Exceptions to Formal Bidding Requirements," Agreements for Professional Services are exempt from the bidding requirements of Modesto Municipal Code 8-3.203 if competitive quotations or proposals have been sought informally from at least three (3) qualified entities. The approval for the on-call consultant support to MIG, Inc. conforms to Modesto Municipal Code 8-3.204 subsection (a) as they are providing professional services and at least three informal proposals were obtained; and

WHEREAS, exceptions to the formal bidding process are granted in MMC 8-3.204 (f), "Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services."

WHEREAS, the approval for the on-call consultant support to MIG, Inc. conforms to Modesto Municipal Code 8-3.204 (f) as they are providing similar services as the other on-call consultants in the previously established agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves addition of Moore Iacofano Goltsman, Inc. (MIG) to the On-Call Consultant Services Agreements for Municipal Planning Services and amending the

Agreements with Precision Civil Engineering, Inc., Harris & Associates, Inc., and Environmental Science Associates (ESA), by decreasing the agreements by $75,000 each, for a new agreement total of $225,000 per consultant for a total not to exceed $900,000.

BE IT FURTHER RESOLVED that the City Manager or his designee, is hereby authorized to execute the Consultant Services 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 March, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-82

RESOLUTION APPROVING A FIRST AMENDMENT WITH SCOTTS PPE RECON INC., FOR PERSONAL PROTECTION EQUIPMENT (PPE) CLEANING, INSPECTION AND REPAIR SERVICES INCREASING THE AGREEMENT AMOUNT BY $200,000 TO A REVISED ESTIMATED ANNUAL AMOUNT OF $90,000 AND A TOTAL AMOUNT NOT TO EXCEED $450,000 OVER FIVE YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Fire Department outfits personnel with various items of Personal Protection Equipment (PPE) to protect the department's fire suppression personnel from both known and unknown occupational safety and health hazards; and

WHEREAS, most individual PPE items have a set service life according to the National Fire Protection Association's (NFPA) standards. Based on industry studies and internal risk assessments, the department's PPE implementation has been standardized throughout the department to ensure firefighter safety and uniformity; and

WHEREAS, on June 14, 2022, by Resolution 2022-272, City Council approved an agreement with Scotts PPE Recon, Inc. for a period of two (2) years, with three (3) one-year extension options, for a total of up to five (5) years. The current Agreement provides that the cost of the Agreement shall not exceed $250,000 over five years; and

WHEREAS, in September of 2022 City of Modesto entered a contract for services with Salida, increasing the department's staffing, service area and call volume; and

WHEREAS, since 2022, there have also been a number of large fire incidents within the department's service area such as 12th Street Fire and Janopaul Pallet Fire, and incidents for which the department provides mutual aid, such as Lightning Complex Fires, Bonny Fire, Park Fire, and Eaton Fire. The wear and damage incurred while

responding to these large-scale incidents results in higher costs for additional inspections and repairs; and

WHEREAS, the overall cost of PPE has increased, making routine replacement and repairs more expensive than in the past. This impact requires an additional amount of $200,000 to ensure sufficient funds through the end of the Agreement, through June 20, 2027; and

WHEREAS, under this First Amendment, the new estimated annual amount will be $90,000, with a total amount not to exceed $450,000 over five (5) years; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “Where the Purchasing Manager, in her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order it increase efficiency and avoid delays or disruptions to City projects or services. This amendment increasing the total amount is necessary to ensure sufficient funds through the end of the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment with Scotts PPE Recon Inc., for Personal Protection Equipment (PPE) Cleaning, Inspection and Repair Services increasing the Agreement amount by $200,000 to a revised estimated annual amount of $90,000 and a total amount not to exceed $450,000 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 4th day of March, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-83

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENTS FOR PORTABLES TOILET RENTAL SERVICES TO UNITED SITE SERVICES INC., MODESTO, CA AND CLEAN SITE SERVICES, NORTH HIGHLANDS, CA FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF $131,154 AND A TOTAL AMOUNT NOT TO EXCEED $655,770 OVER FIVE YEARS; AND AUTHORIZING THE DIRECTOR OF FINANCE TO ADJUST AGREEMENT TOTALS BETWEEN VENDORS BASED ON CONTRACTOR'S AVAILABILITY AND DEPARTMENT'S NEEDS, ENSURING THE COMBINED TOTAL AMOUNT DOES NOT CHANGE AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, the City of Modesto requires the use of portable toilet rental services on a regular basis across multiple departments, and

WHEREAS, the uses range from temporary services for construction projects, special events such as Celebration of Lights Parade and Earth Day, to regular monthly service at the Mary Grogan Soccer Complex and Dryden Golf Course; and

WHEREAS, the needs for these services include, but are not limited to, compliance with health and safety codes for personnel, providing Americans With Disabilities Act (ADA) accessible units on sites where ADA accessibility does not exist, and increasing the count of available units to meet the demand of high use facilities and locations; and

WHEREAS, Council approved the continued use of outside contractor services with the City's 2020-2025 Strategic Plan Area of Focus: Quality of Life and Governance and Service Delivery; and

WHEREAS, on September 19, 2024, the City Manager authorized the Purchasing Manager to solicit the procurement for Portable Toilet Rental Services; and

WHEREAS, on October 28, 2024, the Purchasing Division issued an Invitation

for Bids (IFB) No. 2324-69RB for portable toilet rental services on the City's PlanetBids public bidding website, and

WHEREAS, two vendors responded and United Site Services, Inc., Modesto, CA and Clean Site Services, North Highlands, CA were responsible bidders; and

WHEREAS, United Site Services will be the primary supplier and Clean Site Services will be the secondary supplier; and

WHEREAS, Modesto Municipal Code Section 8-3.203 requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid and IFB No. 2324-69RB conforms with this MMC based on providing 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 Agreements for Portable Toilet Rental Services to United Site Services Inc., Modesto, CA and Clean Site Service, North Highlands, CA for a two (2) year Agreement with three (3) one-year extension options, for an annual estimate amount of $131,154 and a total amount not to exceed $655,770 over five years.

BE IT FURTHER RESOLVED that the Director of Finance or her designee, is hereby authorized to adjust agreement totals between vendors based on contractor's availability and department's needs, ensuring the combined total amount does not change.

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 4th day of March, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-84

RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(617)

WHEREAS, on April 1, 1997, the City Council by Resolution No. 97-159 adopted the Kiernan Business Park Specific Plan, and

WHEREAS, on April 12, 2022 by Resolution No. 2022-194 the City Council approved an amendment to the Land Use Diagram of the Specific Plan to amend the land uses of 67 acres from Business Park (BP) to a new land use designation of Mixed Use 3 (MU-3), property located north of Pelandale Avenue and East of Dale Road, the land use amendment providing for Mixed Uses and/or Medium High Density Residential uses of 15-16 units per acre, and

WHEREAS, on March 29, 2024, Valley Development Partners filed an application for a Vesting Tentative Subdivision Map, The Bridges, to divide 35.3 acres located within the Kiernan Business Park Specific Plan at the northwest corner of Pelandale Avenue and American Avenue into 189 small-lot single-family residential lots, one 12-acre "Lot A" for a future multi-family residential apartment project, and eleven landscape lots (Project ID TSM-24-002), which was considered by the Planning Commission on January 27, 2025 and approved by Resolution No. 2025-02, and

WHEREAS, a verified application for an amendment to Section 1-3-8 of the Zoning Map was filed by Lennar Homes of California, LLC on January 2, 2025, to reclassify from Specific Plan (SP) Zone, to Planned Development Zone, P-D(617) to allow for specific development and setback standards of the 189-lot single-family

residential component of The Bridges, property located at the northwest corner of Pelandale Avenue and American Avenue, described as follows:

SP to P-D(617)

All that certain real property in the City of Modesto, County of Stanislaus, State of California, situate in a portion of the North half of the Southwest Quarter of Section 1, Township 3 South, Range 8 East, Mount Diablo Meridian, described as follows:

Adjusted Parcels 2 and 3 as described in that certain Certificate of Approval of Lot Line Adjustment filed for record October 25, 2024 as Document No. 2024-0051886, Stanislaus County Records.

Also including that portion of abandoned Wagner Way as described in Modesto City Council Resolution No. 2024-410, filed for record December 10, 2024 as Document No. 2024-0059400, Stanislaus County Records.

Also including the westerly one-half of American Avenue, the easterly one-half of future Bruno Parkway, and the northerly one-half of Pelandale Avenue, all immediately adjacent to the above-described area.

Subject to all easements and/or rights-of-way of record.

22.6 Acres, more or less.

APNs 078-018-054 and 078-018-055

WHEREAS, after a public hearing held on February 3, 2025, 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. 2025-04, that rezoning of the property as requested will not be detrimental to the public health, safety or welfare

because the proposal would facilitate new residential development that is compatible with uses surrounding the site, the requested zone change will result in an orderly planned use of land because the rezone to Planned Development would implement specific development and setback standards for the 189-lot small-lot residential 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 allowable uses of the Planned Development Zone would be consistent with the General Plan designation of Mixed Uses (MU) which allows for residential uses, and the Kiernan Business Park Specific Plan land use of Mixed Use 3 (MU-3) which allows for Medium-High Density Residential uses., and

WHEREAS, said matter was set for a public hearing of the City Council to be held on March 4, 2025, 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 Lennar Homes of California, 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. 2025-04 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3790-C.S. on the 4th day of March, 2025, reclassifying the above-described property from Specific Plan (SP) Zone, to Planned Development Zone, P-D(617),

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(617), 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 "The Bridges, Modesto CA", as stamped approved by the City Council on March 4, 2025.

    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. Prior to the issuance of a building permit, full improvement plans shall be submitted and be approved by the City Engineer or designee.

    4. Improvement plans shall demonstrate the ultimate improvements on Bangs Avenue from Dale Road to the intersection of Bruno Parkway and Bangs Avenue, and the appropriate transition east of the Bruno Parkway/Bangs Avenue roundabout to ensure all vehicle, emergency service, refuse service and pedestrian traffic is safely able to ingress/egress to and from the development site.

        Improvement plans shall also include the legal descriptions necessary for the right-of-way acquisition required for ultimate improvements.

5. The full improvement plans shall include landscaping and the Class 1 bike path and related improvements, in accordance with the Kiernan Business Park Specific Plan. Developer shall also submit full improvement plans for the construction of full frontage improvements on Pelandale Avenue in accordance with the Kiernan Business Park Specific Plan, including necessary legal descriptions for the right-of-way acquisition to construct said improvements.

6. 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, and be reviewed and approved by the City Engineer prior to issuance of an Encroachment or Building permit.

7. Improvement plans for The Bridges shall include all landscaping and common areas, and any and all easements required for the establishment of new utilities and the preservation of existing utilities.

8. Improvements for the Pelandale Avenue, Bruno Parkway, and American Avenue street frontages, including landscape requirements, shall be in accordance with the Conditions of Approval for the Vesting Tentative Subdivision Map of the Bridges (Project ID TSM-24-002) approved by Planning Commission Resolution No. 2025-02.

9. 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.

10. Additionally, if the project is a Significant Redevelopment project, defined as a project that creates, adds, or exchanges (one type of impervious surface for another type of impervious surface) at least 5,000 square feet of impervious area on an already developed site, the following comments will also apply:

    a. 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.

    b. 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 runoff

on site, and incorporate pervious landscape features into the project design wherever possible.

c. 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.

d. 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 Lad Development Engineering, stormwater.

11. Any proposed neighborhood gateway signage shall be designed in accordance with Section IV.A.3 of the Kiernan Business Park Specific Plan for signage within the Medium High Density Residential (MHDR) land use designation (Section IV, Page 11 of the Specific Plan) and Section 10-6.106, Table 6.1-1 of the Modesto Municipal Code for sign sizing and height requirements of the R-3 Zone. Proposed gateway signage shall be reviewed by Planning staff prior to issuance of a building permit for installation.

    All other signs shall comply with the sign requirements of the Kiernan Business Park Specific Plan for Medium-High Density Residential (MHDR) uses and the requirements of the R-3 Zone.

12. Prior to issuance of a building permit, the developer shall submit to the City Attorney's Office the draft Covenants, Conditions and Restrictions (CC&Rs) of The Bridges for review and approval. City acknowledges the draft CC&Rs may be revised in response to comments received from the Department of Real Estate. The final CC&Rs shall be recorded and Property Owner's Association formed prior to the sale of the first residential unit.

    The Property Association's bylaws and CC&Rs shall include requirements for the Property Owner's Association to be responsible for the ongoing maintenance of all common areas, landscape lots, private streets, shared driveway lots and access gates, and landscaping and irrigation systems within the landscaped lots of the subdivision. If the dual-use park/basin and utilities within the streets are also to be private, the Property Owners Association shall also be responsible for their ongoing maintenance.

13. Walls and fences shall be provided as follows:

    a. The walls along the American Avenue and Bruno Parkway frontages, as well as the northern boundary of The Bridges site (the southern boundary of "Lot A" of the Bridges Vesting Tentative Subdivision Map) shall be a seven-foot high continuous split-face decorative wall with cap treatment.

    b. The same seven-foot high wall shall be demonstrated along the rear property lines of Lots 36 through 39, and the westerly side yard of Lot 35 of the Bridges Vesting Tentative Subdivision Map.

c. The wall along the Pelandale Avenue frontage shall be an eight-foot high continuous split-face decorative wall with cap treatment, and plantings of ivy to prevent graffiti, in addition to the landscape and improvement conditions required for the Pelandale frontage by Planning Commission Resolution No. 2025-02.

d. At site entrances located along American Avenue and Bruno Parkway, the walls shall be extended around the corners of the adjacent lots to a length sufficient to shield the rear yard private open space of those lots from the activity of the adjacent perimeter roadways. Any changes in wall height towards the front yard setback line of those lots shall occur in gradual increments in accordance to wall/fence setback standards of the residential zones.

e. Fences between residential lots should be double-alternating wood fencing constructed of a minimum 75% Western Red Cedar or Redwood. Setbacks for fencing taller than 42-inches in height shall be as follows:

    i. A minimum street side yard setback of ten (10) feet for corner lots of the “Neighborhood 1” plan;

    ii. A minimum street side yard setback of nine (9) feet for corner lots of the “Neighborhood 2” plan;

iii. A minimum of twelve (12) feet from the front property line for all lots.

14. Prior to the issuance of a building permit for any corner lot, home siting and placement of fences shall demonstrate that the Clear Vision Triangle is maintained and free of vision obstructions as required by Modesto Municipal Code Section 10-4.404.

15. Any installation of gateway signage shall include appropriate landscaping for Clear Vision Triangles at subdivision entrances. Within the Clear Vision Triangle, the area between three (3) and eight (8) feet in height measured from top of curb adjacent to landscape shall be clear.

16. Garages that are proposed to be sited at a minimum distance of eighteen (18) feet from the front property line shall maintain a minimum setback of twenty (20) feet from the back of sidewalk, or back of curb if no sidewalk.

17. All locks on vehicle gates shall be equipped with Knox key access also submastered for the Modesto Police Department.

18. Prior to issuance of a building permit, or recordation of a Final Map for any residential project involving the subdivision of land into single-family lots, the developer shall provide for perpetual funding to cover the full cost of the following services provided to the proposed development:

    a. Maintenance and lighting of parks, parkways, streets, roads, and open space services;

b. Flood and storm protection services, including the operation and maintenance of storm drainage systems;

c. Perpetual funding to cover the full cost of maintenance and operation of any public improvements or other tangible property owned by the City with an estimated useful life of five or more years, constructed as part of the proposed development.

Developer may elect to provide the perpetual funding in either of the following manners:

i. Community Facilities District (CFD). Applicant shall form or annex the development into an existing City of Modesto Community Facilities District in compliance with the requirements of the Mello-Roos Community Facilities Act of 1982 (Gov. Code § 53311 et seq.) including, without limitation, affirmative votes, and the recordation of a Notice of Special Tax Lien. Applicant shall be responsible for all costs associated with the CFD proceedings. The CFD shall maintain all walls, landscaping, lighting and drainage along frontages located at American Avenue, Bruno Parkway, southerly side of Bangs Avenue and northerly side of Pelandale Avenue.

ii. Direct Funding. Applicant shall deposit with the City an amount necessary, as reasonably determined by the City

and approved by the City Council, to fund in perpetuity the full on-going cost of these obligations.

19. Fire sprinklers and an adequate water supply shall be required. Fire sprinkler plans will be a separate submittal made directly to the Fire Department after the issuance of building permits.

20. All aspects of the project shall comply with current City of Modesto Standards and current California Building, Electrical, Mechanical, Plumbing, Energy and Green Codes adopted by the City of Modesto (2022 California Building Code Cycle). Plans submitted on or after January 1, 2026 shall conform to the 2025 California Building Code Cycle.

21. Prior to development, 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 current State of California water use ordinance requirements, Modesto Municipal Code (MMC) requirements, and City of Modesto standards as outlined in the Kiernan Business Park Specific Plan at time of submittal.

22. Applicant shall install a separate water meter for public landscape areas adjacent to American Avenue, Pelandale Avenue and Bruno Parkway, and also install a separate landscape water meter for public ROW Common Lot landscape and irrigation systems.

23. Applicant shall install street trees every thirty-five (35) to forty (40) feet on center (35'—40' O. C.) along all existing and proposed streets,

including Bruno Parkway, American Avenue, and Pelandale Avenue, with exceptions related to site constraints approved by the City Engineer.

24. Applicant shall install one (1) street tree per residential lot unless on a corner lot, which requires street trees every thirty-five (35) to forty (40) feet on center (35'—40' O. C.) of the lot's length, with exceptions related to site constraints approved by the City Engineer.

25. Applicant shall install climbing vines on all masonry walls, in a landscape planter, visible to public view to discourage tagging.

26. LID control and treatment measures shall be vegetated 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. Improvement plans shall include total square feet of the landscape area in project information.

27. Except as amended therein by the Development Plan of the Planned Development Zone, all development shall be in accordance with the Development Standards and Guidelines of the Kiernan Business Park Specific Plan.

28. At the time of building permit application, any future expansion to homes, via patio covers or other structural additions and/or accessory buildings, shall submit plans for administrative amendment review and approval by

the Director of Community and Economic Development or designee in accordance to Modesto Municipal Code Section 10-7.108(c).

29. If speed humps are proposed for private streets within the development, improvement plans shall demonstrate adherence to City Standards to accommodate the travel of fire department apparatus without impact to emergency service times.

30. The existing 36-inch private irrigation pipeline lying along MID's Lateral Canal No. 6's southern boundary, serving APNs 078-018-027, -051 and -052 shall be removed from the MID Lateral Canal No. 6 ROW upon development of the property. The developer shall be responsible for the following:

    a. The developer shall apply for a temporary use agreement with MID to remove the private pipeline facilities from MID's Lateral Canal No. 6 ROW.

    b. All existing irrigation pipeline infrastructure that will no longer be used due to the project shall be removed entirely and properly disposed of offsite at the project proponent's expense. Abandoning pipeline infrastructure in-place is not allowed.

    c. The portion of the private irrigation pipeline lying across MID's Lateral Canal No. 6 embankment leading to the head gate at the canal must be saw-cut, slurry-filled and plugged per MID Irrigation Standard Construction Detail C 55.

d. MID Water Operations requires a pre-consultation meeting to discuss MID irrigation requirements.

31. All existing private irrigation facilities serving the subject site that will no longer be used shall be removed and disconnected from MID's irrigation facilities per MID requirements upon development. The developer shall request and return a Signoff of Irrigation Facilities from all property immediately adjacent to The Bridges subdivision (with the exception of the DPR24-006 property with a shared property line with The Bridges subdivision) prior to the private irrigation facilities being taken out of service.

32. Prior to developer starting construction of developer responsibility improvements that may impact MID facilities (as determined by MID in its reasonable discretion), developer shall complete and submit to MID's Civil Engineering Department the MID Application for Land Development for Plan Review. The design plans shall be stamped and signed by a registered Civil Engineer with a current license to practice in the state of California. Stamped and signed hydraulic calculations shall accompany all design submittals. All design and construction is subject to the latest MID Irrigation Standard Construction Details.

33. MID's Engineer must review and approved the design plans of the proposed facilities prior to the start of construction. No work shall begin without MID approval of final plans and the appropriate agreements in place including but not limited to: easement dedications, license

agreements, common use agreements, temporary use agreements, and facility modification agreements as required by MID. The project proponent must provide a plat exhibit and legal description for all agreements.

34. All work that may affect irrigation facilities shall occur during the non-irrigation season (typically November 1 to March 1) unless approved by an MID representative. Irrigation service shall not be interrupted and scheduling outages with MID Engineering and Operations is required. Developer shall assume all irrigation facilities are active, and notify MID staff prior to performing work near the irrigation facilities described above.

35. There may be additional existing privately-owned infrastructure not recorded by MID. If it is determined that any of the existing infrastructure will be affected by the project, the project proponent shall consult with the affected landowners and MID to discuss potential improvement plans for review and approval.

36. 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.

37. 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.

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. 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. 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.

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

42. 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 that are applicable to the project:

43. Air Quality and Greenhouse Gases:

    a. 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)

    b. 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)

    c. 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)

d. 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)

e. 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)

f. 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)

g. 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)

h. 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)

i. 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)

j. AQ-111. Prevent carryout and trackout for any site with 150 or more vehicle trips per day. (Policy VII.H.2.uu)

k. AQ-112. Limit traffic speeds on unpaved roads to 15 mph. (Policy VII.H.2.vv)

l. 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)

m. AQ-114. Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (Policy VII.H.2.xx)

n. AQ-115. Install wind breaks at windward side(s) of construction areas. (Policy VII.H.2.yy)

o. 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)

p. AQ-117. Limit the area subject to excavation, grading, and other construction activity at any one time. (Policy VII.H.2.aaa)

44. Generation of Noise and Vibration:

a. Noise-3. Construction activities are to comply with Modesto Municipal Code Title 4, Ch. 9.

b. 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:

i. Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;

ii. Require impact tools to be equipped with shrouds or shields;

iii. Require that the quietest equipment available be used; and,

iv. Require selection of haul routes that affect the fewest number of people. (Policy VII-G.3.b)

45. Loss of Sensitive Wildlife and Plant Habitat:

a. SWPH-12. For all lands within the Planned Urbanizing Area, site-specific surveys shall be conducted by a qualified biologist to determine whether any sensitive natural communities or species are present within the proposed development area. These studies

shall particularly focus on proposed development within any lands included within a potential biological resource study area as delineated on Figure V-7-1 in the Final Master Environmental Impact Report (Riparian Corridor Diagram). Prior to considering development applications, the City shall coordinate with the USFWS and CDFW regarding listed species and potential for impacts. The City shall employ the measures recommended by the USFWS and/or CDFW to avoid an incidental take. Conduct surveys at the appropriate season to best determine the likelihood of occurrence and should employ accepted methodologies as determined by CDFW and the USFWS. The results of such surveys should be recorded onto the City's existing biological resources map for future planning purposes. (UAGP Policy VII-E.3[a])

b. SWPH-14. Additional measures to protect sensitive habitats may be implemented. Potential measures to be implemented may include measures listed in Table V-7-1 in the Final Master Environmental Impact Report. (UAGP Policy VII-E.3[c])

46. Increased Demand for Storm Drainage/Flooding and Water Quality:

a. 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)

b. 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)

c. 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)

d. 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)

47. Generation of Hazardous Materials:

a. 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.

b. 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(617):

The entire construction program be accomplished in one phase, construction to begin on or before March 4, 2027, and completion to be not later than March 4, 2029.'

or:

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(617), 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 March 4, 2025, 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 4th day of March, 2025, by Councilmember Escutia-Braaton, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-85

RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION FOR A REZONE OF 22.6 ACRES FROM SPECIFIC PLAN (SP) ZONE TO PLANNED DEVELOPMENT ZONE P-D(617)

WHEREAS, a verified application for an amendment to Section 1-3-8 of the Zoning Map was filed by Lennar Homes of California, LLC on January 2, 2025, to reclassify from Specific Plan (SP) Zone, to Planned Development Zone, P-D(617) to allow for specific development and setback standards of the 189-lot single-family residential component of The Bridges Vesting Tentative Subdivision Map, approved on January 27, 2025 by Planning Commission Resolution No. 2025-02, property located at the northwest corner of Pelandale Avenue and American Avenue, and

WHEREAS, Section 15070 of the CEQA Guidelines relating to Initial Study/Negative Declaration provides for a lead agency to prepare an Initial Study on any proposed project to analyze whether the project may cause any significant effect on the environment; and

WHEREAS, the City's Community & Economic Development Department has prepared an Initial Study/Mitigated Negative Declaration, Environmental Assessment No. EA/C&ED 2025-01 as provided for by CEQA; and

WHEREAS, a 20-day public review period for the proposed Initial Study/Negative Declaration began on January 12, 2025, and ended on January 31, 2025; and

WHEREAS, the received no public comments on the Initial Study/Mitigated Negative Declaration and therefore no changes to the document were necessary as a result; and

WHEREAS, the Mitigation Monitoring and Reporting Plan (MMRP) is included and described within the Initial Study/Negative Declaration; and

WHEREAS, said matter was considered by the Planning Commission at a duly noticed public hearing which was held on January 27, 2025, whereupon the Planning Commission considered the Initial Study/Negative Declaration and recommended that the City Council adopt the Initial Study/Negative Declaration; and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on March 4, 2025, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/C&ED 2025-01 and the associated Mitigation Monitoring and Reporting Plan (MMRP), copies of which are on file with the Community and Economic Development Department, Third Floor, 1010 Tenth Street, Modesto, California, and are **attached** hereto as **Exhibit "A"** and **Exhibit "B"** and incorporated herein as reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. The Initial Study/Negative Declaration prepared for the proposed project found that that although the proposed rezone could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

2. The Initial Study/Negative Declaration reflects the independent judgment of the lead agency.

3. The Initial Study/Negative Declaration, EA/C&ED 2025-01, provides the substantial evidence to support findings 1-2, noted above.

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.

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 4th day of March, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, ~~City Attorney~~

Negative Declaration
for Rezone from Specific Plan (SP) to Planned Development Zone P-D(617)

Development Standards for The Bridges Small-Lot Single Family Residential Subdivision

PDZ-24-001
Environmental Assessment No. EA/C&ED 2025-01

Prepared for:

City of Modesto
P.O. Box 642
Modesto, CA 95353
Contact:: Katharine Martin, Senior Planner
209/209-577-5267

Prepared by:

City of Modesto
Community & Economic Development Department
209/577-5267

January 6, 2025

CEQA Environmental Checklist

PROJECT DESCRIPTION AND BACKGROUND

Project Title:
PDZ-24-001: Rezone from Specific Plan (SP) to Planned Development Zone P-D(617)

Lead agency name and address:
City of Modesto, 1010 Tenth Street, Suite 3300, Modesto CA 95354

Contact person and phone number:
Katharine Martin, Senior Planner, 209-577-5267

Project Location:
22.6 Acres at the northwest corner of Pelandale Avenue and American Avenue. Portion of APNs 078-018-027, -051 and -052

Project applicant's name and address:
Lennar Homes of California, LLC
2603 Camino Ramon, Suite 525
San Ramon, CA 94583

General plan description:
Mixed Use (MU)

Zoning:
SP (Specific Plan) as part of the Kiernan Business Park Specific Plan. Allowable uses per the Land Use Diagram of the Specific Plan is Medium-High Density Residential (MHDR) with a prescribed density of 15-16 units per acre.

Description of project (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation.)**:**

Rezone of approximately 22.6 acres from Specific Plan (SP) to Planned Development Zone P-D(617) to allow for custom development and setback standards for a portion of The 35.3-acre Bridges Vesting Tentative Subdivision Map, under separate review (Project ID TSM-24-002). The Bridges VTSM is comprised of 189 small-lot single-family residential lots ranging in size from 5,400 sf to 3,150 sf, and a 12-acre "Lot A". The P-D Zone would facilitate development of the 189 lots with shorter setback standards than provided for in the development standards of the Kiernan Business Park Specific Plan.

The Bridges VTSM was analyzed by Initial Study/Negative Declaration No. EA/C&ED 2024-12, and approved by the Planning Commission on January 27, 2025 by Resolution No. 2025-02. The proposed rezone area is limited to the area of the 189 lots of the VTSM. This Initial Study examines whether the proposed zoning changes would result in any new or substantially more severe environmental impacts than those discussed in Initial Study/Negative Declaration No. EA/C&ED 2024-12.

The project area is located within the Kiernan Business Park Specific Plan, adopted on April 1, 1997, and is being analyzed as a subsequent project to the City's General Plan MEIR (SCH 2014042081), certified in March 2019.

Surrounding land uses and setting (briefly describe the project's surroundings)**:**

North: SP Zone as part of the Kiernan Business Park Specific Plan, commercial and rural residential uses, vacant land;
South: SP Zone as part of the Pelandale-Snyder Specific Plan, neighborhood commercial uses (O'Briens Grocery and shopping center) and single-family residential uses;
East: SP Zone as part of the Carver-Bangs Specific Plan, Calvary Chapel Modesto Church;
West: Planned Development Zone P-D(483), low-density residential uses, drug store and professional/medical offices.

The project area is flat and undeveloped, predominately utilized for alfalfa production. No Williamson Act contracts are in place on the parcels of the project area.

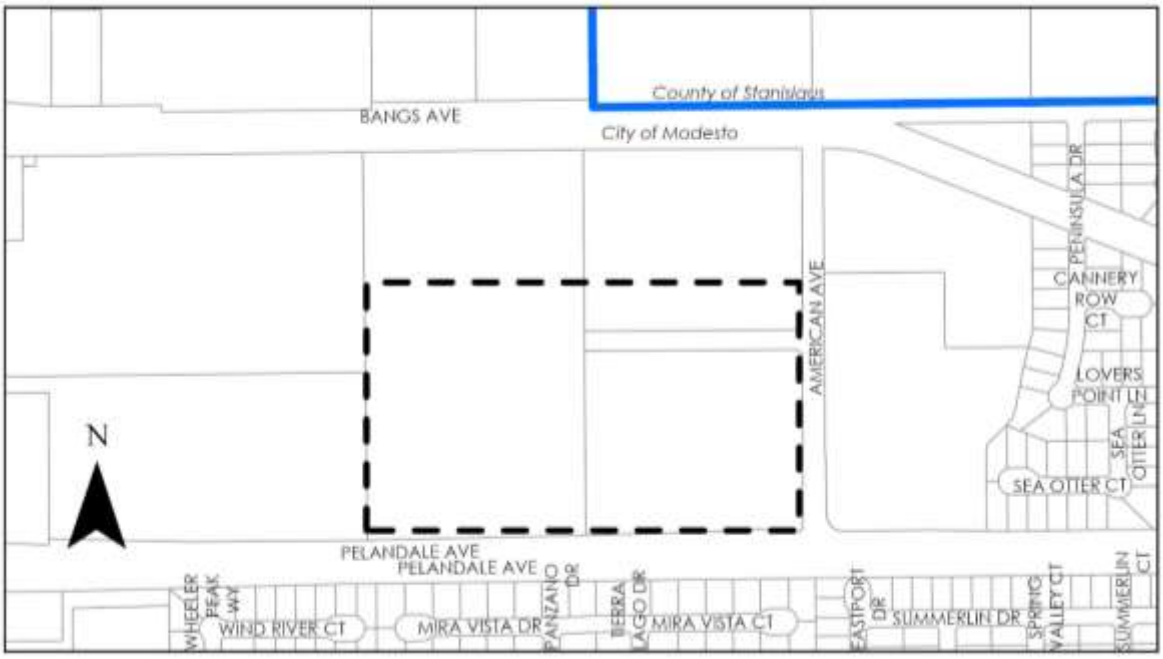
Other public agencies whose approval is required (e.g. permits, financial approval, or participation agreements)**:**

None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project. Please see the checklist beginning on page 3 for additional information.

☐	Aesthetics	☐	Agriculture and Forestry	☒	Air Quality
☒	Biological Resources	☐	Cultural Resources	☐	Geology/Soils
☒	Greenhouse Gas Emissions	☐	Hazards and Hazardous Materials	☐	Hydrology/Water Quality
☐	Land Use/Planning	☐	Mineral Resources	☒	Noise
☒	Population/Housing	☐	Public Services	☐	Recreation
☒	Transportation/Traffic	☒	Utilities/Service Systems	☒	Mandatory Findings of Significance



AREA PLAN
PDZ-24-001

Illustrative Site Plan
LENNAR
THE BRIDGES
CITY OF MODESTO, CA
SP1
WHA

SITE PLAN
PDZ-24-001

Neighborhood 1 | Typical Plot Plan

LENNAR | THE BRIDGES | CITY OF MODESTO, CA | SP2 | WHA

Neighborhood 2 | Typical Plot Plan

LENNAR | THE BRIDGES | CITY OF MODESTO, CA | SP3 | WHA

DEVELOPMENT PLAN/SETBACK EXHIBIT
PDZ-24-001

DETERMINATION:

On the basis of this initial evaluation:

☐	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
☐	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
☐	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
☐	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
☒	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: _____ **Date: _____**

Printed Name: _____

This checklist identifies physical, biological, social and economic factors that might be affected by the proposed project. In many cases, background studies performed in connection with the projects indicate no impacts. A NO IMPACT answer in the last column reflects this determination. Where there is a need for clarifying discussion, the discussion is included either following the applicable section of the checklist or is within the body of the environmental document itself. The words "significant" and "significance" used throughout the following checklist are related to CEQA, not NEPA, impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
I. AESTHETICS: Would the project:				
a) Have a substantial adverse effect on a scenic vista	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Discussion

a) There are no scenic vistas in the vicinity of the project area.

b) There are no state scenic highways within or in the vicinity of the project area.

c) The project site is undeveloped land within the City of Modesto Sphere of Influence and Planned Urbanizing Area (PUA), as part of the Kiernan Business Park Specific Plan, adopted on April 1, 1997 and subsequently updated. No significant impact would occur with visual character or quality of the site and surroundings.

d) The development standards and design guidelines of the Specific Plan require light fixtures that are of a pedestrian scale and shielded to prevent light spillage towards adjacent uses. With application of those standards as a condition of approval to the project, impacts would be less than significant.

Resource: Refer to pages V-19-1 to V-19-7 of the Modesto Urban Area General Plan (MEIR), approved earlier (SCH 2014042081) and Section IV of the Kiernan Business Park Specific Plan.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Discussion

a) The project area vacant and undeveloped. As of data available from the California Department of Conservation as of 2018, the project area is categorized by the FMMP as primarily Prime Farmland with portions categorized as Grazing Land and Urban Area. On April 9, 2013 by Resolution No. 2013-129, the City Council adopted a policy to exempt from agricultural mitigation requirements all land area within the current City limits, including the Kiernan Business Park Specific Plan area. Therefore, no mitigation is required.

b) There are no Williamson Act contracts on the parcels of the project area.

c) There is no forest or timberland within the project area.

d) See item C above.

e) See item A, B and C above.

Resource: Pages V-4-1 to V-4-13 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

Discussion

a) The project would not obstruct implementation of an applicable air quality plan.

b) The project was referred to the San Joaquin Valley Air Pollution Control District (SJAPC), who did not indicate concerns. The project will have applicable mitigation measures from the MEIR applied with regards to construction equipment emissions and screening of potential impacts to nearby sensitive receptors (nearby commercial and residential uses).

c) Impacts to air quality would be associated with vehicle emissions, construction activities and on-site residential sources such as landscape maintenance and barbecues. As identified in the City's General Plan MEIR, subsequent development would be consistent with assumptions for land use in the Mixed Use land use of the City's General Plan, and would be subject to all air quality policies of the City. Mitigation measures related to construction activities from the MEIR will be applied to the project.

d) The nearest sensitive receptors are residential properties approximately 100 feet to the north on Bangs Avenue and a church adjacent to the project area to the east. Construction activities within the project area could potentially include the application of architectural coatings and asphalt paving material that could generate local temporary odors. The use of diesel-powered construction equipment could also generate localized odors. Construction activities will be mitigated as called for by the MEIR.

e) See item D, above.

Resource: See pages V-2-1 through V-2-43 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES: Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Discussion

a) The project site is not a biologically sensitive site as defined by Figure V-7-1 of the MEIR. The California Department of Fish and Wildlife and the US Fish and Wildlife Service were consulted in the production of the MEIR.

b) See item A above.

c) The site does not qualify as a federally protected wetland per Section 404 of the Clean Water Act.

d) The project site is flat, undeveloped land that has most recently been used for alfalfa production. Burrowing owls are known to have nesting sites in the vicinity. Development would be required to implement mitigation measures from the MEIR that would reduce the impacts on this species to less-than-significant levels.

The MEIR considered the quality of the area as foraging habitat for the Swainson's Hawk, and found that the area is of marginal quality and is unlikely to be used by the species. Therefore, no mitigation measure for the species is necessary.

e) There would be no conflict with any local policies or ordinance protecting biological resources. The City does not have a heritage tree ordinance.

f) There would be no conflict with any habitat conservation plan, natural community conservation plan, or other approved local, regional or state habitat conservation plan.

Resource: See pages V-7-1 through V-7-39 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES: Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Discussion

a) The project is consistent with the historical resource policies of the General Plan.

b) The project would be consistent with the archaeological resource polices in the General Plan. The project was referred to local Native American Tribes for consultation, who indicated no concerns with the proposed project.

c) The proposed project would not result in impact to a unique paleontological or unique geological feature. The area is flat vacant land historically utilized as grazing land or seasonal alfalfa production with no known paleontological or geological features.

d) There are no known human remains in the project area.

Resource: See pages V-8-1 through V-8-34 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS: Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☒

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

Discussion

a) The project site is level and comprised of loam and sandy loam soils. The area is not located near a seismic zone and would not be susceptible to liquefaction or landslide.

b) The project would not result in substantial soil erosion.

c) The site is not located on a geologic unit or soil that is unstable or would become unstable as a result of subsequent development.

d) The soils at the site are predominately loam soils and sandy loam soils, not expansive soils. The City's Urban Area General Plan MEIR found that there is low exposure to expansive soils and any exposure can be reasonably controlled by the adopted Uniform Building Code.

e) Future development at the site will utilize the City's sewer system for the disposal of waste water.

Resource: See pages V-17-1 through V-17-14 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS: Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

Discussion

a) Generation of greenhouse gases would predominately occur with vehicle traffic, but not at levels that would exceed those assumed by the MEIR. Previous traffic studies conducted for the overall project area assumed business park uses would generate 9,220 daily trips. Under the General Plan's model for daily trip rates for residential uses, fewer trips would be generated if the area develops at a medium-high density of residential uses up to 16 units per acre. Therefore, impacts would be less than significant.

b) The project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses.

Resource: See pages V-2-38 through V-2-43 of the MEIR. Also referenced: Kiernan Business Park South FMP/IFP and Mana/Wagner Tentative Parcel Maps Initial Study/Mitigated Negative Declaration, EA/C&ED No. 2006-58, Table XV-1.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Discussion

a) The proposed project is residential in nature and would not result in a significant hazard to the public, nor would involve the use, transport or disposal of hazardous materials. Upon development, the project would be subject to compliance with all applicable federal, state and local regulations regarding the handling, storage, disposal and transport of toxic or hazardous materials or wastes in the process of site preparation and construction practices.

b) See item A above.

c) See item A above.

d) The project site is not on the list of hazardous materials sites.

e) The project site is more than six miles away from the nearest airport.

f) The project site is not within the vicinity of a private airstrip. The nearest air operations is the helipad operated by Kaiser Permanente Modesto Medical Center, located approximately a half-mile to the northwest.

g) The project would not interfere with an emergency access plan or evacuation plan. The project was referred to Modesto Fire and Police, who did not indicate any concerns with emergency access.

h) There is no forests or wildlands in the vicinity of the project site.

Resource: See pages V-16-1 through V-16-15 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY: Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow	☐	☐	☐	☒

Discussion

a) The proposed rezoning to Planned Development would not cause a violation of any standards. The development will be required by City and state regulations to comply with water quality standards and waste discharge requirements as a condition of approval.

b) The proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. The development will be required to incorporate on-site storm water handling and drainage as provided by the Kiernan Business Park Specific Plan.

c) The project would not substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial surface runoff, erosion or siltation. There are no streams within or in the vicinity of the project site. The nearest river is the Stanislaus River, approximately 2.5 miles away to the north.

d) See item C above.

e) The project will be required to treat and retain stormwater as provided by the stormwater plans of the Kiernan Business Park Specific Plan and City standards and would therefore not be expected to result in substantial runoff. No further mitigation is required.

f) See items B through E above.

g) The site is not located within a 100-year floodplain or a 200-year floodplain.

h) See item G above.

i) See item G above.

j) The City is not subject to impacts as a result of seiche or tsunami. The City is inland approximately 90 miles from the Pacific Ocean and has no large water bodies within its jurisdiction or nearby. The project site is flat land and is not subject to mudslides.

Resource: See pages V-9-1 through V-9-13 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING: Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b)Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Discussion

a) The rezoning to Planned Development would not physically divide a community. The area is within a portion of the Kiernan Business Park Specific Plan, adopted in April of 1997 and subsequently amended to provide for mixed uses and multi-family residential development in the project area.

b) Codes and Standards of the City of Modesto and the development policies of the Kiernan Business Park Specific Plan would be applicable to development at the site.

c) The project would not conflict with any applicable habitat conservation plans or natural community conservation plans. The City does not have habitat conservation plans in place.

Resource: V-20-1 through V-20-14 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XI. MINERAL RESOURCES: Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Discussion

a) The project site is surrounded by urban uses and has no known mineral resources.

b) The project site is not identified on any plan as being a location with mineral resources.

Resource: See pages V-17-1 through V-17-14 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XII. NOISE: Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Discussion

a) The project site is adjacent to collector streets (Bangs Avenue, American Avenue and future and therefore subsequent development would expose the project site to traffic-related noise, but at a less than significant level with development standards of the Specific Plan and mitigation measures from the MEIR for noise control barriers applied.

b) Development of the site would not be expected to generate excessive groundborne vibration or groundborne noise levels. The project involves development of 189 single family residential units, uses which would themselves not produce groundborne noise or vibration.

c) Site development would generate a temporary increase in ambient noise as a result of construction processes, but at a less than significant level.

d) See item C above.

e) The project area is more than six miles away from the nearest airport.

f) The project area is not within the vicinity of a private airstrip.

Resource: See pages V-3-1 through V-3-46 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XIII. POPULATION AND HOUSING: Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion

a) The rezoning to Planned Development would not increase population growth by a significant amount; however, the rezone would facilitate the development of new dwelling units to the housing stock of the City of Modesto and contribute to its Regional Housing Needs Allocation (RHNA) of the Housing Element.

b) The project site is vacant, and therefore no existing residential development would be displaced as a result of development.

c) See item B above.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES:				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	☐	☐	☐	☒
Fire protection?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☐	☒	☐
Parks?	☐	☐	☒	☐
Other public facilities?	☐	☐	☐	☒

Discussion

a) The development is residential in nature and would increase demand for police and fire services, but not at substantial levels that would cause an adverse effect to existing services and facilities. The project will be expected to pay into Community Facilities Districts (CFDs) and pay associated Capital Facilities Fees (CFF) at the time of building permit issuance, which would mitigate the impact to less than significant. The police and fire departments indicated no concerns with the project. The nearest fire station is Station No. 11 at 4225 Carver Road, 1.2 miles to the east.

New residential development would increase demand for public school services, and the project would pay school impact fees at the time of building permit issuance.

The project will be required to pay CFF for their fair share contribution towards the development and maintenance of parks in the vicinity to the site, in addition to paying into a Community Finance District (CFD) to cover the maintenance of the Specific Plan's amenities. The nearest park to the project area is McKinney Colony Park, approximately 0.45 miles away to the southeast.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XV. RECREATION:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Discussion

a) The rezoning to Planned Development is to facilitate the development of 189 new single-family dwelling units. The project would potentially increase the use of existing parks in the vicinity of the project site, but not at a level that would cause substantial physical deterioration of the facilities. As a condition of approval, the development will be required to pay Capital Facilities Fees (CFF) for its fair share contribution towards the development of any new parks.

b) The project includes a centrally-located dual-use park/basin, which is not expected to have an adverse physical effect on the environment.

Resource: See pages V-11-1 through V-11-13 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC: Would the project:				
a) Conflict with an applicable plan, ordinance or policy 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?	☐	☐	☐	☒
b) 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 roads or highways?	☐	☐	☒	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒

Discussion

a) The project would not be in conflict with any adopted transportation plan or policy. Previous traffic studies conducted for business park uses at the project site (since amended to allow for residential uses) assumed 9,220 daily trips for business park uses. It was determined that if the site were developed with residential uses, the amount of trips would decrease under the General Plan's model for daily vehicle trip rates for residential uses. Therefore, trip generation associated with new residential development would be less than that assumed previously for Business Park uses.

The project would not conflict with any congestion management program. The Kiernan Business Park Specific Plan provides for a roadway system that accommodates vehicles, pedestrians and bicycles, and includes transit stops. As part of the development, frontage improvements will be installed along the two collector street frontages of the site, and new roundabouts are to be installed at Bangs Avenue and American Avenue, and Bangs Avenue/Bruno Parkway.

b) See item A above.

c) The project area is not within the vicinity of an airport or private airstrip.

d) The project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

e) The Fire Department reviewed the project and did not identify any issues with emergency access.

Resources: See pages V-1-1 through V-1-46 of the MEIR. Also referenced: Kiernan Business Park South FMP/IFP and Mana/Wagner Tentative Parcel Maps Initial Study/Mitigated Negative Declaration, EA/C&ED No. 2006-58, Table XV-1.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS: Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

Discussion

a) The project would not exceed treatment requirements of an applicable water quality control board.

b) The project would not result in the construction of new water or wastewater treatment facilities. The proposal was referred to the City's Land Development Engineering Department and the Public Works Department, who indicated no concerns with capacity or impacts to services.

c) The project will provide for storm water handling and treatment with the installation of new underground storm drain lines and onsite or offsite treatment and drainage facilities as provided in the Kiernan Business Park Specific Plan. The project will also comply with the City's Stormwater Management Program, Guidance Manual for New Development.

d) There are sufficient water supplies to serve the project area.

e) The City has sufficient wastewater capacity to serve the project area.

f) Solid waste service is handled by the Gilton Solid Waste Management company, who indicated ability to serve the area at the time of the Specific Plan's adoption.

g) The project will be required to comply with statues and regulations related to solid waste.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Discussion

a) As discussed in Section IV: Biological Resources, development at the site would not substantially impact wildlife habitat with mitigation measures applied.

b) As discussed in Section III: Air Quality and Section VII: Greenhouse Gases: Generation of greenhouse gases would predominately occur with vehicle traffic, but not at levels that would exceed those assumed by the MEIR or the amounts assumed by previously-conducted traffic study of the project area for business park uses. Potential impacts to air quality would be due to construction practices, but at levels less than significant with the application of mitigation measures from the MEIR.

As discussed in Section XIV: Public Services, above, new residential development as a result of the project would increase demand for public school services and parks, but not at a level that would cause substantial impacts to those facilities. The project would pay school impact fees, and Capital Facilities Fees (CFF) for their fair share contribution towards the development and maintenance of parks in the vicinity to the site.

c) This document identifies that the proposed project would have some cumulative environmental impact, but not at significant levels with the application of mitigation measures upon the onset of development. Therefore, impacts that may result from the project are less than significant.

REZONE FROM SP TO PLANNED DEVELOPMENT ZONE P-D(617) "THE BRIDGES"
PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
Transportation and Circulation				
1: Improvements for the Pelandale Avenue, Bruno Parkway, and American Avenue street frontages, including landscape requirements, shall be in accordance with the Conditions of Approval for the Vesting Tentative Subdivision Map of The Bridges (Project ID TSM-24-002) approved by Planning Commission Resolution No. 2025-02 .	Project Developers	Project Developers shall be responsible for the submission of improvement plans. Plans shall be prepared by a registered Civil Engineer.	City Engineer shall review and approve road improvement plans. Developer shall construct improvements. Engineering Services Department shall inspect and accept improvements.	Improvements shall be submitted for review and approval prior to recordation of a Final Map or issuance of a building permit.
2: Improvement plans shall demonstrate the ultimate improvements on Bangs Avenue from Dale Road to the intersection of Bruno Parkway and Bangs Avenue, and the appropriate transition east of the Bruno Parkway/Bangs Avenue roundabout to ensure all vehicle, emergency service, refuse service and pedestrian traffic is safely able to ingress/egress to and from the development site. Improvement plans shall also include the legal descriptions necessary for the right-of-way acquisition required for ultimate improvements.	Project Developers	Project Developers shall be responsible for the submission of improvement plans. Plans shall be prepared by a registered Civil Engineer.	City Engineer shall review and approve road improvement plans. Developer shall construct improvements. Engineering Services Department shall inspect and accept improvements.	Improvements shall be submitted for review and approval prior to recordation of a Final Map or issuance of a building permit.
3: The full improvement plans shall include landscaping and the Class 1 bike path and related improvements, in accordance with the Kiernan Business Park Specific Plan. Developer shall also submit full improvement plans for the construction of full frontage improvements on Pelandale Avenue in accordance with the Kiernan Business Park Specific Plan, including necessary legal descriptions for the right-of-way acquisition to construct said improvements.	Project Developers	Project Developers shall be responsible for the submission of improvement plans. Plans shall be prepared by a registered Civil Engineer.	City Engineer shall review and approve road improvement plans. Developer shall construct improvements. Engineering Services Department shall inspect and accept improvements.	Improvements shall be submitted for review and approval prior to recordation of a Final Map or issuance of a building permit.
Noise				
1. Development of the project shall incorporate the following mitigation measures from the Modesto Urban Area General Plan MEIR:				

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
• 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)	Project Developers	Project Developers shall be responsible for implementation of noise-reducing construction practices.	Project Developers shall report to the Community and Economic Development Director on techniques used to reduce noise impacts in the construction phases of the project.	Throughout all phases of construction.
• Noise-3: Construction activities are to comply with Modesto Municipal Code Title 4, Ch. 9.	Project Developers	Project Developers shall be responsible for implementation of noise-reducing construction practices.	Project Developers shall report to the Community and Economic Development Director on techniques used to reduce noise impacts in the construction phases of the project.	Throughout all phases of construction.
Air Quality				
1. Development of the project shall incorporate the following mitigation measures from the Modesto Urban Area General Plan MEIR:				
• 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)	Project Developers	Project Developers shall review Regulation VIII and submit a compliance plan to the City of Modesto's Community and Economic Development Department. The compliance plan shall be incorporated in construction contracts and implemented by developers.	Project Developers shall provide draft compliance plan to the Community and Economic Development Department for review and approval.	Compliance plan shall be submitted to and approved by the Community and Economic Development Department prior to the issuance of a grading or building permit, whichever occurs first.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
• 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)	Project Developers	Developer shall ensure that construction practices stabilizes dust emissions throughout all phases of construction.	Project Developers shall report to the Community and Economic Development Director on techniques used to stabilize dust emissions during construction phases.	Throughout all phases of construction.
• 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)	Project Developers	Developer shall ensure that construction practices stabilizes dust emissions throughout all phases of construction.	Project Developers shall report to the Community and Economic Development Director on techniques used to stabilize dust emissions during construction phases.	Throughout all phases of construction.
• 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)	Project Developers	Developer shall ensure that construction practices stabilizes dust emissions throughout all phases of construction.	Project Developers shall report to the Community and Economic Development Director on techniques used to stabilize dust emissions during construction phases.	Throughout all phases of construction.
• 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)	Project Developers	Developer shall ensure that construction practices stabilizes dust emissions throughout all phases of construction.	Project Developers shall report to the Community and Economic Development Director on techniques used to stabilize dust emissions during construction phases.	Throughout all phases of construction.
• 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)	Project Developers	Developer shall ensure that construction practices stabilizes dust emissions throughout all phases of construction.	Project Developers shall report to the Community and Economic Development Director on techniques used to stabilize dust emissions during construction phases.	Throughout all phases of construction.
• 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)	Project Developers	The construction foreman or liaison shall ensure that wheel washers and/or equipment washers are in place at all points of exit from the site and are correctly implemented.	Construction foreman or liaison shall record inspections in a daily construction log and submit results in a monthly report to the Community and Economic Development Director.	The washers shall be provided prior to issuance of grading or building permit, whichever occurs first. Implement measures throughout the construction duration.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
• 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)	Project Developers	Developer shall ensure that construction practices stabilizes dust emissions throughout all phases of construction.	Project Developers shall report to the Community and Economic Development Director on techniques used to stabilize dust emissions during construction phases.	Throughout all phases of construction.
• 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)	Project Developers	The construction foreman or liaison shall establish and implement a daily street sweeping schedule during construction activities that involve movement of soil.	The construction foreman or liaison shall monitor daily street sweeping and provide a daily log. Results shall be submitted in a monthly report to the Community and Economic Development Director.	Project Developer shall provide a daily street sweeping schedule prior to the issuance of grading or building permit, whichever occurs first. Implement measures throughout the construction duration.
• AQ-111. Prevent carryout and trackout for any site with 150 or more vehicle trips per day. (Policy VII.H.2.uu)	Project Developers	The construction foreman or liaison shall establish and implement a daily street sweeping schedule during construction activities that involve movement of soil.	The construction foreman or liaison shall monitor daily street sweeping and provide a daily log. Results shall be submitted in a monthly report to the Community and Economic Development Director.	Project Developer shall provide a daily street sweeping schedule prior to the issuance of grading or building permit, whichever occurs first. Implement measures throughout the construction duration.
• AQ-112. Limit traffic speeds on unpaved roads to 15 mph. (Policy VII.H.2.vv)	Project Developers	The construction foreman or liaison shall post speed limit signs and ensure that construction vehicle operators travel at or less than 15 mph.	The construction foreman or liaison shall monitor speed limits. Project Developers shall monitor compliance throughout the construction duration.	The Project Developers shall install speed limit signs as part of the site preparation process prior to issuance of a grading permit. Implement measures throughout the construction duration.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
• 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)	Project Developers	All slopes shall be measured by the Project Developers and identified on the building permit plan set submitted. The construction foreman or liaison shall oversee the placement of sandbags or other runoff control measure(s) on all slopes determined to have a slope greater than 1 percent.	The construction foreman or liaison shall monitor runoff control measure(s) and shall conduct weekly runoff control measure(s) inspections and shall submit results in a monthly report to the Community and Economic Development Director.	The building permit submittal shall identify slope measurements. Implement measures throughout the construction duration.
• AQ-114. Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (Policy VII.H.2.xx)	Project Developers	The construction foreman or liaison shall ensure that wheel washers and/or equipment washers are in place at all points of exit from the site and are correctly implemented.	Construction foreman or liaison shall record inspections in a daily construction log and submit results in a monthly report to the Community and Economic Development Director.	The washers shall be provided prior to issuance of grading or building permit, whichever occurs first. Implement measures throughout the construction duration.
• AQ-115. Install wind breaks at windward side(s) of construction areas. (Policy VII.H.2.yy)	Project Developers	Windbreaks shall be installed by the Project Developers. The construction foreman or liaison shall ensure that windbreaks are correctly placed and implemented.	The construction foreman or liaison shall inspect installed windbreaks on a weekly basis and record inspections in the construction log. Inspection results shall be submitted in a monthly report to the Community and Economic Development Director.	Windbreaks shall be installed by the Project Developers prior to the issuance of grading or building permit, whichever occurs first. Implement measures throughout the construction duration.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
• 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)	Project Developers	Project developers shall install wind speed measuring devices and ensure that these devices are correctly located and calibrated.	The construction foreman shall cease all excavating and grading activities when wind speed measuring devices indicate speeds over 20 mph. Suspension of construction activity due to wind speeds shall be recorded in the construction log. Construction reports shall be submitted to the Community and Economic Development Director on a monthly basis.	Wind speed measuring devices shall be installed by the Project Developers prior to the issuance of grading or building permit, whichever occurs first. Implement measures throughout the construction duration.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
• AQ-117. Limit the area subject to excavation, grading, and other construction activity at any one time. (Policy VII.H.2.aaa)	Project Developers	The project sponsor shall provide a written statement with any request for development permits or other permits involving movement of soil supporting a determination that the request minimizes the amount of exposed soil on the project site during the relevant construction period. The Community and Economic Development Director will either accept the report or require additional means to reduce the amount of exposed soil, such as hydroseeding or planting vegetation with irrigation, in areas that are proposed to be exposed for more than 20 days with no construction activity. Construction shall comply with the General Construction Permit.	The construction foreman or liaison shall ensure that construction activities do not exceed the allowable area of excavation and grading activity permitted on the site and shall oversee implementation of any required best management practices. The construction foreman or liaison shall record excavation and grading activities in a construction log on a daily basis and submit results in a monthly report to the Community and Economic Development Director.	Project Developer shall provide a plan to reduce soil exposure prior to the issuance of grading or building permit, whichever occurs first. Implement measures throughout the construction duration.
Increased Demand for Storm Drainage/Flooding and Water Quality				
1. Development of the project shall incorporate the following mitigation measures from the Modesto Urban Area General Plan MEIR:				
• 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)	Project Developers	Project Developers shall submit construction drawings demonstrating compliance with relevant City requirements.	The City Engineer and Building Division shall review and approve all construction plans to ensure that all required storm water requirements are met.	Prior to issuance of a building or grading permit.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
• 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)	Project Developers	Project Developers shall submit construction drawings demonstrating compliance with relevant City requirements.	The City Engineer and Building Division shall review and approve all construction plans to ensure that all required storm water requirements are met.	Prior to issuance of a building or grading permit.
• 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)	Project Developers	Project Developers shall submit construction drawings demonstrating compliance with relevant City requirements.	The City Engineer and Building Division shall review and approve all construction plans to ensure that all required storm water requirements are met.	Prior to issuance of a building or grading permit.
• 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)	Project Developers	Project Developers shall submit construction drawings demonstrating compliance with relevant City requirements.	The City Engineer and Building Division shall review and approve all construction plans to ensure that all required storm water requirements are met.	Prior to issuance of a building or grading permit.
Generation of Hazardous Materials				
1. Development of the project shall incorporate the following mitigation measures from the Modesto Urban Area General Plan MEIR:				
• 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.	Project Developers	Project Developers shall retain a registered environmental assessor to conduct Phase I Environmental Site Assessments on properties where the assessment was not previously prepared and implement the remediation.	The Community and Economic Development Department shall review and approve the Phase I Environmental Site Assessments.	Conduct Phase I Environmental Site Assessments prior to issuance of grading or building permit, whichever occurs first. Remediation shall be implemented prior to issuance of grading or building permit or as determined by the Phase I ESA.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
• 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)	Project Developers	Project Developers shall retain a registered environmental assessor to conduct Phase I Environmental Site Assessments on properties where the assessment was not previously prepared and implement the remediation.	The Community and Economic Development Department shall review and approve the Phase I Environmental Site Assessments.	Conduct Phase I Environmental Site Assessments prior to issuance of grading or building permit, whichever occurs first. Remediation shall be implemented prior to issuance of grading or building permit or as determined by the Phase I ESA.
Loss of Sensitive Wildlife and Plant Habitat				
1. Development of the project shall incorporate the following mitigation measures from the Modesto Urban Area General Plan MEIR: • SWPH-12: For proposed development consistent with the adopted Urban Area General Plan on lands within the Baseline Developed Area and Downtown, exclusive of lands within the Dry Creek and Tuolumne River Comprehensive Planning Districts, an assessment of whether any potential habitat for special-status species is present within proposed development areas shall be made. No further biological study is warranted unless habitat is present or if specific information concerning the known or potential presence of significant biological resources is identified in future updates of the California Natural Diversity Database, or through formal or informal input received from resource agencies or other qualified sources (Policy VII-E.2[a]).	Project Developers	Project Developers shall retain a qualified ornithologist to conduct pre-construction surveys of project site and adjacent areas within 0.5 mile of project site during at least two of the survey periods identified. Identify and implement appropriate mitigation measures.	CDFG shall review and approve the pre-construction surveys to ensure that project initiation will not result in nest disturbance.	Prior to issuance of the first grading or building permit, whichever occurs first.
• SWPH-14. Additional measures to protect sensitive habitats may be implemented. Potential measures to be implemented may include measures listed in Table V-7-1 in the General Plan MEIR.	Project Developer	Project Developer shall provide and implement mitigation plans in accordance with CDFG requirements.	CDFG shall review and approve the habitat mitigation strategy.	Provide and implement approved habitat mitigation strategy prior to issuance of the first grading or building permit, whichever occurs first.

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-86

RESOLUTION APPROVING THE APPLICATION AND ISSUANCE OF A PERMIT TO OPERATE AS A NON-EMERGENCY MEDICAL TRANSPORT COMPANY TO ALLSTAR AMBULANCE IN THE CITY OF MODESTO

WHEREAS, Allstar Ambulance has submitted an application to provide non-emergency medical transport services within the City of Modesto; and

WHEREAS, the City allows non-emergency medical transport companies to apply for a non-emergency transport permit. In addition to the application, the transport company is required to pay a filing fee of $1,000 and provide all the necessary documents and information as outlined in Modesto Municipal Code 3-9.01 to 3-9.20; and

WHEREAS, once the application, documentation, and necessary fees have been received by the Modesto Police Department (MPD), a background investigation must be completed by the department. Upon successful completion of the background investigation, the application proceeds to a hearing before the City Council to determine whether the public convenience and necessity require the proposed services; and

WHEREAS, the Modesto Police Department has completed background investigations regarding Allstar Ambulance, per Modesto Municipal Code Section 3-9.05; and

WHEREAS, council approval is required for Allstar Ambulance 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 March 4, 2025, 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 Allstar Ambulance for a non-emergency medical transport service within the City of Modesto; and

WHEREAS, Modesto City Council finds that Allstar Ambulance 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 and issuance of a Permit to operate as a Non-Emergency Medical Transport Company to Allstar Ambulance 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 4th day of March, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-87

RESOLUTION AMENDING THE FISCAL YEAR 2024-25 ANNUAL OPERATING AND CAPITAL IMPROVEMENT PROJECT 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 2024-25.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2024-25 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 11th day of March, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSÉ M. SANCHEZ, City Attorney

EXHIBIT A

COMMUNITY AND ECONOMIC DEVELOPMENT

- A budget adjustment in the amount of $850,000 is necessary to add revenue and expenditure budget for the Modesto Downtown Community Benefit District in FY2024-2025. This budget is a pass-through budget in which an assessment is collected and then the expenditure is paid directly out of the assessment through the fiscal year. This budget was mistakenly not included in the Adopted FY 2024-25 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 $850,000 in cost center 80035 (CED-Downtown Modesto Community Benefit District) in fund 1210 (Downtown MCDB). The adjustment will also increase the budget in expense account 53505 (Intergovernmental Services – Other) by $850,000.

- A budget adjustment is necessary in the amount of $200,000 to increase the revenue and expenditure budget in Fund 1133 – HUD Administration. The expenditure is an agreement with consultants to assist in development and execution of the Five-Year 2025-2030 Consolidated Plan which will be paid with HUD entitlement grant funds.

ENGINEERING SERVICES DEPARTMENT

- A budget adjustment in the amount of $2,389,231 is needed in the Capital Grants – Streets CIP Projects Fund (3160) for Project 101157 – Tuolumne Blvd. Pavement Rehabilitation. The project received construction funding from the Department of Transportation (CalTrans). The adjustment will recognize the grant revenue and increase the project discretionary expenditure accounts.

INFORMATION TECHNOLOGY

- A budget adjustment is necessary in the amount of $80,000 to appropriate funds from the Public Educational Governmental (PEG) Fund for the purchase of video server and audio equipment from for the Council Chambers. This equipment is needed to repair and upgrade existing equipment that is critical for the streaming of City Council and Stanislaus County Board of Supervisor meetings to the public. The City will be paying for the upfront costs of the purchase of this equipment, but Stanislaus County will be providing a reimbursement to the City for 50% of the costs of the equipment purchases. This adjustment will increase the expenditure budget in Fund 1321 (PEG Fund) Cost Center 17425 (IT - PEG Operations) by $80,000.

MEASURE H

- A budget adjustment is necessary in the amount of $80,000 is necessary in the Fiscal Year 2024-25 Measure H spending plan to re-appropriate salary savings in the year for the replacement of 3 fire inspection vehicles. There are sufficient funds available due to vacancies during the year to re-appropriate funds and the overall Measure H spending plan allocation is not changing.

- A budget adjustment is necessary in the amount of $322,209 in the Fiscal Year 2023/2024 Measure H spending plan to re-appropriate expenditures in the 23/24 Preventative Maintenance Project 101518 to the 23/24 Deferred Maintenance Project 101517 to award a contract with Platinum General Engineering LLC for construction on bathrooms at various City parks. There are sufficient funds available due to the completion of other renovation projects and the overall Measure H spending plan allocation is not changing.

MODESTO POLICE DEPARTMENT

- A budget adjustment is necessary in the amount of $1,395,455 to recognize revenue in Fund 4910 – Abatement and Public Nuisance Fund, Project 100673 – Abatement of Public Nuisance. The project captures fees received from Abatement Citation fees and Civil Penalties related to abatement.

- A budget adjustment is necessary in the amount of $1,445,452 to increase expenditure appropriations in Fund 4910 – Abatement and Public Nuisance Fund, Project 100673 – Abatement of Public Nuisance. The expenditures primarily focus on Graffiti Abatement costs, fence replacement or trash pick-up costs.

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-88

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH ARCHWAY COMMONS EAH II LP, MODESTO, CA TO REIMBURSE THE CITY $170,000 FOR THE CONSTRUCTION AND MAINTENANCE OF A SECONDARY EMERGENCY ACCESS ROUTE CONNECTING THE PROJECT (APN: 029-009-037) TO 9TH STREET AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on April 27, 2021, the City approved by Resolution No. 2021-152, the project with Archway Commons EAH II, LP (EAH) know as Archway Commons Phase II which consist of nine, two-story apartment buildings with 74 affordable housing units located on 9th Street and Carver Road in the City of Modesto; and

WHEREAS, as a stipulation of permit approval and to obtain a certificate of occupancy (CO) for the Development, this project is required to provide a secondary Emergency Access Route connecting the development to 9th Street for emergency vehicles; and

WHEREAS, it is essential to ensure appropriate emergency access to the development to enhance safety and response efficiency; and

WHEREAS, the location identified and agreed upon by the City for the secondary access is located within the right of way of the State of California Department of Transportation (Caltrans) between the embankment of State Route 99 and the development. This area offers the appropriate access and minimizes disruption of existing infrastructure and development future City and Caltrans project planning; and

WHEREAS, location identified and agreed upon by the City for the secondary access is located within the right of way of the State of California Department of Transportation (Caltrans) between the embankment of State Route 99 and the

development and this area offers the appropriate access and minimizes disruption of existing infrastructure and development future City and Caltrans project planning; and

WHEREAS, due to the length of time since the completion of the Affordable Housing project, EAH, Inc contacted the City looking for alternatives that would allow this to be developed and for EAH to remain in compliance with State funding that requires the formal issuance of the Certificate of Occupancy for this project; and

WHEREAS, the City assessed that the external development on the Caltrans right-of way and ongoing maintenance to be performed by the cost of constructing the Emergency Access Route is a total of One Hundred and Seventy Thousand Dollars ($170,000); and

WHEREAS, the City is taking responsibility for the development and maintenance of the Emergency Access Route as required by Caltrans and issuing the permanent Certificate of Occupancy for Archway Commons Phase II; and

WHEREAS, City staff is recommending a Memorandum of Understanding (MOU) with EAH to pay the City one-time in the amount of One Hundred and Thirty Thousand Dollars ($130,000) for the cost of construction of the Emergency Access Route and a one-time payment of Forty Thousand Dollars ($40,000) for the maintenance of the Emergency Access Route; and

WHEREAS, the City will complete the required improvements and be responsible for maintaining the Emergency Access Route in order to issue the Certificate of Occupancy and allow EAH to close on the permanent financing with the State of California tax credit program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding with Archway Commons EAH LP, Modesto CA to pay the City $170,000 for the construction and maintenance of a secondary Emergency Access Route connecting the project (APN: 029-009-037) to 9th Street.

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 11th day of March, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-89

RESOLUTION APPROVING A LANDSCAPE MAINTENANCE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE MAINTENANCE OF THE DEVELOPED SECONDARY EMERGENCY ACCESS ROUTE ON THE STATE'S RIGHT OF WAY CONNECTING THE PROJECT (APN: 029-009-037) TO 9TH STREET AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on April 27, 2021, the City approved by Resolution No. 2021-152, the project with Archway Commons EAH, LP (EAH) know as Archway Commons Phase II which consists of 74 affordable housing units located on 9th Street and Carver Road in the City of Modesto; and

WHEREAS, as a stipulation of permit approval and to obtain a certificate of occupancy (CO) for the Development, this project is required to provide a secondary Emergency Access Route connecting the development to 9th Street for emergency vehicles; and

WHEREAS, it is essential to ensure appropriate emergency access to the development to enhance safety and response efficiency; and

WHEREAS, the location identified and agreed upon by the City for the secondary access is located within the right of way of the State of California Department of Transportation (Caltrans) between the embankment of State Route 99 and the development. This area offers the appropriate access and minimizes disruption of existing infrastructure and development future City and Caltrans project planning; and

WHEREAS, in order to be approved and authorized to utilize the State-owned property, Caltrans requested the City seek approval for a Landscape Maintenance

Agreement as a condition for approval of the permit to perform the required City improvements; and

WHEREAS, City staff has completed an analysis of the Caltrans requirements and it has been determined that the City will complete the required improvements and be responsible for the maintenance of the Emergency Access Route in order to issue the Certificate of Occupancy and allow EAH to close on the permanent financing with the State of California tax credit program; and

WHEREAS, City staff is recommending a Memorandum of Understanding (MOU) with EAH to pay the City one-time in the amount of One Hundred and Thirty Thousand Dollars ($130,000) for the cost of construction of the Emergency Access Route and a one-time payment of Forty Thousand Dollars ($40,000) for the maintenance of the Emergency Access Route; and

WHEREAS, the City will complete the required improvements and be responsible for maintaining the Emergency Access Route in order to issue the Certificate of Occupancy.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Landscape Maintenance Agreement with the California Department of Transportation (CalTrans) for the maintenance of the developed secondary Emergency Access Route on the State's right of way connecting the project (APN: 029-009-037) to 9th Street.

BE IT FURTHER RESOLVED, and authorizing the City Manager, or his designee 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 March, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, ~~City~~ Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-90

RESOLUTION AMENDING THE FISCAL YEAR 2024-25 ANNUAL OPERATING FUND BUDGETS AND CAPITAL IMPROVEMENT PROJECT #101295 IN THE AMOUNT OF $170,000 TO APPROPRIATE THE FUNDS FOR THE MEMORANDUM OF UNDERSTANDING WITH ARCHWAY COMMONS EAH II, LP FOR CONSTRUCTION AND MAINTENANCE OF A SECONDARY EMERGENCY ACCESS ROUTE AND AUTHORIZING THE CITY MANAGER, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City approved by Resolution No. 2021-152, the project with Archway Commons EAH, LP known as Archway Commons II which consist of nine, two-story apartment buildings, and

WHEREAS, a stipulation of permit approval is required to provide a secondary Emergency Access Route for emergency vehicles, and

WHEREAS, the Department of Transportation requested the City seek approval for a Landscape Maintenance Agreement as a condition for the approval of the permit, and

WHEREAS, the City performed a project analysis and assessed that the development on the CalTrans right-of-way and ongoing maintenance to be performed by the cost of constructing the Emergency Access Route is a total of $170,000, and

WHEREAS, the City is recommending an Memorandum of Understanding (MOU) with EAH to pay the City one-time in the amount of $130,000 for the cost of construction of the Emergency Access Route and $40,000 for the ongoing maintenance, and

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual Operating Fund Budgets in the Surface

Transportation Fund and for Capital Project #101295 – 9th Street Corridor Improvements in the amount of $170,000 to appropriate funds for the MOU.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2024-25 Annual Operating budgets and Capital Improvement Project #101295 in the amount of $170,000 to appropriate the funds for the Memorandum of Understanding with Archway Commons EAH, LP for construction and maintenance of a secondary Emergency Access Route.

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 11th day of March, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-91

RESOLUTION APPROVING A SUBTRUNK SEWER REIMBURSEMENT AGREEMENT WITH KB HOME NORTH BAY LLC FOR THE CONSTRUCTION OF THE SONOMA SEWER TRUNK EXTENSION PHASE 3 & 4A PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in 2016, the Wastewater Engineer's Report was approved to provide a basis for establishing wastewater related charges, fees and identified needed Wastewater Capital Improvement Program Projects; and

WHEREAS, the Wastewater Collection System Master Plan identifies the Sonoma Trunk Extensions and Lift Station as essential infrastructure to support future development within the Roselle/Claribel Comprehensive Planning District in northeast Modesto; and

WHEREAS, the Tivoli Specific Plan, which encompasses the area bounded by Oakdale Road, Sylvan Avenue, Roselle Avenue, and Claratina Avenue, includes two properties with approved Tentative Maps that require the construction of the Sonoma Trunk Extensions; and

WHEREAS, Phase 1 of the Sonoma Trunk Extension was completed along Sylvan Avenue, stretching from Wood Sorrel Drive to Aria Way; and

WHEREAS, The Phase 2, which includes the Lift Station and sewer main improvements on Oakdale Road, is nearing completion and is expected to be finished by the end of the year; and

WHEREAS, Phases 3 and 4A, located along the future Aria Way, must still be built, and coordinated with upcoming development projects; and

WHEREAS, the development of approximately 2,900 feet of 24-inch diameter sewer trunk for Phases 3 and 4A of the Sonoma Trunk project will commence on Aria Way, just north of Sylvan Avenue, and extend towards the projected alignment of Mable Avenue. The design and bid of the project were planned to ensure City infrastructure would not impede the timely development of the new subdivisions in the area; and

WHEREAS, the developer KB Home North Bay LLC (KB Home) acquired two Tentative Map areas in the Tivoli Specific Plan referred to as the Snow and Arcadia properties. KB Home has received approved improvement plans and is now moving forward on the construction of the new subdivisions; and

WHEREAS, to better coordinate the infrastructure in the area, the developer requested the ability to construct the proposed work as part of their construction activities; and

WHEREAS, the developer will be constructing a number of items of public infrastructure related to the development. It will enhance efficiency for the developer to construct the Sonoma Sewer Trunk Phase 3 & 4A as part of their ongoing construction activities by eliminating duplicative activities and the need for a new contractor to mobilize, thus decreasing the costs to the City for the work; and

WHEREAS, in accordance with Graydon v. Pasadena Redevelopment Agency (1980) 104 Cal. App. 3d 631, the City Council finds that competitively bidding the work covered by the reimbursement agreement would not result in any advantage for the public for these reasons; and

WHEREAS, Phases 3 and 4A of the Sonoma Sewer Trunk Extension are budgeted projects, funded through the City's Sewer Fund (101370 & 101371). KB Home North Bay

LLC has agreed to partner with the City for the construction of Sonoma Sewer Trunk Phase 3 & 4A, with the City reimbursing the developer for actual construction costs up to $1,678,415; and

WHEREAS, City staff will inspect the construction activities and ensure the improvements are constructed in accordance with City Standards and the approved improvement plans for acceptance as part of the City's public sewer system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Subtrunk Sewer Reimbursement Agreement with KB Home North Bay LLC for the construction of Sonoma Sewer Trunk Extension Phase 3 & 4A 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's Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of March, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-92

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE 2024 RESTROOM REPLACEMENT PROJECT, ACCEPTING THE BID AND AWARDING A CONSTRUCTION CONTRACT TO PLATINUM GENERAL ENGINEERING, LLC, OF WATERFORD, CA, IN THE AMOUNT OF $522,266, AUTHORIZING $52,226 FOR CONTINGENCY (IF NEEDED), FOR A TOTAL PAYMENT AMOUNT NOT TO EXCEED $574,492, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, with an estimated $70+ million in deferred maintenance in the City's park system, many park amenities are severely in need of replacement; and

WHEREAS, in June 2023, Council approved the FY 2023-2024 budget, which included $6,100,000 of Measure H funding for deferred park maintenance; and

WHEREAS, as part of the deferred park maintenance allocation, $1,400,000, was budgeted for restroom replacements at Graceada Park, Mark Twain Park, and Robertson Road Park, which will help begin addressing safety concerns in those parks and enhance public enjoyment and satisfaction of the parks; and

WHEREAS, to begin work on the restroom renovations at the three park sites, on November 7, 2023, by Resolution 2023-487, Council approved the purchase of the restroom buildings for each site, for a total not to exceed, $1,078,867; and

WHEREAS, the 2024 Restroom Replacement Project will install and connect the previously purchased prefabricated buildings, along with the removal and replacement of the old restroom concrete and upgrade the electrical, sewer, water, and irrigation lines to meet the new building code requirements; and

WHEREAS, the project was advertised for bids on December 31, 2024, and

WHEREAS, bids were publicly opened on February 4, 2025, pursuant to City Charter Section 1307, and four bids were received; and

WHEREAS, Platinum General Engineering, LLC., of Waterford, CA., was determined to be the responsible bidder with the lowest responsive bid; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, the award of contract for the construction of the 2024 Restroom Replacement Project, to Platinum General Engineering, LLC., of Waterford, CA., conforms to Modesto Municipal Code, 8-3.203; and

WHEREAS, staff recommends awarding the contract Platinum General Engineering, LLC., of Waterford, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the 2024 Restroom Replacement Project, accepts the Bid and awards a construction contract to Platinum General Engineering, LLC., of Waterford, CA, in the amount of $522,266, plus $52,226 in contingency (if needed), for a total amount not to exceed $574,492.

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 11th day of March, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-93

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL TO PURCHASE FOUR (4) COMPACT FRONT (WHEEL) LOADER WITH CATERPILLAR INC. UNDER THE AUTHORIZED DEALER, HOLT OF CALIFORNIA, MODESTO, CA, FOR AN ORIGINAL PURCHASE PRICE IN THE AMOUNT OF $626,380 INCLUDING A PRICE REDUCTION OF $35,040 DUE TO RENTAL FEES FOR A REVISED PURCHASE PRICE IN THE AMOUNT NOT TO EXCEED $591,340; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE TO ISSUE THE PURCHASE ORDER

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs including the addition of new vehicles due to the operational needs for the city; and

WHEREAS, these types of loaders should have an expected useful life of seven (7) to ten (10) years; and

WHEREAS, the vehicles only had a one-year warranty period and over the last few years, these loaders have had continuous failure issues which includes failed head gaskets, blown engines, air conditioning failures, hydraulic system failures and significant downtime of service usage; and

WHEREAS, City staff are currently working with our City Attorney's office to evaluate any course of action related to this purchase and the original purchase price for all four (4) Loaders was $372,569.88; and

WHEREAS, the City Manager authorized the Purchasing Manager on October 16, 2024, and November 19, 2024, to solicit the procurement for four (4) Compact Front (Wheel) Loaders for the Solid Waste Division; and

WHEREAS, in Spring 2020, Sourcewell issued Request for Proposal (RFP) #060920 for Class 4-8 Chassis with Related Equipment, Accessories, and Services and

the RFP was advertised through the State Media Company, Utah Media Group, USA Today, South Carolina's The State, Biddingo Merx, The New York State Contract Reporter, PublicPurchase.com, Oregon's Daily Journal of Commerce and through the Sourcewell public website; and

WHEREAS, on June 9, 2020, the bid opening was conducted electronically through the Sourcewell procurement portal; and

WHEREAS, twenty-five (25) bids were received, and based on the highest scored proposal, four (4) proposals were awarded under Sourcewell Contract #062320-CAT which includes the Compact Front (Wheel) Loader; and

WHEREAS, based on the highest scored proposal, City staff recommends awarding to Holt of CA, Modesto, CA for the purchase of four (4) Compact Front (Wheel) Loaders in the amount not to exceed $591,340; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $100,000 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 a procurement for the City at the lowest possible cost commensurate with the desired quality."; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; and

WHEREAS, by utilizing Sourcewell and the public agencies bidding process, the City is complying with the requirements defined under this code for the four (4) Compact Front (Wheel) Loaders.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Competitive Bidding Process from Sourcewell to purchase four (4) Compact Front (Wheel) Loader with Caterpillar Inc. under the authorized dealer, Holt of California, Modesto, CA, for an original purchase price in the amount of $626,380 including a price reduction of $35,040 due to rental fees for a revised purchase price in the amount not to exceed $591,340.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, to execute the Purchase Order, 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 March, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-94

RESOLUTION APPROVING AN OPERATING AGREEMENT BETWEEN THE CITY OF MODESTO AND OUTFRONT MEDIA LLC, FOR THE INSTALLATION OF A DIGITAL FREEWAY BILLBOARD ON PROPERTY LOCATED AT 2024 W. ORANGEBURG AVENUE AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, Modesto Municipal Code Section 10-6.108 (f) (3) allows digital freeway billboard along State Highway 99 subject to a conditional use permit approval which requires a recommendation by the Planning Commission to the City Council and with final approval authority by City Council; and

WHEREAS, Modesto Municipal Code Section 10-6.108 (f) (3) (iii) (c) allows for the applicant and the City of Modesto (City) to enter into an operating agreement in conjunction with a conditional use permit for a digital freeway billboard with approval authority by the City Council; and

WHEREAS, Outdoor Media LLC (Outdoor Media) applied for conditional use permit to install one digital freeway billboard on property located at 2024 W. Orangeburg Avenue; and

WHEREAS, Outfront Media submitted an Operating Agreement in conjunction with a conditional use permit for a digital freeway billboard regarding the removal of four existing billboards, provisions regarding community messaging, and contributions of 1% of gross receipts from the digital freeway billboard to the City for enhancing levels of service and supporting the City's effort to beautify public spaces; and

WHEREAS, if relocation of the Digital Freeway Billboard is required to accommodate the Briggsmore-Carpenter Interchange Project within five (5) years of the initial date of Operation of the Digital Freeway Billboard, and if this Agreement is still in

effect, the City agrees to reimburse Outfront Media up to $100,000 of the actual costs of relocating the Digital Freeway Billboard to another location within the Property; and

WHEREAS, if relocation of the Digital Freeway Billboard is required to accommodate the Briggsmore-Carpenter Interchange Project at any time more than five (5) years after the initial date of Operation of the Digital Freeway Billboard, Outfront Media will bear the costs of relocating the Digital Freeway Billboard; and

WHEREAS, after a public hearing, the Planning Commission on January 27, 2025, by Resolution No. 2025-01, recommended to the City Council approval of a conditional use permit for a digital freeway billboard on property located at 2024 W. Orangeburg Avenue; and

WHEREAS, said matter was set for a public hearing of the City Council to be held on March 11, 2025, 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 for the purpose of considering the conditional use permit for a digital freeway billboard on property located at 2024 W. Orangeburg Avenue; and

WHEREAS, after a public hearing, the City Council on March 11, 2025, by Resolution No. 2025-xx, approved the conditional use permit for a digital freeway billboard on property located at 2024 W. Orangeburg Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines as follows:

The proposed operating agreement achieves community benefits by the reduction of four old and outmoded billboards, providing the City community messaging on the new digital freeway billboard, and providing profit sharing.

BE IT FURTHER RESOLVED by the Council of the City of Modesto an operating agreement between the City of Modesto and Outfront Media LLC, the installation of a digital freeway billboard on property located at 2024 W. Orangeburg Avenue.

BE IT FURTHER RESOLVED that the City Manager or designee is hereby authorized to execute said 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 11th day of March, 2025, by Councilmember Alvarez, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-95

RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A DIGITAL FREEWAY BILLBOARD LOCATED AT 2024 W. ORANGEBURG AVENUE (OUTFRONT MEDIA)

WHEREAS, Modesto Municipal Code Section 10-6.108 (f) (3) allows a Digital Freeway Billboard along California State Highway 99 subject to a Conditional Use Permit approval which requires a recommendation by the Planning Commission to the City Council and final approval by the City Council, and

WHEREAS, an application for a Conditional Use Permit for a digital freeway billboard located at 2024 W. Orangeburg Ave., was filed by Outfront Media on August 16, 2024, whereby an existing freeway billboard is to be removed and replaced by a new digital freeway billboard in accordance to Modesto Municipal Code Section 10-6.108(f)(3), and

WHEREAS, the project is categorically exempt under CEQA Guidelines Section 15302, which exempts replacement or reconstruction of a commercial structure with a new structure of substantially the same size, purpose and capacity, and

WHEREAS, said matter was considered by the Planning Commission at a duly noticed public hearing which was held on January 27, 2025, whereupon the Planning Commission also considered the Notice of Exemption for the project, EA/C&ED No. 2024-31, which states that the project is categorically exempt under CEQA Guidelines Section 15302 (Replacement or Reconstruction), and

WHEREAS, after said public hearing, the Planning Commission adopted Resolution No. 2025-01 recommending to the City Council approval of a Conditional

Use Permit for a Digital Freeway Billboard on property located at 2024 W. Orangeburg Avenue, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on March 11, 2025, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing of the City Council was held.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby finds and determines as follows:

1. The proposed Conditional Use Permit is consistent with the objectives and requirements of Title 10 (Zoning Regulations) because the Code allows Digital Freeway Billboards along the State Highway 99.
2. The proposed Conditional Use and the conditions under which it will operate are consistent with the General Plan because digital freeway billboards contribute to economic development through advertising.
3. The proposed conditional use will not be detrimental to public health, safety, or welfare, or materially injurious to uses, properties, or improvements in the vicinity because the digital freeway billboard will be required to meet all applicable Zoning and Building Codes. The Zoning Code includes standards that will address the visual impacts of billboards by limiting the location and level of brightness.
4. The proposed conditions of approval will ensure compatibility with the surrounding uses because the digital freeway billboard will be required to

operate in accordance with the City's Zoning Code which limits message movement, duration, and brightness.

5. The proposed digital freeway billboard will not create a hazard to vehicular or pedestrian traffic since the sign structure will not disrupt vehicular or pedestrian traffic flow on the site. Additionally, the sign is required to display only static messages and will have to meet brightness level and duration requirements that will minimize distraction to drivers on the highway or nearby streets.

6. The advertising on the digital freeway billboard will conform to the Outdoor Advertising Act in the California Business and Professions Code and other applicable state and federal rules and regulations. The California Department of Transportation requires the applicant to obtain a permit from the Office of Outdoor Advertising.

7. The digital freeway billboard will result in a public benefit to the City in the form of increased aesthetics, safety, and/or economic revitalization efforts for the City's commercial centers through signage. The public benefit outweighs any adverse impacts, such as light pollution or visual impact that might be caused by the advertising display. There is a community benefit from the removal of four non-digital billboards within the City's Sphere of Influence in exchange for the new digital freeway billboard, and through the provision of community advertising on the proposed digital billboard.

BE IT FURTHER RESOLVED by the Council that the Conditional Use Permit for a new digital freeway billboard at 2024 W. Orangeburg Avenue is approved subject to the following conditions:

1. All development shall conform to the plans from Outfront Media Labeled "Site Plan for Outfront Media Inc 2024 West Orangeburg Ave" stamped and approved by the City Council.
2. The digital freeway billboard shall be located and operated in conformance with all requirements and limitations outlined in Section 10-6.108(f)(3)(iii) of the Modesto Municipal Code.
3. The Operating Agreement between the City of Modesto and Outfront Media for the digital freeway billboard at 2024 W. Orangeburg Avenue shall be executed prior to the issuance of a building permit. The removal of the four billboards identified in the Operating Agreement shall be completed prior to the building permit being finalized.
4. Outfront Media shall obtain a permit from the California Department of Transportation Office of Outdoor Advertising prior to the issuance of a building permit.
5. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the City Engineer or designee.
6. The property owner and developer shall, at their sole expense, defend, with counsel selected be the City, 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.

Failure to comply with any of the above conditions is unlawful and will constitute grounds for revocation of the Conditional Use Permit.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of March, 2025, by Councilmember Alvarez, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-96

RESOLUTION DECLARING THE FORMATION OF CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2025-1 (KIERNAN BUSINESS PARK SOUTH #2), CONDITIONALLY AUTHORIZING THE LEVY OF SPECIAL TAXES THEREIN

WHEREAS, on May 1, 2012, the City established the City of Modesto Community Facilities District No. 2012-1 (Kiernan Business Park South) ("CFD No. 2012-1") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"); and

WHEREAS, on January 28, 2025, pursuant to a petition filed by certain property owners (collectively, the "Petitioners"), this City Council adopted Resolution No. 2025-41 (the "Resolution of Intention"), stating its intention to form City of Modesto Community Facilities District No. 2025-1 (Kiernan Business Park South #2) (the "Community Facilities District"), to replace CFD No. 2012-1, all pursuant to the Act; and

WHEREAS, a copy of the Resolution of Intention, setting forth (a) the description of the proposed boundaries of the Community Facilities District for the Community Facilities District, (b) the description of the proposed facilities and services to be financed by the Community Facilities District, (c) the rate and method of apportionment of the annual maintenance special taxes and one-time facilities special tax proposed to be levied within the Community Facilities District, and (d) setting a public hearing to consider this matter, is on file with the City Clerk and is incorporated herein by reference; and

WHEREAS, the City Clerk has confirmed that a notice was published and mailed as required by law relative to the intention of the City to form the Community Facilities District at a public hearing to be held on March 11, 2025; and

WHEREAS, there has been filed with the City Clerk a report containing a description of the facilities and services necessary to meet the needs of the Community Facilities District and an estimate of the cost of such facilities and services as required by Section 53321.5 of the Government Code (the "Report"); and

WHEREAS, the City Council has held a public hearing on this same date as required by law to determine whether it should proceed with the formation of the Community Facilities District, and the authorization of the rate and method of apportionment of special taxes to be levied within the Community Facilities District for the purposes described in the aforesaid resolution; and

WHEREAS, at said hearing all persons desiring to be heard on all matters pertaining to the Community Facilities District were heard, and a full and fair hearing was held; and

WHEREAS, at the public hearing evidence was presented to the City Council on the matters before it, and there was not precluded by a majority protest of the type described in Government Code Sections 53324 and 53339.6, and the City Council is sufficiently advised as to all matters relating to the formation of the Community Facilities District, and the levy of special taxes; and

WHEREAS, there have been fewer than twelve (12) registered voters residing in the proposed boundaries of the Community Facilities District for the statutory period, and the qualified electors in the Community Facilities District are the landowners the Community Facilities District; and

WHEREAS, on the basis of all of the foregoing, the City Council has determined at this time to proceed with the establishment of the Community Facilities District and to

call an election therein to authorize (i) the levy of special taxes pursuant to the rate and method of apportionment of special tax, as set forth in the Rate and Method of Apportionment of Special Tax (the "Rate and Method") **attached** hereto as **Attachment A**.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds and determines as follows:

SECTION 1. The above recitals are true and correct.

SECTION 2. A community facilities district designated "City of Modesto Community Facilities District No. 2025-1 (Kiernan Business Park South #2)" is hereby established pursuant to the Act. The City Council hereby finds and determines that all prior proceedings taken with respect to the establishment of the Community Facilities District were valid and in conformity with the requirements of law, including the Act. This finding is made in accordance with the provisions of Section 53325.1(b) of the Act.

SECTION 3. The boundaries of the Community Facilities District, are established as shown on the map designated "Map of Proposed Boundaries of the City of Modesto Community Facilities District No. 2025-1 (Kiernan Business Park South #2)," which map is on file in the office of the City Clerk and, pursuant to Sections 3111 and 3113 of the Streets and Highways Code, was recorded in the Book of Maps of Assessment and Community Facilities Districts in the Office of the County Recorder of Stanislaus County in Book No. 7, at Page 39 as Instrument No. DOC-2025-0004541.

SECTION 4. The facilities and services authorized to be paid for within the Community Facilities District are services or facilities, as the case may be, which the City is authorized by law to construct, acquire, own and operate, or to provide, as set forth in

Appendix A to the Resolution of Intention (the "Facilities and Services"), including all costs associated with the creation of the Community Facilities District and administering the Community Facilities District and any debt obligations of the Community Facilities District (collectively, the "Incidental Expenses"). The City Council hereby finds that the Facilities and Services are necessary to meet increased demands put upon the City as a result of the new development within the Community Facilities District.

SECTION 5. It is the intention of the City Council, subject to the approval of the qualified electors within the Community Facilities District, to levy the proposed special taxes at the rates set forth in the Rate and Method on all non-exempt property within the Community Facilities District sufficient to pay for all or a portion of (i) the Facilities, (ii) the Services, and (iii) the Incidental Expenses.

The City expects to incur, and in certain cases has already incurred, Incidental Expenses in connection with the creation of the Community Facilities District, the levying and collecting of the facilities special taxes, the provision of the Services, the completion and inspection of the Facilities and the annual administration of the Community Facilities District. The Rate and Method is described in detail on **Attachment A** hereto and incorporated herein by this reference, and the City Council hereby finds that the Rate and Method contains sufficient detail to allow each landowner within the Community Facilities District to estimate the maximum amount that may be levied against each parcel. As described in greater detail in the Report, which is incorporated by reference herein, the special taxes are based generally on area of each parcel of real property within the Community Facilities District (except to the extent that certain single family detached lots may be taxed at the same rate regardless of land area)

and, accordingly, is hereby determined to be reasonable. The special taxes are apportioned to each parcel on the foregoing basis pursuant to Section 53325.3 of the Act, and such special taxes are not on or based upon the ownership of real property.

Under no circumstances shall the special taxes against any parcel used for private residential purposes be increased by more than 10% as a consequence of delinquency or default by the owner of any other parcel or parcels within the Community Facilities District.

The City's Community Development Manager, located at 1010 Tenth Street, Modesto, California 95353, telephone number (209) 577-5211, will be responsible for preparing annually, or authorizing a designee to prepare, a current roll of special tax levy obligations by assessor's parcel number and will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Act.

SECTION 6. In the event that a portion of the property within the Community Facilities District shall become for any reason exempt, wholly or partially, from the levy of the special taxes specified in the Rate and Method, the City Council shall, on behalf of the Community Facilities District, increase the levy (to the extent necessary and permitted by law and these proceedings) upon the remaining property within the Community Facilities District, which is not exempt in order to prevent the Community Facilities District from defaulting on any of its other obligations or liabilities. The amount of the special taxes will be set in accordance with the Rate and Method.

Pursuant to Section 53340 of the Act, and except as provided in Section 53317.3 of the Act or in the Rate and Method, properties of entities of the state, federal, and local governments shall be exempt from the levy of the special taxes.

SECTION 7. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code, a continuing lien to secure each levy of the special taxes shall attach to all non-exempt real property in the Community Facilities District, and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the special tax by the Community Facilities District ceases.

SECTION 8. The City may accept advances of funds or work-in-kind from any source, including, but not limited to, the Petitioner and other private persons or private entities, for any authorized purpose, including, but not limited to, paying any cost incurred by it in creating the Community Facilities District.

The City may enter into an agreement with the person or entity advancing the funds or work-in-kind, to repay all or a portion of the funds advanced, or to reimburse the person or entity for the value, or cost, whichever is less, of the work-in-kind, as determined by the City, with or without interest.

The form of the Acquisition and Shortfall Agreement presented at this meeting and on file with the City Clerk be and is hereby approved, with such changes as may be approved by the Mayor, City Manager or Finance Director, said officer's execution thereof to evidence approval of the changes. The Mayor, City Manager or Finance Director is hereby authorized and directed to execute the Acquisition and Shortfall Agreement on behalf of the Community Facilities District with such execution to be attested to by the City Clerk.

SECTION 9. Written protests against the establishment of the Community Facilities District have not been filed by one-half or more registered voters within the

boundaries of the Community Facilities District, or by the property owners of one-half (1/2) or more of the area of land within the Community Facilities District. The City Council hereby finds that the proposed special taxes have not been precluded by a majority protest pursuant to Section 53324 of the Act.

SECTION 10. Subject to voter approval required by the Act (as defined in Section 8(h) of Article XIII B of the California Constitution) of the Community Facilities District is hereby established through the Rate and Method of Apportionment, as adjusted for changes in the cost of living and changes in population.

SECTION 11. An election will be called for the Community Facilities District on the propositions of levying the special taxes on the property within the Community Facilities District pursuant to Section 53325.7 of the Act. The City Clerk shall conduct the election.

SECTION 12. Pursuant to and in compliance with the provisions of Government Code Section 50075.1, and the provisions of Article 1.5 (commencing with Section 53410) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code, the City Council hereby establishes the following accountability measures pertaining to the levy by the Community Facilities District of the special taxes:

a. Such special taxes shall be levied for the specific purposes set forth in Section 4 hereof.

b. The proceeds of the levy of such special taxes shall be applied only to the specific purposes set forth in Sections 4 and 5 hereof.

c. The District shall establish accounts into which the proceeds of such special taxes shall be deposited.

d. The City Manager or Finance Director will provide for such accounting and reporting for the special taxes as required by law.

e. The City Manager, or his or her designee, acting for and on behalf of the Community Facilities District, shall annually file a report with the City Council as required pursuant to Government Code Sections 50075.3 and 53411.

SECTION 13. The preparation of the Report is hereby ratified. The Report, as submitted, is hereby approved and is made a part of the record of the public hearing regarding the formation of the Community Facilities District, and is ordered to be kept on file with the transcript of these proceedings and open for public inspection. This City Council now finds and determines that all proceedings up to and including the adoption of this resolution were and are valid and in conformity with the requirements of the Act.

SECTION 14. Following the authorization of the Special Taxes for the Community Facilities District in the special election, the City shall cause CFD No. 2012-1 to be dissolved and cause a notice of cessation of special tax to be recorded in connection with CFD No. 2012-1.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of March, 2025, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

APPENDIX A

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2025-1
(KIERNAN BUSINESS PARK SOUTH #2)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

Special Taxes applicable to each Assessor's Parcel in the City of Modesto Community Facilities District No. 2025-1 (Kiernan Business Park South #2) shall be levied and collected according to the tax liability determined by the City Council through the application of the appropriate amount or rate for Taxable Property, as described below. All property in the CFD, unless exempted by law or by the provisions of Section G below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed into the CFD unless a separate Rate and Method of Apportionment is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre" or "Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map or other Development Plan.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, (commencing with Section 53311), Part 1, Division 2 of Title 5 of the California Government Code.

"Administrative Expenses" means any or all of the following: the expenses of the City in carrying out its duties with respect to the CFD, including, but not limited to, the levy and collection of Special Taxes, the fees and expenses of its counsel, charges levied by the County in connection with the levy and collection of Special Taxes, costs related to property owner inquiries regarding the Special Taxes, costs associated with appeals or requests for interpretation associated with the Special Taxes and this RMA, costs associated with foreclosure and collection of delinquent Special Taxes, and all other costs and expenses of the City in any way related to the establishment or administration of the CFD.

"Administrator" means the person or firm designated by the City to administer the Special Taxes according to this RMA.

"Annual Maintenance Special Tax" means a special tax levied in any Fiscal Year to pay the Maintenance Special Tax Requirement, as defined below.

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

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

"Assessor's Parcel Number" means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Facilities" means the public facilities authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

"Authorized Services" means the public services authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

"Building Permit" means a permit that allows for vertical construction of a building or buildings, which shall not include a separate permit issued for construction of the foundation thereof.

"CFD" means the City of Modesto Community Facilities District No. 2025-1 (Kiernan Business Park South #2).

"CFD Formation" means the date on which the Resolution of Formation to form the CFD was adopted by the City Council.

"City" means the City of Modesto.

"City Council" means the City Council of the City of Modesto, acting as the legislative body of the CFD.

"County" means the County of Stanislaus.

"Developed Property" means, in any Fiscal Year, the following:

For purposes of levying the Annual Maintenance Special Tax:

- for Single Family Detached Property, all Parcels for which a Final Map was recorded prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2024;

- for Single Family Attached Property, all Parcels for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2024;

- for Other Property, all parcels for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year.

For purposes of levying the One-Time Facilities Special Tax: all Parcels for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year.

"Development Class" means, individually, Developed Property and Undeveloped Property.

"Development Plan" means a condominium plan, apartment plan, site plan or other development plan that identifies such information as the type of structure, the

acreage, the square footage, and/or the number of Units that will be developed on Single Family Attached Property or Other Property.

"Escalation Factor" means, in any Fiscal Year, the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%).

"Final Map" means a final map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq*) that creates Single Family Detached Lots. The term "Final Map" shall not include any large-lot subdivision map, Assessor's Parcel Map, or subdivision map or portion thereof, that does not create Single Family Detached Lots, including Assessor's Parcels that are designated as remainder parcels.

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

"Future Annexation Area" means that geographic area that, at the time of CFD Formation, was considered potential annexation area for the CFD and which was, therefore, identified as "future annexation area" on the recorded CFD boundary map. Such designation does not mean that any or all of the Future Annexation Area will annex into the CFD, but should property designated as Future Annexation Area choose to annex, the annexation may be processed pursuant to the streamlined annexation procedures provided in the Act.

"Maintenance Special Tax Requirement" means the amount of revenue needed in any Fiscal Year to pay for: (i) Authorized Services, (ii) establishment of reserves, (iii) Administrative Expenses, and (iv) amounts needed to cure any delinquencies in the payment of Annual Maintenance Special Taxes which have occurred in prior Fiscal Years.

"**Maximum Annual Maintenance Special Tax"** means the greatest amount of Annual Maintenance Special Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordance with Sections C and D below.

"**Maximum One-Time Facilities Special Tax"** means the greatest amount of One-Time Facilities Special Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordance with Sections C and D below.

"Maximum Special Taxes" means, collectively, the Maximum One-Time Facilities Special Tax and Maximum Annual Maintenance Special Tax.

"One-Time Facilities Special Tax" means a special tax, levied on Taxable Property to pay the One-Time Facilities Special Tax Requirement and collected by the City prior to a Building Permit being issued on a Parcel of Taxable Property.

"One-Time Facilities Special Tax Requirement" means, for a Parcel of Taxable Property in the CFD, the amount needed to pay the Parcel's share of the cost of Authorized Facilities as determined by the City, which amount shall not exceed the Maximum One-Time Facilities Special Tax assigned to the Parcel pursuant to this RMA.

"Original Parcel" means an Assessor's Parcel in the CFD at the time of CFD Formation, or added to the CFD upon annexation, as identified in Attachment 1 (which shall be updated after each annexation). A Successor Parcel that is being further subdivided shall also be considered an Original Parcel for purposes of determining the Maximum Special Taxes pursuant to Section C below.

"Owners Association" means a homeowners association or property owners association that provides services to, and collects assessments, fees, dues, or charges from, property within the CFD.

"Owners Association Property" means any property within the boundaries of the CFD that is owned in fee or through easement by the Owners Association, not including any such property that is located directly under a residential structure.

"Other Property" means any Parcel of Developed Property in the CFD that is not Single Family Attached Property or Single Family Detached Property.

"Proportionately" means, for each Development Class, that the ratio of the actual Annual Maintenance Special Tax levied in any Fiscal Year to the Maximum Annual Maintenance Special Tax authorized to be levied in that Fiscal Year is equal for all parcels assigned to the Development Class.

"Public Property" means any property within the boundaries of the CFD that is owned by the federal government, State of California, County, City, or other public agency.

"Resultant Parcel" means one of the legal parcels created as a result of the lot line adjustment recorded with the Stanislaus County Recorder on October 25, 2024 as document #2024-0051886.

"RMA" means this Rate and Method of Apportionment of Special Taxes.

"SFD Unit" means a residential dwelling unit that does not share a common wall with another residential dwelling unit.

"Single Family Attached Property" means, in any Fiscal Year, all Parcels of Developed Property for which a building permit was issued for construction of a residential structure consisting of two or more Units that share common walls and are offered as for-sale Units, including such residential

structures that meet the statutory definition of a condominium contained in Civil Code Section 1351.

"Single Family Detached Lot" means an individual residential lot, identified and numbered on a recorded Final Map, on which a Building Permit has been or is permitted to be issued for construction of an SFD Unit without further subdivision of the lot and for which no further subdivision of the lot is anticipated pursuant to an approved Tentative Map.

"Single Family Detached Property" means, in any Fiscal Year, all Parcels of Developed Property for which a Building Permit was issued or will be issued for construction of a SFD Unit.

"Special Taxes" means, collectively, the One-Time Facilities Special Tax and the Annual Maintenance Special Tax.

"Subdivision Map" means a Final Map, large lot subdivision map, or other map recorded with the County that results in the subdivision of an Original Parcel into two or more Successor Parcels.

"Successor Parcel" means an Assessor's Parcel of Taxable Property created by the subdivision or reconfiguration of an Original Parcel on which construction of a residential or non-residential structure is permitted.

"Taxable Property" means all Assessor's Parcels within the boundaries of the CFD that are not exempt from the Special Tax pursuant to law or Section G below.

"Tentative Map" means a tentative map or substantial conformance exhibit for property in the CFD, including any adjustments or amendments thereto.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property within the CFD that are not Developed Property.

"Unit" means (i) for Single Family Detached Property, an SFD Unit and (ii) for Single Family Attached Property, an individual residential unit within a duplex, triplex, fourplex, townhome, or condominium structure.

B. DATA FOR ANNUAL ADMINISTRATION

On or about July 1 of each Fiscal Year, the Administrator shall identify the current Assessor's Parcel numbers for all Parcels of Taxable Property. The Administrator shall also: (i) assign each Parcel of Taxable Property to the appropriate Development Class; (ii) determine whether each Assessor's Parcel of Taxable Property is Developed Property or Undeveloped Property, (iii) for Developed Property, categorize each Parcel as Single Family Detached Property, Single Family Attached Property, or Other Property, (iv) for Parcels of Single Family Attached Property, determine the number of Units on each Parcel, (v) for Other Property, determine the Acreage of each Parcel, and (vi) determine the Maintenance Special Tax Requirement.

For Single Family Attached Property, the number of Units shall be determined by referencing the relevant Development Plan. If, in any Fiscal Year, an Assessor's Parcel includes both Developed

Property and Undeveloped Property, the Administrator shall determine the acreage associated with the Developed Property, subtract this acreage from the total Acreage of the Assessor's Parcel, and use the remaining acreage to calculate the Special Tax that will apply to Undeveloped Property within the Assessor's Parcel. The Special Tax shall then be calculated for Developed Property on the Parcel, and the total Special Tax levied on the Assessor's Parcel shall be the sum of the Special Taxes determined separately for the Undeveloped Property and Developed Property on the Parcel.

C. CALCULATING THE MAXIMUM SPECIAL TAXES

The Administrator shall use the procedures set forth below to calculate the Maximum Special Taxes for each Parcel in the CFD in each Fiscal Year.

1. Original Parcels

The Maximum Special Taxes for each Original Parcel in the CFD as of CFD Formation are identified in Attachment 1. Attachment 1 will be updated by the Administrator as needed to reflect Original Parcels added to the CFD due to annexations.

2. Successor Parcels

a. *All Successor Parcels are Single Family Detached Lots*

If the Parcels created by a recorded Subdivision Map are all Single Family Detached Lots, the Administrator shall apply the following steps to allocate the Maximum Special Taxes assigned to the Original Parcel to each of the Successor Parcels created by the subdivision:

Step 1: Identify the Maximum Special Taxes assigned to the Original Parcel;

Step 2: Divide the Maximum Special Taxes from Step 1 by the number of Single Family Detached Lots created by the Subdivision Map to determine the Maximum Special Taxes for each Single Family Detached Lot.

b. *No Successor Parcels are Single Family Detached Lots*

If none of the Successor Parcels created by recordation of a Subdivision Map are Single Family Detached Lots, the Administrator shall apply the following steps to allocate the Maximum Special Taxes assigned to the Original Parcel to each of the Successor Parcels:

Step 1: Identify the Maximum Special Taxes assigned to the Original Parcel;

Step 2: Determine the total Acreage of Taxable Property created by subdivision of the Original Parcel;

Step 3: Divide the Maximum Special Taxes from Step 1 by the Acreage from Step 2 to calculate Maximum Special Taxes per acre;

Step 4: Multiply the per-acre Maximum Special Taxes from Step 3 by the Acreage in each Successor Parcel to calculate the Maximum Special Taxes for each Successor Parcel.

If, after subdivision of an Original Parcel, a Successor Parcel is further subdivided, the Successor Parcel shall be treated as an Original Parcel for purposes of allocating Maximum Special Taxes pursuant to Section C.2a, C.2b, or C.2c, as appropriate.

c. ***Some, But Not All, Successor Parcels are Single Family Detached Lots***

If a Subdivision Map divides an Original Parcel into Successor Parcels, of which some are Single Family Detached Lots and some are not, the Administrator shall apply the following steps to allocate the Maximum Special Taxes assigned to the Original Parcel to each of the Successor Parcels:

Step 1: Identify the Maximum Special Taxes assigned to the Original Parcel;

Step 2: Determine the total Acreage of Taxable Property created by subdivision of the Original Parcel;

Step 3: Determine the total Acreage of Single Family Detached Property created by the subdivision by taking the sum of the Acreage in the individual Single Family Detached Lots;

Step 4: Divide the Maximum Special Taxes from Step 1 by the Acreage calculated in Step 2 to calculate Maximum Special Taxes per Acre;

Step 5: Multiply the per-acre Maximum Special Taxes calculated in Step 4 by the Acreage of Single Family Detached Property calculated in Step 3 to determine the total Maximum Special Taxes to be assigned to the Single Family Detached Property created by the subdivision;

Step 6: Divide the amount calculated in Step 5 by the number of Single Family Detached Lots created by the subdivision to determine the Maximum Special Taxes for each Single Family Detached Lot;

Step 7: Multiply the per-acre Maximum Special Taxes calculated in Step 4 by the Acreage of each Successor Parcel that is not Single Family Detached Property to calculate the Maximum Special Taxes for such Parcels.

If, after subdivision of an Original Parcel, a Successor Parcel is further subdivided, the Successor Parcel shall be treated as an Original Parcel for purposes of allocating Maximum Special Taxes pursuant to Section C.2a, C.2b, or C.2c, as appropriate.

After each reallocation of the Maximum Special Taxes upon subdivision or reconfiguration of Original Parcels, the sum of the Maximum Special Taxes assigned to Successor Parcels shall never be less than the Maximum Special Taxes assigned to the Original Parcels prior to such reallocation.

D. ESCALATION OF MAXIMUM SPECIAL TAXES

1. One-Time Facilities Special Tax

Beginning in January 2025 and each January thereafter, the Maximum One-Time Facilities Special Tax assigned to each Parcel shall be adjusted by the Escalation Factor. Each annual adjustment of the Maximum One-Time Facilities Special Tax shall become effective on the subsequent July 1.

2. Annual Maintenance Special Tax

Beginning in January 2025 and each January thereafter, the Maximum Annual Maintenance Special Tax shall be adjusted by the Escalation Factor. Each annual adjustment of the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

E. METHOD OF LEVY OF SPECIAL TAXES

1. One-Time Facilities Special Tax

Prior to issuance of a Building Permit for a Parcel of Taxable Property, the One-Time Facilities Special Tax shall be levied on the Parcel in the amount of the One-Time Special Tax Requirement for the Parcel, as determined by the City.

2. Annual Maintenance Special Tax

Each Fiscal Year, the Administrator shall determine the Maintenance Special Tax Requirement for that Fiscal Year. The Annual Maintenance Special Tax shall then be levied on all Parcels of Taxable Property as follows:

Step 1: The Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Developed Property within the CFD up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel for such Fiscal Year;

Step 2: If additional revenue is needed after Step 1, the Annual Maintenance Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property within the CFD, up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Undeveloped Property for such Fiscal Year.

F. COLLECTION OF SPECIAL TAXES

The One-Time Facilities Special Tax shall be collected prior to a Building Permit being issued for any residential or non-residential structure on Taxable Property and shall be immediately delinquent if not so paid.

The Annual Maintenance Special Tax shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Annual Maintenance Special Taxes through foreclosure or other available methods. The Annual Maintenance Special Tax will continue to be levied and collected unless and until the City determines that Annual Maintenance Special Tax revenues are no longer needed to pay for Authorized Services.

G. EXEMPTIONS

No Special Taxes shall be levied on Public Property or Owners Association Property, as defined herein. Notwithstanding the foregoing, if in any Fiscal Year, a Parcel of Public Property is converted to private use, such Parcel shall be subject to the levy of Special Taxes. In such case, the City shall determine the appropriate Maximum Special Taxes for the Parcel based on the land uses to be constructed on the Parcel.

H. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the rate and method of apportioning the Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City by ordinance or resolution for purposes of clarifying any vagueness or ambiguity in this RMA.

ATTACHMENT 1

CITY OF MODESTO

COMMUNITY FACILITIES DISTRICT NO. 2025-1

(KIERNAN BUSINESS PARK SOUTH #2)

Maximum Special Taxes Assigned to Each Original Parcel

Assessor's Parcel Number	Fiscal Year 2024-25 Maximum One-Time Facilities Special Tax [1]	Fiscal Year 2024-25 Maximum Annual Maintenance Special Tax [2]
078-018-018	$91,059	$2,323
078-018-031	$1,315,865	$33,567
078-018-035	$843,408	$21,515
078-018-036	$0	$5,084
Resultant Parcel #1	$929,241	$23,705
Resultant Parcel #2	$1,047,916	$26,732
Resultant Parcel #3	$653,828	$16,679

1. Beginning in January 2025 and each January thereafter, the Maximum One-Time Facilities Special Tax shall be adjusted by the Escalation Factor. Each annual adjustment of the Maximum One-Time Facilities Special Tax shall become effective on the subsequent July 1.

2. Beginning January 2025 and each January thereafter, the Maximum Annual Maintenance Special Tax shall be adjusted annually by the Escalation Factor. Each annual adjustment of the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-97

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO.2025-1 (KIERNAN BUSINESS PARK SOUTH #2), CALLING FOR A SPECIAL ELECTION

WHEREAS, the City Council (the "City Council") of the City of Modesto (the "City"), has heretofore adopted Resolution No. 2025-41 (the "Resolution of Intention"), stating the City Council's intention to establish City of Modesto Community Facilities District No. 2025-1 (Kiernan Business Park South #2) (the "Community Facilities District") to replace City of Modesto Community Facilities District No. 2012-1 (Kiernan Business Park South) ("CFD No. 2012-1"), pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code of the State of California (the "Act"); and

WHEREAS, on March 11, 2025, the City Council held a public hearing as required by law and the Act on all matters pertaining to the formation of the Community Facilities District, the special taxes relating to the Community Facilities District (the "Special Taxes"), including the special tax for certain facilities (the "One-Time Facilities Special Tax") and the special tax for certain services (the "Annual Maintenance Special Tax") within the Community Facilities District, the description of the authorized facilities (the "Facilities") and the authorized services (the "Services"); and

WHEREAS, at said hearing all persons not exempt from the special taxes of the Community Facilities District desiring to be heard on all matters pertaining to the Community Facilities District were heard and a full and fair hearing was held, and such matters were not precluded by a majority protest; and

WHEREAS, following said public hearing, the City Council adopted its resolution establishing the Community Facilities District, authorizing the levy of the Special Taxes within the Community Facilities District to fund the Facilities and Services (the "Resolution of Formation"); and

WHEREAS, the map of the boundaries of the Community Facilities District (the "Map") has been recorded in the Office of the County Recorder of Stanislaus County, California in Book 7, Page 39 of the Book of Maps of Assessment and Community Facilities Districts, as Document Number 2025-0004541; and

WHEREAS, pursuant to the provisions of the Resolution of Formation and this Resolution, the City Council wishes to present to the qualified electors of the Community Facilities District propositions for the levy of the Special Taxes on property within the Community Facilities District as defined by subdivision (h) of Section 8 of Article XIIIB of the California Constitution.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto, acting as the legislative body of the City of Modesto Community Facilities District No. 2025-1 (Kiernan Business Park South #2), hereby finds and determines as follows:

SECTION 1. The above recitals are true and correct and are incorporated herein by reference.

SECTION 2. Pursuant to the Act the propositions to authorize the levy of special taxes within the Community Facilities District shall be combined into one ballot proposition and submitted to the qualified electors of the Community Facilities District as provided herein.

SECTION 3. The City Council has heretofore found that fewer than twelve (12) persons have been registered to vote within the territory of the Community Facilities District for the ninety (90) days preceding the close of the public hearing heretofore held by the City Council for the purposes of these proceedings. Accordingly, the vote shall be by the land owners of the Community Facilities District, and each owner of record at the close of such public hearing, or the authorized representative thereof, shall have one (1) vote for each acre or portion of an acre that he or she owns within the Community Facilities District.

SECTION 4. The date of the election shall be March 11, 2025, and the City Clerk shall conduct the election. The election shall be conducted by personally delivered or mailed ballots and in accordance with the provisions of law regulating elections of the City insofar as such provisions are determined by the City Clerk to be applicable. The voted ballots shall be returned to the City Clerk no later than 5:30 p.m. on March 11, 2025; provided that if all of the qualified electors have voted prior to such time, the election may be closed by the City Clerk.

SECTION 5. The form of the ballot for the election is **attached** hereto as **Attachment A** and by this reference incorporated herein. The City Clerk shall cause to be delivered to each of the qualified electors of the Community Facilities District a ballot in said form. Each ballot shall indicate the number of votes to be voted by the respective elector based upon the number of acres of land owned by such elector as set forth above. The identification envelope for return of the ballot shall been closed with the ballot, shall have the postage prepaid and shall contain (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the elector is the owner of record, or

the authorized representative thereof, and is the person whose name appears on the identification envelope, (c) the printed name, signature and address of the elector, (d) the date of signing and place of execution of the declaration described above and (e) a notice that the envelope contains an official ballot and is to be opened only by the canvassing board. Analysis and arguments with respect to the ballot proposition are hereby waived.

SECTION 6. The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk to and including 5:30 p.m. on March 11, 2025, whether said ballots shall be personally delivered or received by mail.

SECTION 7. There is on file with the City Clerk a written instrument executed by each qualified elector of the Community Facilities District requesting a shortening of the time for the special election in order to expedite the process of formation of the Community Facilities District and waiving any requirement for analysis and arguments in connection therewith.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of March, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

ATTACHMENT A
FORM OF OFFICIAL BALLOT

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2025-1
(KIERNAN BUSINESS PARK SOUTH #2)

CFD FORMATION

SPECIAL ELECTION

March 11, 2025

NUMBER OF VOTES ENTITLED TO BE CAST: ___
(VOTER MAY REMOVE AND RETAIN THIS STUB)

This ballot is for a special, landowner election. You must return this ballot in the enclosed envelop to the office of the City Clerk of the City of Modesto no later than 5:30 p.m. on March 11, 2025, either by mail or in person. The City Clerk's offices are located at 1010 Tenth Street, Modesto, California 95353.

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:

Shall the City of Modesto Community Facilities Disttict No. 2025-1 (Kiernan Business Park South #2) (the "CFD") be authorized to levy special taxes in order to finance certain facilities and services and all as specified in the Resolution entitled "A Resolution Declaring the Formation of City of Modesto Community Facilities District No. 2025-1 (Kiernan Business Park South #2), Conditionally Authorizing the Levy of Special Taxes Therein" adopted by the City Council of the City of Modesto on March 11, 2025?

YES ☐

NO ☐

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-98

RESOLUTION DECLARING THE RESULTS OF MARCH 11, 2025, SPECIAL ELECTION AND APPROVING CERTAIN RELATED ACTIONS PERTAINING TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2025-1 (KIERNAN BUSINESS PARK SOUTH #2)

WHEREAS, this City Council, acting as the legislative body of the City of Modesto Community Facilities District No. 2025-1 (Kiernan Business Park South #2) (the "Community Facilities District"), called and duly held an election within the Community Facilities District pursuant to resolutions adopted by the City Council on March 11, 2025, for the purpose of presenting to the qualified electors within the Community Facilities District a proposition (the "Proposition") for (a) the levy of special taxes in accordance with the rate and method of apportionment of special tax set forth in the resolution forming the Community Facilities District; and

WHEREAS, a Certificate of the City Clerk as to the Results of the Canvass of the Election Returns has been presented to City Council, a copy of which is **attached** hereto as **Attachment A**.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto, acting as the legislative body of the City of Modesto Community Facilities District No. 2025-1 (Kiernan Business Park South #2), hereby finds and determines as follows:

SECTION 1. The above recitals are true and correct and are incorporated herein by reference.

SECTION 2. Two-thirds or more of the votes of the qualified electors of the Community Facilities District at the special election held on March 11, 2025 were cast in

favor of the Proposition, and the Proposition carried. The City Council, acting as the legislative body of the Community Facilities District, is hereby authorized to take the necessary steps to levy the special taxes authorized by the Proposition.

SECTION 3. The City Clerk is hereby authorized and directed to execute and cause to be recorded in the office of the County Recorder of Stanislaus County a notice of special tax lien in the form required by law, said recording to occur no later than fifteen days following adoption of this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of March, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

ATTACHMENT A

CERTIFICATE OF CITY CLERK

AS TO RESULTS OF THE CANVAS OF ELECTION RETURNS

STATE OF CALIFORNIA)

) ss.

COUNTY OF STANISLAUS)

As City Clerk of the City of Modesto, I do hereby certify that I have examined the returns of the special election for City of Modesto Community Facilities District No. 2025-1 (Kiernan Business Park South #2) (the "Community Facilities District"). With my concurrence, the election was conducted on March 11, 2025. On or prior to said date I had mailed or personally delivered, or caused to be mailed or personally delivered, a ballot to the landowner listed on the latest equalized assessment roll prepared by the Stanislaus County Assessor prior to March 11, 2025 or otherwise known by me to own the property within the boundaries of the Community Facilities District. The landowner was given one vote for each acre, or portion thereof, that the landowner owns within the Community Facilities District.

I further certify that the results of said election and the number of votes cast for and against the Proposition are as follows:

YES:___69_____

NO: ____0_____

TOTAL NUMBER OF VOTES CAST:___69__

Dated this 11th day of March, 2025.

Diane Nayares-Perez,
City Clerk of the City of Modesto

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-99

RESOLUTION APPROVING THE PURCHASING AGREEMENT FOR RENEWABLE DIESEL AND BULK FUELS TO HUNT & SONS, LLC, SACRAMENTO, CA, FOR A TOTAL AMOUNT NOT TO EXCEED $18,750,000 OVER FIVE YEARS AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto, Public Works and Utilities Departments maintain storage tanks for bulk fuels used to fuel buses, fleet vehicles and non-public roadway powered equipment. There are a variety of tanks ranging from 400 gallon up to 12,000-gallon diesel storage tanks as well as a variety of smaller capacity tanks serving the City's Fire Stations; and

WHEREAS, on February 4, 2020, by Resolution 2020-098, Council approved the initial term of two years with three one-year extension options for a total of five years, for an estimated annual amount of $1,270,000 and a total amount not to exceed $6,350,000; and

WHEREAS, on January 11, 2021, by Resolution 2022-05 Council approved a First Amendment to increase funding by $1,480,796 from $1,270,000 to a new total amount of $2,750,796 annually and a not to exceed amount of $12,273,184 over the term of the agreement and authorized the Director of Finance to adjust delivery locations as needed, ensuring the combined totals were not changed; and

WHEREAS, on December 23, 2024, a Second Amendment requested to extend the Current Agreement #176713 with Van De Pol Petroleum was sent by the Purchasing Division. Van De Pol Petroleum agreed to the request extending the agreement with an extended expiration date of March 31, 2025; and

WHEREAS, on June 28, 2024, the City Manager authorized the Purchasing Manager to solicit the procurement for Bulk Fuel Purchase and Delivery. On August 27, 2024, the Purchasing Division issued Invitation for Bids (IFB) No. 2324-94 for the Bulk Fuel Purchase and Delivery Service on the City's PlanetBids public bidding website under various commodity codes. Prospective bidders were notified online and via email of the bid opportunity. Ten companies downloaded the IFB document from PlanetBids; and

WHEREAS, on October 1, 2024, bids were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream. Two chose to respond, and two local bids were received. Based on providing the lowest responsive and responsible bid, City staff recommended to award the Bulk Fuel Purchase and Delivery Service to Hunt & Sons, LLC, Sacramento, CA for a two–year agreement with three one-year extension options, for total estimated annual cost not to exceed $3,750,000 and $18,750,000 over five years; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid. Based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City staff recommends the award of bid Bulk Fuel Purchase and Delivery Service to Hunt & Sons LLC.; and

WHEREAS, on January 1, 2025, fuel costs incurred a $0.65 per gallon price increase, which is approximately a 30 percent increase in the tax base. Additionally, there is a proposal for another increase of up to $0.85 per gallon later in calendar year 2025. With current pricing increases, staff estimates an initial annual cost not to exceed

$3,750,000 and an overall cost not to exceed $18,750,000 over five years. Funds are allocated across the following accounts;

Fund	Account Number	Annual Budgeted Amount
Fleet Services	5400-53255-52220	$ 3,138,366
Water Fund	4100-45050-53100	$ 11,604
Wastewater Fund	4210-44313-52220 4210-44314-52220	$ 133,474
Oakdale Fire Department	0100-18212-52220	$ 67,456
Ceres Fire Department	0100-18213-52220	$ 67,155
Modesto Fire Department	0100-18610-52220	$ 324,343
Modesto Police Department	0100-19430-52220	$ 7,602
Annual Total Not to Exceed		**$ 3,750,000**
Five Year Total Not to Exceed		**$18,750,000**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchasing Agreement for Renewable Diesel and Bulk Fuels to Hunt & Sons, LLC, Sacramento, CA, for a total amount not to exceed $18,750,000 over five years.

BE IT FURTHER RESOLVED the Director of Finance, 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 11th day of March, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-100

RESOLUTION ACCEPTING THE RESIGNATION OF NANCY NORTON AND KAREN ADAMS FROM THE GOLF COURSES ADVISORY COMMITTEE

WHEREAS, the Golf Courses Advisory Committee was established to promote the game of golf in the Modesto area, and

WHEREAS, on January 1, 2024, by Resolution No. 2024-106, Nancy Norton was appointed to serve as a MUNI Niners member of the Golf Courses Advisory Committee, and

WHEREAS, Nancy Norton has tendered her resignation from the Golf Courses Advisory Committee effective January 17, 2025, and

WHEREAS, on January 1, 2024, by Resolution No. 2024-106, Karen Adams was also appointed to serve as a Member-At-Large of the Golf Courses Advisory Committee, and

WHEREAS, Karen Adams has tendered her resignation from the Golf Courses Advisory Committee effective February 19, 2025.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby accepts the resignation of Nancy Norton and Karen Adams from the Golf Courses Advisory Committee with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-101

RESOLUTION APPROVING THE APPOINTMENT OF CHRISTOPHER FOX TO THE MODESTO CITY-COUNTY AIRPORT ADVISORY COMMITTEE FOR THE POSITION OF PUBLIC-AT-LARGE FOR A FOUR-YEAR TERM WITH AN EXPIRATION DATE OF JUNE 30, 2029

WHEREAS, the City of Modesto operates the Modesto City-County Airport (Airport) for the benefit of all businesses, industries, visitors and residents in the City of Modesto, Stanislaus County, and surrounding areas; and

WHEREAS, 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, the Airport Advisory Committee (AAC) was formed; and

WHEREAS, interested citizens are appointed as members to the AAC by both the Modesto City Council and the Stanislaus County Board of Supervisors to advise on numerous matters including policy and planning pertaining to the operation and management of the Airport; and

WHEREAS, the AAC currently has a vacancy for the position of Public-At-Large that was previously held by James McKay who formally resigned on November 16, 2024; and

WHEREAS, Christopher Fox, a current aircraft owner and tenant of the general aviation side of the airport, as well as a frequent user of the services and business at the Airport has applied for the AAC and has shown interest in the position. He is passionate about aviation with a deep appreciation for the aviation community in Modesto. Fox is committed to fostering its growth and is eager to see the airport expand; and

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 appointment of this vacancy was presented to the Appointments Committee on March 5, 2025, 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 the appointment of Christopher Fox to fill the vacant position representing Public-At-Large to the Modesto City-County Airport Advisory Committee, for a term of four years with an expiration date of June 30, 2029.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-102

RESOLUTION APPROVING THE APPOINTMENTS OF KATHRYN HALL-BOYER, JOSHUA NAVARRO, JACK LEGURIA, AND JEREMY BROWN TO THE BLIGHT ABATEMENT ADVISORY COMMITTEE FOR A FOUR-YEAR TERM WITH AN EXPIRATION DATE OF DECEMBER 31, 2028

WHEREAS, the City of Modesto experiences varieties of blight in both private and public spaces which results in issues for residents; and

WHEREAS, in 2019, during the Strategic Planning sessions with community members, a major theme was dissatisfaction regarding blight throughout the City; and

WHEREAS, on December 10, 2019, by Resolution No. 2019-555, City Council approved the Blight Abatement Strategy, which included the creation of a blight abatement taskforce comprised of public and private stakeholders that will make recommendations to the City regarding program improvements, potential funding opportunities, and support increasing volunteerism; and

WHEREAS, on October 13, 2020, by Resolution No. 2020-428, City Council approved the formation of the Blight Abatement Advisory Committee (BAAC) and solicited membership of the committee's nine members; and

WHEREAS, four vacancies currently exist on the BAAC, two of which are for Modesto residents and two for Stanislaus County residents; and

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 City's Community and Media Relations Team led a six-week recruitment campaign; and

WHEREAS, a total of fourteen applications were received, thirteen of which were

eligible for vacant positions, two have been appointed to the BAAC and eleven remain in consideration; and

WHEREAS, on February 5, 2025, by Resolution No. 2025-54, City Council approved an update to the BAAC bylaws that states that in the event that no applications are received for the County positions, a registered elector of the City may be elected to fill the positions for one term; and

WHEREAS, on March 5, 2025, the Appointments Committee reviewed the applications, and recommended the appointments of Kathryn Hall-Boyer, Joshua Navarro, Jack Leguria, and Jeremy Brown to the BAAC; and

WHEREAS, the terms will be for four years for each of the appointments extending through December 31, 2028.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints Kathryn Hall-Boyer, Joshua Navarro, Jack Leguria, and Jeremy Brown to the Blight Abatement Advisory Committee with a term expiring December 31, 2028.

BE IT FURTHER RESOLVED, that the City Clerk is directed to transmit a copy of this resolution to the appointed members of the Blight Abatement Advisory Committee, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-103

RESOLUTION APPROVING THE PURCHASE OF PRESERVATION OF HISTORICAL CITY COUNCIL RECORDS SERVICES WITH KOFILE TECHNONOGIES, INC., SACRAMENTO, CA IN THE AMOUNT NOT TO EXCEED $101,649; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO ISSUE THE PURCAHSE ORDER

WHEREAS, the Clerk's Office has undertaken a comprehensive preservation initiative aimed at safeguarding all historically significant documents housed within the Clerk's Library; and

WHEREAS, this extensive project involved the implementation of cutting-edge digitization solutions, which included the scanning and image enhancement of books dating back to 1884, ensuring their digital preservation for future generations; and

WHEREAS, by statute, the City Clerk is required to maintain and permanently retain the index of Minutes, Ordinances, and Resolutions adopted by the legislative body; and

WHEREAS, our collection of the legislative body's records (red handwritten historical books), and other historical documents are currently at risk of deterioration due to environmental factors such as humidity, light exposure, disasters, etc.; and

WHEREAS, the City Manager authorized the Purchasing Manager on February 12, 2025, to solicit the procurement for Preservation of Historical City Council Records Services for the General Fund – City Clerk's Office; and

WHEREAS, Kofile is the sole source provider to offer services to protect these critical historical records by offering areas of professional-level service still not available by other vendors; and

WHEREAS, Kofile is the developer, manufacturer, distributer and owns the patent on the Lay-Flat Archival Polyester Pocket and DSB and they provide a superior solution to address the key records management for managing these documents and the preservation required to manage the security of these documents; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 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 requirement where the Purchasing Agency's requirements can be met solely by a single article or process; and

WHEREAS, Kofile is the sole source provider who has the experience to maintain all of the requirements for the preservation needed to ensure the security and safety of these City Council records.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase for Preservation of Historical City Council Records Services with Kofile Technologies, Inc., Sacramento, CA in the amount not to exceed $101,649.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or here designee, to issue the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Williams

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-104

RESOLUTION APPROVING THE 2025-2026 STATE AND FEDERAL LEGISLATIVE PRIORITIES

WHEREAS, State and federal governments allocate significant funding to municipalities through appropriations and grant programs, providing essential resources for local initiatives; and

WHEREAS, the City must actively engage with lawmakers, advocating for policies that align with the Council's strategic priorities, and ensuring the City's interests are represented in legislative discussions; and

WHEREAS, the City's legislative priorities are shaped through a collaborative process that involves input from each department, ensuring that fiscal and policy needs are clearly identified to support effective program implementation; and

WHEREAS, the City's legislative platform helps the City advocate through 2025 and 2026, ensuring that the City remains focused on the legislative priorities and guides the City's interactions with policymakers; and

WHEREAS, this legislative platform is essential in maintaining financial stability as well as reinforcing the City's Strategic plan focus areas of "Quality of Life", "Economic Vitality", and "Governance and Service Delivery"; and

WHEREAS, the City will leverage these funding streams outside of the traditional appropriations process, ensuring access to resources even if member-directed spending (earmarks) is reduced or eliminated; and

WHEREAS, many of the City's legislative priorities are tailored to align with these laws, enhancing the competitiveness of grant applications and positioning the City to secure funding for high-impact projects; and

WHEREAS, the legislative platform highlights the City's long-term goals, fostering opportunities for future legislation and funding.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the 2025-2026 State and Federal Legislative Priorities.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Williams

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-105

RESOLUTION ACCEPTING THE INFORMATIONAL FISCAL YEAR 2024-25 GENERAL FUND MID-YEAR UPDATE REPORT AND APPROVING THE RECOMMENDED BUDGET ADJUSTMENTS TO THE MAJOR GENERAL FUND REVENUES AND EXPENDITURES AMENDING THE FISCAL YEAR 2024-25 ANNUAL OPERATING BUDGET

WHEREAS, periodically the Budget Division in the Office of Performance Management & Budget presents updates to the Finance Committee and Council on the status of the General Fund, including adjustments to the Annual Operating, Capital Improvement, and Multi-year Project budgets, and

WHEREAS, the Fiscal Year 2024-25 General Fund Mid-Year Update Report focuses on the performances of the City's General Fund major revenue sources, as well as the various expenditures across the operating departments, and

WHEREAS, revenue data gathered through February 28, 2025, shows that the City has receipted 54% of the budgeted revenues and overall expenditures have only expended 66% of their total budgets in the General Fund, and

WHEREAS, staff has made multiple recommendations for revenue adjustments due to the current estimated forecasted receipts for revenues such as Property Tax - Property, Property Tax – VLF Swap, Sales Tax, Utility User Tax, Transient Occupancy Tax, Business License/Mill Tax, Cannabis Tax and Motor Vehicle Fees as shown in the chart below:

Account - Description	Current Budget	Increase/ (Decrease)	Revised Amount	Category
41101 - Property Taxes - CY Secured Taxes	$ 20,507,107	$ 656,203	$ 21,163,310	Property Tax - Property
41111 - Property Taxes - CY Unsecured	$ 981,157	$ 73,533	$ 1,054,690	Property Tax - Property
42157 - Intergov - State - VLF Swap Adjustment	$ 23,059,188	$ 262,016	$ 23,321,204	Property Tax - VLF Swap
41201 - Sales and Use Taxes	$ 41,004,883	$ (4,455,883)	$ 36,549,000	Sales Tax
41203 - Utility Users Tax	$ 22,105,000	$ 602,614	$ 22,707,614	Utility Users Tax
41204 - Transient Occupancy Tax	$ 3,045,930	$ (71,114)	$ 2,974,816	Transient Occupancy Tax
41402 - Business License Tax - Mill Tax	$ 15,045,281	$ 798,768	$ 15,844,049	Business License/Mill Tax
41406 - Cannabix Tax	$ 3,859,148	$ (552,642)	$ 3,306,506	Cannabis Tax
42121 - Intergov - State - Motor Vehicle License Fee	$ 415,000	$ 63,591	$ 478,591	Motor Vehicle Fees
Grand Totals	**$ 130,022,694**	**$ (2,622,914)**	**$ 127,399,780**	

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the informational Fiscal Year 2024-25 General Fund Mid-Year Update Report and approves the recommended budget adjustments to the major General Fund revenues and expenditures, as noted above and in the report, amending the Fiscal Year 2024-25 Annual Operating Budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 2025, 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: Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Williams

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-106

RESOLUTION AMENDING THE FISCAL YEAR 2024-25 ANNUAL OPERATING AND CAPITAL IMPROVEMENT PROJECT 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 2024-25.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2024-25 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 April, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Williams

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FINANCE

- A budget adjustment in the amount of $336,875 is necessary in the Inventory Purchase Fund (5110). This request is being derived from the trend we are seeing along with what we have calculated averaging for the remainder of the Fiscal Year. In addition, the Stores Division accommodating City departments requests of bringing in new parts we were not originally anticipating.

- A budget adjustment in the amount of $1,397,553 is necessary in the Inventory Purchase Fund (5110) for additional parts needed by the Water Department that were unforeseen on the previous budget adjustment. This request is being derived from the trend we are seeing along with what we have calculated averaging for the remainder of the Fiscal Year. In additional we are awaiting an order of 12,000 registers that are needed for the Water Department.

FIRE DEPARTMENT

- As part of resolution 2024-116, the City accepted the 2023 Staffing for Adequate Fire and Emergency Response (SAFER) Grant award from the Federal Emergency Management Agency (FEMA). With the acceptance of this award, the budget was not amended at the time of acceptance. A budget adjustment is necessary to appropriate expenditure and revenue budgets in the amount of $664,626 in Fund 1341 (Grants – Operation Grants Reimbursed) Cost Center 18218 (MFD - 2023 FEMA SAFER Grant). In addition, a budget adjustment is necessary to appropriate grant revenue in the amount of $1,587,140 in Fund 1341 (Grants – Operation Grants Reimbursed) Cost Center 18216 (MFD - 2020 FEMA SAFER Grant) to recognize the anticipated grant funds to receive related to expenses that occurred from 7/18/2023 through 3/31/2025. The grant revenue will be used for salary and benefits for one year of the grant. This adjustment will also budget a transfer in the amount of $129,709 from the General Fund to the 2023 FEMA SAFER Grant for hiring costs, personal protective equipment costs, and other costs that are not eligible to be funded by the grant.

MEASURE H

- A budget adjustment is necessary in the amount of $300,000 in the Fiscal Year 2024/2025 Measure H spending plan to re-appropriate expenditures in the Pelandale Street Landscape Project 101624 to the Cesar Chavez Park Renovation Project 101276 to cover expenditures in Fiscal 2024-2025 which need payment. There are sufficient funds available due to Project 101624 being in the early stages of planning and design. Funding will be reappropriated during the Fiscal Year 2025/2026 Measure H Spending Plan budget adoption. The need for additional funding from Measure H was noted for the Chavez Park Renovation Project on the Agenda Item that was brought to Council on September 10, 2024. This adjustment will be the first step towards closing the final gap in the project funding.

MODESTO POLICE DEPARTMENT

- A budget adjustment in the amount of $119,542 is needed in the 2024-2025 Supplemental Law Enforcement Services Fund (SLESF) Project (101626) in the Police Grants Fund (1342) to increase the expense and revenue budget to account for State revenues and offsetting expenditures.

UTILITIES

- A budget adjustment in the amount of $200,000 is needed in the Sewer Operations Fund (4210) Roosevelt Park Cross Connection Project (100793) to increase the expenditure appropriations to pay for Legal invoices. There are sufficient funds in the Sewer Operation reserves to cover the increased expenditure appropriations.

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-107

RESOLUTION ACCEPTING THE LA LOMA PHASE 3A STRENGTHEN & REPLACE WATER MAINS PROJECT AS COMPLETE, RELEASING SECURITIES, RELEASING PAYMENTS TOTALING $6,250,690 TO UNITED PAVEMENT MAINTENANCE INC., OF HUGHSON, CALIFORNIA, AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, the existing water mains serving the La Loma Neighborhood have been found to be deficient to serve the residents efficiently and reliably; and

WHEREAS, this project replaces and upgrades approximately 20,000 linear feet of water main in the La Loma Neighborhood; and

WHEREAS, the results of this project are improved system reliability and flows by increasing water pressure for the residents, and safety for the area by increasing the system reliability to fire hydrants; and

WHEREAS, the La Loma Phase 3A Strengthen & Replace Water Mains Project was advertised for bids on November 16, 2022; and

WHEREAS, bids were publicly opened on January 10, 2023; and

WHEREAS, United Pavement Maintenance Inc., of Hughson, CA, was the lowest responsive and responsible bidder at 5.46% below the engineer's estimate; and

WHEREAS, on February 28, 2023, by Resolution 2023-83, Council awarded a contract to United Pavement Maintenance Inc, in the amount of $6,229,282; and

WHEREAS, the contractor received the Notice to Proceed with a start date of June 12, 2023. All contract work was completed on June 5, 2024; and

WHEREAS, the total project costs were $6,937,806 which included design, construction, and construction administration costs. The total project amount originally

budgeted was $7,839,648, which included $6,852,210 for the construction contract and contingency with United Pavement Maintenance, Inc.; and

WHEREAS, there were fifteen (15) change orders resulting in an overall increase of $21,407 for change order work as listed on the attached change order log; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 1994-443 on July 19, 1994, and revised on July 9, 2019 by Council Resolution No. 2019-326, established a contract change order authority of 8% for construction contracts of this dollar value given the nature of rehabilitation projects Council Resolution 2023-84 authorized increase in the Director's Authority for the Construction Contingency to 10% ($622,928) of the construction contract price of $6,229,282; and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the City Clerk to file a Notice of Completion.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the La Loma Phase 3A Strengthen & Replace Water Mains Project is hereby accepted as complete, 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 $6,250,690 to United Pavement Maintenance Inc., of Hughson, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Williams

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-108

RESOLUTION ACCEPTING THE TUOLUMNE RIVER REGIONAL PARK NON-MOTORIZED BOAT LAUNCH PROJECT AS COMPLETE, RELEASING SECURITIES, RELEASING PAYMENTS TOTALING $1,881,396 TO HARRIS BUILDER, INC. OF HILMAR CA, AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, on March 13, 2018, by Resolution No. 2018-125, Council accepted $780,000 in grant funds from the California Division of Boating and Waterways (DBW) Recreational Boating and Facilities with Public Access Grant Program to design and construct a public access non-motorized boat launch and river access facility on the Tuolumne River; and

WHEREAS, the Neece Drive site was identified in the Tuolumne River Regional Park (TRRP) Master Plan for a Boat Launch and the site's topography, ease of highway access, river programming opportunities, and availability of City-owned land presented favorable conditions for this site; and

WHEREAS, the Tuolumne River Regional Park Non-Motorized Boat Launch Project was advertised for bids on May 18, 2023; and

WHEREAS, bids were publicly opened on June 13, 2023; and

WHEREAS, Harris Builder, Inc. of Hilmar, CA, was the lowest responsive and responsible bidder at 122.89% above the engineers estimate; and

WHEREAS, on July 11, 2023, by Resolution 2023-346, Council awarded a contract to Harris Builder, Inc., in the amount of $1,658,955; and

WHEREAS, the Contractor received the Notice to Proceed with a start date of August 14, 2023. All contract work was completed on May 10, 2024; and

WHEREAS, the total project costs were $2,326,014 which included design, construction, and construction administration costs. The total project amount originally budgeted was $2,245,000 which included $1,791,671 for the construction contract and contingency with to Harris Builder, Inc.; and

WHEREAS, there are five change orders resulting in an overall increase of $222,441 for change order work; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, updated by Resolution No. 2019-326 on July 9, 2019, and updated by Resolution No. 2023-405 on September 12, 2023, established a contract change order authority of ten percent (10%) for construction contracts of this dollar value. On April 9, 2024, the City Council authorized resolution 2024-118, increasing the change order authority to fifteen and one-half percent (15.5%), totaling $257,138 to address a number of contract change orders related to the difficult construction conditions for 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 Tuolumne River Regional Park Non-Motorized Boat Launch Project is hereby accepted as complete, releasing securities, releasing payments totaling $1,881,396 to Harris Builder, Inc. of Hilmar CA, and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Williams

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-109

RESOLUTION ACCEPTING THE PELANDALE AVENUE PAVEMENT REHABILITATION – DALE ROAD TO DETROIT LANE STPL 5059(242) PROJECT AS COMPLETE, RELEASING SECURITIES, RELEASING PAYMENTS TOTALING $2,269,156 TO PAVEMENT COATINGS CO. OF SACRAMENTO, CA, AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, in 2019, Pelandale Avenue was identified as a roadway that was in need of future rehabilitation; and

WHEREAS, completion of Pelandale Avenue Pavement Rehabilitation – Dale Road to Detroit Lane Project applied a surface treatment to a deteriorated section on Pelandale Avenue from Dale Road to Detroit Lane; and

WHEREAS, the project was advertised for bids on May 30, 2023; and

WHEREAS, bids were publicly opened on July 11, 2023, and Pavement Coatings Co. of Sacramento, CA, was the lowest responsible bidder at 32.86% above the engineers estimate; and

WHEREAS, on September 12, 2023, by Resolution 2023-401, Council awarded a contract to Pavement Coatings Co., in the amount of $2,192,229; and

WHEREAS, the Contractor received the Notice to Proceed with a start date of October 30, 2023. All contract work was completed on January 7, 2025; and

WHEREAS, the total project costs were $2,792,520, which included design, construction, and construction administration costs. The total project amount originally budgeted was $3,106,206, which included $2,411,452 for the construction contract and contingency with Pavement Coatings Co.; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of eight percent (8%) for construction contracts of this dollar value. Council Resolution 2023-402, on September 12, 2023, authorized an increase to $219,223 (10% of contract price) for additional anticipated expenses due to the complexity of the project; and

WHEREAS, there are eight change orders resulting in an overall increase of $76,927 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 accepting the Pelandale Avenue Pavement Rehabilitation – Dale Road to Detroit Lane STPL 5059(242) Project as complete, releasing securities, releasing payments totaling $2,269,156 to Pavement Coatings Co. of Sacramento, CA, and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Williams

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-110

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE MARY E. GROGAN COMMUNITY PARK PARKING LOT RESURFACING PROJECT, ACCEPTING THE BID AND AWARDING A CONSTRUCTION CONTRACT TO DRT GRADING & PAVING, INC. OF SUNOL, CA, IN THE AMOUNT OF $76,915, AUTHORIZING $7,692 FOR CONTINGENCY (IF NEEDED), FOR A TOTAL PAYMENT AMOUNT NOT TO EXCEED $84,607, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, with an estimated $70+ million in deferred maintenance in our park system, a multiyear plan has been established to help systematically address the deferred maintenance by regular preventative maintenance that will limit future additions to the deferred maintenance list; and

WHEREAS, in June 2024, by Resolution 2024-190, Council approved the FY 2024-2025 budget, which included $2,852,000 of Measure H funding for year 2 of the preventative park maintenance plan; and

WHEREAS, as part of the year 2 preventative park maintenance allocation, $500,000 was budgeted for the slurry seal and stripe of an estimated 250,000 square feet (SF) of existing parking areas in the park system; and

WHEREAS, the Mary E. Grogan Community Park Parking Lot Resurfacing Project will resurface and restripe 188,000 SF of asphalt in the parking lot, in addition to resurface the 42,250 SF of asphalt pathway around the park; and

WHEREAS, the project was advertised for bids on February 14, 2025; and

WHEREAS, bids were publicly opened on March 4, 2025, pursuant to City Charter Section 1307, and eight bids were received; however three bids were deemed non-responsive; and

WHEREAS, DRT Grading & Paving, Inc. of Sunol, CA, was determined to be the responsible bidder with the lowest responsive bid; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, the award of contract for the construction of the Mary E. Grogan Community Park Parking Lot Resurfacing Project, to DRT Grading & Paving, Inc. of Sunol, CA, conforms to Modesto Municipal Code, 8-3.203; and

WHEREAS, staff recommends awarding a construction contract to DRT Grading & Paving, Inc. of Sunol, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Mary E. Grogan Community Park Parking Lot Resurfacing Project, accepts the Bid and awards a construction contract to DRT Grading & Paving, Inc. of Sunol, CA, in the amount of $76,915, plus $7,692 in contingency (if needed), for a total amount not to exceed $84,607.

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 April, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Williams

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-111

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH FLOWWEST, LLC. OF OAKLAND, CA., FOR ADDITIONAL TASKS RELATED TO ENVIRONMENTAL DOCUMENTATION, PERMITTING, CONSTRUCTION DOCUMENTATION AND BIDDING & CONSTRUCTION SUPPORT FOR THE TUOLUMNE RIVER REGIONAL PARK (TRRP) GATEWAY PARCEL RIVER OVERLOOK PROJECT, INCREASING THE AGREEMENT AMOUNT BY $132,701, TO A NEW TOTAL AMOUNT NOT TO EXCEED $256,161, PLUS $51,232 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED $307,393, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on January 28, 2020, by Resolution No. 2020-37, Council approved an Agreement with FlowWest, LLC, for $123,460 plus 10% additional services of $12,346, for a total not to exceed $135,806 for the preparation of construction documentation for the TRRP Gateway River Overlook Project; and

WHEREAS, in February 2025 staff requested FlowWest, LLC, to submit a budget augmentation request for additional tasks exceeding the original $135,806 authorized in the Original Agreement; and

WHEREAS, the estimated additional tasks resulted in increased costs, totaling $132,701 and include assistance in the completion of the remaining additional surveys and reports required by the permitting agencies, the construction documentation and design support during bidding and construction; and

WHEREAS, there are a few optional tasks that are not included in the additional request that might be needed to complete the permitting process; and

WHEREAS, staff are recommending increasing the additional services budget to 20%, a total of $51,232, to allow the Department Director to approve any necessary tasks that may not be included in this current request for Amendment #1; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid; however, exceptions to the formal bidding process are granted in MMC 8-3.204(f), “Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services.”

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves a First Amendment to the Agreement with FlowWest, LLC. for additional tasks related to construction documentation for the Tuolumne River Regional Park (TRRP) Gateway Parcel River Overlook Project, increasing the agreement amount by $132,701, to a new total amount not to exceed $256,161, plus $51,232 in additional services, if needed, for a total amount not to exceed $307,393.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the First 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 8th day of April, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Williams

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-112

RESOLUTION APPROVING THE SUBMITTAL OF GRANT APPLICATIONS, ACCEPTANCE OF GRANT AWARDS, AND AMENDMENTS TO THE ANNUAL BUDGETS FOR ALL WASTE TIRE CLEANUP GRANTS TO THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN GRANT APPLICATIONS AND RELATED FORMS

WHEREAS, the City of Modesto Solid Waste Division is funded by solid waste rates collected from residential commercial and industrial accounts; and

WHEREAS, the City's policy of fiscal responsibility encourages the aggressive pursuit of grants that are consistent with City Strategic Commitments and that fund projects the City may otherwise be unable to fund; and

WHEREAS, the State of California Department of Resources Recycling and Recovery (CalRecycle) offers waste tire cleanup grants to encourage activities that promote reducing the number of waste tires going to landfills and eliminating stockpiles of waste tires; and

WHEREAS, CalRecycle grant application procedures require an applicant's governing body to declare by resolution, valid for five years, certain authorizations related to the administration of CalRecycle grants; and

WHEREAS, the City can best utilize public resources by pursuing waste tire amnesty grants annually to fund its solid waste management goals.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of grant applications, acceptance of grant awards, and amendments to the annual budgets for all Waste Tire Cleanup Grants to the State of California Department of Resources Recycling and Recovery (CalRecycle).

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to sign grant applications and related forms.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Williams

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-113

RESOLUTION APPROVING THE SUBMITTAL OF GRANT APPLICATIONS, ACCEPTANCE OF GRANT AWARDS, AND AMENDMENTS TO THE ANNUAL BUDGETS FOR ALL WASTE TIRE AMNESTY GRANTS TO THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN GRANT APPLICATIONS AND RELATED FORMS

WHEREAS, the City of Modesto Solid Waste Division is funded by solid waste rates collected from residential commercial and industrial accounts; and

WHEREAS, the City's policy of fiscal responsibility encourages the aggressive pursuit of grants that are consistent with City Strategic Commitments and that fund projects the City may otherwise be unable to fund; and

WHEREAS, the State of California Department of Resources Recycling and Recovery (CalRecycle) offers waste tire amnesty grants for eligible entities to hold collection events in convenient locations for the public to bring their waste tires at no charge for recycling; and

WHEREAS, CalRecycle grant application procedures require an applicant's governing body to declare by resolution, valid for five years, certain authorizations related to the administration of CalRecycle grants; and

WHEREAS, the City can best utilize public resources by pursuing waste tire amnesty grants annually to fund its solid waste management goals.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of grant applications, acceptance of grant awards, and amendments to the annual budgets for all Waste Tire Amnesty Grants to the State of California Department of Resources Recycling and Recovery (CalRecycle).

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to sign grant applications and related forms.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Williams

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-114

RESOLUTION APPROVING THE SUBMITTAL OF GRANT APPLICATIONS, ACCEPTANCE OF GRANT AWARDS, AND AMENDMENTS TO THE ANNUAL BUDGETS FOR ALL WASTE TIRE ENFORCEMENT GRANTS TO THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN GRANT APPLICATIONS AND RELATED FORMS

WHEREAS, the City of Modesto Solid Waste Division is funded by solid waste rates collected from residential commercial and industrial accounts; and

WHEREAS, the City's policy of fiscal responsibility encourages the aggressive pursuit of grants that are consistent with City Strategic Commitments and that fund projects the City may otherwise be unable to fund; and

WHEREAS, the State of California Department of Resources Recycling and Recovery (CalRecycle) offers waste tire enforcement grants to fund eligible entities to inspect tire facilities and haulers to ensure they are following regulations by storing and disposing of waste tires properly and to investigate illegally dumped tires for responsible parties or to list for removal; and

WHEREAS, CalRecycle grant application procedures require an applicant's governing body to declare by resolution, valid for five years, certain authorizations related to the administration of CalRecycle grants; and

WHEREAS, the City can best utilize public resources by pursuing waste tire enforcement grants annually to fund its solid waste management goals.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of grant applications, acceptance of grant awards, and amendments to the annual budgets for all Waste Tire Enforcement Grants to the State of California Department of Resources Recycling and Recovery (CalRecycle).

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to sign Grant Applications and related forms.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Williams

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-115

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE SITE-TO-SITE COMMUNICATIONS SERVICES AGREEMENT WITH AYERA TECHNOLOGIES INC, MODESTO, CA, INCREASING THE AGREEMENT AMOUNT BY $117,500 FROM $525,000 TO A NEW REVISED TOTAL AMOUNT OF $642,500 AND EXTENDING THE TERM OF THE AGREEMENT FROM JULY 14, 2027, TO JULY 14, 2030, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City of Modesto Traffic Engineering and Operations Division applied for Congestion Mitigation and Air Quality (CMAQ) funds to install wireless radio communications at traffic signal locations; and

WHEREAS, the traffic engineering staff already maintains an existing Advanced Traffic Management System (ATMS) which functions by communicating with traffic signals through a network of fiber optic cable and hardwired equipment; and

WHEREAS, on January 28, 2020, by Resolution No. 2020-056, Council accepted the Traffic Signal Master Plan identifying traffic signal communications as a Local Street Management Strategy to enhance signal operations for all modes of transportation; and

WHEREAS, on July 14, 2020, by Resolution No. 2020-307, Council approved the award and proposal and agreement for site-to-site communications services to Ayera Technologies, Inc. of Modesto, CA; and

WHEREAS, this is the First Amendment to the site-to-site communications services agreement with Ayera Technologies, due to the additions included in this amendment were not anticipated as needed during the original agreement bid process; and

WHEREAS, an amendment to this existing agreement is appropriate because the goods and services are similar for site-to-site communications for buildings and amending the existing agreement will allow less delay to the project; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to follow the formal bid procedures. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services; and

WHEREAS, an amendment of $117,500 for site-to-site communication services for the Public Works Department conforms to State of California Department of Transportation Office of Local Assistance guidance for cost-effectiveness.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the First Amendment to the Site-to-Site Communications Services Agreement with Ayera Technologies Inc., Modesto, CA., increasing the Agreement amount by $117,500 from $525,000 to a new revised total amount of $642,500 and extending the term of the agreement from July 14, 2027, to July 14, 2030.

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 April, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Williams

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-116

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE DOWNTOWN SIGNAL COORDINATION G STREET AND H STREET CML 5059(261) PROJECT, ACCEPTING THE BID, AND AWARDING A CONTRACT TO BEAR ELECTRICAL SOLUTIONS, LLC OF ALVISO, CA, IN THE AMOUNT OF $1,176,085, AND A TWENTY PERCENT CONTINGENCY AMOUNT OF $235,217 FOR A TOTAL AMOUNT NOT TO EXCEED $1,411,302 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto Public Works Traffic Engineering Division applied for Congestion Mitigation and Air Quality (CMAQ) funds to complete the G Street and H Street Signal Coordination project through Stanislaus Council of Governments (StanCOG) which was approved in August 2023 for $941,404; and

WHEREAS, the Downtown Signal Coordination on G Street and H Street will install fiber optic cable and connect 15 traffic signals and equipment from Bodem Street at Scenic Drive through 10th Street and back to the City's Advanced Traffic Management System (ATMS) operation center at 1010 10th Street; and

WHEREAS, the Downtown Signal Coordination G Street and H Street project was advertised for bids on December 17, 2024, and bids received for the project, were publicly opened at 11:00 a.m. on January 21, 2025. Two bids were received, and later tabulated by the Director of Public Works for the consideration of Council; and

WHEREAS, the Director of Public Works has recommended that the bid of $1,176,085 received from Bear Electrical Solutions, LLC be accepted as the lowest responsible and responsive bid and that the contract be awarded to Bear Electrical Solutions, LLC; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment or contractual services, to follow the formal bid procedures; and

WHEREAS, an award of $1,176,085 and agreement for construction for the Public Works Department conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and Bear Electrical Solutions, LLC of Alviso, CA**,** was the lowest responsive bidder; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 1994-443 on July 19, 1994, revised on July 9, 2019, by Council Resolution No. 2019-326, and revised a second time on September 12, 2023 by Council Resolution No. 2023-405 which established an agreement change order authority of ten percent (10%) however in this project's case we are requesting Council's authority so the project can be constructed with a twenty percent (20%) contingency.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the plans and specifications, for the Downtown Signal Coordination G Street and H Street CML 5059 (261) Project, accepting the bid, and awarding a contract to Bear Electrical Solutions, LLC of Alviso, CA in the amount of $1,176,085 and a twenty percent contingency amount of $235,217 for a total amount not to exceed $1,411,302.

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 8th day of April, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Williams

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-117

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE COFFEE ROAD STRENGTHEN & REPLACE WATER MAINS PROJECT, ACCEPTING THE BID AND AWARDING A CONSTRUCTION CONTRACT TO UNITED PAVEMENT MAINTENANCE INC., OF HUGHSON, CA IN THE AMOUNT OF $2,338,210, AUTHORIZING THE DIRECTOR OF ENGINEERING SERVICES TO APPROVE CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF $467,642, 20% OF THE ORIGINAL CONTRACT PRICE, FOR A TOTAL PAYMENT AMOUNT NOT TO EXCEED $2,805,852 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, the existing water mains along Coffee Road, from East Fairmont Avenue to Brighton Avenue and in the surrounding area are aging, undersized steel mains which are prone to leaks and low water pressure, and

WHEREAS, this project will upgrade approximately 6,455 linear feet of water mains, and the associated valves and fire hydrants and

WHEREAS, the result of this work will be improved system reliability, along with increased water pressure and fire flows, and

WHEREAS, the project was advertised for bids on January 16, 2025, and

WHEREAS, on February 25, 2025, bids were publicly opened, pursuant to City Charter Section 1307, and nine bids were received, and

WHEREAS, United Pavement Maintenance, Inc., of Hughson, CA, was the responsible bidder with the lowest responsive bid, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment or contractual services to follow the formal bid procedures, and

WHEREAS, the award of a Contract for the construction of the Coffee Road Strengthen & Replace Water Mains Project to United Pavement Maintenance, Inc., of Hughson, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and United Pavement Maintenance, 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 the plans and specifications for the Coffee Road Strengthen & Replace Water Mains Project, accepts the bid of $2,338,210, authorizes the Director of Engineering Services to approve Change Orders up to the cumulative amount of $467,642, 20% of the original Contract price, for a total payment amount not to exceed $2,805,852, and awards a Construction Contract to United Pavement Maintenance, Inc., of Hughson, CA.

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 April, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Williams

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-118

RESOLUTION AMENDING THE FISCAL YEAR 2024-25 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $2,040,000 TO FUND THE CONSTRUCTION PHASE OF THE COFFEE ROAD STRENGTHEN & REPLACE WATER MAINS PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISION OF THE RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $2,040,000, in order to fund the Coffee Road Strengthen & Replace Water Mains Project, and

WHEREAS, the Fiscal Year 2024-25 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 2024-25 Capital Improvement Program Budget in the amount of $2,040,000.

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 April, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Williams

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-119

RESOLUTION ADOPTING A NEGATIVE DECLARATION FOR A REZONE OF 5.3 ACRES FROM PLANNED DEVELOPMENT (P-D 179) ZONE TO MIXED-USE HIGHWAY (MU-H) ZONE, PROPERTY LOCATED AT 2800 SISK ROAD

WHEREAS, a verified application for an amendment to Section 13-3-8 of the Zoning Map was filed by Jonathan Fernandez, to reclassify from Planned Development Zone, P-D (179), to Mixed-Use Highway, located at 2800 Sisk Road, and

WHEREAS, Section 15070 of the CEQA Guidelines relating to Initial Study/Negative Declaration provides for a lead agency to prepare an Initial Study on any proposed project to analyze whether the project may cause any significant effect on the environment; and

WHEREAS, the City's Community & Economic Development Department has prepared an Initial Study/Negative Declaration, Environmental Assessment No. EA/C&ED 2025-36 as provided for by CEQA; and

WHEREAS, a 20-day public review period for the proposed Initial Study/Negative Declaration began on February 3, 2025, and ended on February 23, 2025; and

WHEREAS, the received no public comments on the Initial Study/Negative Declaration and therefore no changes to the document were necessary as a result; and

WHEREAS, said matter was considered by the Planning Commission at a duly noticed public hearing which was held on February 24, 2025, whereupon the Planning Commission considered the Initial Study/Negative Declaration and recommended that the City Council adopt the Initial Study/Negative Declaration; and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on April 8, 2025, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/C&ED 2025-36, copies of which are on file with the Community and Economic Development Department, Third Floor, 1010 Tenth Street, Modesto, California, and are **attached** hereto as **Exhibit "A"** and incorporated herein as reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. The Initial Study/Negative Declaration prepared for the proposed project found that the proposed rezone could not have a significant effect on the environment.

2. The Initial Study/Negative Declaration reflects the independent judgment of the lead agency.

3. The Initial Study/Negative Declaration, EA/C&ED 2025-36, provides the substantial evidence to support findings 1-2, noted above.

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.

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 April, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Williams

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Initial Study/Negative Declaration for 2800 Sisk Road - Rezone

Rezone from Planed Development Zone P-D (179) to
Mixed-Use Highway (MU-H) Zone
RZN-24-003
Environmental Assessment No. EA/C&ED 2024-36

Prepared for:

City of Modesto
P.O. Box 642
Modesto, CA 95353
Contact: Edwin Borquez, Associate Planner
209-571-5516

Prepared by:

City of Modesto
Community & Economic Development Department
209/577-5267

January 14, 2025

CEQA Environmental Checklist

PROJECT DESCRIPTION AND BACKGROUND

Project Title:
RZN-24-003 - Rezone from Planned Development Zone P-D (179) to Mixed-Use Highway (MU-H) Zone, 2800 Sisk Road.

Lead agency name and address:
City of Modesto, 1010 Tenth Street, Suite 3300, Modesto CA 95354

Contact person and phone number:
Edwin Borquez, Associate Planner, 209-571-5516

Project Location:
2800 Sisk Road (Assessor's Parcel No. 005-037-025.

Project applicant's name and address:
Jonathan Fernandez
2401 Telegraph Avenue
Berkely CA, 94704

General plan description:
Commercial (C)

Zoning:
Planned Development Zone P-D (179), which was approved by City Council Ordinance Number 1708, on the 6th of February 1978. P-D (179) allows for a hardware, farm supply, and home improvement center only.

Description of project:

The proposed project is a rezone of the 5.3 acres from the existing Planned Development Zone P-D (179) to Mixed Use Highway (MU-H). The proposed project will have no development or changes to the site.

Surrounding land uses and setting:

North:
Properties to the north of the proposed project consist of Mixed-Use Highway (MU-H) and Planned Development ZoneP-D (391), with 27 apartment units.

South:
To the south, properties consist of Mixed-Use Highway (MU-H), currently a vacant building.

East:
To the east, there is a Planned Development Zone P-D (259), developed with developed forty-two (42) residential condominiums, and property zoned as Low-Density (R-1) Zone, developed with the Old German Baptist Church of Modesto.

West:
To the west, the California State Route 99.

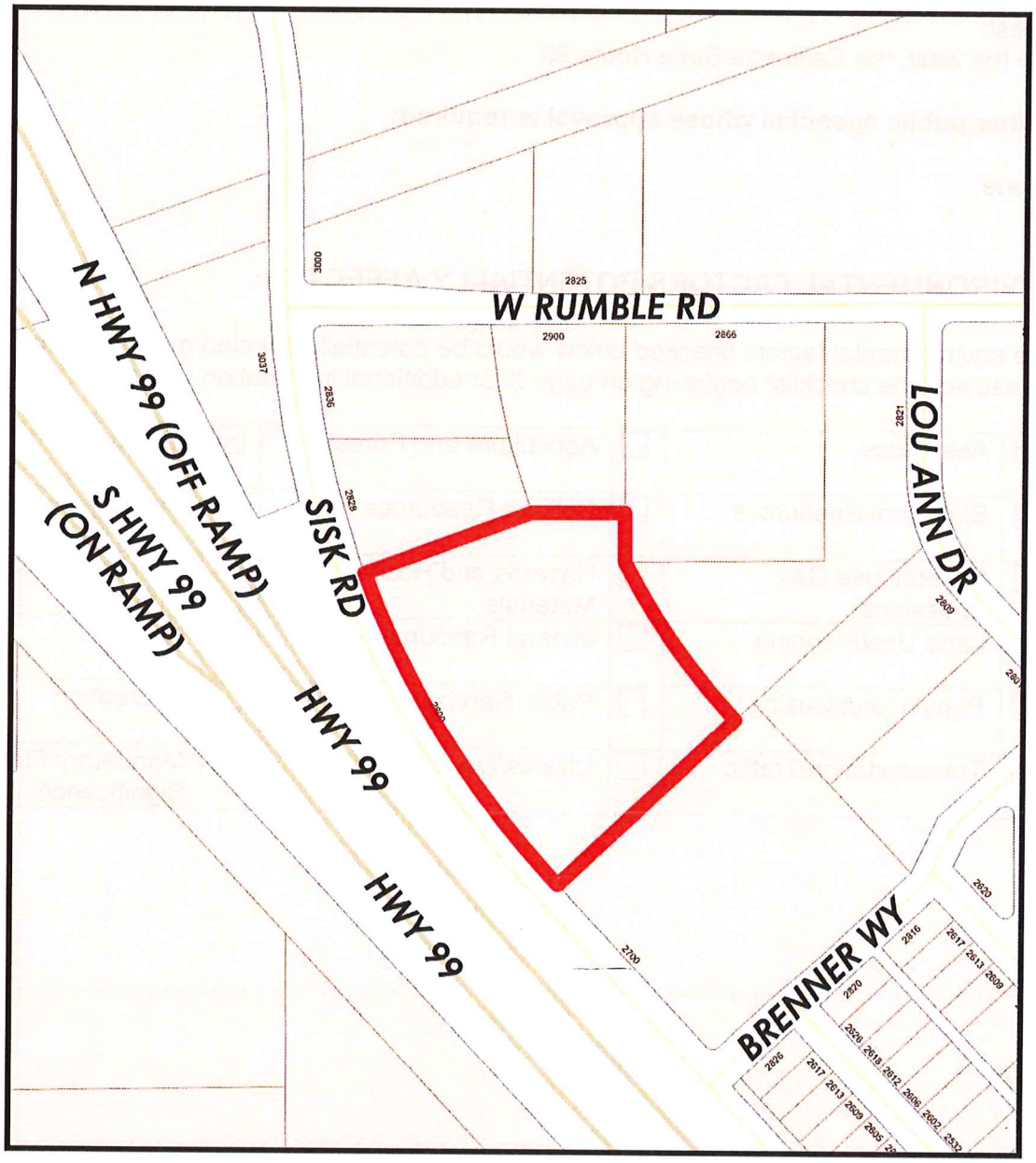
Other public agencies whose approval is required:

None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project. Please see the checklist beginning on page 3 for additional information.

☐	Aesthetics	☐	Agriculture and Forestry	☒	Air Quality
☐	Biological Resources	☐	Cultural Resources	☐	Geology/Soils
☐	Greenhouse Gas Emissions	☐	Hazards and Hazardous Materials	☐	Hydrology/Water Quality
☒	Land Use/Planning	☐	Mineral Resources	☒	Noise
☐	Population/Housing	☐	Public Services	☐	Recreation
☐	Transportation/Traffic	☐	Utilities/Service Systems	☐	Mandatory Findings of Significance



RZN-24-003 at 2800 Sisk Road

N

US Feet

0 95 190 380 570 760

DETERMINATION:

On the basis of this initial evaluation:

☒	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
☐	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
☐	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
☐	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
☐	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: E. Gumi Borquez **Date:** 2/3/25

Printed Name: Edwin Borquez

This checklist identifies physical, biological, social and economic factors that might be affected by the proposed project. In many cases, background studies performed in connection with the projects indicate no impacts. A NO IMPACT answer in the last column reflects this determination. Where there is a need for clarifying discussion, the discussion is included either following the applicable section of the checklist or is within the body of the environmental document itself. The words "significant" and "significance" used throughout the following checklist are related to CEQA, not NEPA, impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
I. AESTHETICS: Would the project:				
a) Have a substantial adverse effect on a scenic vista	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

Discussion

a) There are no scenic vistas in the vicinity of the project area; therefore, there is no impact.

b) There is no proposed development with this project, therefore there is no impact.

c) No development is proposed; therefore, no impact.

d) No development is proposed; therefore, no impact.

Resource: Refer to pages V-19-1 to V-19-7 of the Modesto Urban Area General Plan (MEIR), approved earlier (SCH 2014042081).

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Discussion

a) The project area is within the Baseline Urbanized Area of the City and is developed with an existing hardware/home supply store. There are no Williamson Act contracts on the parcels of the project area; therefore there is no impact.

b) There is no forest or timberland within the project area. No impact.

c) There is no forest or timberland within the project area. No impact.

d) See item A, B and C above. No impact.

e) No development is proposed with the rezone; therefore, no impact is expected.

Resource: Pages V-4-1 to V-4-13 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

Discussion

a) The project would not conflict with or obstruct implementation of an applicable air quality plan. No impact.

b) No development is proposed with the project; therefore, the project would not violate any air quality standard or contribute substantially to an existing or project air quality violation. No impact.

c) No development is proposed; therefore, no the project would not result in a cumulatively considerable net increase of any criteria pollutant.

d) No development is proposed with the rezone. However, future redevelopment of the stie as a result of the rezone may create odors that are construction-related and therefore temporary. Future development would be required to adhere to relevant air quality mitigation measures as applicable.

e) See item (d) above.

Resource: See pages V-2-1 through V-2-43 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES: Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Discussion

a) The proposed project will not impact any species regulated by California Department of Fish and Game or U.S. Fish and Wildlife Service, since there is not proposed development. .

b) The rezone area is an existing retail site located in an urbanized developed area and is not located within or near a riparian area or other sensitive natural area.

c) The site does not qualify as a federally protected wetland per Section 404 of the Clean Water Act. No impact.

d) The proposed project will not interfere with any movement of any native resident or migratory fish or wildlife species; therefore there is no impact.

e) There would be no conflict with any local policies or ordinance protecting biological resources. The City does not have a heritage tree ordinance.

f) There would be no conflict with any habitat conservation plan, natural community conservation plan, or other approved local, regional or state habitat conservation plan; therefore, there is no impact.

Resource: See pages V-7-1 through V-7-39 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact

V. CULTURAL RESOURCES: Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Discussion

a) The project is consistent with the historical resource policies of the General Plan.

b) The project site is an existing retail use surrounded by developed urban area, and would not affect an archeological resource.

c) The proposed project would not directly or indirectly destroy a unique paleontological or unique geological feature.

d) There are no known human remains in the project area. No ground disturbing activities are proposed that could disturb or unearth any remains as a result of the rezone. No impact.

Resource: See pages V-8-1 through V-8-34 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS: Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☒
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒

iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

Discussion

a) No development is proposed with the rezone; therefore, the project will not expose people or structures to potential substantial adverse effects.

b) The project area is flat and would not result in substantial soil erosion. No impact.

c) See item (b) above.

d) The site is an existing retail use surrounded by urban development, not located on an area of expansive soils.

e) There is existing development at the site that currently utilizes the City's sewer system for the disposal of wastewater.

Resource: See pages V-17-1 through V-17-14 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS: Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

Discussion

a) No development is proposed with the rezone; therefore, no impact.

b) Since there is no proposed development, the project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses. No impact.

Resource: See pages V-2-38 through V-2-43 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Discussion

a) No development is proposed; therefore, no impact. Rezones do not require the use of hazardous material.

b) See item A above.

c) See item A above.

d) The project site is not on the list of hazardous materials sites. No impact.

e) The project site is more than five (5) miles away from the nearest airport.

f) The project site is not within the vicinity of a private airstrip. The nearest air operations is the helipad operated by Kaiser Permanente Modesto Medical Center, located approximately two (2) miles to the north. No impact.

g) The project would not interfere with an emergency access plan or evacuation plan. The project was referred to Modesto Fire and Police, who did not indicate any concerns with emergency access. No impact.

h) There are no forests or wildlands in the vicinity of the project site. No impact.

Resource: See pages V-16-1 through V-16-15 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY: Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow	☐	☐	☐	☒

Discussion

a) No development is proposed; therefore, will not violate any water quality standards, no impact.

b) The proposed project would not deplete groundwater supplies or interfere substantially with groundwater recharge due to the parcel map having no proposed development. No impact.

c) The project will not substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial surface runoff, erosion, or siltation, due to no proposed development with the parcel map. The nearest river is the Stanislaus River, approximately four (4) miles away to the north. No impact.

d) See item C above.

e) No development is proposed; therefore, no impact is expected. Any future project will be required to treat and retain stormwater as provided by the stormwater plans City standards and would therefore not be expected to result in substantial runoff. No impact.

f) See items B through E above.

g) The site is not located within a 100-year floodplain or a 200-year floodplain. No impact.

h) See item G above.

i) See item G above.

j) The City is not subject to impacts as a result of seiche or tsunami. The City is inland approximately 90 miles from the Pacific Ocean and has no large water bodies within its jurisdiction or nearby. The project site is flat land and is not subject to mudslides. No impact.

Resource: See pages V-9-1 through V-9-13 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING: Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b)Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Discussion

a) No development is proposed with the rezone; therefore, it will not physically divide an establish community.

b) The proposed rezone is consistent with the General Plan and would not conflict with any other applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. No impact.

c) The project would not conflict with any applicable habitat conservation plans or natural community conservation plans. The City does not have habitat conservation plans in place. No impact.

Resource: V-20-1 through V-20-14 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XI. MINERAL RESOURCES: Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Discussion

a) The project site is surrounded by urban uses and has no known mineral resources. No impact.

b) The project site is not identified on any plan as a locally important mineral resource recovery site. No impact.

Resource: See pages V-17-1 through V-17-14 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XII. NOISE: Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Discussion

a) No development is proposed; therefore, there will be no Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, no impact.

b) No development is proposed; therefore, there will be no exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels, no impact.

c) No development is proposed; therefore, there will not be a substantial permanent increase in ambient noise levels in the project vicinity above levels existing no impact.

d) No development is proposed with the rezone; however, any future redevelopment of the site may involve temporary increase in ambient noise that is construction related. Any future development activities would be required to adhere to the City's Noise Ordinance; therefore, there would be less than signficant impact.

e) The proposed project area is not located within an airport land use plan, No impact.

f) The project area is not within the vicinity of a private airstrip. No impact.

Resource: See pages V-3-1 through V-3-46 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact

XIII. POPULATION AND HOUSING: Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion

a) No development is proposed; therefore, no population growth is expected, no impact.

b) No development is proposed and therefore no impact.

c) The proposed rezone will not displace any people, necessitating the construction of replacement housing, no impact.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES:				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	☐	☐	☐	☒
Fire protection?	☐	☐	☐	☒
Police protection?	☐	☐	☐	☒
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒

Other public facilities?	☐	☐	☐	☒

Discussion

a) No development is proposed; therefore, no impact. Any future redevelopment of the site as a result of the rezone would be individually reviewed if proposed.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XV. RECREATION:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Discussion

a) No development is proposed; therefore, no impact. Any future development would be individually reviewed if proposed.

b) No development is proposed; therefore, no impact. Any future development would be individually reviewed if proposed.

Resource: See pages V-11-1 through V-11-13 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC: Would the project:				

a) Conflict with an applicable plan, ordinance or policy 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?	☐	☐	☐	☒
b) 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 roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒

Discussion

a) No development is proposed; therefore, no impact. Any future development would be individually reviewed if proposed.

b) No development is proposed; therefore, no impact. Any future development would be individually reviewed if proposed.

c) No development is proposed; therefore, no impact. Any future development would be individually reviewed if proposed.

d) No development is proposed; therefore there will be no increase hazards due to a design feature.

e) No development is proposed; therefore, no impact. Any future development would be individually reviewed if proposed.

f) No development is proposed; therefore, the proposed project will not Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

Resources: See pages V-1-1 through V-1-46 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS: Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

Discussion

a) No development is proposed; therefore, the proposed project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. No impact.

b) No development is proposed; therefore, the proposed project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. No impact.

c) No development is proposed; therefore, the proposed project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. No impact.

d) No development is proposed; therefore, the proposed project will have sufficient water supplies available to serve the project from existing entitlements and resources or are new or expanded entitlements needed. No impact.

e) No development is proposed; therefore, the proposed project will not result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. No impact.

f) No development is proposed; therefore, the proposed project will be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs. No impact.

g) No development is proposed; therefore, no impact is expected. Any future development will be required to comply with statues and regulations related to solid waste.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Discussion

a) No development is proposed with the rezone; therefore, the proposed project will not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory, no impact.

b) No development is proposed; therefore, the proposed project will not have impacts that are individually limited, but cumulatively considerable; therefore there would beno impact.

c) No development is proposed; therefore, the proposed project will not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly, no impact.

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-120

RESOLUTION ACCEPTING THE RESIGNATION OF ADRIANA GARCIA FROM THE CITY OF MODESTO'S EQUITY COMMISSION

WHEREAS, the Equity Commission was established to advise the City Manager and the City Council in matters that relate to equity and inclusion, equal opportunity, and disability related issues, and

WHEREAS, on April 9, 2024, by Resolution No. 2024-104, Adriana Garcia was appointed to serve as a member of the Equity Commission, and

WHEREAS, Adriana Garcia has tendered her resignation from the Equity Commission effective April 1, 2025.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby accepts the resignation of Adriana Garcia from the Equity Commission with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAVARES-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-121

RESOLUTION APPROVING THE APPOINTMENT OF MICHELLE PATINO AND THOMAS GUERRERO TO THE DOWNTOWN IMPROVEMENT DISTRICT ADVISORY BOARD FOR A FOUR-YEAR TERM ENDING DECEMBER 31, 2029

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, Modesto Downtown Improvement District promotes a positive atmosphere in the downtown by caring for physical space, with the mission to attract and retain business, employees, residents, and visitors to downtown Modesto; and

WHEREAS, pursuant to Modesto Municipal Code Section 6-3.11, the Downtown Improvement District Advisory Board consists of 9 members to be appointed by the Mayor with the concurrence of the Council; and

WHEREAS, the Board Members are required to be persons who have businesses within the business improvement area subject to an additional levy of additional mill taxes; and

WHEREAS, the Downtown Improvement District Executive Committee fully recommends the appointment of Michelle Patino and Thomas Guerrero, both business owners subject to the additional mill tax, to a term ending December 31, 2029.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the appointment of Michelle Patino and Thomas Guerrero to the Downtown Improvement District Advisory Board for a four-year ending December 31, 2029.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 2025, by Councilmember Williams, 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:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-122

RESOLUTION APPROVING A PUBLIC HIGHWAY AT GRADE CROSSING AGREEMENT FOR ADDITIONAL RIGHTS TO THE AT GRADE PUBLIC ROAD CROSSING OVER B STREET WITH UNION PACIFIC RAILROAD COMPANY FOR THE 7TH STREET BRIDGE PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Stanislaus County Department of Public Works (County), in cooperation with the City of Modesto (City), the California Department of Transportation (Caltrans), and the Federal Highway Administration (FHWA) have undertaken a project to replace the historic 7th Street Bridge over the Tuolumne River; and

WHEREAS, the bridge replacement project will correct structural and hydraulic deficiencies, increase the capacity of the 7th Street corridor, and improve safety for vehicles, bicycles, and pedestrians; and

WHEREAS, the 7th Street bridge is listed on the Caltrans Local Agency Bridge List with an extremely low sufficiency rating of 5.1 on a scale from 0 to 100 due to structural and functional deficiencies; and

WHEREAS, although the bridge is currently considered structurally sound, there is significant spalling, advanced signs of alkali silica reaction, exposed and deteriorating steel reinforcing and considerable deflection at the cantilevered sections; and

WHEREAS, the completed Project will have two standard-width travel lanes in each direction, a Class I multi-use path on the west side of the bridge, a standard sidewalk on the east side of the bridge, and five-foot-wide shoulders on each side of the bridge that will serve as Class II bicycle lanes; and

WHEREAS, the Project includes modifications at the 7th Street/B Street/Tuolumne Boulevard intersection and at Crows Landing Road at the 7th Street intersection; and

WHEREAS, the latest Amended and Restated Memorandum Of Agreement (MOA) was approved by the City Council on February 27, 2024, by Resolution No. 2024-059, and by the County on April 16, 20024, by Resolution No. 2024-0159; and

WHEREAS, funding for this Project is from the Federal Highway Bridge Program (HBP) and the Congestion Mitigation and Air Quality (CMAQ) Improvements Program, administered by Caltrans, with local matching funds from Stanislaus County and the City of Modesto; and

WHEREAS, construction of the Project could potentially begin in late 2025 or first quarter of 2026, this is contingent on right-of-way certification, permits, and the funding availability; and

WHEREAS, in addition to the roadway and bridge construction within the public right-of-way, the Project will impact the Union Pacific Railroad (UPRR) track and bridge that runs parallel to 7th Street to the east; and

WHEREAS, the City is required to have an agreement for rail crossing improvements at the intersection of 7th Street and B Street; and

WHEREAS, City Staff and UPRR staff have negotiated the Public Highway At-Grade Crossing Agreement (Agreement); and

WHEREAS, the agreement addresses the work by the respective parties to complete the improvements for the rail crossing for the intersection within the City's jurisdiction; and

WHEREAS, the 7th Street Bridge Replacement Project is funded as part of the HBP program. The Section 1 payment of $43,600.00 is a right-of-way phase cost under the Engineering phase of the project and covered under the City's Capital Improvement Program (CIP) Project No. 100586; and

WHEREAS, currently, Caltrans has authorized $5,767,000 for the right-of-way phase of this Project with eligible costs reimbursed at 88.53%; and

WHEREAS, the local match for the Section 1 payment will be $5,001, which will be split evenly between the County and the City of Modesto as defined in the MOA; and

WHEREAS, the local match funding for this project is funded with Street Capital Facilities Fees; and

WHEREAS, The Section 7 portion of the Agreement for an estimated $1,490,245 will be an HBP eligible CON phase cost. CON funding for this Project will be 88.53% of all eligible costs; and

WHEREAS, the local match for this Agreement will be approximately $170,931 which will be shared between the County and the City of Modesto in accordance with construction MOA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that approves a Public Highway at Grade Crossing Agreement for additional rights to the at grade public road crossing over B Street with Union Pacific Railroad Company for the 7th Street Bridge 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 22nd day of April, 2025, by Councilmember Escutia-Braaton, 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:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-123

RESOLUTION ACCEPTING THE RETROREFLECTIVE BACKPLATES AND STRIPING PROJECT AS COMPLETE, RELEASING SECURITIES, RELEASING PAYMENTS TOTALING $579,530 TO TENNYSON ELECTRIC, INC. OF LIVERMORE, CA, AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, in late 2021, City staff brought to the Economic Development Committee, studies showing retroreflective backplates reduce collisions in intersections by 15 percent overall and by up to 50 percent in late night/early morning hours; and

WHEREAS, this project replaced outdated signal heads at various location within the City and also replaced five traffic signal heads with Flashing Yellow Arrow (FYA) heads which allow waiting left turn motorists to proceed when safe; and

WHEREAS, the project was advertised for bids on June 14, 2022; and

WHEREAS, bids were publicly opened on July 19, 2022, and Tennyson Electric, Inc. of Livermore, CA., was the only responsive and responsible bidder at 40% above the engineers estimate; and

WHEREAS, on September 27, 2022, by Resolution 2022-400, Council awarded a contract to Tennyson Electric, Inc, in the amount of $566,317; and

WHEREAS, the Contractor received the Notice to Proceed with a start date of November 14, 2022. All contract work was completed on May 24, 2024; and

WHEREAS, the total project costs $686,468 which included design, construction, and construction administration costs. The total project amount originally budgeted was $717,200, which included $622,949 for the construction contract and contingency with Tennyson Electric, Inc; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, updated by Resolution No. 2019-326 on July 9, 2019, and updated by Resolution No. 2023-405 on September 12, 2023, established a contract change order authority of ten percent (10%) for construction contracts of this dollar value; and

WHEREAS, four (4) change orders resulting in an overall increase of $13,213 for change order work as listed on the attached change order log; and

WHEREAS, the contracted work was not completed in the prescribed 90 days, liquidated damages were applied in the amount of $5,400 charged to Tennyson Electric, Inc. Per the contract, each calendar day is charged at $600 per day. The final completion date of this project (May 22, 2024) was nine (9) calendar days after the deadline had passed; 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 City Council of the City of Modesto that the Retroreflective Backplates and Striping Project as complete, releasing securities, releasing payments totaling $579,530 to Tennyson Electric, Inc. of Livermore, CA, and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 2025, 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:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO 2025-124

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH UNLIMITED PLAY, ST. PETERS, MO TO SERVE AS THE FISCAL ENTITY RELATED TO THE FUND RAISING FOR THE DEVELOPMENT, CONSTRUCTION, AND FUTURE MAINTENANCE OF THE AWESOME SPOT INCLUSIVE PLAYGROUND AT BEYER COMMUNITY PARK PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MEMORANDUM OF UNDERSTANDING

WHEREAS, it is the desire of the City to install an inclusive playground designed for citizens of all abilities to play side by side at Beyer Community Park, and

WHEREAS, in 2015, a group of citizens organized a team for the purposes of playground design, community engagement, and fundraising for what is now known as "The Awesome Spot Playground" (TASP Project), and

WHEREAS, by Resolution No. 2016-103, Council approved a Grant and License Agreement with Shane's Inspiration for design services for the Project; and

WHEREAS, by Resolution No. 2017-104, Council approved an agreement with Shane's Inspiration to act as a temporary sponsor for the TASP Project; and

WHEREAS, by Resolution No. 2018-191, Council approved Valley Mountain Regional Center (VMRC) as the Fiscal Agent for the TASP Project; and

WHEREAS, VMRC terminated its agreement in late 2024; and

WHEREAS, The Awesome Spot Playground team desires to continue fund raising for the project, and

WHEREAS, Unlimited Play desires to serve as the Fiscal Entity for the TASP Project to continue fund raising for the development, construction, and future maintenance of the TASP.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding with Unlimited Play to serve as the Fiscal Entity related to the fund raising for the development, construction and future maintenance of The Awesome Spot Playground a Beyer Community Park.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and any other supporting 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 22nd day of April, 2025, 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:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, ~~City Attorney~~

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-125

RESOLUTION APPROVING THE INCREASE OF A PURCHASE ORDER #229342 WITH PB LOADER, FRESNO, CA FOR TWO DUMP TRUCKS BY $14,728 FOR A REVISED TOTAL AMOUNT NOT TO EXCEED $307,655; AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO EXECUTE THE INCREASE TO THE PURCHASE ORDER

WHEREAS, on June 17, 2021, Sourcewell issued Request for Proposals (RFP) #0850521 PBL for Roadway Maintenance Equipment on the Sourcewell website, the New York State Contract Reporter website, the Onvia website, and the PublicPurchase.com website; and

WHEREAS, the RFP was also advertised and distributed to sixty vendors. On August 15, 2021, proposals were formally opened at the Sourcewell offices. Thirty proposals were received and based on the Sourcewell Proposal Review Committee and criteria outlined in the RFP, six contracts were awarded for Roadway Maintenance Equipment; and

WHEREAS, on June 28, 2022, by Resolution 2022-287, Council approved the purchase of two dump trucks from PB Loader, Fresno, CA. not to exceed $292,927; and

WHEREAS, on August 01, 2022, it was expected that this order would be accepted and placed in the order bank with Ford Motor Company; however, the order was not received by Ford during the order bank window and was not placed in the manufacturing schedule from the factory. Unfortunately, the industry-wide parts supply chain experienced significant delays exacerbating the delay in manufacturing these dump trucks; and

WHEREAS, due to the delay in receiving the vehicles, prices have increased by an additional $14,728 for a new cost of $153,828, which is an increase in cost of five percent; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid on. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services;” and

WHEREAS, the cost increase over the original bid is in alignment with current pricing, compared to the listed price on the Sourcewell website and it is the recommendation from staff to increase the purchase order to continue the order and the anticipated cost increase of $14,728 will be absorbed within the current Fiscal Year (FY) Public Works Fleet Replacement Fund budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the increase of Purchase Order #229342 with PB Loader, Fresno, CA for two dump trucks by $14,728 for a revised total amount not to exceed $307,655.

BE IT FURTHER RESOLVED the Director of Finance, or her designee, is hereby authorized to execute the increase to the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-126

RESOLUTION APPROVING THE GRANT ACCEPTANCE FOR THE DEPARTMENT OF ENERGY, ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM IN AN AMOUNT NOT TO EXCEED $241,720; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AND SUBMIT ALL DOCUMENTS WHICH MAY BE NECESSARY FOR THE COMPLETION OF THE GRANT ACCEPTANCE

WHEREAS, the City of Modesto, Public Works Department, Fleet Services Division, manages approximately 1,580 pieces of equipment and is required to comply with the State of California's Advanced Clean Cars II regulations that will scale down emissions of light-duty passenger cars, pickup trucks and Sport Utility Vehicles (SUVs) starting with the 2026 model year through 2035. The Advanced Clean Fleet amendment incorporated California Air Resources Board (CARB) recently adopted Advanced Clean Trucks regulation and will help advance the introduction of zero-emission technologies into California's truck and bus fleets by the Governor's Executive Order N-79-20; and

WHEREAS, the City has a long-standing history of addressing air quality and environmental sustainability, particularly in response to the region's air pollution challenges. Located in California's Central Valley, Modesto has historically faced air quality issues due to its geography and agricultural base, which can contribute to pollution through dust, vehicle emissions, and industrial activity; and

WHEREAS, on June 13, 2023, by Resolution No.2023-276, Council approved staff to apply for all electric vehicle charging station grants. This authorization provides the City access to various grant opportunities to meet the State of California mandatory conversion to zero-emission vehicles by the year 2035; and

WHEREAS, the City submitted through the online portal the voucher application for the Department of Energy, Energy Efficiency and Conservation Block Grant Program (DOE-EECBG), and the voucher earmark funding for the City is $241,720.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Grant Acceptance for the Department of Energy, Energy Efficiency and Conservation Block Grant program in an amount not to exceed $241,720.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute and submit all documents which may be necessary for the completion of the grant acceptance, in a manner 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 April, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-127

RESOLUTION APPROVING THE PURCHASE OF THREE CLASS 4, 5, AND 6 ELECTRIC VEHICLES, FROM KINGSBURG TRUCK CENTER, KINGSBURG CA FOR A TOTAL AMOUNT NOT TO EXCEED $586,679, AND CONTINGENCY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER

WHEREAS, the City of Modesto, Public Works Department, Fleet Services Division, manages approximately 1,580 pieces of equipment and is required to comply with the State of California's Advanced Clean Cars II regulations that will scale down emissions of light-duty passenger cars, pickup trucks and Sport Utility Vehicles (SUVs) starting with the 2026 model year through 2035. The Advanced Clean Fleet amendment incorporated California Air Resources Board (CARB) recently adopted Advanced Clean Trucks regulation and will help advance the introduction of zero-emission technologies into California's truck and bus fleets by the Governor's Executive Order N-79-20; and

WHEREAS, the City has a long-standing history of addressing air quality and environmental sustainability, particularly in response to the region's air pollution challenges. Located in California's Central Valley, Modesto has historically faced air quality issues due to its geography and agricultural base, which can contribute to pollution through dust, vehicle emissions, and industrial activity; and

WHEREAS, on June 13, 2023, by Resolution No.2023-276, Council approved staff to apply for all electric vehicle charging station grants. This authorization provides the City access to various grant opportunities to meet the State of California mandatory conversion to zero-emission vehicles by the year 2035; and

WHEREAS, the City submitted through the online portal the voucher application for the Department of Energy, Energy Efficiency and Conservation Block Grant Program (DOE-EECBG). The voucher earmark funding for the City is $241,72; and

WHEREAS, on August 18, 2022, the City Manager authorized the Purchasing Manager to solicit the procurement for replacement utility service trucks. On July 16, 2024, Sourcewell a State of Minnesota local government issued RFP No. 032824 for Class 4-8 Chassis and Cabs with Related Equipment, Accessories, and Services on the Sourcewell Procurement Portal and New York State Contract Reporter website, DJC Oregon, and Oklahoman. On March 28, 2024, proposals were opened at the Sourcewell Procurement Portal; and

WHEREAS, 35 proposals were received and based on the Proposal Evaluation Committee and criteria outlines in the RFP, 33 contracts were awarded for this commodity which includes the Class 4-8 Chassis and Cabs with Related Equipment, Accessories, and Services. Based on the responsive and responsible proposer offering the meet the scope and mandatory submittal requirements, City staff recommends to award to Kingsburg Truck Center, Kingsburg CA to purchase three Class 4 utility vehicles for an amount not to exceed $586,679; and

WHEREAS, Modesto Municipal Code Section 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.” In addition, Modesto Municipal Code Section 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best

cost savings interest of the City would be served. By utilizing the Sourcewell Contract, the City is complying with the requirements defined under this code for Class 4-8 Chassis and Cabs with Related Equipment, Accessories, and Services; and

WHEREAS, for these vehicles and equipment, City staff is recommending applying a change order of up to 15% in case any market changes occur between the timeframe of when the order is placed with the vendor and when the production of the vehicle is completed. With current inflation and the volatile vehicle market, City staff will ensure any prices increases requested by the vendor align with the market change based on using the Commodities Research Unit indexes which focuses on indexes related to steel.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase of three Class 4, 5, and 6 electric vehicles, from Kingsburg Truck Center, Kingsburg CA for a total amount not to exceed $586,679; and contingency Change Orders not to exceed 15% of the total purchase price.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 2025, 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:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-128

RESOLUTION APPROVING THE SOLE SOURCE AGREEMENT FOR THE PURCHASE OF MOBILESPIKE VEHICLE DISABLEMENT SYSTEMS WITH MOBILESPIKE TECHNOLOGIES INC., LONGVIEW, WA, FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF $150,000, AND A TOTAL AMOUNT NOT TO EXCEED $750,000 OVER FIVE YEARS; AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto Fleet Services Division assists with procuring, upfitting, servicing and maintaining all law enforcement vehicles for the City. To assist in preserving these vehicles from collision damage, the City has standardized the use of a vehicle disablement system that is integrated into the push bumper on all Field Operations Division patrol units; and

WHEREAS, each sports utility vehicle (SUV) assigned to the Field Operations Division within the Police Department is upfitted with various pieces of equipment and components specific to the standards of the Police Department. These upfitting elements are to make the SUVs operationally function per department needs and standards for safety and efficiency. One of the configurations includes a front push bumper and vehicle disablement system; and

WHEREAS, with the City's current fleet of patrol SUVs and the ability to reduce repair costs that previously resulted from officers having to conduct Pursuit Immobilization Technique (PIT) maneuvers, the installation of "PIT protection" push bumpers with side protection devices had been implemented as a minimum requirement; and

WHEREAS, MobileSpike Technologies, Inc. recently developed a vehicle disablement system consisting of a combination push bumper and mechanical arm, which is integrated into the push bumper and mounted to the front bumper of the squad car; and

WHEREAS, the integration of the MobileSpike vehicle disablement system has been determined a necessary enhancement for safety of the officers, suspects, and bystanders; and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment or contractual services 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. Here, MobileSpike Technologies is the original equipment manufacturer (OEM) and sole manufacturer of the disablement system and replacements parts for these critical operational vehicles. Therefore, staff recommends that the purchase of the disablement systems and replacement parts of the Agreement with MobileSpike Technologies should be exempt from the formal bidding procedures in accordance with MMC section 8-3.204(b) since MobileSpike Technologies is the OEM and Sole Manufacturers of these disablement systems and replacement parts.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Sole Source Agreement for the purchase of MobileSpike Vehicle Disablement Systems with MobileSpike Technologies Inc., Longview, WA, for a two-year Agreement with three one-year extension options, for an annual estimated amount of $150,000, and a total amount not to exceed $750,000 over five years.

BE IT FURTHER RESOLVED that the Director of Finance, 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 22nd day of April, 2025, 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:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-129

RESOLUTION APPROVING THE FIRST AMENDMENTS FOR THE AGREEMENTS WITH CENCAL AUTO AND TRUCK PARTS, MODESTO, CA AND RUSH TRUCK CENTERS, CERES, CA FOR THE PURCHASE OF EQUIPMENT AND VEHICLE PARTS AND SERVICES FOR THE AGREEMENTS FOR AN ANNUAL ESTIMATED COST INCREASE OF $340,000 FROM $200,000 TO $540,000 FOR A REVISED TOTAL AMOUNT NOT TO EXCEED $2,867,550 OVER FIVE YEARS; AND AUTHORIZING THE DIRCTOR OF FINANCE, OR HER DESIGNEE, TO EXECUTE THE AMENDMENTS

WHEREAS, the City's Public Works Department, Fleet Services Division (Fleet) services and maintains 1,583 in-service vehicles, heavy equipment, buses, fire trucks, trailers and other miscellaneous equipment for all areas of the City. Each vehicle or piece of equipment has countless parts to make the unit function safely and efficiently. At any time, components can fail or break on any piece of equipment and preparing a list of parts that will be required in any given Fiscal Year is not feasible. Downtime for any piece of equipment means that a crew or individual cannot perform their job duties and can adversely impact operations; and

WHEREAS, on July 09, 2024, by Resolution No. 2024-262, Council approved an agreement with CenCal Auto and Truck Parts (CenCal) and Rush Truck Center (Rush) for the purchase of equipment and vehicle parts and service for total amount not to exceed $1,000,000 over five years; and

WHEREAS, CenCal provides Fleet a variety of repair and replacement parts for both heavy and light duty vehicles and equipment such as batteries, filters, suspension components, brake components, fuel system components, various hoses, belts, bearings, and emission compliance parts; and

WHEREAS, based on current spend rate staff projects approximately $30,000 monthly for CenCal to cover the loss of CarQuest distributor and industry cost increases. Rush is anticipated to have a spend rate staff projects approximately $15,000 monthly; and

WHEREAS, Rush provides Fleet both parts and repair services mostly for our heavy equipment and bus inventory. They are the local distributor for Original Equipment Manufacturers (OEM) for Cummins, Ford and Compressed natural Gas (CNG) engines. In addition to the normal repair and replacement parts, such as electronic control modules, brake and emission components, Rush provides vehicle repairs to augment City in-house mechanics; and

WHEREAS, they are the only local source to conduct CNG annual certification inspections, as well as both Cummins, Ford, and bus chassis and engine repairs. The CNG annual inspection has a fleet of 24 buses that were not in the original agreement that requires at least $30,000 annually to ensure Department of Transportation (DOT) compliance. Two unanticipated major engine failures, required approximately $80,000 in costs, reimbursed through Stanislaus Regional Transit Authority (StanRTA), that absorbed the original expenditure estimates; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204 (f) “Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or

scope, to increase efficiency and avoid delays or disruptions to City projects or services. With the increase of rentals due to additional funding sources and the competitive pricing already obtained through these agreements; the increase of these agreements amount will ensure the City obtains discount pricing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Purchasing Agreements for the purchase of equipment and vehicle parts and services with CenCal Auto and Truck Parts, Modesto, CA and Rush Truck Center, Ceres, CA for an annual combined estimated cost increase of $340,000 from $200,000 to $540,000 for a revised total amount not to exceed $2,867,550 over five years.

BE IT FURTHER RESOLVED the Director of Finance, or her designee, 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 22nd day of April, 2025, 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:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-130

RESOLUTION APPROVING THE FIRST AMENDMENT WITH CHAMPION INDUSTRIAL CONTRACTORS, INC. MODESTO, CA FOR THE ON-CALL MECHANICAL AND REFRIGERATION SERVICES, INCREASING THE AGREEMENT AMOUNT BY $420,000 TO A NEW TOTAL AMOUNT OF $1,210,505 OVER FIVE YEARS, AND AUTHORIZING THE CITY MANGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on May 4, 2021, the Purchasing Division issued Request for Bid (RFB) No.1920-68 for On-Call Mechanical and Refrigeration Services under multiple category codes; and

WHEREAS, on June 8, 2021, bids were formally opened by the City Clerk an broadcast via Microsoft Teams Livestream. Two Vendors responded with formal bids, one of which is a local vendor; and

WHEREAS, on September 7, 2021, by Resolution No. 2021-339, Council authorized the award of bid and service agreement for On-Call Mechanical and Refrigeration Services to Champion Industrial Contractors, Inc., for a two-year agreement with three one-year extension options, for an annual cost not to exceed $158,101 and a total amount not to exceed $790,505 over five; and

WHEREAS, with aging infrastructure and challenges of deferred maintenance throughout City facilities, there has been an increase of the use for On-Call Mechanical and Refrigeration Services; and

WHEREAS, various City departments including Parks, Recreation and Neighborhoods, Public Works, Utilities, Modesto Police Department and Modesto Fire including Oakdale Fire have HVAC, and refrigeration (ice machines) systems (HVAC/R) that are aging and require routine maintenance and unplanned repairs; and

WHEREAS, city staff is currently working with the results of the Facility Condition Assessment which will allow the City to plan for the deferred maintenance priorities needed to address aging infrastructure; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “Where the Purchasing Manager, in her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar good or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services.” The City has determined that an increase in Agreement funding is required to ensure adequate funding allowance in years four and five to cover the increased demand for services; and

WHEREAS, staff recommends the First Amendment to the Agreement for On-Call Mechanical and Refrigeration Services increasing the annual costs from $158,101 to $242,101 in anticipation of increasing need for future required services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment with Champion Industrial Contractors, Inc. Modesto, Ca for the On-Call Mechanical and Refrigeration Services, increasing the agreement amount by $420,000 to a new total amount of $1,210,505 over five 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 22nd day of April, 2025, 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:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-131

RESOLUTION APPROVING THE 2024 UPDATE TO THE CITY OF MODESTO SEWER SYSTEM MANAGEMENT PLAN

WHEREAS, the City of Modesto's sanitary sewer system is regulated by the State Water Resources Control Board (SWRCB); and

WHEREAS, on May 02, 2006, the SWRCB adopted the Statewide General Waste Discharge Requirements (WDR), Order No. 2006-0003-DWQ, for Sanitary Sewer Systems; and

WHEREAS, on December 06, 2022, the SWRCB adopted a revised WDR Order No. WQ 2022-0103-DWQ which went into effect on June 05, 2023; and

WHEREAS, the WDR governs the operations and maintenance of wastewater collection systems and requires agencies to develop, implement, and periodically update a system-specific Sewer System Management Plan (SSMP); and

WHEREAS, the SSMP is a guiding document for the proper management, operation, and maintenance of all parts of the sanitary sewer system; and

WHEREAS, the revised WDR requires staff to perform audits on the SSMP a minimum of every three (3) years and complete updates to the SSMP every six (6) years, or when significant changes are made to operations; and

WHEREAS, the most recent audit report and findings are included in Section 10 of the City of Modesto SSMP update; and

WHEREAS, the SSMP has been updated to address all audit findings; and

WHEREAS, the revised WDR requires the current audit and subsequent update be approved by the City's governing body, Modesto City Council, at a public meeting to incorporate the necessary changes prior to the update schedule deadline; and

WHEREAS, if the City fails to approve and/or update the SSMP, it would be in violation of Order No. WQ 2022-0103-DWQ Statewide General Waste Discharge Requirements and the City would be subject to penalties up to $10,000 per day.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the 2024 update to the City of Modesto Sewer System Management Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 2025, 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:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-132

RESOLUTION APPROVING A TWO-MONTH EXTENSION OF THE LEASE WITH JUANA MONREAL AND JOSE SOLIS, INDIVIDUALS DOING BUSINESS AS LIZ ANDREWS FURNITURE, FOR CITY-OWNED PROPERTY LOCATED AT 131 9TH STREET, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE LEASE AMENDMENT

WHEREAS, the City previously approved a recommended plan to address the failing River Trunk facility by moving forward with final design of the River Trunk Realignment Project, and

WHEREAS, the Project consists of multiple components, including a new River Trunk Pump Station with dual force mains, and

WHEREAS, after evaluating multiple options, the City determined that the triangular piece of property at the southwest corner of B Street and 9th Street was the best location for the planned pump station, and

WHEREAS, this property was large enough to adequately construct, operate, and maintain the facilities required for the River Trunk Pump Station, and

WHEREAS, on July 11, 2023, the City Council approved the City's purchase of the property located at 131 9th Street, Modesto, California (the "Property"), and completed the purchase in the Fall of 2023, and

WHEREAS, the Property had an existing tenant, the Liz Andrews Furniture Store, with a Lease expiring on December 31, 2024, and

WHERES, the Lease was previously amended to extend the term until March 31, 2025, and

WHEREAS, the Liz Andrews Furniture Store is in the process of relocating to a new site, and

WHERAS, the Liz Andrews Furniture Store recently requested the Lease be extended for two additional months, until May 31, 2025, in order to facilitate a smooth relocation, and

WHEREAS, the rental amount will remain $3,535 for the two-month extension, and

WHEREAS, the extension of the Lease will not interfere with or delay the planned Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a two-month extension of the Lease with Juana Monreal and Jose Solis, individuals doing business as Liz Andrews Furniture, for City-owned property located at 131 9th Street.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the Lease 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 April, 2025, 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:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-133

RESOLUTION APPROVING AGREEMENTS FOR THE FURNISHING OF FUELCARD-LOCK SERVICES WITH STAN BOYETT & SON, INC. DBA BOYETT PETROLEUM, MODESTO, CA; AND HUNT & SONS, INC, CERES, CA FOR AN ANNUAL COMBINED ESTIMATED TOTAL OF $4,500,000 AND A TOTAL AMOUNT BETWEEN ALL AGREEMENTS COMBINED NOT TO EXCEED $23,198,063 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS

WHEREAS, the City of Modesto Fleet Services Division is required to maintain fuel services for all the City of Modesto's owned vehicles and equipment, by providing designed fuel cards to be used for vehicles and equipment valid at various approved gas stations in and around the City of Modesto for city-owned vehicles and equipment to obtain fuel – referred to here as "Citywide FuelCard-Lock Services"; and

WHEREAS, on March 8, 2024, the City Manager authorized the Purchasing Manager to solicit the procurement for the furnishing of FuelCard-Lock services. On August 27, 2024, the Purchasing Division issued Requests for Proposals (RFP) 2324-94 for FuelCard-Lock services on the City's PlanetBids public bidding website under various commodity. Prospective bidders were notified online and via email of the bid opportunity. Twelve companies downloaded the RFP document from PlanetBids; and

WHEREAS, on October 1, 2024, proposals were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream. Two companies chose to respond, and two local bids were received. Based on being ranked highest in total evaluation criteria, the evaluation committee recommends the award of proposal for the City-Wide FuelCard-Lock services to both local vendors for the furnishing of City-Wide FuelCard-Lock services with Stan Boyett & Son, Inc. dba Boyett Petroleum, Modesto,

CA; and Hunt & Sons, Inc., Ceres, CA for a total not to exceed $23,198,063 between the two agreements; and

WHEREAS, Staff recommends awarding two agreements for City-Wide FuelCard-Lock Services as follows: Agreement 1, Fuel Card-Lock Services Agreement #294032 - $2,250,000 estimated annually to Boyett Petroleum. They are currently working with the City and have an excellent track record of quality service. Agreement 2, Fuel Card-Lock Services Agreement #294031 - $2,250,000 estimated annually to Hunt & Sons. They are currently working with the City and have an excellent track record of quality service; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid. Based on the responsive and responsible highest score proposer offering the Card-Lock services which conforms to the Modesto Municipal Code, 8-3.203 City Staff recommends the award of proposal for the City-Wide Fuel Card-Lock Services to both Stan Boyett & Son, Inc. dba Boyett Petroleum, Modesto, CA; and Hunt & Sons, Inc., Ceres, CA; and

WHEREAS, the two proposed agreements have a combined estimate annual amount for years one and two of $4,500,000 and a combined estimate annual amount for years three, four, and five of $4,725,000 and resulting in a combined estimated five-year not to exceed total of $23,198,063. A 5% Consumer Price Index increase has been added for years three, four, and five which are included in the Contracted Services pricing. Funds are budgeted in the Fleet Fund, Outside Fire Contracts, and Stanislaus Regional

Transit Authority funding and for contingency services being allocated at the time of approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Agreements for the furnishing of Fuel Card-Lock Services with Stan Boyett & Son, Inc. dba Boyett Petroleum, Modesto, CA; and Hunt & Sons, Inc., Ceres, CA for an annual combined estimated total of $4,500,000 and a total amount between all Agreements combined not to exceed $23,198,063 over five years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby 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 22nd day of April, 2025, by Councilmember Williams, 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:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-134

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE SEWER TRUNK REHABILITATION ON GRIMES, MERCY AND WOODLAND PROJECT; ACCEPTING THE BID AND AWARDING A CONSTRUCTION CONTRACT TO SAK CONSTRUCTION, LLC, OF O'FALLON, MO, IN THE AMOUNT OF $22,830,295, AUTHORIZING THE DIRECTOR OF ENGINEERING SERVICES TO APPROVE CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF $2,739,636, 12% OF THE ORIGINAL CONTRACT PRICE, FOR A TOTAL PAYMENT AMOUNT NOT TO EXCEED $25,569,931 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, the City's Wastewater Collection System Master Plan identifies the rehabilitation of the West Trunk from the Woodland Lift Station to the Dryden Box located at the Regional Water Recycling Facility - Sutter Campus as a priority, and

WHEREAS, the West Trunk is one of the City's five major trunk lines that convey flows to the Sutter Campus, and

WHEREAS, the West Trunk is approximately 8.9 miles long and conveys about 35 percent of the City's total average dry weather flow, and

WHEREAS, a condition assessment concluded that the unlined reinforced concrete pipe was beginning to show missing or protruding aggregate in the crown area, and

WHEREAS, this project will rehabilitate 12, 18, 27, and 54 inch diameter pipes using trenchless cured in place pipe lining technology, with the key objective of preserving the integrity of the existing pipe and extending its useful life, and

WHEREAS, the project was advertised for bids on November 19, 2024, and

WHEREAS, on January 21, 2025, bids were publicly opened, pursuant to City Charter Section 1307, and four bids were received, and

WHEREAS, SAK Construction, LLC, of O'Fallon, MO, was the responsible bidder with the lowest responsive bid, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment or contractual services to follow the formal bid procedures, and

WHEREAS, the award of a Contract for the construction of the Sewer Trunk Rehabilitation on Grimes, Mercy and Woodland Project to SAK Construction, LLC, of O'Fallon, MO, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and SAK Construction, LLC was the responsible bidder with the lowest responsive bid, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Sewer Trunk Rehabilitation on Grimes, Mercy and Woodland Project, accepts the bid of $22,830,295, authorizes the Director of Engineering Services to approve Change Orders up to the cumulative amount of $2,739,636, 12% of the original Contract price, for a total payment amount not to exceed $25,569,931, and awards a Construction Contract to SAK Construction, LLC, of O'Fallon, MO.

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 April, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-135

RESOLUTION AMENDING THE FISCAL YEAR 2024-25 MULTI-YEAR PROGRAM BUDGET IN THE AMOUNT OF $26,823,000 TO FUND THE CONSTRUCTION PHASE OF THE SEWER TRUNK REHABILITATION ON GRIMES, MERCY AND WOODLAND PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $26,823,000, in order to fund the Sewer Trunk Rehabilitation on Grimes, Mercy and Woodland Project, and

WHEREAS, the Fiscal Year 2024-25 Multi-Year 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 2024-25 Multi-Year Program Budget in the amount of $26,823,000.

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 22nd day of April, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-136

RESOLUTION REAFFIRMING THE CITY OF MODESTO'S RELATIONSHIP WITH THE CITY OF AGUASCALIENTES, MEXICO AS A SISTER CITY

WHEREAS, on September 26, 1995, the City of Modesto and the City of Aguascalientes, Mexico, entered into a Sister City Agreement to encourage international friendship and promote greater mutual understanding among the citizens of Mexico and the United States, especially amongst the people of Aguascalientes and Modesto; and

WHEREAS, the City values the efforts of Modesto Sister Cities International in promoting international understanding through programs originated at the community level. The Sister City program was established as a way for U.S. cities to create formal partnerships with foreign cities. Modesto's Sister Cities International is a non-profit organization that promotes international understanding, friendship, and peace between nations; and

WHEREAS, Modesto Sister Cities International maintains an active relationship with Aguascalientes, most recently attending an anniversary event in 2023, and hosting delegates at a fundraiser to support the development of cultural exchange programs; and

WHEREAS, Modesto and Aguascalientes are both prosperous cities and will benefit from the exchange of initiatives and experiences in areas of mutual interest; and

WHEREAS, such a relationship will continue to promote learning, cooperation, and friendship between the communities.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby reaffirms the Sister City relationship between the City of Modesto and the

City of Aguascalientes, Mexico, **attached** hereto as **Attachment 1**, and supports continuing the objectives of its 1995 Sister City Agreement with Aguascalientes.

BE IT FURTHER RESOLVED that the Council continues to encourage the following goals from the 1995 Sister City Agreement:

- Increased understanding of both cities and their people;
- Cooperation in regard to knowledge of customs, culture, and the arts;
- Exchange of knowledge and expertise in municipal administration, especially in the area of economic development;
- Making an effort to exchange information regarding programs and experiences of artistic and other festivals; and
- Making an effort to foster and promote economic development opportunities between the two Cities.

BE IT FURTHER RESOLVED that the Council values its City Sister relationship with Aguascalientes and looks forward to future collaboration between the cities.

BE IT FURTHER RESOLVED that Councilmember Williams is authorized to present this Resolution to the Mayor of Aguascalientes as the City's representative at the Second Meeting of Sister Cities Aguascalientes, held from May 8th through May 10th of 2025.

The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th May, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried, and the Resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Ricci. Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez, Escutia-Braaton

CITY OF MODESTO MAYOR:

SUE ZWAHLEN, Mayor

CITY OF MODESTO DELEGATE:

JEREMIAH WILLIAMS, Councilmember

ATTEST:

DIANE NAYARES-PEREZ, CMC,
City Clerk

APPROVED AS TO FORM:

BY:

JOSE M. SANCHEZ, City Attorney

SISTER CITY AGREEMENT BETWEEN THE CITY OF AGUASCALIENTES, AGS, MEXICO AND THE CITY OF MODESTO, CALIFORNIA, USA

Whereas, the Cities of Aguascalientes, AGS, Mexico, and the City of Modesto, California, U.S.A., hereafter designated as Aguascalientes and Modesto, wish to encourage international friendship and promote greater mutual understanding among the citizens of Mexico and the United States, especially amongst the people of Aguascalientes and Modesto;

Whereas, Aguascalientes and Modesto are progressive and prosperous cities; each having much in common and able to learn and benefit from each other's knowledge and experiences;

Whereas, peace between Mexico and the United States of America is greatly valued and appreciated while the knowledge and experiences of each others lifestyles and culture promote peace and understanding;

Whereas, economic development is the cornerstone of prosperity, and Aguascalientes and Modesto wish to increase commerce between the two cities for the benefit of both cities;

Aguascalientes and Modesto hereby agree to become Sister Cities and agree upon the following:

Article 1

The objective of this Sister City agreement is to promote projects which shall improve the reciprocal knowledge about the cities of Aguascalientes and Modesto and shall favor and encourage peace, friendship, and greater understanding amongst its people.

Article 2

In order to accomplish the objectives of the preceding article, Aguascalientes and Modesto will specifically promote the following:

a) Increased understanding of both cities and their people;

b) Cooperation in regards to knowledge of customs, culture, the arts, and:

c) Exchange of knowledge and expertise in municipal administration, especially in the area of economic development

Article 3

Article 3

In regards to the goals of increasing understanding and knowledge of both cities and their people, it is agreed that the following merit special attention;

a) Stimulate cooperation in the areas of tourism and exchange programs, including public and private, youth and commercial exchanges, among others,

b) Organize cooperation agreements among universities, institutions of higher learning and scientific research centers,

c) Organize seminars and meetings amongst schools of music, literature, and other cultural and artistic institutions

Article 4

In the area of culture and the arts, Aguascalientes and Modesto shall make an effort to:

a) Exchange information regarding programs and experiences of artistic and other festivals and

b) Promote the culture of the United States of America in Aguascalientes, and the culture of Mexico in Modesto.

Article 5

In regards to the exchange of experience and expertise in the administration of both cities, Aguascalientes and Modesto shall carry out the following actions:

a) Foster the exchange of reciprocal group visits and information;

b) Help solve problems which disturb Sister City relations or those that may affect good neighbor relations between Mexico and the United States and,

c) Foster and promote the economic development of each other's city, and encourage and support trade and business between Aguascalientes and the United States, and between Modesto and Mexico, particularly between Aguascalientes and Modesto.

Article 6

Details of specific programs encouraged by the present agreement shall be settled by mutual consent at the appropriate time.

Article 7

For exchange visits as discussed in Articles three and five, it shall be the responsibility of the sending agency to pay for all transportation costs to the port of entry in the other country. The receiving side shall arrange and pay for all food and lodging expenses, and shall pick up exchange visitors at the port of entry.

Article 8

Aguascalientes and Modesto shall encourage and support cooperation amongst organizations, associations, and social groups that contribute to the goals and objectives of this Sister City agreement.

Article 9

The duration of this agreement shall be for an indefinite period of time.

In Aguascalientes, The Comite de Ciudades Hermanas de Aguascalientes, Plaza de la Patria, Zona Central, Aguascalientes, will be the responsible agency for the Sister City relationship with Modesto.

In Modesto, Modesto Sister Cities International, Inc, 801 11th Street, Modesto, will be the responsible agency for the Sister City relationship with Aguascalientes.

SIGNED AT THE CITY OF MODESTO, CALIFORNIA ON THE TWENTY NINTH DAY OF SEPTEMBER, NINETEEN HUNDRED AND NINETY FIVE, IN TWO ORIGINAL COPIES IN THE SPANISH AND ENGLISH LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC.

By the Municipality of Aguascalientes

Lic. Fernando Gómez Esparza
Presidente Municipal

By the City of Modesto

Mr. Richard A. Lang
Mayor

By the Comite de Ciudades Hermanas de Aguascalientes

Lic. Francisco Llamas Ruesga
President

By Modesto Sister Cities International, Inc.

Mr. John B. Mensinger
President

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-137

RESOLUTION ACCEPTING FISCAL YEAR 2025-26 ENGINEER'S ANNUAL REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1–6; NOTICE OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1–6 AND SETTING A PUBLIC HEARING ON JUNE 24, 2025 TO CONSIDER THE FISCAL YEAR 2025-26 LEVY AND COLLECTION OF ASSESSMENTS WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1

WHEREAS, Resolution No. 88-935, adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Maintenance Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6; and

WHEREAS, said assessment district was formed in accordance with the Landscape and Lighting Act of 1972, (California Streets and Highways Code Sections 22500 through 22679); and

WHEREAS, Section 22623 of the California Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for the Landscape Maintenance Assessment District No. 1, to prepare and file an annual report; and

WHEREAS, the Engineer of Work, has prepared and filed said annual report with the City Clerk; and

WHEREAS, California Streets and Highways Code Section 22623 requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in the annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by the California Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby accepts the Fiscal Year 2025-26 Engineer's Annual Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6, which is **attached** hereto and hereinafter incorporated by reference.

BE IT FURTHER RESOLVED, that the City Council hereby finds as follows:

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 1 during the

fiscal year 2025-26. The amount of the proposed assessment for 2025-26 is the same as the assessment for fiscal year 2024-25.

2. There are no proposed new improvements or any substantial changes in existing improvements in Landscape Maintenance Assessment District No. 1 and that the existing improvements to be made in said assessment district are generally described as follows: The City shall provide maintenance of landscaping and any and all improvements required for such maintenance including, but not limited to, landscape irrigation systems in the following locations:

   a. Street medians in Creekwood Drive

   b. Areas adjacent to the access control walls along Creekwood Drive

   c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 1 is located in the County of Stanislaus, within the City Limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 1.

5. On Tuesday, the 24th day of June, 2025, at the hour of 5:30 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscape and Lighting Act of 1972.

7. The levy and collection of assessments as set forth in this resolution are exempt from the procedural and substantive requirements of Proposition 218 pursuant to Article XIII, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez, Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorney~~

MODESTO
CALIFORNIA

City of Modesto
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT No. 1
♦DRY CREEK MEADOWS SUBDIVISIONS Nos. 1 through 6♦

A Landscape Maintenance Assessment District pursuant to the Landscape and Lighting Act of 1972

ENGINEER'S ANNUAL REPORT

FISCAL YEAR
JULY 1, 2025 - JUNE 30, 2026

Prepared By:
Edgar Garcia,
Community Development Manager

Certified By:
Toby Wells, P.E.
City Engineer

Accepted By Motion:
Modesto City Council

TABLE OF CONTENTS

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VI.	Annual Assessments List by Parcel & Property Owner

SECTION I HISTORY

On December 12, 1988, Landscape Maintenance Assessment District No. 1 ("LMAD No. 1") was formed in accordance with the Landscape and Lighting Act of 1972 (California Streets and Highway Code §22500 through §22679) ("the Act"), to administer 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. All costs for the LMAD No. 1 are funded by the annual assessments levied on each property within the district. The Act requires several courses of action on the part of City staff and City Council prior to August 10th of each year.

The Act initially requires the City Council to order, prepare, and file an Engineer's Annual Report for the City Council. This report is prepared for the purpose of detailing the plans and specifications for the maintenance of work, the estimated costs for landscape maintenance performed by City contractors, utility service charges, City street tree pruning costs, City staff time to administer the maintenance contract, and additional work to be performed by the City Contractor at the request of the City.

LMAD No. 1 is located east of North McClure Road and southwest of MID Lateral #2 and Claus Road. It is comprised of 749 single-family residential lots and three (3) public agency owned parcels. An annual assessment of $26 per single-family residential parcel has remained the same since 1996. The total assessment to be levied for LMAD No. 1 for Fiscal Year 2025-2026 is $19,474.

Upon the City Council's approval of the Engineer's Annual Report, the City Council adopts a resolution declaring its intent to levy and collect assessments within LMAD No. 1 for the following fiscal year and schedules a public hearing. This public hearing and proposed resolution levying the proposed assessments is in accordance with the annual assessment procedures.

Finally, in compliance with the Act, the City Council conducts the public hearing and adopts certain resolutions in accordance with the California Streets and Highways Code §22625 through §22641. The City Clerk is required to give the Modesto Bee notice of the public hearing no less than ten (10) days prior to the scheduled hearing date. All interested persons are afforded the opportunity to be heard during the public hearing. Should there be any protests, whether written or oral, the City Council may choose to continue the hearing to a later date and/or may change any part of the Engineer's Annual Report to address the concerns of the property owner(s). The adopted resolution is then forwarded to the Auditor-Controller of the County of Stanislaus for placement of such charges on the upcoming year's County Tax Roll.

SECTION II ANNUAL ASSESSMENT REVIEW AND SUMMARY

A. PARCEL REVIEW

1. Single Family Residential Parcels:
   There are 749 single-family residential parcels located within LMAD No. 1.

2. Multi-Family Residential Parcels:
   There are no multi-family residential parcels located within LMAD No. 1.

3. Commercial/Industrial Parcels:
   There are no commercial or industrial parcels located within LMAD No. 1.

4. Public Agency Parcels:
   There are two (2) parcels owned by the City of Modesto (Creekwood Park and the Pedestrian Overcrossing at Claus Road) and one (1) parcel owned by the Empire School District (Bernard Hughes School). According to §22663 of the California Streets and Highways Code, public property owned by any public agency and in use in the performance of a public function shall not be subject to assessment.

B. 2025-2026 ANNUAL ASSESSMENTS

All single-family residential parcels are levied at a flat rate of $26.00 per parcel. Each parcel receives equal benefits from the District. The Stanislaus County Auditor-Controller's Office, Property Taxes and Assessments Division, collects a $0.20 fee per assessment and per parcel. This fee is directly assessed from Stanislaus County and is assessed in addition to the annual assessment being levied for LMAD No. 1. The annual assessments levied are calculated by multiplying the total number of parcels by the flat rate.

$	26.00	Annual assessment per parcel
x	749	Single-family residential parcels
$	19,474.00	Total annual assessment

C. COMPARISON TO PREVIOUS FISCAL YEAR

The proposed Fiscal Year 2025-2026 annual assessment is the same as the annual assessment for Fiscal Year 2024-2025 of $26.00 per single-family residential parcel.

SECTION III FINANCIALS – ANNUAL ASSESSMENT REVENUE & EXPENSE PROJECTIONS

LMAD No. 1 Fund 6480		Estimated FY 2024-25[1]	Proposed FY 2025-26[2]
Beginning Fund Balance		**$ 10,411**	**$ 6,259**
Revenue (Cost Center 80010)			
Special Assessments		$ 10,703 [3]	$ 19,474 [4]
Interest		$ (24)	
Change in FMV		$ -	
Estimated - Special Assessments		*$ 8,771* [5]	
Total Revenue		**$ 19,450**	**$ 19,474**
Expenses (Cost Center 80010)	**Account**		
Operating Budget			
Postage Expenses	52025	$ -	$ -
Water Utility Expenses	53043	$ (3,104)	$ (4,500)
Repair and Maintenance Services - Landscape	53165	$ (3,554)	$ (10,204)
Professional Services	53300	$ -	$ (1,000)
Legal Services	53450	$ -	$ (500)
Services City Forces - Interfund	54500	$ (4,478)	$ (7,718)
Estimated - Water Utility Expenses	*53043*	*$ (1,396)*	
Estimated - Repair and Maintenance Services	*53165*	*$ (7,331)*	
Estimated - Professional Services	*53300*	*$ (1,000)*	
Estimated - Legal Services	*53450*	*$ (500)*	
Estimated - Services City Forces	*54500*	*$ (2,239)*	
Total Expenses		**$ (23,602)**	**$ (23,922)**
Ending Fund Balance		**$ 6,259**	**$ 1,811**

[1] The final amount shows what has been expended as of 02.24.25 in FY25. There will be more expenses through the end of the fiscal year (June); these are shown as Estimated.

[2] The estimated expenditures for FY 2025-26 are based on the revenue that is currently able to be generated within LMAD No. 1.

[3] Actual revenue received for FY 2024-25 tax levy.

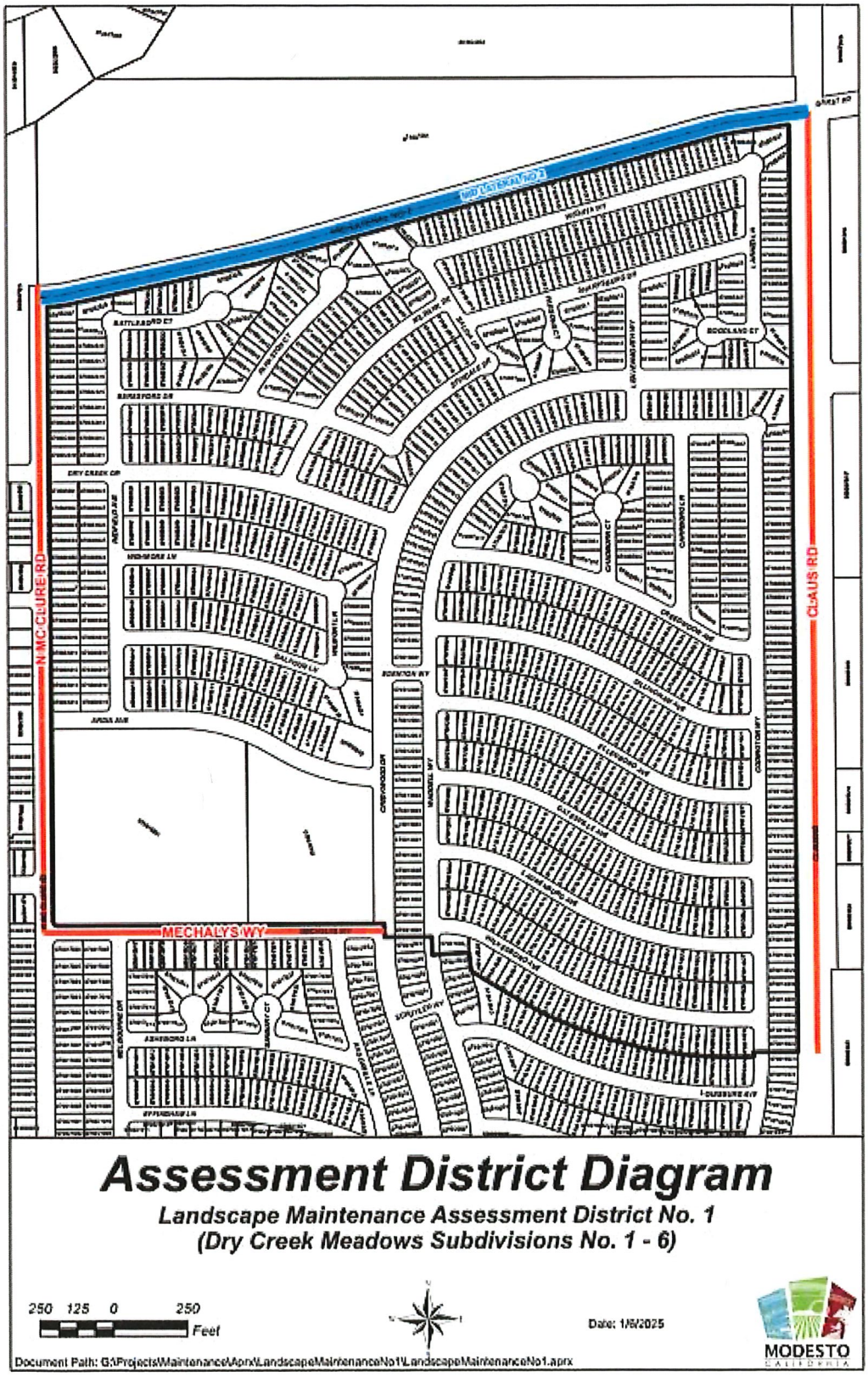
[4] Proposed revenue

[5] Estimated revenues for second installment of FY 2024-25 tax levy.

SECTION IV MAINTENANCE & PLAN SPECIFICATIONS

Plans and specifications are available for review in the Parks, Recreation & Neighborhoods Department, located at 512 Jefferson Street, Modesto, CA. For more information, contact Kelly Gallagher, Parks Operations Manager at (209) 342-2270.

SECTION V ANNUAL ASSESSMENT DISTRICT DIAGRAM



SECTION VI ANNUAL ASSESSMENT LIST BY PARCEL & OWNER

Fee Parcel	Owner	Address	City State Zip	2025/26 Ast.
079-002-001-000	MERCADO LISA M & RODOLFO	736 N MC CLURE RD	Modesto CA 95357	$ 26.00
079-002-002-000	SOUMPHONPHAKDY YOUTHANA & KACHELLE MARIE	732 N MC CLURE RD	Modesto CA 95357	$ 26.00
079-002-003-000	SORDO BRYON S & SHELLEY L TRS	728 N MC CLURE RD	Modesto CA 95357	$ 26.00
079-002-004-000	PRASAD AJAY B & SAILESHNI D TRS	724 N MC CLURE RD	Modesto CA 95357	$ 26.00
079-002-005-000	LOPEZ JOSE M	720 N MC CLURE RD	Modesto CA 95354	$ 26.00
079-002-006-000	YATES MICHAEL V & YATES CHRISTINE M	716 N MC CLURE RD	Modesto CA 95357	$ 26.00
079-002-007-000	ALBANO FLORANTE J & ALBANO JUANITA T	712 N MC CLURE RD	Modesto CA 95354	$ 26.00
079-002-008-000	GARCIA JOSE DE JESUS	708 N MC CLURE RD	Modesto CA 95354	$ 26.00
079-002-009-000	ESPINOZA GABRIEL	704 N MC CLURE RD	Modesto CA 95357	$ 26.00
079-002-010-000	LEON MARTHA	700 N MC CLURE RD	Modesto CA 95357	$ 26.00
079-002-011-000	SAMRA AMARJIT S TR	701 REDFIELD AVE	Modesto CA 95357	$ 26.00
079-002-012-000	BARRIENTOS DAVID & BARRIENTOS MARIA E	705 REDFIELD AVE	Modesto CA 95357-1557	$ 26.00
079-002-013-000	BAUTISTA JOSE ALDANA & AVALOS MA DE LOS ANGEL FIER	709 REDFIELD AVE	Modesto CA 95357	$ 26.00
079-002-014-000	BATTAGLIA COREY J & JOY L TRS	713 REDFIELD AVE	Modesto CA 95357	$ 26.00
079-002-015-000	GOMEZ ROSA A ET AL	717 REDFIELD AVE	Modesto CA 95357	$ 26.00
079-002-016-000	NGUYEN THANG ET AL	721 REDFIELD AVE	Modesto CA 95357	$ 26.00
079-002-017-000	SMITH ROBIN K & SMITH SUSAN R	725 REDFIELD AVE	Modesto CA 95357	$ 26.00
079-002-018-000	WRIGHT JASON ET AL	729 REDFIELD AVE	Modesto CA 95357	$ 26.00
079-002-019-000	VAZQUEZ MIRIAM S	733 REDFIELD AVE	Modesto CA 95357	$ 26.00
079-002-020-000	CASEY MARY JOHN	737 REDFIELD AVE	Modesto CA 95357	$ 26.00
079-002-021-000	PANYANOUVONG ROCKY P ET AL	3513 BATTLEBORO CT	Modesto CA 95357	$ 26.00
079-002-022-000	JOHNSON VERDELL TR	3517 BATTLEBORO CT	Modesto CA 95357	$ 26.00
079-002-023-000	VILLEGAS JOSEPH J	3521 BATTLEBORO CT	Modesto CA 95357	$ 26.00
079-002-024-000	PLUNK NATALIE & ROBERT	3525 BATTLEBORO CT	Modesto CA 95357	$ 26.00
079-002-025-000	HASKEL ALAN	3529 BATTLEBORO CT	Modesto CA 95357	$ 26.00
079-002-028-000	ALVAREZ VICTOR R & CRISTINA TRS	3536 BATTLEBORO CT	Modesto CA 95357	$ 26.00
079-002-029-000	HASKEL ANDREW ROBERT	3532 BATTLEBORO CT	Modesto CA 95357	$ 26.00
079-002-030-000	EMERY EVERETTE & SHONDA TRS	3528 BATTLEBORO CT	Modesto CA 95357	$ 26.00
079-002-031-000	VILLALPANDO HERIBERTO & ROSA E	3524 BATTLEBORO CT	Modesto CA 95357	$ 26.00
079-002-032-000	NGUYEN HUY ET AL	3520 BATTLEBORO CT	Modesto CA 95357	$ 26.00
079-002-033-000	REDWOOD HOLDINGS LLC	3516 BATTLEBORO CT	Modesto CA 95357	$ 26.00
079-002-034-000	VO SANG	3512 BATTLEBORO CT	Modesto CA 95357	$ 26.00
079-002-035-000	ALCAZAR ELISA C ET AL	3513 BERESFORD DR	Modesto CA 95357-5841	$ 26.00
079-002-036-000	CARREON JOSE & CECILIA	3517 BERESFORD DR	Modesto CA 95357	$ 26.00
079-002-037-000	GOMEZ PATRICIA	3521 BERESFORD DR	Modesto CA 95357	$ 26.00
079-002-038-000	COENEN KELVIN L & COENEN CHRISTINA P	3525 BERESFORD DR	Modesto CA 95357	$ 26.00
079-002-039-000	BECERRA JUAN CARLOS RIVERA	3529 BERESFORD DR	Modesto CA 95357	$ 26.00
079-002-040-000	CARSON SAMMY D & CARSON BRENDA S	713 PARKSTON CT	Modesto CA 95357	$ 26.00
079-002-041-000	ALLEN FLETCHER	717 PARKSTON CT	Modesto CA 95357	$ 26.00
079-002-042-000	SOTO HECTOR M & PENA MARIA C	721 PARKSTON CT	Modesto CA 95357	$ 26.00
079-002-043-000	SAMRA AMARJIT	725 PARKSTON CT	Modesto CA 95357	$ 26.00
079-002-044-000	WRIGHT JASON ODELL SR & SARA	729 PARKSTON CT	Modesto CA 95357	$ 26.00
079-002-048-000	SINGH ANU LATA ET AL	745 PARKSTON CT	Modesto CA 95357	$ 26.00
079-002-049-000	TOWNSELL DARNELL JR ET AL	749 PARKSTON CT	Modesto CA 95357	$ 26.00
079-002-050-000	ARMENTA ANTONIA GUILLERMINA HERNANDEZ ET AL	753 PARKSTON CT	Modesto CA 95357	$ 26.00
079-002-051-000	TORRES JUAN LUIS	752 PARKSTON CT	Modesto CA 95357	$ 26.00
079-002-052-000	CASTILLO RANDY BRUCE TR	748 PARKSTON CT	Modesto CA 95357	$ 26.00
079-002-053-000	LANZA PHILIP R	744 PARKSTON CT	Modesto CA 95357	$ 26.00
079-002-054-000	FABER BRUCE ET AL	740 PARKSTON CT	Modesto CA 95357	$ 26.00

Fee Parcel	Owner	Address	City State Zip	2025/26 Ast.
079-002-055-000	PEREZ ISIDRO C	736 PARKSTON CT	Modesto CA 95357-1550	$ 26.00
079-002-056-000	GANJA SAM	732 PARKSTON CT	Modesto CA 95357	$ 26.00
079-002-057-000	GUEVARA NICOLAS A ET AL	728 PARKSTON CT	Modesto CA 95357	$ 26.00
079-002-058-000	COLLS LUIS R TR	724 PARKSTON CT	Modesto CA 95357	$ 26.00
079-002-059-000	ELLYSON JEFFREY	720 PARKSTON CT	Modesto CA 95357-1550	$ 26.00
079-002-060-000	CLARKE THOMAS D II & BRENDA L	716 PARKSTON CT	Modesto CA 95355	$ 26.00
079-002-061-000	CASTIGLIONE JOSEPH B & BECKY M	713 MILBANK DR	Modesto CA 95357	$ 26.00
079-002-062-000	CABA DIANE M ET AL	717 MILBANK DR	Modesto CA 95354	$ 26.00
079-002-063-000	KAUR HARVINDER & SINGH SARBJIT	721 MILBANK DR	Modesto CA 95357	$ 26.00
079-002-064-000	PRASAD RAMA ET AL TRS	725 MILBANK DR	Modesto CA 95357	$ 26.00
079-002-065-000	WINGO NAIDA J	729 MILBANK DR	Modesto CA 95357	$ 26.00
079-002-066-000	SMITH MARQUE R	733 MILBANK DR	Modesto CA 95357-1549	$ 26.00
079-002-067-000	VILLANUEVA DAVID M & VILLANUEVA DIANE M	737 MILBANK DR	Modesto CA 95357-1549	$ 26.00
079-002-068-000	PETERSON JEAN	741 MILBANK DR	Modesto CA 95357	$ 26.00
079-002-069-000	MORSE GERALD WAYNE & CONSUELO	745 MILBANK DR	Modesto CA 95357	$ 26.00
079-002-070-000	RAMIREZ-RIVERA JULIO C & CRUZ-FUENTES ALMA NIDIA	817 SALINA DR	Modesto CA 95357	$ 26.00
079-002-071-000	COHETERO VICTOR & HEIDE	821 SALINA DR	Modesto CA 95357	$ 26.00
079-002-072-000	PENA MIGUEL G	825 SALINA DR	Modesto CA 95357	$ 26.00
079-002-073-000	MANANQUIL DEXTER & PRAK DEBBIE	3701 WICHITA WAY	Modesto CA 95357	$ 26.00
079-002-074-000	ROMAN TED ET AL	3705 WICHITA WAY	Modesto CA 95357	$ 26.00
079-002-076-000	BATES HAROLD & JANICE	3533 BATTLEBORO CT	Modesto CA 95357	$ 26.00
079-002-078-000	SINGH MOHINDER	733 PARKSTON CT	Modesto CA 95357	$ 26.00
079-002-079-000	SINGH DALVIR	737 PARKSTON CT	Modesto CA 95357	$ 26.00
079-002-080-000	HASKEL ROBERT P	3537 BATTLEBORO CT	Modesto CA 95357-1510	$ 26.00
079-002-082-000	SIMAS LUIS & DAISY	741 PARKSTON CT	Modesto CA 95357	$ 26.00
079-003-001-000	MAHARAJ SANJAI S & MAHARAJ ARUNA D	3641 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-003-002-000	HUFFMAN JOSEPH R II & MARLENE J	3637 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-003-003-000	BROWN CHRISTOPHER C & KAREN R	3633 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-003-004-000	CALVO SERGIO & SILVIA	3629 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-003-005-000	TORRES MOSES & ESTRADA NANCY	3625 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-003-006-000	ROSALES ANDREA VEGA	3621 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-003-007-000	CORDOVA ISIDRO C & CORDOVA MARTHA B	3613 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-003-008-000	CHUANGS INVESTMENT INC	3609 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-003-009-000	PRASAD SUJENDRA & DEVI SANGITA	3605 DRY CREEK DR	Modesto CA 95357-1527	$ 26.00
079-003-010-000	GIL MARTIN & GIL DEBORAH L	3601 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-003-011-000	DOUGLAS GREG & DOUGLAS TERI	3537 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-003-012-000	HERNANDEZ FERNANDO PARDO & HERNANDEZ GLORIA C	3533 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-003-013-000	SILLAS DAVID ASPERICUETA & ASPERICUETA LEANNE MARI	3529 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-003-014-000	REYES FERNANDO ET AL	3525 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-003-015-000	CHUON LEE & SIN CHANTEVY	3521 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-003-016-000	DIXON THOMAS L	3517 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-003-017-000	CHUM KEO & LOK CHANTHY	3512 BERESFORD DR	Modesto CA 95354	$ 26.00
079-003-018-000	ESTRADA ADRIANA G	3516 BERESFORD DR	Modesto CA 95357	$ 26.00
079-003-019-000	VILLEGAS ORLANDO ET AL	3520 BERESFORD DR	Modesto CA 95357-1511	$ 26.00
079-003-020-000	LOVE BOBBY	3524 BERESFORD DR	Modesto CA 95357-1511	$ 26.00
079-003-021-000	DHALIWAL JOGINDER SINGH & KULWANT KAUR	3528 BERESFORD DR	Modesto CA 95357	$ 26.00
079-003-022-000	LUTTRELL ERIC ET AL	3532 BERESFORD DR	Modesto CA 95357	$ 26.00
079-003-023-000	MENDOZA ADRIAN & ROSA	3536 BERESFORD DR	Modesto CA 95357	$ 26.00
079-003-024-000	GARCIA JOSE VASQUEZ & MOSQUEDA LAURA CALDERON	3540 BERESFORD DR	Modesto CA 95357-1511	$ 26.00
079-003-025-000	FISCHER WILLIAM & FISCHER CAROL	3600 BERESFORD DR	Modesto CA 95357	$ 26.00

Fee Parcel	Owner	Address	City State Zip	2025/26 Ast.
079-003-026-000	LAFFERTY JARED M & GUADALUPE	3604 BERESFORD DR	Modesto CA 95357	$ 26.00
079-003-027-000	VAZQUEZ ALICIA TR	3608 BERESFORD DR	Modesto CA 95357	$ 26.00
079-003-028-000	REYES ERLINDA M TR	3616 BERESFORD DR	Modesto CA 95357	$ 26.00
079-003-029-000	CHUNG WILLIAM & YEH GEORGINA PIK-CHING TRS	3620 BERESFORD DR	Modesto CA 95357-4052	$ 26.00
079-003-030-000	BURKE GARY F II & JEAN-BURKE BECKY TRS	3624 BERESFORD DR	Modesto CA 95357	$ 26.00
079-003-031-000	MUNOZ ALFREDO F & CEYLON A	3628 BERESFORD DR	Modesto CA 95357	$ 26.00
079-003-032-000	MARTINEZ CRISTIAN O	3632 BERESFORD DR	Modesto CA 95357-1515	$ 26.00
079-003-033-000	ROTH WILLIAM C & ROTH DOLORES	704 SPINDALE DR	Modesto CA 95350	$ 26.00
079-003-034-000	SOLIS MARIA	708 SPINDALE DR	Modesto CA 95357	$ 26.00
079-003-035-000	LANGI SOANE	712 SPINDALE DR	Modesto CA 95357	$ 26.00
079-003-036-000	SHARMA RUDRA DUTT & RESHMIKA	716 SPINDALE DR	Modesto CA 95357	$ 26.00
079-003-037-000	DEL REAL INDELACIO & DEL REAL ELENA	720 SPINDALE DR	Modesto CA 95357	$ 26.00
079-003-038-000	MORALES DIANA R	724 SPINDALE DR	Modesto CA 95357	$ 26.00
079-003-039-000	MONTELONGO SANDRO	728 SPINDALE DR	Modesto CA 95357-1565	$ 26.00
079-003-041-000	GONZALES JUAN G JR & GLORIA M	729 SPINDALE DR	Modesto CA 95357	$ 26.00
079-003-042-000	DORRETT NEWTON & LYNELL D	725 SPINDALE DR	Modesto CA 95357	$ 26.00
079-003-043-000	SAMMULI ROBERT A & JAMIE L	721 SPINDALE DR	Modesto CA 95357-1566	$ 26.00
079-003-044-000	GARCIA ERIKA YAZMIN	717 SPINDALE DR	Modesto CA 95357	$ 26.00
079-003-045-000	REYES ROGELIO GONZALEZ	713 SPINDALE DR	Modesto CA 95357	$ 26.00
079-003-046-000	BOWMAN ANDREW	709 SPINDALE DR	Modesto CA 95357	$ 26.00
079-003-047-000	SINGH RAWNIK & LAL RANJITA	3617 BERESFORD DR	Modesto CA 95357	$ 26.00
079-003-048-000	COULIBALY LLC	720 MILBANK DR	Modesto CA 95357	$ 26.00
079-003-049-000	MOODY DIANE K	724 MILBANK DR	Modesto CA 95357	$ 26.00
079-003-050-000	SWITZER LYNDELL TR	728 MILBANK DR	Modesto CA 95357	$ 26.00
079-003-051-000	KILGORE LINDA L	732 MILBANK DR	Modesto CA 95357	$ 26.00
079-003-052-000	MAXWELL VIRGINIA E	736 MILBANK DR	Modesto CA 95357-1548	$ 26.00
079-003-053-000	JUDD JIMMIE RANDALL ET AL	740 MILBANK DR	Modesto CA 95357	$ 26.00
079-003-054-000	SPIEKER JANE R & DAVID M	744 MILBANK DR	Modesto CA 95357	$ 26.00
079-003-055-000	ALVEAR FELICITAS	748 MILBANK DR	Modesto CA 95357	$ 26.00
079-003-056-000	PAHL KAREN M ET AL	733 SPINDALE DR	Modesto CA 95357	$ 26.00
079-004-001-000	BASSARD MICHAEL ET AL	3709 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-002-000	CASSIDY ALAN K & CASSIDY SUSAN H	3713 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-003-000	HAWIL ALFRED	3717 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-004-000	PALMERIN ARTURO & PATRICIA	3721 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-005-000	PAPPAS MICHAEL & NANCY CARDENAS	3725 WICHITA WAY	Modesto CA 95357-1570	$ 26.00
079-004-006-000	MANLULU NOEL M & MARIVIC F TRS	3729 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-007-000	TOWNE JAMES E & TOWNE AMANDA J	3733 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-008-000	MANGUIA IGNACIO & LORENA	3801 WICHITA WAY	Modesto CA 95357-1572	$ 26.00
079-004-009-000	DE ALBA RIGOBERTO SR & SANDRA L TRS	3805 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-010-000	DE ALBA RIGOBERTO SR & SANDRA L TRS	3809 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-011-000	WATTLE DANNY & CAROLANNE	3813 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-012-000	HERNANDEZ MARLYN ET AL	3817 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-013-000	WU HONG LIANG	3821 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-014-000	CURTRIGHT BARBARA TR	3825 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-015-000	HAWIL MARCUS	3829 WICHITA WAY	Modesto CA 95354	$ 26.00
079-004-016-000	SANTIAGO JOSE NAPOLES & SONIA TRS	3901 WICHITA WAY	Modesto CA 95354-1576	$ 26.00
079-004-017-000	FUENTES MANUEL	3905 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-018-000	GONZALEZ CARRAZCO LUIS A & BUENDIA ANA L	3909 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-019-000	GONZALEZ BEILING ANGELICA & VIDAL SALGADO	3913 WICHITA WAY	Modesto CA 95354	$ 26.00
079-004-020-000	BOWMAN TERRI	3917 WICHITA WAY	Modesto CA 95357	$ 26.00

Fee Parcel	Owner	Address	City State Zip	2025/26 Ast.
079-004-021-000	MENDOZA JESUS ET AL	3921 WICHITA WAY	Modesto CA 95355	$ 26.00
079-004-022-000	TEJEDA SERGIO L & VALDEZ JUANA ROCIO QUINTANILLA	3925 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-023-000	MEZA HECTOR MEDINA	3929 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-024-000	MARTINEZ ARTHUR J & ELISA R TRS	3933 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-025-000	GARDNER GEORGE H & DAWN MARIE TRS	844 LARNED LN	Modesto CA 95357	$ 26.00
079-004-026-000	SAMUEL BENJAMIN SADA & JANET A TRS	840 LARNED LN	Modesto CA 95357	$ 26.00
079-004-027-000	BARTON KEVIN A	836 LARNED LN	Modesto CA 95357	$ 26.00
079-004-028-000	SEN INDAR & SEN SURUJ M	832 LARNED LN	Modesto CA 95357	$ 26.00
079-004-029-000	VIGIL CELSO ET AL	828 LARNED LN	Modesto CA 95357	$ 26.00
079-004-030-000	MENDOZA GEORGINA	3925 SHARPSBURG DR	Modesto CA 95357	$ 26.00
079-004-031-000	VEGA CESAR & SABRINA	3921 SHARPSBURG DR	Modesto CA 95357	$ 26.00
079-004-032-000	BALANJI HELEN FARHAD ZADEH	3917 SHARPSBURG DR	Modesto CA 95357	$ 26.00
079-004-033-000	CARO MARIA LUISA FABIOLA ET AL	3913 SHARPSBURG DR	Modesto CA 95357	$ 26.00
079-004-034-000	SAN PEDRO SHIRLEY Q & GEORGE	3909 SHARPSBURG DR	Modesto CA 95357	$ 26.00
079-004-035-000	AGUIRRE GUADALUPE & RAMIREZ MIGUEL OROZCO	3905 SHARPSBURG DR	Modesto CA 95357	$ 26.00
079-004-036-000	PHIPPS CORY L & PHIPPS CAROLE J	3901 SHARPSBURG DR	Modesto CA 95357	$ 26.00
079-004-037-000	RAYA ARMANDO & ESPARZA JOAN	3821 SHARPSBURG DR	Modesto CA 95357	$ 26.00
079-004-038-000	VAN DE GROENEKAN RUTH ET AL	3817 SHARPSBURG DR	Modesto CA 95357-1562	$ 26.00
079-004-039-000	MUNOZFERRER ISMAEL & GLORIA LETICIA	3813 SHARPSBURG DR	Modesto CA 95357	$ 26.00
079-004-040-000	AU-YEUNG CHI & AU-YEUNG TZE H	3809 SHARPSBURG DR	Modesto CA 95357	$ 26.00
079-004-041-000	VASQUEZ CODY R & BYIANCA	3805 SHARPSBURG DR	Modesto CA 95351	$ 26.00
079-004-042-000	SERNA MARLA ANN TR	3801 SHARPSBURG DR	Modesto CA 95357	$ 26.00
079-004-043-000	SOUZA RICK L & SOUZA MARVELYN	3721 SHARPSBURG DR	Modesto CA 95357-1560	$ 26.00
079-004-044-000	PRATT CRYSTAL MARIE	3717 SHARPSBURG DR	Modesto CA 95357	$ 26.00
079-004-045-000	HARO SAYRA YOSELYNE GUTIERREZ ET AL	3713 SHARPSBURG DR	Modesto CA 95357	$ 26.00
079-004-046-000	OROZCO RUDY J & JENNIFER L TRS	3709 SHARPSBURG DR	Modesto CA 95357	$ 26.00
079-004-047-000	DIVIRD HEIDI N & JASON R	3705 SHARPSBURG DR	Modesto CA 95354	$ 26.00
079-004-048-000	LI FELIX JING HUI & PANG HELEN YIM PING	3701 SHARPSBURG DR	Modesto CA 09535	$ 26.00
079-004-049-000	PERALTA MIGUEL ANGEL ET AL	3712 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-050-000	BENTLEY DOUGLAS & BENTLEY LEEANNE K	3716 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-051-000	LEYVA RENE SR & CLAUDIA D	3720 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-052-000	DUMAS JAMES BRIAN SR & PAMELA LEE TRS	3724 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-053-000	MORENO ROSA MARIA	3728 WICHITA WAY	Modesto CA 95354	$ 26.00
079-004-054-000	GALVANOLAIDE DANIEL GIBRAN & DIAZ GALVAN LAURA ELE	3732 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-055-000	CASTILLO RAFAEL ET AL	3800 WICHITA WAY	Modesto CA 95357-1571	$ 26.00
079-004-056-000	SALVATION ARMY	3804 WICHITA WAY	Modesto CA 95357-1571	$ 26.00
079-004-057-000	CLINE DAVID L & DEBRA N TRS	3808 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-058-000	FUGATE BRANDON ET AL TRS	3812 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-059-000	LEPE ROBERTO ET AL	3816 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-060-000	CABEBE MARIA RIZALINA C TR	3820 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-061-000	MAPANDA BEATRICE & FELIX	3824 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-062-000	MAGANA SILVERIO ARMANDO	3828 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-063-000	CERVANTES EMIGDIO S ET AL	3900 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-064-000	ALVAREZ LOUIS L ET AL	3904 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-065-000	MANCINI JUDITH	3908 WICHITA WAY	Modesto CA 95357-1575	$ 26.00
079-004-066-000	ISRAEL SHERLY ESGUERRA & ISRAEL SAMMY S	3912 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-067-000	ROJAS ROGELIO A	3916 WICHITA WAY	Modesto CA 95354	$ 26.00
079-004-068-000	OVIEDO IRMA L ET AL	3920 WICHITA WAY	Modesto CA 95357	$ 26.00
079-004-069-000	OCKEY LEOTA L TR	3924 WICHITA WAY	Modesto CA 95357	$ 26.00
079-005-001-000	SIMPSON STEVEN	732 SPINDALE DR	Modesto CA 95357	$ 26.00

Fee Parcel	Owner	Address	City State Zip	2025/26 Ast.
079-005-002-000	BALLIET RICHARD L & BALLIET SHERRY	736 SPINDALE DR	Modesto CA 95357	$ 26.00
079-005-003-000	STAATS BAMBI MICHELLE ET AL	800 SALINA DR	Modesto CA 95357	$ 26.00
079-005-004-000	HELLERUD GARRY A & HELLERUD ARLENE L	804 SALINA DR	Modesto CA 95354-1558	$ 26.00
079-005-005-000	URENA FIDEL & ELIA K	813 PARSONS CT	Modesto CA 95354	$ 26.00
079-005-006-000	CLEMENTS PANDORA A	809 PARSONS CT	Modesto CA 95357-1552	$ 26.00
079-005-007-000	THOMPSON MELANIE	805 PARSONS CT	Modesto CA 95357	$ 26.00
079-005-008-000	LAKE DAVID E & LAKE MARGARET R	800 PARSONS CT	Modesto CA 95357-1552	$ 26.00
079-005-009-000	LEE EDMUND W TR	804 PARSONS CT	Modesto CA 95357	$ 26.00
079-005-010-000	GARCIA EDUARDO CAMPOS & ELIZABETH AGUARISTI TRS	808 PARSONS CT	Modesto CA 95351	$ 26.00
079-005-011-000	HINOJOS BRANDON & KRYSTAL R	812 PARSONS CT	Modesto CA 95357	$ 26.00
079-005-012-000	RANGEL FRANCISCO JAVIER JR	817 LEAVENWORTH WAY	Modesto CA 95357	$ 26.00
079-005-013-000	MEDINA VICTOR & IRMA	813 LEAVENWORTH WAY	Modesto CA 95357	$ 26.00
079-005-014-000	FAGUNDES ANTONIO L & HAIR JACQUELINE K TRS	809 LEAVENWORTH WAY	Modesto CA 95357	$ 26.00
079-005-015-000	GARCIA MATIAS & GARCIA MERCEDES	805 LEAVENWORTH WAY	Modesto CA 95357	$ 26.00
079-005-016-000	ERWIN TERESA M	801 LEAVENWORTH WAY	Modesto CA 95357	$ 26.00
079-005-017-000	OWENS LARRY G & MARY Z TRS	800 LEAVENWORTH WAY	Modesto CA 95351	$ 26.00
079-005-018-000	TAYLOR BRADLEY JOSEPH	804 LEAVENWORTH WAY	Modesto CA 95357-1539	$ 26.00
079-005-019-000	AYALA-ROSAS RAFAEL AURELIO	808 LEAVENWORTH WAY	Modesto CA 95357	$ 26.00
079-005-020-000	GASPARYAN ARMEN ET AL	812 LEAVENWORTH WAY	Modesto CA 95357	$ 26.00
079-005-021-000	MARCELINO DAVID C & REBECCA N	816 LEAVENWORTH WAY	Modesto CA 95357	$ 26.00
079-005-022-000	TAYLOR SCOTT EDWIN JR	3908 SHARPSBURG DR	Modesto CA 95357	$ 26.00
079-005-023-000	DAVISON WAYNE & JO	3912 SHARPSBURG DR	Modesto CA 95357-1563	$ 26.00
079-005-024-000	HAWIL ALFRED	3916 SHARPSBURG DR	Modesto CA 95357	$ 26.00
079-005-025-000	DURHAM SANDY M	817 LARNED LN	Modesto CA 95357	$ 26.00
079-005-026-000	MCCARTHY JAMES & TAMRA	813 LARNED LN	Modesto CA 95357	$ 26.00
079-005-027-000	CHEN GEORGE CHONG JYH & HOLLY YUN YAN	809 LARNED LN	Modesto CA 95357	$ 26.00
079-005-028-000	HANKS HEATH & SUZANA	805 LARNED LN	Modesto CA 95357	$ 26.00
079-005-029-000	LIGHT MARK T & WRIGHT LUCILA	3909 GOODLAND CT	Modesto CA 95357-1530	$ 26.00
079-005-030-000	LUCAS THOMAS M III & LUCAS LISA M	3905 GOODLAND CT	Modesto CA 95357-1530	$ 26.00
079-005-031-000	BARKLEY JOSEPH E TR	3900 GOODLAND CT	Modesto CA 95357	$ 26.00
079-005-032-000	BROOKS CHARLES A & SUSAN D TRS	3904 GOODLAND CT	Modesto CA 95357	$ 26.00
079-005-033-000	GAMBOA BENITO & ANGELICA	3908 GOODLAND CT	Modesto CA 95357	$ 26.00
079-005-034-000	MORALES SHARON & LUIS	3912 GOODLAND CT	Modesto CA 95357	$ 26.00
079-005-035-000	YOUNGER ROGER COLEMAN & LAURA JEAN TRS	3916 GOODLAND CT	Modesto CA 95357	$ 26.00
079-005-036-000	COLE TINA M	3920 GOODLAND CT	Modesto CA 95357	$ 26.00
079-005-037-000	ALVARADO MARIA D	800 LARNED LN	Modesto CA 95357	$ 26.00
079-005-038-000	PALMERIN JOSE DE JESUS	804 LARNED LN	Modesto CA 95357	$ 26.00
079-005-039-000	NUNEZ OMAR AYON	808 LARNED LN	Modesto CA 95357	$ 26.00
079-005-040-000	AZUETA ORLANDO & ALVAREZ LAURA CISNEROS	812 LARNED LN	Modesto CA 95357	$ 26.00
079-005-041-000	CAMARENA JESUS D ET AL	816 LARNED LN	Modesto CA 95357-1537	$ 26.00
079-005-042-000	MORAD EDMOND & MORAD CARMEN	820 LARNED LN	Modesto CA 95357	$ 26.00
079-005-043-000	BROWN DANNY ARTHUR & CHRISTINA	824 LARNED LN	Modesto CA 95357	$ 26.00
079-006-001-000	SARETH JESSIE ET AL	737 WADDELL WAY	Modesto CA 95357	$ 26.00
079-006-002-000	NASSER MOHAMED	741 WADDELL WAY	Modesto CA 95357	$ 26.00
079-006-003-000	TORRES ANTHONY RENE JR ET AL	745 WADDELL WAY	Modesto CA 95357	$ 26.00
079-006-004-000	CHHIM LIM	749 WADDELL WAY	Modesto CA 95357	$ 26.00
079-006-005-000	FLORES J JESUS	753 WADDELL WAY	Modesto CA 95357	$ 26.00
079-006-006-000	SAMOW HALA	757 WADDELL WAY	Modesto CA 95357	$ 26.00
079-006-007-000	MICHAEL RAPHAEL K TR	761 WADDELL WAY	Modesto CA 95357	$ 26.00
079-006-008-000	REYES JIM R & REYES ELLEN S	765 WADDELL WAY	Modesto CA 95357	$ 26.00

Fee Parcel	Owner	Address	City State Zip	2025/26 Ast.
079-006-010-000	JOHNSON GERALD L ET AL	752 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-006-011-000	FELICIANO LIORITA A & RUSEL C	748 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-006-012-000	WEBB LAQUITA	744 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-006-013-000	GARCIA FRANCISCO & YOLANDA	740 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-006-014-000	RISTAU JASON	736 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-006-015-000	CHAVEZ ALEJANDRO PACHECO	732 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-006-016-000	TELLEZ MAURICE R & MARGARITA F	728 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-006-017-000	TELLEZ MAURICE R & MARGARITA F	724 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-006-018-000	SANTOS LUZ MARIA	720 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-006-019-000	SANTOS LUZ	716 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-006-020-000	PADILLA SALVADOR & PADILLA ANTONIA	712 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-006-021-000	HERRON-KHAN ASHLEY	708 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-006-022-000	BAINS GURNAM S & BALVINDER K	704 CODINGTON WAY	Modesto CA 95355	$ 26.00
079-006-023-000	LOTKO ANN E	700 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-006-024-000	PEREZ JUAN & SILVIA P TRS	640 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-006-025-000	RAM RAVI PRAKASH & RAM SANJILA PRAKASH	701 CODINGTON WAY	Modesto CA 95357-1519	$ 26.00
079-006-026-000	BANUELOS MARTHA E TR	705 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-006-027-000	ARROYO RAFAEL ARROYO & CHAVEZ GUADALUPE RAMIREZ	709 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-006-028-000	BENDERAS DAMARA	713 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-006-029-000	AGUIRRE ALICIA R	717 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-006-030-000	GOMEZ FRANCISCO J ET AL	721 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-006-031-000	BAINS GURNAM S & BALVINDER K	725 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-006-032-000	FIGUEROA LUIS E & FIGUEROA ISABEL L	729 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-006-033-000	CARROLL EDWIN JOSEPH II & LEPE-CARROLL CONNIE LEA	733 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-006-034-000	AMBROSICH STEPHEN F TR	737 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-006-035-000	MOLINA GIOVANI & ORTEGA MARIA ESTHER TALAVERA	741 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-006-036-000	PADEN JONATHAN A	745 CODINGTON WAY	Modesto CA 95354	$ 26.00
079-006-037-000	SILLEMON ANTHONY	749 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-006-038-000	GUZMAN JESUS A	744 CARRBORO LN	Modesto CA 95357	$ 26.00
079-006-039-000	LOUCKS DAVID GEORGE & JOSEFA M TRS	740 CARRBORO LN	Modesto CA 95357	$ 26.00
079-006-040-000	PATRICK ANTONIO GAYLORD	736 CARRBORO LN	Modesto CA 95357	$ 26.00
079-006-041-000	PALOMERA HECTOR MANUEL	732 CARRBORO LN	Modesto CA 95357	$ 26.00
079-006-042-000	WILLIAMS MARLON & NENA	728 CARRBORO LN	Modesto CA 95357-1408	$ 26.00
079-006-043-000	DEBERRY GARY L & ALICE	724 CARRBORO LN	Modesto CA 95357	$ 26.00
079-006-044-000	LAMPROE LEONARD C & LAMPROE MARY A	720 CARRBORO LN	Modesto CA 95357	$ 26.00
079-006-045-000	GARCIA FELIPE & FLORES BLANCA	716 CARRBORO LN	Modesto CA 95357	$ 26.00
079-006-046-000	AGUILAR EDUARDO D CORTEZ	712 CARRBORO LN	Modesto CA 95357	$ 26.00
079-006-047-000	ALEJANDRE REMIGIO & JUDITH	708 CARRBORO LN	Modesto CA 95357	$ 26.00
079-006-048-000	DAVID VIRGEEN	704 CARRBORO LN	Modesto CA 95357	$ 26.00
079-006-049-000	MENDOZA MARIA DEL C ET AL	700 CARRBORO LN	Modesto CA 95357	$ 26.00
079-007-001-000	CHOW MINH LU ET AL	729 WADDELL WAY	Modesto CA 95354	$ 26.00
079-007-002-000	JORGENSEN FRANK E & MIRIAM M TRS	725 WADDELL WAY	Modesto CA 95357	$ 26.00
079-007-003-000	MALDONADO CARLOS ET AL	721 WADDELL WAY	Modesto CA 95357	$ 26.00
079-007-004-000	PENALOSA FABIAN HERNANDEZ	717 WADDELL WAY	Modesto CA 95357	$ 26.00
079-007-005-000	L & D RENTALS LLC	713 WADDELL WAY	Modesto CA 95357	$ 26.00
079-007-006-000	GUTIERREZ DIEGO	709 WADDELL WAY	Modesto CA 95357	$ 26.00
079-007-007-000	SHANDIL SHALESH & IRENE R	705 WADDELL WAY	Modesto CA 95357	$ 26.00
079-007-008-000	MCCLURE JODI PENIRIAN	701 WADDELL WAY	Modesto CA 95357	$ 26.00
079-007-009-000	FERNANDEZ RAMIRO & ALMA	669 WADDELL WAY	Modesto CA 95357	$ 26.00
079-007-010-000	ZAMORA GUILLERMO	665 WADDELL WAY	Modesto CA 95357	$ 26.00

Fee Parcel	Owner	Address	City State Zip	2025/26 Ast.
079-007-011-000	STOLLBERG WILLIAM R & HOAI TRS	661 WADDELL WAY	Modesto CA 95354	$ 26.00
079-007-012-000	L & D RENTALS LLC	657 WADDELL WAY	Modesto CA 95357	$ 26.00
079-007-013-000	BAINS KABAL S & JASBIR K TRS	653 WADDELL WAY	Modesto CA 95357	$ 26.00
079-007-014-000	BAKER OUTIN MARLENE	649 WADDELL WAY	Modesto CA 95357	$ 26.00
079-007-015-000	LENZORA ALLISON MARIE	645 WADDELL WAY	Modesto CA 95357	$ 26.00
079-007-016-000	JIMENEZ JOSE GUIZAR	641 WADDELL WAY	Modesto CA 95357	$ 26.00
079-007-017-000	VAZQUEZ IGNACIO	648 WADDELL WAY	Modesto CA 95357	$ 26.00
079-007-018-000	TIFFER DORIE C	652 WADDELL WAY	Modesto CA 95357	$ 26.00
079-007-019-000	MENDEZ HILARIO	656 WADDELL WAY	Modesto CA 95350	$ 26.00
079-007-020-000	AMBRIZ MARIO G	721 RIEDSVILLE CT	Modesto CA 95357	$ 26.00
079-007-021-000	WEST AARON CHRISTOPHER & JENNIFER JEAN TRS	717 RIEDSVILLE CT	Modesto CA 95354	$ 26.00
079-007-022-000	ZAVALA JOHN & YVONNE	713 RIEDSVILLE CT	Modesto CA 95357	$ 26.00
079-007-023-000	ACOSTA DAVID ET AL	716 RIEDSVILLE CT	Modesto CA 95357	$ 26.00
079-007-024-000	SCHULTZ BRENDA J	720 RIEDSVILLE CT	Modesto CA 95357	$ 26.00
079-007-025-000	RIVERA RAMON ET AL	712 WADDELL WAY	Modesto CA 95357	$ 26.00
079-007-026-000	PALMERIN ERNESTO & MARIA	716 WADDELL WAY	Modesto CA 95357-1487	$ 26.00
079-007-027-000	MOLES EDWARD A & DIAMOND SUSAN H TRS	720 WADDELL WAY	Modesto CA 95357	$ 26.00
079-007-028-000	PEREZ JUAN & SOTO ANABEL	724 WADDELL WAY	Modesto CA 95357	$ 26.00
079-007-029-000	TRIMBLE BRENDA E	728 WADDELL WAY	Modesto CA 95354	$ 26.00
079-007-030-000	POZZOULI JOHN L	732 WADDELL WAY	Modesto CA 95357	$ 26.00
079-007-031-000	SINGH SURUJ BHAN TR	736 WADDELL WAY	Modesto CA 95357	$ 26.00
079-007-032-000	DE LA TORRE CONRADO & ROSEMARY TRS	740 WADDELL WAY	Modesto CA 95357	$ 26.00
079-007-033-000	MARCIANO ARMANDO D & MARCIANO REMEDIOS R	737 CARRBORO LN	Modesto CA 95357-1409	$ 26.00
079-007-034-000	PLACE GREGORY & SHERI L	733 CARRBORO LN	Modesto CA 95357	$ 26.00
079-007-035-000	NEWTON MARK A & DENISE	729 CARRBORO LN	Modesto CA 95357	$ 26.00
079-007-036-000	ZUNIGA ANDRES PEREZ & GARCIA LIZETH L	725 CARRBORO LN	Modesto CA 95357-1409	$ 26.00
079-007-037-000	CEJA MIGUEL YRIGOLLEN & BEATRICE	721 CARRBORO LN	Modesto CA 95357	$ 26.00
079-007-038-000	NAVARRO ENRIQUE & GONZALEZ ELBA CRISTINA	717 CARRBORO LN	Modesto CA 95357	$ 26.00
079-007-039-000	HARRISON KAREN S	713 CARRBORO LN	Modesto CA 95357	$ 26.00
079-007-040-000	VILLALOVOS ART ROBERT & YOLANDA	709 CARRBORO LN	Modesto CA 95357	$ 26.00
079-007-041-000	HARPER MICHAEL P & LILLIE M	700 CHADBURN CT	Modesto CA 95357	$ 26.00
079-007-042-000	JACKSON JONATHAN & ADONA	704 CHADBURN CT	Modesto CA 95357	$ 26.00
079-007-043-000	DIAS JEREMIAH A ET AL	708 CHADBURN CT	Modesto CA 95357	$ 26.00
079-007-044-000	SAMRA GURDIP & PREET	712 CHADBURN CT	Modesto CA 95357	$ 26.00
079-007-045-000	ROBLES RICHELLE & YULO JOHN	716 CHADBURN CT	Modesto CA 95357	$ 26.00
079-007-046-000	MEZA JACQUELINE M	720 CHADBURN CT	Modesto CA 95354	$ 26.00
079-007-047-000	TRUESDAIL SHELBY J	724 CHADBURN CT	Modesto CA 95357	$ 26.00
079-007-048-000	BAHI EILEEN	721 CHADBURN CT	Modesto CA 95354	$ 26.00
079-007-049-000	IBARRA JUANA	717 CHADBURN CT	Modesto CA 95357	$ 26.00
079-007-050-000	YEFREMENKO ALEKSEY & CANDICE	713 CHADBURN CT	Modesto CA 95357	$ 26.00
079-007-051-000	OROZCO VANESSA G ET AL	709 CHADBURN CT	Modesto CA 95357	$ 26.00
079-007-052-000	CHAPARRO PABLO	705 CHADBURN CT	Modesto CA 95355	$ 26.00
079-007-053-000	SILVEIRA FERNANDA	3725 CREEDMOOR AVE	Modesto CA 95357	$ 26.00
079-007-054-000	LUTZOW JOHN P	3721 CREEDMOOR AVE	Modesto CA 95357	$ 26.00
079-007-055-000	PEREZ JOSE P & PEREZ ROSA M	3717 CREEDMOOR AVE	Modesto CA 95357	$ 26.00
079-007-056-000	SKOCHKO KATHLEEN A & SKOCHKO RICHARD A	3713 CREEDMOOR AVE	Modesto CA 95357	$ 26.00
079-007-057-000	DAVIS JAMES R & DAVIS LETECIA B	3709 CREEDMOOR AVE	Modesto CA 95354	$ 26.00
079-008-001-000	BUAYA DAVID TR	620 N MC CLURE RD	Modesto CA 95357	$ 26.00
079-008-002-000	ALI SYED ARIF & ARIF SHAZIA	616 N MC CLURE RD	Modesto CA 95357	$ 26.00
079-008-003-000	CONCHAS SANDRA H	612 N MC CLURE RD	Modesto CA 95356	$ 26.00

Fee Parcel	Owner	Address	City State Zip	2025/26 Ast.
079-008-004-000	RENO FRED W	608 N MC CLURE RD	Modesto CA 95354	$ 26.00
079-008-005-000	CHAND VIJAY & MATI SOHAN	604 N MC CLURE RD	Modesto CA 95354	$ 26.00
079-008-006-000	CHAND VIJAY V ET AL	600 N MC CLURE RD	Modesto CA 95357	$ 26.00
079-008-007-000	JACKSON MATTHEW & JACKSON SUZANNA	564 N MC CLURE RD	Modesto CA 95357	$ 26.00
079-008-008-000	WARD DONALD G & CARLILE-WARD CARRIE LYNN	560 N MC CLURE RD	Modesto CA 95354	$ 26.00
079-008-009-000	MOUNDI HARINDER KAUR & GURDIAL SINGH	556 N MC CLURE RD	Modesto CA 95354	$ 26.00
079-008-010-000	BORGES FRANK J	552 N MC CLURE RD	Modesto CA 95357	$ 26.00
079-008-011-000	MILLER THOMAS H TR	548 N MC CLURE RD	Modesto CA 95357	$ 26.00
079-008-012-000	RODRIGUEZ JOHN MIGUEL & NORMA	544 N MC CLURE RD	Modesto CA 95357	$ 26.00
079-008-013-000	HAFIZ ABDUL HABID ET AL	540 N MC CLURE RD	Modesto CA 95357	$ 26.00
079-008-014-000	TAGRE JOSE ABEL & TERRIE MARIE TRS	536 N MC CLURE RD	Modesto CA 95357	$ 26.00
079-008-015-000	RODRIGUEZ ROBERTA L & GUILLEN OSCAR J	501 REDFIELD AVE	Modesto CA 95357	$ 26.00
079-008-016-000	SABLOK SATISH KUMAR & RENUKA TRS	505 REDFIELD AVE	Modesto CA 95357	$ 26.00
079-008-017-000	DUENAS ALFREDO JR & LUNA LESLY GUADALUPE ESCAMILLA	509 REDFIELD AVE	Modesto CA 95357	$ 26.00
079-008-018-000	KINCHELOE KAREN TR	513 REDFIELD AVE	Modesto CA 95357	$ 26.00
079-008-019-000	SHARMA UMA LATA TR	517 REDFIELD AVE	Modesto CA 95357	$ 26.00
079-008-020-000	CARDOSO JOHN P	521 REDFIELD AVE	Modesto CA 95357	$ 26.00
079-008-021-000	BATES SEAN & LAURA	525 REDFIELD AVE	Modesto CA 95357	$ 26.00
079-008-022-000	ZERMENO RAUL R & MARIA LETICIA TRS	529 REDFIELD AVE	Modesto CA 95357	$ 26.00
079-008-023-000	LAKHANPAL PARMINDER SINGH & KULDEEP	533 REDFIELD AVE	Modesto CA 95357	$ 26.00
079-008-024-000	MONTGOMERY KENNITHA	601 REDFIELD AVE	Modesto CA 95357	$ 26.00
079-008-025-000	JEET JERMY S & KUMARI RONITA	605 REDFIELD AVE	Modesto CA 95357	$ 26.00
079-008-026-000	BROWER PROPERTIES 3 LLC	609 REDFIELD AVE	Modesto CA 95357-1555	$ 26.00
079-008-027-000	KUMAR PRANEEL	613 REDFIELD AVE	Modesto CA 95357	$ 26.00
079-008-028-000	CV RESIDENTIAL LLC	617 REDFIELD AVE	Modesto CA 95357	$ 26.00
079-008-029-000	CHRISTENSEN KYLER	3516 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-008-030-000	BROWN CAROL C TR	3520 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-008-031-000	WRIGHT JACQUELINE L TR	3524 DRY CREEK DR	Modesto CA 95354	$ 26.00
079-008-032-000	HINTON BARBARA JANE	3528 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-008-033-000	VEGA DANIEL & MARILYN	3532 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-008-034-000	CARRILLO OLIVIA ET AL	3536 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-008-035-000	SINGH KULDIP & KOUR JASBIR	3600 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-008-036-000	MENDOZA RAFAEL ROSALES & IRMA	3604 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-008-037-000	ORTIZ MATIAS & ORTIZ JOSEFINA	3608 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-008-038-000	BROWN DALE LEE & VANESSA MARIE	3612 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-008-039-000	MONIZ HENRY III & KRISTY	3616 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-008-040-000	ECKLES ROBERT S & ECKLES JULIE L	3620 DRY CREEK DR	Modesto CA 95357-1528	$ 26.00
079-008-041-000	SINGH SHALVIN V & SEN ADREEN JYOTISH	3624 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-008-042-000	MALLEY KATHERINE TR	3628 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-008-043-000	RODRIGUEZ-ZAVALETA ENRIQUE & FLORES-SANTOS NEREYDA	3632 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-008-044-000	DAVIS LUELLA B & DAVIS WAYNE W	3636 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-008-045-000	HERNANDEZ DIANA C	3640 DRY CREEK DR	Modesto CA 95357	$ 26.00
079-008-046-000	STAMPS GENE A & GLORIA M	532 WILMONT LN	Modesto CA 95357	$ 26.00
079-008-047-000	JIMENEZ GERARDO	536 WILMONT LN	Modesto CA 95357-1579	$ 26.00
079-008-048-000	MATULIS ERIC A	3633 HIGHMORE LN	Modesto CA 95357	$ 26.00
079-008-049-000	CHIU JOSEPH CHI TSUN & LEE HELEN LAI TRS	3629 HIGHMORE LN	Modesto CA 95357	$ 26.00
079-008-050-000	FARA AHMED & FARA MUFDHLA	3625 HIGHMORE LN	Modesto CA 95357	$ 26.00
079-008-051-000	JAUREGUI HORACIO J & SUSANA	3621 HIGHMORE LN	Modesto CA 95357	$ 26.00
079-008-052-000	CISNEROS MARTIN T & CISNEROS MELISSA	3617 HIGHMORE LN	Modesto CA 95357	$ 26.00
079-008-053-000	SINGH PREM	3613 HIGHMORE LN	Modesto CA 95357	$ 26.00

Fee Parcel	Owner	Address	City State Zip	2025/26 Ast.
079-008-054-000	WHITAKER SAUDIA F	3609 HIGHMORE LN	Modesto CA 95357	$ 26.00
079-008-055-000	PRASAD JACK J & RESHMA D	3605 HIGHMORE LN	Modesto CA 95357	$ 26.00
079-008-056-000	GUTIERREZ JESUS & MARIA DE JESUS	3601 HIGHMORE LN	Modesto CA 95357	$ 26.00
079-008-057-000	VELAZQUEZ MANUEL D JR & ELENA	3533 HIGHMORE LN	Modesto CA 95357	$ 26.00
079-008-058-000	POSLANIEC COBY L	3529 HIGHMORE LN	Modesto CA 95357	$ 26.00
079-008-059-000	SINGH MOHINDER	3525 HIGHMORE LN	Modesto CA 95357	$ 26.00
079-008-060-000	MEDINA ROBERTO LEON TRS & MARIA DE LOS ANGELES TR	3521 HIGHMORE LN	Modesto CA 95357	$ 26.00
079-008-061-000	AVILA ELISEO G ET AL	3517 HIGHMORE LN	Modesto CA 95357	$ 26.00
079-008-062-000	KAUR NAVDEEP & SINGH DALVIR	3513 HIGHMORE LN	Modesto CA 95357	$ 26.00
079-009-003-000	MARTINEZ CRYSTAL TR	3629 ARDIA AVE	Modesto CA 95357	$ 26.00
079-009-004-000	POK NAVEEN & VEULVILAVONG AMMONE	3625 ARDIA AVE	Modesto CA 95353	$ 26.00
079-009-005-000	SANCHEZ BRITTANY & FEDERICO	3621 ARDIA AVE	Modesto CA 95357	$ 26.00
079-009-006-000	DALMAN NINON M TR	3617 ARDIA AVE	Modesto CA 95357	$ 26.00
079-009-007-000	VARGAS ROBERT S & MARTHA V	3613 ARDIA AVE	Modesto CA 95357	$ 26.00
079-009-008-000	RUSH ROBERT P & PATRICIA L TRS	3609 ARDIA AVE	Modesto CA 95357	$ 26.00
079-009-009-000	RAFIQYAAR BAKTASH & NAJIA	3605 ARDIA AVE	Modesto CA 95357	$ 26.00
079-009-010-000	VAZQUEZ DANIEL ET AL	3601 ARDIA AVE	Modesto CA 95357	$ 26.00
079-009-011-000	NAIRN DENNIS & REBECCA	3533 ARDIA AVE	Modesto CA 95357	$ 26.00
079-009-012-000	MONDRAGON LUIS JR	3529 ARDIA AVE	Modesto CA 95357	$ 26.00
079-009-013-000	JOHAL SUKHWINDER KAUR & JASBIR S SINGH	3525 ARDIA AVE	Modesto CA 95357	$ 26.00
079-009-014-000	NAGI WALED ET AL	3521 ARDIA AVE	Modesto CA 95357	$ 26.00
079-009-015-000	RODRIGUEZ REYES ORNELLAS & MARIA CARMEN	3517 ARDIA AVE	Modesto CA 95357-1501	$ 26.00
079-009-016-000	MARTINEZ TONY R JR	3513 ARDIA AVE	Modesto CA 95357	$ 26.00
079-009-017-000	FIGUEROA JASMINE E	3512 BALFOUR LN	Modesto CA 95357	$ 26.00
079-009-018-000	GREWAL JASKIRAN	3516 BALFOUR LN	Modesto CA 95357	$ 26.00
079-009-019-000	LOPEZ RAMIRO CHAVEZ & FONSECA DORA MARIA SOTO	3520 BALFOUR LN	Modesto CA 95357-1504	$ 26.00
079-009-020-000	FOUNTAIN TIMOTHY J & FOUNTAIN DEBORAH A	3524 BALFOUR LN	Modesto CA 95357	$ 26.00
079-009-021-000	TOBON LAURO I CORTES & CORTES MARY CARMEN	3528 BALFOUR LN	Modesto CA 95357	$ 26.00
079-009-022-000	COLLS LUIS R TR	3600 BALFOUR LN	Modesto CA 95357	$ 26.00
079-009-023-000	CUX O SURUY EDGAR & BORRAYO VILMA A COZOJAY	3604 BALFOUR LN	Modesto CA 95357	$ 26.00
079-009-024-000	AMEREL CLEVE & ROSA	3608 BALFOUR LN	Modesto CA 95357-1508	$ 26.00
079-009-025-000	JOHNSON SOUNITA & MICHAEL	3612 BALFOUR LN	Modesto CA 95354	$ 26.00
079-009-026-000	LEWMAN-KUNKLER BRENDA F TR	3616 BALFOUR LN	Modesto CA 95357	$ 26.00
079-009-027-000	LEE DAVID S & HU YAN TING TRS	3620 BALFOUR LN	Modesto CA 95357	$ 26.00
079-009-028-000	GARCIA MARISOL MAYA	3624 BALFOUR LN	Modesto CA 95357	$ 26.00
079-009-029-000	SANCHEZ HUGO	3628 BALFOUR LN	Modesto CA 95357	$ 26.00
079-009-030-000	KRUSE JAMES E & BULAWIT JENA M	3632 BALFOUR LN	Modesto CA 95357	$ 26.00
079-009-031-000	GOVEA PETER C & CAROL M TRS	512 WILMONT LN	Modesto CA 95357	$ 26.00
079-009-032-000	CERVANTES JUAN MANUEL OCEGUERA & CASILLAS ROCIO ME	516 WILMONT LN	Modesto CA 95357	$ 26.00
079-009-033-000	ORPUT STACY	520 WILMONT LN	Modesto CA 95351	$ 26.00
079-009-034-000	KHOKHAR MAHMOOD ET AL	524 WILMONT LN	Modesto CA 95355	$ 26.00
079-009-035-000	BIZZINI KELLY A	528 WILMONT LN	Modesto CA 95357	$ 26.00
079-009-036-000	MARTINEZ PEDRO & HERNANDEZ APRIL	3628 HIGHMORE LN	Modesto CA 95357	$ 26.00
079-009-037-000	RAMIREZ JESUS ET AL	3624 HIGHMORE LN	Modesto CA 95357	$ 26.00
079-009-038-000	GUADARRAMA NELLY	3620 HIGHMORE LN	Modesto CA 95357	$ 26.00
079-009-039-000	WILHELM DENNIS & WILHELM JANICE	3616 HIGHMORE LN	Modesto CA 95357-1534	$ 26.00
079-009-040-000	CASTRO MARIA	3612 HIGHMORE LN	Modesto CA 95357	$ 26.00
079-009-041-000	VIZCARRA JOSE A	3608 HIGHMORE LN	Modesto CA 95357	$ 26.00
079-009-042-000	FERREZ LIDIA E ET AL	3604 HIGHMORE LN	Modesto CA 95357	$ 26.00
079-009-043-000	ZAYA SAMIA	3600 HIGHMORE LN	Modesto CA 95354	$ 26.00

Fee Parcel	Owner	Address	City State Zip	2025/26 Ast.
079-009-044-000	CHIU CHARLES	3528 HIGHMORE LN	Modesto CA 95357	$ 26.00
079-009-045-000	FORBES DEENA M ET AL	3524 HIGHMORE LN	Modesto CA 95357	$ 26.00
079-009-046-000	ROMERO-CORONEL VICTOR HUGO & ANAYA CRISTINA CONDE	3520 HIGHMORE LN	Modesto CA 95355	$ 26.00
079-009-047-000	MANI LOGESH & SADHANA	3516 HIGHMORE LN	Modesto CA 95357	$ 26.00
079-009-048-000	KUMAR RENUKA ET AL	3512 HIGHMORE LN	Modesto CA 95357	$ 26.00
079-009-049-000	ESQUIVEL DIANA ACEVES DE	3513 BALFOUR LN	Modesto CA 95357	$ 26.00
079-009-050-000	PRECIADO CINDY	3517 BALFOUR LN	Modesto CA 95357	$ 26.00
079-009-051-000	KUMAR AMAR TR	3521 BALFOUR LN	Modesto CA 95357	$ 26.00
079-009-052-000	SINGH MOHINDER	3525 BALFOUR LN	Modesto CA 95357	$ 26.00
079-009-053-000	PRAKASH SUSHEEL & DEVI VINITA	3529 BALFOUR LN	Modesto CA 95357	$ 26.00
079-009-054-000	OSHANA DOONA H	3533 BALFOUR LN	Modesto CA 95357	$ 26.00
079-009-055-000	RUVALCABA VERONICA LOPEZ	3601 BALFOUR LN	Modesto CA 95357	$ 26.00
079-009-056-000	MARTINEZ RICHARD A & MARTINEZ MARTHA S	3605 BALFOUR LN	Modesto CA 95354	$ 26.00
079-009-057-000	VALADEZ JENISSA	3609 BALFOUR LN	Modesto CA 95357	$ 26.00
079-009-058-000	CABRAL FREDERICK M & GLORIA VASQUEZ	3613 BALFOUR LN	Modesto CA 95357	$ 26.00
079-009-059-000	WASPE LAWRENCE E TR	3617 BALFOUR LN	Modesto CA 95357	$ 26.00
079-009-060-000	RODRIGUEZ MARIO & RODRIGUEZ SONIA	3621 BALFOUR LN	Modesto CA 95357	$ 26.00
079-009-061-000	CISNEROS STEVE P & CISNEROS ELVIRA	3625 BALFOUR LN	Modesto CA 95357	$ 26.00
079-009-062-000	DAVIS RODGER & STACY	3633 ARDIA AVE	Modesto CA 95357	$ 26.00
079-010-001-000	HORLICK LUPE CASTILLO ET AL	609 WADDELL WAY	Modesto CA 95357	$ 26.00
079-010-002-000	ORTEGA ANGEL GABRIEL	613 WADDELL WAY	Modesto CA 95357-14	$ 26.00
079-010-003-000	VILLALPANDO KAREN	617 WADDELL WAY	Modesto CA 95357	$ 26.00
079-010-004-000	LEWIS LA VONA L TR	621 WADDELL WAY	Modesto CA 95357	$ 26.00
079-010-005-000	JOHAL TAJINDER & KAUR GURPREET	625 WADDELL WAY	Modesto CA 95357-14	$ 26.00
079-010-006-000	BROWER PROPERTIES 2 LLC	629 WADDELL WAY	Modesto CA 95351	$ 26.00
079-010-007-000	SUKHRAM RAAKHEE FELICIA	633 WADDELL WAY	Modesto CA 95357	$ 26.00
079-010-008-000	OLVERA JOSE A & SILVIA E	637 WADDELL WAY	Modesto CA 95357	$ 26.00
079-010-009-000	PRASAD BINESARI ET AL	3700 CREEDMOOR AVE	Modesto CA 95357-1414	$ 26.00
079-010-010-000	LERINDEGUI JOYCE C ET AL	3704 CREEDMOOR AVE	Modesto CA 95357	$ 26.00
079-010-011-000	TRIO DONNA M	3708 CREEDMOOR AVE	Modesto CA 95357	$ 26.00
079-010-012-000	PRASAD RAKESH	3712 CREEDMOOR AVE	Modesto CA 95357	$ 26.00
079-010-013-000	GARCIA SERGIO SERENO	3716 CREEDMOOR AVE	Modesto CA 95357-1414	$ 26.00
079-010-014-000	STOCKAND MIMI MARY TR	3720 CREEDMOOR AVE	Modesto CA 95357-1414	$ 26.00
079-010-015-000	ANDRADE ALEX V ET AL	3724 CREEDMOOR AVE	Modesto CA 95357	$ 26.00
079-010-016-000	RODRIGUEZ ANTHONY EFRAIN ET AL	3728 CREEDMOOR AVE	Modesto CA 95357-1417	$ 26.00
079-010-017-000	ANDRADE-STROHM ERIC J & ALEJANDRA	3732 CREEDMOOR AVE	Modesto CA 95357	$ 26.00
079-010-018-000	GARIBAY GABRIELA & VICTOR ALVAREZ	3736 CREEDMOOR AVE	Modesto CA 95357	$ 26.00
079-010-019-000	TORRES NAILELY RODRIGUEZ	3800 CREEDMOOR AVE	Modesto CA 95357-1418	$ 26.00
079-010-020-000	AU-YEUNG CHI & AU-YEUNG TZE HING LAM	3804 CREEDMOOR AVE	Modesto CA 95357-1418	$ 26.00
079-010-021-000	SALDANA BENJAMIN	3808 CREEDMOOR AVE	Modesto CA 95357	$ 26.00
079-010-022-000	VELAZQUEZ RAUL & VELAZQUEZ MARIBEL	3812 CREEDMOOR AVE	Modesto CA 95355	$ 26.00
079-010-023-000	XIAOKUN ZHI	3816 CREEDMOOR AVE	Modesto CA 95357-1418	$ 26.00
079-010-024-000	AYALA JOAQUIN & BARTOLOTTO BENJAMIN	3900 CREEDMOOR AVE	Modesto CA 95357	$ 26.00
079-010-025-000	JAMES GLORIA R	3904 CREEDMOOR AVE	Modesto CA 95357	$ 26.00
079-010-026-000	RIVERA PAUL C & CARMEN	3908 CREEDMOOR AVE	Modesto CA 95357	$ 26.00
079-010-027-000	KUMAR ABINESH	3912 CREEDMOOR AVE	Modesto CA 95357	$ 26.00
079-010-028-000	NAMO ALEN	3916 CREEDMOOR AVE	Modesto CA 95357	$ 26.00
079-010-029-000	DYRCZ JEFFREY LEE TR	636 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-010-030-000	BATTH GURMEET & MANJIT K	632 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-010-031-000	LYND RICHARD CARROLL	628 CODINGTON WAY	Modesto CA 95357	$ 26.00

Fee Parcel	Owner	Address	City State Zip	2025/26 Ast.
079-010-032-000	DOYLE MICHAEL JOSEPH ET AL	624 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-010-033-000	OROZCO VINCENT A & SABRINA E	620 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-010-034-000	KING VERONICA	3925 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-010-035-000	HALE DENNA MICHAEL ET AL TRS	3921 DILLINGHAM AVE	Modesto CA 95357-1425	$ 26.00
079-010-036-000	CHARLES TIMOTHY M & CHARLES LISA A	3917 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-010-037-000	GALLEGOS ELIDIA	3913 DILLINGHAM AVE	Modesto CA 95357-1425	$ 26.00
079-010-038-000	RAMIREZ JUAN J & RAQUEL COSIO	3909 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-010-039-000	MARIGMEN VALERIANO M	3905 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-010-040-000	VHAN SUNILA TR	3901 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-010-041-000	PERA ADRIAN C	3825 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-010-042-000	BRESHEARS DONALD K	3821 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-010-043-000	DELGADO MIGUEL	3817 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-010-044-000	JESUS MANUEL A & MARY L TRS	3813 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-010-045-000	LUGO ALEJANDRA	3809 DILLINGHAM AVE	Modesto CA 95357-1423	$ 26.00
079-010-046-000	MAYA JUAN PABLO BEJARANO	3805 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-010-047-000	ALBARRAN ARUTRO S & ALBARRAN CELIA P	3801 DILLINGHAM AVE	Modesto CA 95354	$ 26.00
079-010-048-000	GALLO MARTIN & GALLO BEATRIZ	3725 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-010-049-000	SANTOS LUZ MARIA	3721 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-010-050-000	PEREZ JOSE P & ROSA M	3717 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-010-051-000	KUMAR ASHOK	3713 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-010-052-000	MADRIGAL ROBERT & DOREEN MAY	3709 DILLINGHAM AVE	Modesto CA 95357-1421	$ 26.00
079-010-053-000	GARDALI CHARLES J TR	3705 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-010-054-000	GARCIA GERARDO CORREA & LOPEZ SANDRA FLORES	3701 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-011-001-000	MOUNBUA CHANH ET AL	3700 DILLINGHAM AVE	Modesto CA 95354	$ 26.00
079-011-002-000	VARGAS EDWARD J	3704 DILLINGHAM AVE	Modesto CA 95357-1420	$ 26.00
079-011-003-000	LIANG JIN & CEN CHUNYAN	3708 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-011-004-000	KOOCHOU NINOUS & DOMARINA	3712 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-011-005-000	BAIJAN GEORGE & YOUNAN MARIAM	3716 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-011-006-000	RODRIGUEZ MARCELINO & RODRIGUEZ ELENA	3720 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-011-007-000	CHUANGS INVESTMENT INC	3724 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-011-008-000	ALVES JASON L	3800 DILLINGHAM AVE	Modesto CA 95357-1422	$ 26.00
079-011-009-000	PEREZ-MAYORGA LUIS U & MARTINEZ LAURA A GARCIA	3804 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-011-010-000	COLIN JOSE LUIS FLORES & REMIGIO MARTHA MARISOL MA	3808 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-011-011-000	KINGSLEY AMBER NICOLE	3812 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-011-012-000	ESCOBAR EVELYN	3816 DILLINGHAM AVE	Modesto CA 95351	$ 26.00
079-011-013-000	THOMPSON JAMES ROBERT JR	3820 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-011-014-000	CABRALES ALEJANDRO	3824 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-011-015-000	MARTINHO THERESA SILVA TR	3900 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-011-016-000	CONTRERAS JAVIER	3904 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-011-017-000	CABRERA MELINDA S	3908 DILLINGHAM AVE	Modesto CA 95357-1424	$ 26.00
079-011-018-000	VASQUEZ ROSA	3912 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-011-019-000	BAXTER RACHEL	3916 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-011-020-000	MENDEZ JOSE ALVAREZ & TERESA JESUS	3920 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-011-021-000	SAENGSOURY TONY & SAENGSOURY MARY	3924 DILLINGHAM AVE	Modesto CA 95357	$ 26.00
079-011-022-000	MARQUEZ RICHARD RAYMOND & ELIZABETH KAY TRS	616 CODINGTON WAY	Modesto CA 95357-1584	$ 26.00
079-011-023-000	TODD BRIAN EDWARD & TRISHA ANN	612 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-011-024-000	REGALADO JUAN	608 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-011-025-000	CEJA MIGUEL Y & BEATRICE	604 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-011-026-000	GARCIA MARIO F ET AL	600 CODINGTON WAY	Modesto CA 95357-1584	$ 26.00
079-011-027-000	BAUTISTA IRENE R TR	3925 ELLENBORO AVE	Modesto CA 95357	$ 26.00

Fee Parcel	Owner	Address	City State Zip	2025/26 Ast.
079-011-028-000	MUSQUEZ MACARIO F & LISA M	3921 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-011-029-000	DOMINGUEZ NATALIA M ET AL	3917 ELLENBORO AVE	Modesto CA 95357-1443	$ 26.00
079-011-030-000	MCKAY JAMES ALLEN & MARY LOU TRS	3913 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-011-031-000	FERNANDEZ ELMA M TR ET AL	3909 ELLENBORO AVE	Modesto CA 95351-3528	$ 26.00
079-011-032-000	FANG SUSAN XIUYA	3905 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-011-033-000	MANI GYANESH & SHAKUNTALA	3901 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-011-034-000	LOVE JAMES H & BRENDA W TRS	3825 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-011-035-000	LEVCHENKO LAURIE	3821 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-011-036-000	KIRKBRIDE CHRISTOPHER CHARLES & LUISA R	3817 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-011-037-000	GALLARDO CLAYTON LEON & VICTORIA SUSANNE	3813 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-011-038-000	PADILLA ROBERTO	3809 ELLENBORO AVE	Modesto CA 95357-1441	$ 26.00
079-011-039-000	SPECK HALEY	3805 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-011-040-000	ZAMORA ROBERTO CARLOS LULE & REZA PATRICIA	3801 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-011-041-000	BRAZIL JOHN WARREN & MARY	3725 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-011-042-000	MORRIS SAMUEL DAVID ET AL	3721 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-011-043-000	LOPEZ DIANA MORENO	3717 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-011-044-000	KEYGHALDI KARNAVAL & ESTER	3713 ELLENBORO AVE	Modesto CA 95351-1439	$ 26.00
079-011-045-000	COSTA WILMA D & DAVID JR	3709 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-011-046-000	BURCIU TABITA TR	3705 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-011-047-000	CHIHIL JOSEPHINE U TR	3701 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-012-001-000	HONBERGER ROBERT & HONBERGER LISA	541 WADDELL WAY	Modesto CA 95357	$ 26.00
079-012-002-000	BETYAGHOUB VILHAM & LINDA TRS	545 WADDELL WAY	Modesto CA 95357	$ 26.00
079-012-003-000	WONG SAI YING & LIXIAN KUANG TRS	549 WADDELL WAY	Modesto CA 95357	$ 26.00
079-012-004-000	KUWAMOTO LARRY & BETTY TRS	553 WADDELL WAY	Modesto CA 95357	$ 26.00
079-012-005-000	CHAND ATISH & REENA TRS	557 WADDELL WAY	Modesto CA 95357	$ 26.00
079-012-006-000	PEERA ALBERTA Y TR	601 WADDELL WAY	Modesto CA 95357	$ 26.00
079-012-007-000	SUAREZ-MILLAN THANIA A	3700 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-012-008-000	ROMO YESENIA MARENTES	3704 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-012-009-000	MOORE MICHAEL	3708 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-012-010-000	KIDD BRIAN & KIDD KIMBERLY	3712 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-012-011-000	ESTRADA JOSE & ALICIA	3716 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-012-012-000	NUNEZ SANDRA SERRANO & JAVIER	3720 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-012-013-000	MIRANDA CYNTHIA & MAGANA JOSE LUIS BARRAGAN	3724 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-012-014-000	GILL HARMAIL & DARSHAN	3800 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-012-015-000	BARRIENTOS JAVIER & ARCADIA	3804 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-012-016-000	CORRAL SANDRA	3808 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-012-017-000	CHUANG TINA Y	3812 ELLENBORO AVE	Modesto CA 95357-1440	$ 26.00
079-012-018-000	AGAS JANELYN RUIZ & EDGAR AGNE	3816 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-012-019-000	MADEROS KATHLEEN J	3820 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-012-020-000	BRITZKE GARY T & BRITZKE PATRICIA L	3824 ELLENBORO AVE	Modesto CA 95357-1440	$ 26.00
079-012-021-000	PENA BERNIE & PENA TREANNA	3900 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-012-022-000	BP 4 LLC	3904 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-012-023-000	SOLOMON JEAN M TR	3908 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-012-024-000	BLACKWELL ROBERT ERIC & REBECCA	3912 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-012-025-000	NAVARRETTE DANIEL & MONIQUE MARY	3916 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-012-026-000	BARCELO PATRICIA	3920 ELLENBORO AVE	Modesto CA 95357-1442	$ 26.00
079-012-027-000	SOLOMON BREANNA M ET AL	3924 ELLENBORO AVE	Modesto CA 95357	$ 26.00
079-012-028-000	SALINAS ELIZABETH & ALBERT	556 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-012-029-000	AUSTIN BEVERLY	552 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-012-030-000	VALLADOLID RAMIRO & DE VALLADOLID MA CRUZ COBARRUB	548 CODINGTON WAY	Modesto CA 95350	$ 26.00

Fee Parcel	Owner	Address	City State Zip	2025/26 Ast.
079-012-031-000	CHAIREZ MICHAEL	544 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-012-032-000	TRICON SFR 2020-2 BORROWER LLC	540 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-012-033-000	MC CLELLAN BRYCE	3925 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-012-034-000	WILDEMAN GALEN J TR	3921 GATESVILLE AVE	Modesto CA 95354	$ 26.00
079-012-035-000	RATANA KAM & RATANA TIMOTHY	3917 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-012-036-000	SORIA RUBEN & SORIA GLORIA L	3913 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-012-037-000	ORNELAS GABRIEL M & KATLYN T	3909 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-012-038-000	TORRES VICTOR MANUEL & PANTOJA MARIA	3905 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-012-039-000	OLMOS GUADALUPE	3901 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-012-040-000	VAZQUEZ ALBERTO SANDOVAL & REYES NANCY J SANDOVAL	3825 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-012-041-000	TUERS LENORE TR	3821 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-012-042-000	KINNE DONNELLY & SUSAN N TRS	3817 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-012-043-000	AGUIRRE WILIBALDO PLANCARTE	3813 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-012-044-000	BUSH CHARLES F III & DONNA TRS	3809 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-012-045-000	PENA JOSEPH & SHEILA CHRISTINE	3805 GATESVILLE AVE	Modesto CA 95354	$ 26.00
079-012-046-000	SOUSA DENA JOYCE ET AL	3801 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-012-047-000	SHEPHERD NORMAN E & LISA N	3725 GATESVILLE AVE	Modesto CA 95357-1445	$ 26.00
079-012-048-000	BARTHOLOMEW RUSSELL RAY	3721 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-012-049-000	RUSSELL GARRICK	3717 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-012-050-000	PALACIOS DANIEL JOSEPH & MELLISA MARIE	3713 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-012-051-000	PATEL JAGUBHAI ET AL	3709 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-012-052-000	SUWANSUPA EK & MALITA THICK	3705 GATESVILLE AVE	Modesto CA 95326	$ 26.00
079-012-053-000	MUTOZA CRAIG J	3701 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-013-001-000	ELDWIN INVESTMENTS INC	521 WADDELL WAY	Modesto CA 95357	$ 26.00
079-013-002-000	KING RACHELLE D VARGAS TR	525 WADDELL WAY	Modesto CA 95357	$ 26.00
079-013-003-000	ROCHA JAMES JOHN TRS ET AL	529 WADDELL WAY	Modesto CA 95354	$ 26.00
079-013-004-000	VANDERHEIDEN ROBIN	533 WADDELL WAY	Modesto CA 95357	$ 26.00
079-013-005-000	CORREA ARMANDO M JR & IRMA A	537 WADDELL WAY	Modesto CA 95356	$ 26.00
079-013-006-000	RIVERA GRISELDA	3700 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-013-007-000	BATEMAN WALTER	3704 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-013-008-000	LONG CARI ANN	3708 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-013-009-000	REYES RENE ET AL	3712 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-013-010-000	LE CANH & TIEU MY HA	3716 GATESVILLE AVE	Modesto CA 95357-1444	$ 26.00
079-013-011-000	AYALA DIEGO ADRIAN ET AL	3720 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-013-012-000	CASAS MARCELLA THERESA	3724 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-013-013-000	MARTINEZ PEDRO & IRMA	3800 GATESVILLE AVE	Modesto CA 95357-1446	$ 26.00
079-013-014-000	NEVAREZ AMELIA & JOSE JR	3804 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-013-015-000	GOLIB VILMA	3808 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-013-016-000	PARKINSON MARK & DIANNE	3812 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-013-017-000	BROWN WILLIAM K & SHAMIRAN A TRS	3816 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-013-018-000	STELLER BERTHA G	3820 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-013-019-000	TAPIA YER YANG ET AL	3824 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-013-020-000	PHILLIPS AUDREY M	3900 GATESVILLE AVE	Modesto CA 95357-1448	$ 26.00
079-013-021-000	ELLIOTT CRAIG	3904 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-013-022-000	WADE THAREN & PATTI TRS	3908 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-013-023-000	GUARDADO ARIEL	3912 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-013-024-000	JOLLIFF GARTH E & COEY-JOLLIFF KATHERINE A TRS	3916 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-013-025-000	BAXTER RACHEL A	3920 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-013-026-000	EVANS GALEN	3924 GATESVILLE AVE	Modesto CA 95357	$ 26.00
079-013-027-000	FARIAS ROBERTO F & ELIZABETH	536 CODINGTON WAY	Modesto CA 95357	$ 26.00

Fee Parcel	Owner	Address	City State Zip	2025/26 Ast.
079-013-028-000	MORENO EDUARDO MARTINEZ	532 CODINGTON WAY	Modesto CA 95350-1575	$ 26.00
079-013-029-000	ZAVALA CLEMENTE JR & ZAVALA IRMA	528 CODINGTON WAY	Modesto CA 95357-1412	$ 26.00
079-013-030-000	OCHOA SANJUANA	524 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-013-031-000	MIRANDA SERGIO & SANDRA C	520 CODINGTON WAY	Modesto CA 95357-1412	$ 26.00
079-013-032-000	DELACRUZ JENNIFER ROBYN	3925 LAURENBURG AVE	Modesto CA 95357-1455	$ 26.00
079-013-033-000	LE NHI UYEN	3921 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-013-034-000	RODRIGUEZ MANUEL & MARIA E TRS	3917 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-013-035-000	GUZMAN JONATHAN	3913 LAURENBURG AVE	Modesto CA 95357-1455	$ 26.00
079-013-036-000	MEZA RICARDO ET AL	3909 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-013-037-000	SHAMESALDIN JOHNY K & SHAMESALDIN MUNA M	3905 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-013-038-000	JOSEPHSON JOSEPH CLAYTON	3901 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-013-039-000	MELENDEZ MARIA & WALKER DANIEL	3825 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-013-040-000	TREVINO TONY & GERALDINE	3821 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-013-041-000	HERNANDEZ SALVADOR M & HERNANDEZ NILDA M	3817 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-013-042-000	PINAL RAMIRO ET AL	3813 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-013-043-000	AQUINO J GABRIEL MENDOZA & MENDOZA NIEVES	3809 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-013-044-000	ATHNEIL GEORGE K & ATHNEIL INAAM M	3805 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-013-045-000	BUENROSTRO JAIRO CORNEJO	3801 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-013-046-000	DUNN JAY ALAN TR	3725 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-013-047-000	WATKINS WALLY T & LAUREN A	3721 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-013-048-000	CHAND VIJAY ET AL	3717 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-013-049-000	SABINIANO MARLON N	3713 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-013-050-000	OSHANA ASNAT	3709 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-013-051-000	GARDUNO IRINEO ET AL	3705 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-013-052-000	LOPEZ MARIO & LUZ ELVIRA	3701 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-014-001-000	GARCIA MIGUEL & GARCIA MARIA	449 WADDELL WAY	Modesto CA 95357	$ 26.00
079-014-002-000	CABAGNOT DOLORES R & FLYNN G	501 WADDELL WAY	Modesto CA 95357	$ 26.00
079-014-003-000	CRUZ ZANDHER LYN ET AL	505 WADDELL WAY	Modesto CA 95357	$ 26.00
079-014-004-000	WILSON KELLIE MICHELLE & RYAN CHRISTOPHER	509 WADDELL WAY	Modesto CA 95357	$ 26.00
079-014-005-000	NOUN SAMNANG	513 WADDELL WAY	Modesto CA 95357	$ 26.00
079-014-006-000	SANCHEZ JOSE L & MADRIGAL ALICIA	517 WADDELL WAY	Modesto CA 95357	$ 26.00
079-014-007-000	BERNS KENNETH	3700 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-014-008-000	BECERRA-BARRERA GERMAN & BECERRA LUISA G	3704 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-014-009-000	MILTON JEANNIE	3708 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-014-010-000	MONK NIAAMORE	3712 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-014-011-000	DIXON GARY W TR	3716 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-014-012-000	PEREZ KIMBERLY ANN	3720 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-014-013-000	WARNER JO ANNE TR	3724 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-014-014-000	GARCIA THERESA L	3800 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-014-015-000	BERGHORST REBECCA L ET AL	3804 LAURENBURG AVE	Modesto CA 95354	$ 26.00
079-014-016-000	GLOVER KEITH R & MENDOZA ARACELI CORRAL	3808 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-014-017-000	DHIR ASHIKA ET AL	3812 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-014-018-000	JIMENEZ LUIS F ET AL	3816 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-014-019-000	HUYNH NGOCDUNG THI ET AL	3820 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-014-020-000	CASTANEDA JOSE J & MARGARET	3824 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-014-021-000	GUZMAN MIRIAM & FLORES MARTIN	3900 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-014-022-000	SEUGA HOWLAND P	3904 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-014-023-000	TORRES JOSE DE JESUS & TORRES MARIA DOLORES	3908 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-014-024-000	HO KAI-YIN SILAS & WANG LI	3912 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-014-025-000	OAKLEY CHRISTOPHER PERRY & JACQUELINE	3916 LAURENBURG AVE	Modesto CA 95357	$ 26.00

Fee Parcel	Owner	Address	City State Zip	2025/26 Ast.
079-014-026-000	TRAN TRUYEN THANH & NGUYEN HUNG P	3920 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-014-027-000	THOMPSON JAMIE ROBERTA	3924 LAURENBURG AVE	Modesto CA 95357	$ 26.00
079-014-028-000	PIERCE FRANKLIN C & JODI L	516 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-014-029-000	PRASAD SURESH TR	512 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-014-030-000	CASTELLANOS RIGOBERTO	508 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-014-031-000	ISHAK MAHER & ESHAK MADLIEN	504 CODINGTON WAY	Modesto CA 95357-1412	$ 26.00
079-014-032-000	ROCHA ROBERTO T	500 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-014-033-000	ATWOOD BOBBY D	3925 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-014-034-000	BEST JERROLIN E	3921 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-014-035-000	WHITE LAWRENCE	3917 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-014-036-000	BLACKWELL WILLIAM L JR & EVONI V	3913 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-014-037-000	VACA ANDRES SERVIN	3909 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-014-038-000	CHAU VINCENT	3905 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-014-039-000	ROSAS CLAUDIA L & SAMUEL	3901 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-014-040-000	YOUNG HOLLY M ET AL	3825 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-014-041-000	FAMA JOSELITO & DOROTEA L TRS	3821 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-014-042-000	CICERO THEODORE JR & CAROL	3817 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-014-043-000	CABRERA THOMAS & CABRERA JANET S L	3813 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-014-044-000	RIVERA LOUIS S & LOUELLA J TRS	3809 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-014-045-000	HERNANDEZ PEDRO A AGUILAR ET AL	3805 WILKESBORO AVE	Modesto CA 95357-1493	$ 26.00
079-014-046-000	ROGERS MEGAN ET AL	3801 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-014-047-000	BATTAN KRISHAN RAAJ & MARIA TORRES	3725 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-014-048-000	PAVLACKY TIMOTHY MICHAEL & LEANN SUE	3721 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-014-049-000	BOUCHER GARY C & BOUCHER DENISE K	3717 WILKESBORO AVE	Modesto CA 95357-1491	$ 26.00
079-014-050-000	POWLEY ANAMARIA	3713 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-014-051-000	PRASAD GEORGE & PRASAD LALITA	3709 WILKESBORO AVE	Modesto CA 95357-1491	$ 26.00
079-014-052-000	WARD JODY LEE & CHEN QIAO	3705 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-014-053-000	BENJAMIN LINDA & EUGENE	3701 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-016-001-000	COLLINS TOMMY S	440 WADDELL WAY	Modesto CA 95357	$ 26.00
079-016-002-000	BIRD BYRON M	3704 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-016-003-000	BARNES REECE WAYNE	3708 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-016-004-000	BIERMAN ALLEN	3712 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-016-005-000	PRASAD VIJAY	3716 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-016-006-000	GONZALEZ JOSE II	3720 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-016-007-000	GONZALEZ JAIME J & SAUCEDA PERLA R	3800 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-016-008-000	DINIS JORGE M	3804 WILKESBORO AVE	Modesto CA 95357-1492	$ 26.00
079-016-009-000	CANCINO DANIEL DISU & FEDERICA BERNARTE TRS	3808 WILKESBORO AVE	Modesto CA 95354-1024	$ 26.00
079-016-010-000	ROSALES JOSE L & FRANCO MARIA T	3812 WILKESBORO AVE	Modesto CA 95357-1492	$ 26.00
079-016-011-000	STINHILVER WILLARD & STINHILVER MARLENE	3816 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-016-012-000	HARO JAVIER	3820 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-016-013-000	TORRES LUIS BENITEZ	3824 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-016-014-000	LUZUNARIS MIGUEL ORLANDO	3900 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-016-015-000	OU KANG YE & LIANG LIZHEN	3904 WILKESBORO AVE	Modesto CA 95354	$ 26.00
079-016-016-000	VILLASENOR RICARDO & ANA L RAMINEZ DE	3908 WILKESBORO AVE	Modesto CA 95357-1494	$ 26.00
079-016-017-000	MANSOUR ALEN M	3912 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-016-018-000	SANTOS SABINO DE JESUS DE LOS	3916 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-016-019-000	GUZMAN HORACIO GARNICA & ALICIA BARBOSA	3920 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-016-020-000	SOLORIO SAMMY	3924 WILKESBORO AVE	Modesto CA 95357	$ 26.00
079-016-021-000	SINGH AJESH & AACHAL	440 CODINGTON WAY	Modesto CA 95357	$ 26.00
079-016-022-000	JOHNSON ALOMA J & VELTON JR	436 CODINGTON WAY	Modesto CA 95357	$ 26.00

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MODESTO CITY COUNCIL
RESOLUTION NO. 2025-138

RESOLUTION ACCEPTING THE FISCAL YEAR 2025-26 ENGINEER'S ANNUAL REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION, AND YOSEMITE MEADOWS SUBDIVISIONS UNITS 1 AND 2; NOTICE OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISON, AND YOSEMITE MEADOWS UNITS 1 AND 2; AND SETTING A PUBLIC HEARING ON JUNE 24, 2025 TO CONSIDER THE FISCAL YEAR 2025-26 LEVY AND COLLECTION OF ASSESSMENTS WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2

WHEREAS, Resolution No. 89-460, adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Maintenance Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units Nos. 1 and 2; and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972, (California Streets and Highways Code Sections 22500 through 22679); and

WHEREAS, said assessment district was formed with annual inflator based on the Building Cost Index (BCI); and

WHEREAS, Section 22623 of the California Streets and Highways Code requires the City Engineer, the person designated by the Council as Engineer of Work for Assessment District No. 2, to prepare and file an annual report; and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk; and

WHEREAS, California Streets and Highways Code Section 22623 requires the Council to adopt a resolution of intention which shall include the following:

a. Declaration of intention of the Council to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by California Streets and Highways Code Section 22625, and the place for hearing by the Council on the levy of the proposed assessment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2025-2026 Engineer's Annual Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows subdivisions Nos. 7-10, Creekwood Meadows subdivision and Yosemite subdivision.

BE IT FURTHER RESOLVED, that the Council hereby finds as follows:

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 2 during the fiscal year 2025-2026. The amount of the proposed assessment for 2025-2026, $34,202.90, will be equal to the assessment for fiscal year 2024-2025.

2. There are no proposed new improvements or any substantial changes in the existing improvements within the existing Landscape Maintenance Assessment District No. 2, and the existing improvements to be made in said assessment district are generally described as follows:

   The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to, landscape irrigation systems in the following locations:

   a. Street medians in Creekwood Drive
   b. Areas adjacent to the access control walls along Creekwood Drive
   c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 2 is located in the County of Stanislaus, within the City limits of the City of Modesto, and is more specifically located on the northeast corner of Yosemite Boulevard and North McClure Road. District 2 is bounded by Yosemite Boulevard on the south, North McClure Road on the west, Yosemite Meadows Drive on the east, and Mechalys Way on the north.

4. Said annual report filed with the City Clerk and approved by the Council does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 2.

5. On Tuesday, the 24th day of June, 2025, at the hour of 5:30 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

7. The levy and collection of assessments as set forth in this resolution shall follow the procedural and substantive requirements of

Proposition 218 pursuant to Article 13D, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez, Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-139

RESOLUTION APPROVING THE FISCAL YEAR 2025-26 ENGINEER'S ANNUAL REPORT FOR THE SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT; NOTICE OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT; AND SETTING A PUBLIC HEARING ON JUNE 24, 2025 TO CONSIDER THE FISCAL YEAR 2025-26 LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT

WHEREAS, on June 29, 1999, the County of Stanislaus ("County") formed the Shackelford Landscape and Lighting District ("Shackelford LLD") for the purpose of administering the maintenance of seventy-seven (77) 200-watt high-pressure sodium streetlights; and

WHEREAS, the Shackelford LLD was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679); and

WHEREAS, the Shackelford LLD is comprised of approximately 153 acres, includes 493 lots with both residential and commercial development, and is bounded by Crows Landing on the west, E. Hatch Road on the south, Union Pacific Railroad on the east, and State Route 99 on the north; and

WHEREAS, on February 22, 2012, the Stanislaus County Local Agency Formation Commission ("LAFCO") approved the annexation of the Shackelford Area to the City of Modesto ("City"); and

WHEREAS, on April 24, 2012, the City Council approved the Shackelford Landscape and Lighting District Transfer Agreement between the County and City; and

WHEREAS, the City assumed full responsibility and administration of the Shackelford LLD on July 1, 2012; and

WHEREAS, Section 22623 of the California Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for the Shackelford LLD, to prepare and file an annual report; and

WHEREAS, the Engineer of Work has prepared and filed said annual report with the City Clerk; and

WHEREAS, the Fiscal Year 2025-26 Assessment will be decreasing from the prior fiscal year; and

WHEREAS, each year levies are based on the current fiscal year expenses including the estimated expenses for the remaining fiscal year, adding $1.50 Administration Charge to the per parcel assessment amount and multiplying the per assessment amount to arrive at the total assessment amount; and

WHEREAS, California Streets and Highways Code Section 22623 requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the Shackelford LLD for the fiscal year stated in the annual report.
b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.
c. Reference to the assessment district by its distinctive designation and indication of the general location of the Shackelford LLD.
d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the

Shackelford LLD and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the Shackelford LLD.

e. Notice of the time, as fixed by the California Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2025-26 Engineer's Annual Report for the Shackelford Landscape and Lighting District.

BE IT FURTHER RESOLVED that the City Council hereby finds the following:

1. The City Council intends to levy and collect assessments within the Shackelford LLD during the fiscal year 2025-26.
2. The proposed 2025-26 annual assessment for residential parcels is decreasing from last fiscal year at $36.53 per parcel. The levy for Fiscal Year 2024-2025 was $63.44 per parcel.
3. There are no proposed new improvements or any substantial changes in the existing improvements in the Shackelford LLD and the existing improvements to be made in the Shackelford LLD are generally described as follows:
    a. The City shall provide maintenance, operation and servicing, in perpetuity, of streetlights and all improvements required for such maintenance including, but not limited to:
    b. Payment to local utility company for monthly power costs of energizing street lights in the Shackelford LLD.

c. Payment to local utility company for maintenance of street lights in the Shackelford LLD that the utility company owns (usually those lights that are mounted on wooden poles).

d. Maintenance provided by the City of Modesto for street lights in the Shackelford LLD that are owned by the City of Modesto (usually those lights that are mounted on steel poles).

4. The Shackelford LLD is located in the County of Stanislaus, within the City Limits of the City of Modesto and is more specifically located North of Hatch Road, South of State Highway 99, and East of Crows Landing Road.

5. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the Shackelford LLD and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the Shackelford LLD.

6. On Tuesday, the 24th day of June, 2025, at the hour of 5:30 p.m., the City Council will conduct a public hearing on the questions of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

7. The City Clerk is authorized and directed to give the notice of hearing required by the Landscape and Lighting Act of 1972.

8. The levy and collection of assessments as set forth in this resolution are exempt from the procedural and substantive requirements of Proposition 218 pursuant to Article XIII, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez, Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-140

RESOLUTION ACCEPTING THE REBID LA LOMA PHASE 2C STRENGTHEN & REPLACE WATER MAINS PROJECT AS COMPLETE, RELEASING SECURITIES, RELEASING PAYMENTS TOTALING $8,029,470 TO MOZINGO CONSTRUCTION, INC., OF OAKDALE CA, AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, the Rebid La Loma Neighborhood was determined to have aging and deficient water infrastructure; and

WHEREAS, the Rebid La Loma Phase 2C Strengthen & Replace Water Mains project replaced 26,000 linear feet of water mains, associated water valves, services and fire hydrants to increase service reliability, flows, and pressures. The project also replaced 600 linear feet of 6-inch sewer mains and manholes with 8-inch sewer mains and manholes; and

WHEREAS, the project was advertised for bids on December 6, 2022; and

WHEREAS, bids were publicly opened on January 24, 2023, and Mozingo Construction, Inc., of Oakdale CA, was the lowest responsible bidder at 21.67% below the engineers estimate; and

WHEREAS, on April 4, 2023, by Resolution 2023-149, Council awarded a contract to Mozingo Construction, Inc, in the amount of $7,755,824; and

WHEREAS,. the Contractor received the Notice to Proceed with a start date of June 12, 2023. All contract work was completed on October 4, 2024; and

WHEREAS, the total project costs were $9,065,402, which included design, construction, construction management services (TRC Engineers), and construction administration costs. The total project amount originally budgeted was $9,962,884, which

included $8,531,407 for the construction contract and contingency with Mozingo Construction, Inc; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of eight percent (8%) for construction contracts of this dollar value. On April 4, 2023, Resolution 2023-150 established a 10% contingency threshold, no more than $775,583, to account for the complexity of this project; and

WHEREAS, there are eleven change orders resulting in an overall increase of $273,646 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 City Council of the City of Modesto that the Rebid La Loma Phase 2C Strengthen & Replace Water Mains Project as complete, releasing securities, releasing payments totaling $8,029,470 to Mozingo Construction, Inc., of Oakdale CA, and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez, Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-141

RESOLUTION APPROVING THE AGREEMENTS FOR MAINTENANCE, REPAIR AND OPERATIONS PARTS TO GRAINGER INC., LAKE FOREST, IL, AND FASTENAL COMPANY INC., WINONA, MN, FOR A TWO-YEAR AGREMEENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COMBINED ESTIMATED AMOUNT OF $583,500 AND A TOTAL COMBINED AMOUNT NOT TO EXCEED $3,128,524 OVER FIVE (5) YEARS; AND AUTHORIZING THE DIRECTOR OF FINANCE TO ADJUST AGREEMENT TOTALS BETWEEN VENDORS BASED ON CONTRACTOR'S AVAILABILIY AND DEPARTMENT'S NEEDS, ENSURING THE COMBINED TOTAL AMOUNT DOES NOT CHANGE AND AUTHORIZING THE DIRECTOR OF FINANCE OR HER DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, all operational departments such as Public Works, Utilities and Parks Operations must maintain parts for the field work the departments are providing for the City's infrastructure and maintenance services for City facilities and parks across the City of Modesto; and

WHEREAS, the items that are purchased include tools to assist with repairing parts, safety gear for proper Personal Protective Equipment (PPE), lubricants for ensuring equipment are running, batteries, etc.; and

WHEREAS, on January 22, 2019, under Resolution 2019-33, Council approved an Agreement with Grainger, Inc. for the purchase of maintenance, repair and operation supplies, for a two-year agreement with three (3) one-year extension options, for an annual cost not to exceed $113,500 and a total amount not to exceed $567,500 over five (5) years; and

WHEREAS, on September 7, 2021, under Resolution 2021-353, Council approved a First Amendment with Grainger, Inc. to increase the agreement to a revised total not to exceed $1,121,879 over five (5) years; and

WHEREAS, on August 16, 2023, a Second Amendment with Grainger was executed under the City Manager's authority to extend the termination date to June 30, 2025; and

WHEREAS, on September 11, 2018, under Resolution 2018-393, Council approved an Agreement with Fastenal Company Inc. for operating supplies for a two-year agreement with three (3) one-year extension options, for an annual estimated cost not to exceed $283,900, and a total amount not to exceed $1,419,500 over five (5) years; and

WHEREAS, on August 16, 2023, a First Amendment with Fastenal Company Inc. was executed under the City Manager's authority to extend the termination date to September 30, 2025; and

WHEREAS, on April 29, 2024, National Association of State Procurement Officials (NASPO) issued a Request for Proposal (RFP) under Contact No. 758 2400000228 for Facilities and Industrial Supplies on the NASPO website and through advertising facilitated by Commonwealth of Kentucky; and

WHEREAS, on September 1, 2024, proposals were opened electronically through NASPO's eProcurement system and twenty-nine (29) proposals were received and based on the Committee scoring results and criteria outlined in the RFP, four (4) contracts were awarded for this commodity which includes Fastenal and Grainger; and

WHEREAS, the scoring criteria was based on description of products and services, company information, customer service, data security reporting, implementation plan and market basket overall; and

WHEREAS, based on the highest scoring of this RFP, City staff recommends to award to Grainger Inc., Lake Forest, IL, and Fastenal Company Inc., Winona, MN to purchase Maintenance, Repair and Operations Parts for a two (2) year agreement with three (3) one-year extension options, for a total combined estimated annual amount $583,500.00, and a total amount not to exceed $3,128,524.00 over five (5) years which includes a 5.8% increase for years three (3) through five (5); and

WHEREAS, by utilizing these vendors City staff could go to the local stores and if there is an emergency, Fastenal's local warehouse is located at 1581C Cummins Dr., Suite 153, Modesto, CA 95358 and Grainger's nearest distribution center is located at 2501 Stagecoach Rd, Stockton, CA 95215; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $100,000 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 a procurement for the City at the lowest possible cost commensurate with the desired quality"; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings would be in the best interest of the City; and

WHEREAS, by utilizing the NASPO ValuePoint, the City is complying with the requirements defined under this code for these operational parts needed for City departments and these parts will be purchased utilizing the competitive pricing offered by both vendors based on the pricing outlined in their RFP.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreements for Maintenance, Repair and Operations Parts to Grainger Inc., Lake Forest, IL, and Fastenal Company Inc., Winona, MN, for a two-year Agreement with three (3) one-year extension options, for an annual combined estimated amount of $583,500 and a total combined amount not to exceed $3,128,524 over five (5) years.

BE IT FURTHER RESOLVED, the Director of Finance is authorized to adjust agreement totals between vendors based on contractor's availability and department's needs, ensuring the combined total amount does not change.

BE IT FURTHER RESOLVED, the Director of Finance, or her 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 6th day of May, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez, Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-142

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM THE STATE OF MINNESOTA IN PARTNERSHIP WITH NASPO VALUEPOINT, WITH DELL TECHNOLOGIES, INC., ROUND ROCK, TX FOR THE PURCHASE OF PERSONAL COMPUTERS AND LAPTOPS FOR AN ANNUAL ESTIMATED AMOUNT $750,000 AND A TOTAL AMOUNT NOT TO EXCEED $3,000,000 OVER FOUR (4) YEARS; AND AUTHORIZING THE DIRECTOR OF FINANCE OR HER DESIGNEE TO ISSUE THE PURCHASE ORDER

WHEREAS, the City of Modesto has approximately 1,450 personal computers in service within its environment to conduct City business; and

WHEREAS, within the four years, approximately 1,200 (83%) of the personal computers will have been in service for more than six (6) years and are out of warranty; and

WHEREAS, the Information Technology Department (ITD) has been challenged in extending the units well beyond their five-year life; however, repairs are time consuming, replacement parts are becoming scarce and costly to obtain, and unit performance has degraded due to advances in technology; and

WHEREAS, failure to keep systems updated creates a security risk to the entire organization from ransomware, viruses and malicious attacks and replacing personal computers, Microsoft Operating System and Microsoft Office will allow employees to be more efficient in their daily duties, provide the assurance that productivity will not be lost due to aging equipment, and reduce City security risk by deploying current software products; and

WHEREAS, on September 14, 2019, under Resolution 2019-418, Council approved the Award of Proposal and Agreement for the purchase of desktop computers,

laptops, tablets, software and services to Dell Technologies, of Round Rock, TX, for a three-year agreement for an initial cost not to exceed $1.35 million and a total amount not to exceed $1.95 million over three (3) years; and

WHEREAS, on January 25, 2022, under Resolution 2022-037, Council approved an increase for this purchase with Dell Technologies by $291,534 to a new total amount not to exceed $2,241,534 due to additional mobile device computers for the Modesto Police Department. This agreement expired on November 13, 2022, and based on the various department needs, these devices have been purchased on an individual basis; and

WHEREAS, on November 4, 2020, National Association of State Procurement Officials (NASPO) ValuePoint issued Request for Proposal (RFP) 292720 for Computer Equipment, Peripherals, and Related Services which was advertised on NASPO ValuePoint's website; and

WHEREAS, NASPO ValuePoint is a cooperative agency which streamlines the procurement process by developing Invitation for Bids (IFB) or RFPs for national competitive solicitations that meet or exceed local requirements; and

WHEREAS, on March 18, 2021, proposals were opened at 50 Sherburne Avenue, St. Paul, MN; and

WHEREAS, twenty-eight (28) proposals were received and based on the criteria outlined in the RFP, twenty-three (23) contracts were awarded for this commodity which includes the Personal Computer Devices – Windows Operating Systems: Desktops, Laptops, and Tablets; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $100,000 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 a procurement for the City at the lowest possible cost commensurate with the desired quality”; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings would be in the best interest of the City; and

WHEREAS, by utilizing the NASPO ValuePoint, the City is complying with the requirements defined under this code for Computer Equipment, Peripherals, and Related Services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Competitive Bidding Process from The State of Minnesota in partnership with NASPO ValuePoint, with Dell Technologies, Inc., Round Rock, TX for the purchase of Personal Computers and Laptops for an annual estimated amount $750,000 and a total amount not to exceed $3,000,000 over four (4) years.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, to issue the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2025, by Vice-Mayor Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez, Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-143

RESOLUTION ACCEPTING THE ANNUAL FIRE INSPECTION REPORT FOR 2024

WHEREAS, the California Code of Regulations Title 19 requires specific buildings to be inspected annually. CCR T-19 13146.4(a) states that "Every city or county fire department or district is required to perform an annual inspection pursuant to Sections 13146.2 and 13146.3 shall report annually to its administering authority on its compliance with Sections 13146.2 and 13146.3"; and

WHEREAS, this report is being presented to the Council as our "administering authority" to receive acceptance in order fulfill this requirement; and

WHEREAS, each year the state requires annual inspections in two types of occupancies, Hotels/Apartments and Schools (both public and private); and

WHEREAS, in the City of Modesto there are 597 Hotel/Apartment Occupancies, 411 of which (74%) had completed inspections in 2024. There are 74 School Occupancies, 74 of which (100%) had a completed inspection in 2024 set.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby accepts the annual fire inspection report for 2024.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez, Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-144

RESOLUTION APPROVING THE SOLE SOURCE PURCHASE WITH STRYKER MEDICAL, CHICAGO, IL OF TWO (2) LIFEPAK15 MONITORS AND EIGHT (8) LUCAS DEVICES FOR A TOTAL COST NOT TO EXCEED $323,525 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER

WHEREAS, the Modesto Fire Department (MFD) has utilized the LifePak Monitors and defibrillators since the inception of our Advanced Life Support Paramedic Program in the early 1990's; and

WHEREAS, the City started with the LifePak12 model and are now upgrading to the current LifePak15 models. LifePak15s are utilized by all the ambulance companies in the City's surrounding areas and on all Advanced Life Support (ALS) fire engines in the City of Modesto; and

WHEREAS, this allows for equipment interchangeability when MFD operates in conjunction with other local ambulance providers or other mutual-aid agencies. The City also operates LifePak Automatic External Defibrillators (AED) on all the Basic Life Support (BLS) engine companies making pads interchangeable across all department apparatus; and

WHEREAS, the LUCAS device provides automatic mechanical continuous chest compressions for patients suffering from cardiac arrest. This medical device has proven to be efficient and effective in delivering the therapeutic cardiac component of Cardio Pulmonary Resuscitation (CPR).; and

WHEREAS, these devices assist the department in meeting the goal of providing high performance CPR which greatly improves the chances of return of spontaneous circulation and survival; and

WHEREAS, with the adoption of additional contracted fire services, MFD's jurisdictional boundary has broadened, creating an increased requirement of ALS services. Subsequently, additional equipment is in demand for the department's first responders to provide vital care to the community. The proposed additional LifePak15s and LUCAS devices will ensure these expectations are met; and

WHEREAS, LifePak 15 monitors are Advanced Life Support medical devices that Paramedics utilize to assess and treat patients. Capabilities of the device include blood pressure monitoring, pulse oximetry, (ECG) electrocardiogram, defibrillation, cardiac pacing, carbon dioxide and monoxide level detection and monitoring. The devices are required for Advance Life Support patient care; and

WHEREAS, these devices will be utilized to replace those that are near end of service life and to serve as spares when required for service and maintenance. The purchase of additional LifePak15 units is necessary to ensure that the first responders can continue to provide vital care to the community; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 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 his or her discretion, determines that a process other than the formal bid procedure set for in 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. Here, Stryker is the original equipment manufacturer and distributor of

the LifePak15 monitors as well as the LUCAS device as they recently purchased Physio-Control and now serve as the sole source distributor.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Sole Source Purchase with Stryker Medical, Chicago, IL of two (2) LifePak15 Monitors and eight (8) LUCAS devices for a total cost not to exceed $323,525.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Council of the City of Modesto that it hereby authorizes the Purchasing Manager, or her designee, to issue the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez, Escutia-Braaton

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-145

RESOLUTION APPROVING AN AGREEMENT WITH AMERICAN MEDICAL RESPONSE WEST, MODESTO, CA FOR REIMBURSEMENT OF COSTS FOR FIRST RESPONDER SERVICES AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, per Resolution 2005-573, the City of Modesto Fire Department (MFD) has been under contract with the Local EMS Agency since November 22, 2005, to provide a First Responder Services, including Basic Life Support (BLS) and Advanced Life Support (ALS) responses; and

WHEREAS, the City has had a tremendous success rate in ALS services provided to the community and have developed a positive working relationship with American Medical Response West (AMR); and

WHEREAS, pursuant to California Health and Safety Code, Section 1797.200, the County of Stanislaus has designated AMR to be the local ambulance provider and to develop a written agreement with any qualified First Responder agencies that wish to participate in the First Responder EMS program in the County of Stanislaus; and

WHEREAS, under this agreement, MFD is eligible to receive reimbursement for Emergency Medical Services Responses as well as being restocked on EMS supplies and medications (excluding narcotics) that are utilized in service of this contract; and

WHEREAS, AMR also assumes responsibility for replenishing medical oxygen and EMS-grade gloves on all fire apparatus. Other benefits of this agreement include the waiving of fees on preceptor program for Paramedic interns and providing some EMS items at provider discounted costs; and

WHEREAS, the proposed agreement will take effect as of January 1, 2025 and shall continue through the term and any earned extensions or other renewal terms of the County 911 Agreement held between AMR West and the Stanislaus County Local Emergency Medical Services Agency to provide Emergency Ambulance Services with ALS and BLS Transport ("Term"). The Term has an earliest termination date of January 1, 2028.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an Agreement with American Medical Response West, Modesto, CA for reimbursement of costs for First Responder.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Manager, or his designee, is 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 6th day of May, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez, Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-146

RESOLUTION APPROVING A PURCHASING AGREEMENT WITH TELCION COMMUNICATIONS GROUP, TURLOCK, CA, BY UTILIZING THE COMPETEIVE BID PROCESS WITH NATIONAL INTERGOVERNMENTAL PURCHASING ALLIANCE (NATIONAL IPA), MERCED COUNTY, FOR ETHERNET SWITCH EQUIPMENT FOR A THREE-YEAR AGREEMENT WITH TWO ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF $405,000 AND A TOTAL AMOUNT NOT TO EXCEED $2,025,000 OVER FIVE YEARS; AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO EXECUTE THE PURCHASING AGREEMENT

WHEREAS, the City of Modesto Public Works Traffic Engineering and Electrical Divisions in conjunction with Information Technology Department operate and maintain the City's Advanced Traffic Management System (ATMS); and

WHEREAS, ethernet switch equipment is a critical component of the ATMS network architecture and network management. City staff reviewed and tested several different brands of equipment and chose to proceed with Cisco ethernet switches because of the hardware's hardened ability to be operational in the field and the software's intellectual ability to be configured in our connected system. The equipment was standardized and all active communication between traffic signals and the ATMS server occurs through Cisco ethernet switches; and

WHEREAS, on January 28, 2020, by Resolution No. 2020-056, Council accepted the Traffic Signal Master Plan identifying traffic signal communications as a Local Street Management Strategy to enhance signal operations for all modes of transportation; and

WHEREAS, on December 23, 2024, the City Manager authorized the Purchasing Manager to solicit the procurement of ethernet switch equipment. As part of a cooperative purchasing plan, the Purchasing Manager identified the County of Merced

Request for Proposals (RFP) No. 7370 under contract No. 2021106 for the purchase of Cisco ethernet switches on the Public advertising – i.e. Southern California News Group Marketplace. On January 15, 2021, proposals were opened at Merced County located at 2222 M Street, Merced, CA 95340. Five bids were received and based on the committee review process and criteria of 100 points possible outlined in RFP No. 7370, one contract was awarded for this commodity which includes the Cisco Ethernet Switches. Based on the responsive and responsible proposer offering overall evaluation for comprehensiveness, experience, performance, scope of work, time and acceptance to the terms and conditions, City staff recommends to award to Telcion Communications Group, Turlock, CA to purchase Cisco Ethernet Switches; and

WHEREAS, the Director of Public Works has recommended that the purchasing agreement not to exceed $2,025,000 received from Telcion Communications Group, be accepted as competitive from a Cooperative Agreement agency and that the agreement be approved for Telcion Communications Group; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services be formally bid. However, 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 forth in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality.” In addition, 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 best cost savings interest the City would be served. By utilizing the County of

Merced, the City is complying with the requirements defined under this code for Cisco ethernet switches.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves a Purchasing Agreement with Telcion Communications Group, Turlock, CA, by utilizing the competitive bid process with National Intergovernmental Purchasing Alliance (National IPA), Merced County, for ethernet switch equipment for a three-year agreement with two one-year extension options, for an annual estimated amount of $405,000 and a total amount not to exceed $2,025,000 over five years.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is hereby authorized to execute the Purchasing Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez, Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-147

RESOLUTION APPROVING THE SOLE SOURCE PURCHASE FROM EVOQUA WATER TECHNOLOGIES, THOMASVILLE, GA, OF TWO (2) INTERNALIFT SCREW PUMPS FOR AN ESTIMATED COST OF $2,889,553, PLUS $522,287 IN CONTINGENCY, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED $3,411,840, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE A PURCHASE ORDER; AND AUTHORIZING THE DEPARTMENT DIRECTOR OR HIS DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 20% OF THE TOTAL PURCHASE PRICE

WHEREAS, the Wastewater Division of the Utilities Department utilizes four Evoqua Water Technologies (Evoqua) Internalift screw pumps as part of the primary treatment process that is performed at the Regional Water Recycling Facility (RWRF) Sutter Campus; and

WHEREAS, in 2021 Plant Operations & Maintenance staff determined that the pumps had reached the end of their useful service and must be replaced; and

WHEREAS, on September 14, 2021, by Resolution 2021-368, Council approved the sole source purchase for the replacement of two Internalift Screw Pumps at the Regional Water Recycling Facility (RWRF) Sutter Campus from Evoqua Water Technologies, of Thomasville, GA, for an estimated total cost of $1,787,560 plus $168,670 in contingency (if needed), for a total amount not to exceed $1,956,230; and

WHEREAS, Evoqua Internalift screw pumps are proprietary equipment manufactured by Evoqua Water Technologies in Thomasville, GA, who is the only authorized source for replacement pumps, components and/or repair of the equipment; and

WHEREAS, the Modesto Municipal Code 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; and

WHEREAS, 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; and

WHEREAS, Evoqua should be exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8-3.204(b) since they are the only authorized source for replacement pumps, components and/or repair of the equipment and in that purchasing the new pumps from a different supplier would require replacing or reconfiguring the existing systems, at a significant financial and operational cost; and

WHEREAS, pursuant to Graydon v. Pasadena Redevelopment Agency (1980) 104 Cal. App. 3d 634, the City Council finds that competitively bidding the installation of the pumps separately from the purchase would not produce an advantage for the City because Equova is the other authorized source for the replacement pumps and must be the installer of the pumps in order to maintain manufacturer warranties, and the advertisement for competitive bid would thus be undesirable.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sole source purchase from Evoqua Water Technologies, Thomasville, GA, of two Internalift Screw Pumps for an estimated cost of $2,889,553, plus $522,287 in contingency, if needed, for a total amount not to exceed $3,411,840.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to issue a purchase order; and authorizing the Department Director or his designee to execute any change orders not to exceed 20% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez, Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-148

RESOLUTION AMENDING THE FISCAL YEAR 2024-2025 NON-CAPITAL IMPROVEMENTS PROGRAM BUDGET TO INCREASE PROJECT 101439 – SCREW PUMPS REPLACEMENT BY $3,386,840, FROM $25,000, FOR A REVISED TOTAL AMOUNT NOT TO EXCEED $3,411,840, IN TRANSFERS, REVENUE, AND DISCRETIONARY EXPENDITURES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the Fiscal Year 2024-2025 Non-Capital Improvement Budget must be amended to increase Project 101439 – Screw Pumps Replacement, by a total amount of $3,386,840, to establish transfers, recognize revenue, and increase discretionary expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2024-2025 Non-Capital Improvements Program budget to increase Project 101439 – Screw Pumps Replacement by $3,386,840, from $250,000, for a revised total amount not to exceed $3,411,840, in transfers, revenue, and discretionary expenditures.

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

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The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez, Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-149

RESOLUTION APPROVING THE PURCHASE OF 14,426 SQUARE FEET OF REAL PROPERTY LOCATED AT 7111 MCHENRY AVENUE, STANISLAUS COUNTY, CA OWNED BY LARRY KILLIAN AND ANGELINA MARY KILLIAN, TRUSTEES OF THE KILLIAN FAMILY TRUST DATED AUGUST 5, 1993; AND RONALD D. SETLIFF AND SHELLEY R. SETLIFF, TRUSTEES OF THE SETLIFF 2018 REVOCABLE TRUST DATED JANUARY 5, 2018; AND LENORE CATHERINE SETLIFF CHLADEK, A MARRIED WOMAN AS HER SOLE AND SEPARATE PROPERTY; AND ARNOLD W. SETLIFF AND KATHERINE L. SETLIFF, TRUSTEES OF THE NORMA SETLIFF FAMILY TRUST AS SET FORTH IN THE SETLIFF REVOCABLE TRUST DATED APRIL 19, 2004 FOR $76,500, PLUS $15,000 IN CLOSING COSTS, TO BE USED FOR THE DEL RIO WELL 70 TREATMENT SYSTEM PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE PURCHASE AND SALE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO COMPLETE THE TRANSACTION

WHEREAS, in 1995 the City of Modesto purchased the Del Este Water System, which included Well 271 located in the Del Rio service area, and

WHEREAS, 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, during the final design phase of the Del Rio Replacement Well 271, staff was informed by the Department of Water Resources that Well number 271 could not be re-used and that new well numbers will be required for replacement wells, and

WHEREAS, due to this, the City's project became known as Del Rio Well 70 (Replacing Well 271), and

WHEREAS, in the Spring of 2021, as the City was preparing to bring Well 70 online, it was discovered that the well was producing poor water quality samples, and

WHEREAS, initially, the City did not plan to install a treatment system for the well; however, due to the poor water quality, it became clear that a treatment system would be necessary to bring the well into service, and

WHEREAS, the existing well site was too small to accommodate the required treatment system, and

WHEREAS, staff began exploring adjacent properties to identify a suitable location for the system, and

WHEREAS, a 14,426 square foot parcel to the North of the Well 70 site at 7111 McHenry Avenue was deemed suitable for the installation of the treatment system, and

WHEREAS, staff initiated preliminary discussions with the property owners regarding the potential purchase of the property, and

WHEREAS, Associated Right of Way Services provided an appraisal report, completed by Valbridge Property Advisors, determining the fair market value of the 14,426 square foot parcel at $75,000, and

WHEREAS, the ownership group agreed to sell 14,426 square feet of real property for $75,000, plus $1,500 for their due diligence assessments, for a total purchase price of $76,500.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the purchase of 14,426 square feet of real property located at 7111 McHenry Avenue, Stanislaus County, CA owned by Larry Killian and Angelina Mary Killian, Trustees of The Killian Family Trust dated August 5, 1993; and Ronald D. Setliff and Shelley R. Setliff, Trustees of The Setliff 2018 Revocable Trust dated January 5, 2018; and Lenore Catherine Setliff Chladek, a married woman as her sole and separate property; and Arnold W. Setliff and Katherine L. Setliff, Trustees of the Norma Setliff Family Trust as set forth in the Setliff Revocable Trust dated April 19, 2004 for $76,500,

plus $15,000 in closing costs, to be used for the Del Rio Well 70 Treatment System Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the Purchase and Sale Agreement and all related closing documents, in a form approved by the City Attorney, and negotiate minor changes that the City Manager deems appropriate.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez, Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorney~~

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-150

RESOLUTION AMENDING THE FISCAL YEAR 2024-25 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $91,500 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES TO FUND THE DEL RIO WELL 70 TREATMENT SYSTEM PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISION OF THE RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $91,500, in order to fund the Del Rio Well 70 Treatment System Project, and

WHEREAS, the Fiscal Year 2024-25 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 2024-25 Capital Improvement Program Budget in the amount of $91,500.

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 May, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez, Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-151

RESOLUTION ACCEPTING THE RESIGNATION OF LARRY SANDERS FROM THE CITIZEN'S HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

WHEREAS, the Citizen's Housing and Community Development Committee was established to provide overall review of the City's Housing and Urban Development (HUD) funds, and

WHEREAS, on January 8, 2025, by Resolution No. 2025-035, Larry Sanders was appointed to serve as a member of the Citizen's Housing and Community Development Committee, and

WHEREAS, Larry Sanders has tendered his resignation from the Citizen's Housing and Community Development Committee effective March 19, 2025.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby accepts the resignation of Larry Sanders from the Citizen's Housing and Community Development Committee with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-152

RESOLUTION APPROVING THE THIRD AMENDMENT WITH CGI TECHNOLOGY AND SOLUTIONS INC., FOR THE SOFTWARE AS A SERVICE (SAAS) AGREEMENT FOR THE CITY OF MODESTO'S CGI ADVANTAGE BUDGET SOFTWARE INCREASING THE AGREEMENT AMOUNT BY $60,500 FOR A REVISED TOTAL AMOUNT NOT TO EXCEED $1,675,850; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, on March 8, 2016, by Resolution 2016-98, City Council approved a ten-year Software as a Service (SaaS) agreement with CGI Technology and Solutions Inc. (CGI) for the procurement of a new budget software system to replace the 15 year-old budget system that was no longer supported, and

WHEREAS, the original agreement approved by Council on March 8, 2016, by Resolution 2016-98, was for a total amount of $1,528,780 with first year agreement costs of $610,780, and

WHEAREAS, on February 9, 2018, the City Manager approved the First Amendment to the agreement with CGI for the migration of the budget software from the CGI hosted Phoenix Data Center to the Microsoft Azure Commercial Cloud system at no increased cost to the agreement, and

WHEREAS, on September 14, 2021, by Resolution 2021-358, City Council approved a Second Amendment to the agreement with CGI for an upgrade to the budget software system to upgrade the system to the latest version, CGI Advantage 4, and

WHEREAS, the Second Amendment to the agreement with CGI was approved by Council with a total cost not to exceed $86,570, and

WHEREAS, the amendments approved by Council brought total costs approved for the agreement with CGI up to $1,615,350 over the ten-year term of the agreement for the budget software, and

WHEREAS, City staff has reviewed the contract and found that there is was a discrepancy for contingency costs during the initial implementation that did not include the 10% contingency costs that were budgeted as part of the total agreement amount, and

WHEREAS, the difference of $60,500 which was part of a Project Change Request and made use of the 10% contingency amount established in the budget for the initial implementation project 100947 and must be included as part of the total agreement via a Third Amendment to the agreement to ensure the total agreement costs can be paid over its ten-year term, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204 where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby the Third Amendment with CGI Technology and Solutions Inc., for the Software as a Service (SaaS) agreement for the City of Modesto’s CGI Advantage

Budget Software increasing the total agreement amount by $60,500 for a revised total not to exceed $1,675,850.

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 13th day of May, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-153

RESOLUTION COMBINING THE CITY MANAGER'S DRAFT BUDGET AND THE MAYOR'S FINAL BUDGET MODIFICATIONS INTO THE PROPOSED BUDGET FOR FISCAL YEAR 2025-26, AND NOTICING A PUBLIC HEARING TO BE HELD JUNE 3, 2025, FOR COUNCIL'S CONSIDERATION AND ADOPTION OF THE FISCAL YEAR 2025-26 PROPOSED BUDGET AND RELATED ACTIONS

WHEREAS, the Finance Committee heard the City Manager's Draft Budget on April 14th, April 15th, and April 16th, 2025, through a series of Budget Workshops, and

WHEREAS, the Finance Committee approved the City Manager's Draft Budget with a 3-0 vote and approved the budget to be moved on to Council for final review and adoption, and

WHEREAS, the City's Charter, Article XIII Section 1303 and Section 1304 requires that the Mayor has the opportunity to make any final budget modifications to the City Manager's Draft Budget at least 45 days prior to the end of the fiscal year and adoption by City Council, and

WHEREAS, the Mayor presented her Final Budget Modifications Message of the City Manager's Draft Budget to City Council at the May 6, 2025, City Council meeting and has presented no changes and recommended that the Draft Budget be moved forward to Council as the City of Modesto's Fiscal Year 2025-26 Proposed Budget for adoption consideration, and

WHEREAS, the City of Modesto's Fiscal Year 2025-26 Proposed Budget will be inclusive of the City Manager's Draft Budget and the Mayor's Final Budget Modifications and will be heard at a public hearing scheduled to be held on June 3, 2025.

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

that it hereby approves the combining of the City Manager's Draft Budget as well as the Mayor's Final Budget Modifications into the City of Modesto's Fiscal Year 2025-26 Proposed Budget and that a public hearing will be held on June 3, 2025, for the adoption of the Fiscal Year 2025-26 Proposed Budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-154

RESOLUTION AMENDING THE FISCAL YEAR 2024-25 ANNUAL OPERATING AND CAPITAL IMPROVEMENT PROJECT 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 2024-25.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2024-25 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 May, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

ENGINEERING SERVICES DEPARTMENT

- A budget adjustment in the amount of $82,000 is needed in the Capital Improvement Support – Survey Equipment Fund (1301) to purchase survey equipment, including scanning total station, accessories, and software. The increase in budget will come from the fund reserves that have been collected from projects that utilize the equipment.

MODESTO FIRE DEPARTMENT

- A budget adjustment is necessary to amend the Industrial Fire District budget as approved in Fund 6100, JPA-Industrial Fire Fund, by the Industrial Fire Board in December 2024. The revenues are being increased by $51,607, which is offset by an increase to the expense of the final disbursements to the JPA members by $51,607.

MODESTO POLICE DEPARTMENT

- A budget adjustment in the amount of $547,511 is needed in the Police Grants Fund (1342) for Project 101633 – 2024-2025 Tobacco Grant. The adjustment will recognize grant revenue and establish the discretionary expenditure accounts. The Modesto Police Department was awarded the grant from the Department of Justice per Grant #DOJ-PROP56-2025-25-1-043 and the budget appropriation is in place to expend the funds for eligible grant program categories per the grant agreement. $50,000 has previously been budgeted on the City Manager's signature to avoid delays in planned operations.

UTILITIES

- A budget adjustment is necessary in the amount of $1,150,779 to increase the discretionary expenses in Project 100851 – Park Pike Neighborhood S & R in Water Fund – CIP Projects (4180). The increase in budget will cover remaining change orders on the project and will come from Water Fund reserves.

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-155

RESOLUTION APPROVING A COOPERATIVE AGREEMENT WITH CALTRANS FOR THE PROJECT APPROVAL AND ENVIRONMENTAL DOCUMENT (PA&ED) PHASE OF THE BRIGGSMORE AVENUE AT STATE ROUTE 99 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE COOPERATIVE AGREEMENT

WHEREAS, the Briggsmore/Carpenter Interchange at SR99 was constructed incrementally in response to changing demands and available funding over time; and

WHEREAS, 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 Briggsmore Avenue at SR99 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 begin the environmental project phase and the Cooperative Agreement for the PID phase was approved on April 13, 2021 by Resolution No.2021-127; 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 PID phase is nearing completion with a draft report currently under review by Caltrans; and

WHEREAS, the project is now ready to move to the second PA&ED phase of development; and

WHEREAS, approval of the Cooperative Agreement for PA&ED with Caltrans is the next step towards progressing the study and reconstruction of the Briggsmore/Carpenter at SR99 Interchange project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Cooperative Agreement with Caltrans for the Project Approval and Environmental Document (PA&ED) Phase of the Briggsmore Avenue at State Route 99.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute the 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 13th day of May, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-156

RESOLUTION ACCEPTING THE RIVER TRUNK REALIGNMENT GRAVITY SYSTEM PROJECT REBID AS COMPLETE, RELEASING SECURITIES, RELEASING PAYMENTS TOTALING $22,185,635 TO RANGER PIPELINES, INC., OF SAN FRANCISCO CA, AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, the 2007 Wastewater Collection System Treatment Plan (WWCSMP) identified key hydraulic and condition deficiencies in the City's wastewater collection system; and

WHEREAS, the Rebid River Trunk Realignment Gravity System Project addressed those deficiencies in the River Trunk, Sutter Trunk, and Beard Brook Siphon; and

WHEREAS, the project was advertised for bids on July 20, 2021; and

WHEREAS, bids were publicly opened on August 31, 2021, and Ranger Pipelines, Inc., of San Francisco CA, was the lowest responsible bidder at 19.33% below the engineers estimate; and

WHEREAS, on December 14, 2021, by Resolution No. 2021-505, Council awarded a contract to Ranger Pipelines, Inc, in the amount of $20,720,263; and

WHEREAS,. the Contractor received the Notice to Proceed with a start date of March 7, 2022. All contract work was completed on July 30, 2024; and

WHEREAS, the total project costs were $26,064,768, which included design, engineering support (Carollo Engineers), construction, construction management services (West Yost & Associates), and construction administration costs. The total project amount originally budgeted was $27,002,529 which included $22,792,289 for the construction contract and contingency with Ranger Pipelines, Inc; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of eight percent (8%) for construction contracts of this dollar value. Given the nature of this project and the high likelihood of changes to the scope of the project, staff requested and received an increase to the contract change order budget to 10% ($2,072,026); and

WHEREAS, there are twenty-three change orders resulting in an overall increase of $1,465,372 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 City Council of the City of Modesto that the River Trunk Realignment Gravity System Project Rebid as complete, releasing securities, releasing payments totaling $22,185,635 to Ranger Pipelines, Inc., of San Francisco CA, and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-157

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE 2024 PARK SECURITY LIGHTING PROJECT, ACCEPTING THE BID AND AWARDING A CONSTRUCTION CONTRACT TO MODESTO EXECUTIVE ELECTRICAL, INC. OF MODESTO, CA., IN THE AMOUNT OF $697,495, AUTHORIZING $83,700, FOR CONTINGENCY (IF NEEDED), FOR A TOTAL PAYMENT AMOUNT NOT TO EXCEED $781,195, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, a multiyear plan has been established to help systematically address the deferred maintenance in the park system. Preventative maintenance, such as upgraded park security lighting, will increase safety and limit vandalism that might add to the deferred maintenance list; and

WHEREAS, in June 2023, by Resolution 2023-243 Council approved the FY 2023-2024 budget, which included $2,170,000 of Measure H funding for year 1 of the preventative park maintenance plan; and

WHEREAS, as part of the year 1 preventative park maintenance allocation, $700,000, was budgeted for the upgrade of park lighting to LED lighting for additional park security; and

WHEREAS, the 2024 Park Security Lighting Project will consist of the removal of existing light fixtures and installation of new LED motion sensor light fixtures with new concrete footings, boxes, and conduit connections to existing electrical systems throughout Robertson Road Park, James Marshall Park, and Chrysler Park; and

WHEREAS, the project was advertised for bids on March 13, 2025; and

WHEREAS, bids were publicly opened on April 15, 2025, pursuant to City Charter Section 1307, and four bids were received; and

WHEREAS, Modesto Executive Electrical, Inc., of Modesto, CA, was determined

to be the responsible bidder with the lowest responsive bid; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, the award of contract for the construction of the 2024 Park Security Lighting Project, to Modesto Executive Electrical, Inc. of Modesto, CA, conforms to Modesto Municipal Code, 8-3.203; and

WHEREAS, staff is requesting the Engineering Services Director's Authority to issue change orders of 12% ($83,700) of the construction contract amount because this project is a small renovation project that has the potential for a higher amount of change orders; and

WHEREAS, staff recommends awarding a construction contract to Modesto Executive Electrical, 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 2024 Park Security Lighting Project, accepts the Bid and awards a construction contract to Modesto Executive Electrical, Inc., of Modesto, CA, in the amount of $697,495, plus $83,700, in contingency (if needed), for a total amount not to exceed $781,195.

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 May, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-158

RESOLUTION AMENDING THE FISCAL YEAR 2024-25 CAPITAL IMPROVEMENT PROGRAM BUDGET TO FUND PROJECT #101518 (PREVENTATIVE MAINTENANCE – MEASURE H), PROJECT #101517 (DEFERRED MAINTENANCE – MEASURE H) AND PROJECT #101602 (24/25 PREVENTATIVE MAINTENANCE – MEASURE H) IN AN AMOUNT NOT TO EXCEED $208,844 IN TRANSFERS, REVENUE, AND TO BUDGET EXPENDITURES TO FUND THE PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City plans to renovate the existing light fixtures at Robertson Road Park, James Marshall Park, and Chrysler Park to new LED Motion sensor light fixtures, as part of the 2024 Park Security Lighting Project; and

WHEREAS, Measure H funding of $208,844, must be allocated to fund a portion of the project; and

WHEREAS, the Fiscal Year 2024-2025 Capital Improvement Budget must be amended to fund Project 101518 – Preventative Maintenance – Measure H, Project 101517 (Deferred Maintenance – Measure H) and Project 101602 (24/25 Preventative Maintenance – Measure H) in a total amount of $208,844, to establish transfers, recognize revenue, and increase expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendments of the Fiscal Year 2024-2025 Capital Improvement Program Budget to fund project 101518 (Preventative Maintenance – Measure H), Project 101517 (Deferred Maintenance – Measure H) and Project 101602 (24/25 Preventative Maintenance – Measure H) in an amount not to exceed $208,844, in transfers, revenue and to budget expenditures to fund the project.

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 May, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-159

RESOLUTION ADOPTING AN AMENDMENT TO THE ANNUAL COMMERCIAL CANNABIS PERMIT FEE FOR CITY APPROVED BUSINESSES, APPROVING THE OPERATIONAL ANNUAL COMMERCIAL CANNABIS PERMIT FEE WITH AN ANNUAL COST OF $22,821 AND THE NON-OPERATIONAL ANNUAL COMMERCIAL CANNABIS PERMIT FEE WITH AN ANNUAL COST OF $3,991

WHEREAS, the passage of Proposition 64, The Adult Use of Marijuana Act, in November 2016 ended the prohibition on adult-use of cannabis in California and created a statewide regulatory structure for adult-use cannabis businesses, and

WHEREAS, on January 16, 2018, the Modesto City Council adopted Ordinance No. 3684-C.S. which permitted certain commercial cannabis uses, subject to land use and zoning criteria, and

WHEREAS, on December 4, 2018, under Resolution No. 2018-538, City Council imposed the Annual Commercial Cannabis Permit Fee for approved cannabis businesses to pay for on-going administration and monitoring of approved businesses in the amount of $21,740, and

WHEREAS, on November 9, 2021, under Resolution No. 2021-441, City Council approved amending the Annual Commercial Cannabis Permit Fee to decrease the amount by $3,008 from $21,740 to $18,732 annually based on estimated staff time costs consulting services including annual financial audits, and annual inspections, and

WHEREAS, on November 14, 2023, under Resolution No. 2023-504, the City Council approved amending the Annual Commercial Cannabis Permit Fee by establishing two types of commercial cannabis permit fees: an Operational Annual Commercial Cannabis Permit Fee and a Non-Operational Annual Commercial Cannabis Permit Fee, and

WHEREAS, the Operational Annual Commercial Cannabis Permit Fee for Fiscal

Year 2024 was kept at $18,732 for the on-going administration, annual inspections, financial audits, and monitoring of operational cannabis businesses and the Non-Operational Annual Commercial Cannabis Permit Fee for Fiscal Year 2024 was established at $4,307 for Council approved businesses that are non-operational for the on-going administration and monitoring, and

WHEREAS, the Operational Annual Commercial Cannabis Permit Fee for Fiscal Year 2026 is being proposed at $22,821 for Council approved cannabis business that are operational for the on-going administration, annual inspections, financial audits, and monitoring, and

WHEREAS, the Non-Operational Annual Commercial Cannabis Permit Fee for Fiscal Year 2026 is being proposed at $3,991 for Council approved businesses that are non-operational for the on-going administration, and monitoring, and

WHEREAS, the annual permit fee will be reviewed and reconciled annually to capture increases or decreases related to the administration of the compliance program. The permit is approved as a cost recovery and not revenue generating, any over or under payment will be reconciled annually and applied against future year cannabis permit fees; and

WHEREAS, the amendment of the Commercial Cannabis Permit Fee was heard by the Finance Committee on April 21, 2025 with the committee recommending to forward the adoption of the deposits to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the operational annual commercial cannabis permit fee with an annual cost of $22,821 and non-operational annual commercial cannabis permit

fee with an annual cost of $3,991. No proration of the fee shall be made for any portion of the period for which the Annual Commercial Cannabis Permit Fee is payable, except in the case of a newly established and approved business. The Annual Commercial Cannabis Permit Fee may be prorated for the number of months remaining in the year at the time the permit is initially approved by Council, Cannabis Committee, or any other cannabis permitting authority, the City will not prorate an Annual Commercial Cannabis Permit Fee for the time between the City's approval of a business and when that business becomes operational; the Annual Commercial Cannabis Permit Fee is due annually on August 1st and delinquent at the close of business hours on the 15th of August, and for the purpose of proration, a fractional part of a month shall be considered as a full month, and in lieu of paying the Annual Commercial Cannabis Permit Fee at the City Hall, the fee may be deposited in United States mail, postage prepaid, on the due date, provided the transmitting envelope contains a postage cancellation stamp showing cancellation not later than 12:00 p.m. on the due date, and if the due date falls on Saturday, Sunday or Holiday the due date shall be the next regular business day on which the City Hall is open to the public.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2025, by Vice-Mayor Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
RECUSE:	Councilmembers:	Alvarez
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-160

RESOLUTION APPROVING AN AMENDMENT TO THE COMMERCIAL CANNABIS PERMIT APPLICATION FEE ADJUSTING THE FEE TO A $6,380 REFUNDABLE DEPOSIT

WHEREAS, the City Council has approved a Commercial Cannabis Ordinance that established the regulatory framework for commercial cannabis businesses to operate within the City of Modesto; and

WHEREAS, the City developed the application and permit procedures, forms, and administration protocols for commercial cannabis permits; and

WHEREAS, staff time and City materials have been and will continue to be expended to establish the application process and procedures; and

WHEREAS, the City may collect fees to recover the costs related to these services; and

WHEREAS, on December 12, 2017, under Resolution No. 2017-526, City Council imposed a non-refundable Commercial Cannabis Application Fee for an optional pre-application screening fee of $1,250, a Phase 1 for $4,750, and a Phase 2 deposit fee of $10,000 or $20,000 for retail businesses over 10,000 square feet; and

WHEREAS, on November 9, 2021, by Resolution No. 2021-442, City Council adopted a single commercial cannabis application fee to simplify the application process to merge the phase 1 and phase 2 amounts into a single non-refundable flat fee of $6,380; and

WHEREAS, the application fees should be updated in proportion with actual costs for the specific activities and services related to commercial cannabis permits, and due to continued efficiencies it has been noted that adjusting the application fee to a

refundable deposit will allow for the City to reasonably recover costs while providing applicants the opportunity to receive a refund should actual expenses be less than the deposit; and

WHEREAS, the amendment of the commercial cannabis permit application fee was heard by the Finance Committee on April 21, 2025 with the committee recommending to forward the adoption of the deposits to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the commercial cannabis permit application fee adjusting the fee to a $6,380 refundable deposit.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2025, by Vice-Mayor Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
RECUSE:	Councilmembers:	Alvarez
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-161

RESOLUTION ADOPTING COMMERCIAL CANNABIS BUSINESS MODIFICATION REQUEST DEPOSITS IN THE AMOUNT OF $2,000 FOR CHANGES IN OWNERSHIP AND $5,000 FOR CHANGES IN LOCATION

WHEREAS, the passage of Proposition 64, The Adult Use of Marijuana Act, in November 2016 ended the prohibition on adult-use of cannabis in California and created a statewide regulatory structure for adult-use cannabis businesses; and

WHEREAS, on January 16, 2018, the Modesto City Council adopted Ordinance No. 3684-C.S. which permitted certain commercial cannabis uses, subject to land use and zoning criteria; and

WHEREAS, pursuant to section 10-3.704(d) of the Modesto Municipal Code, permits are not transferable to another individual or physical location without City approval; and

WHEREAS, on June 27, 2023, by Resolution No. 2023-298, Council approved a change in ownership policy for commercial cannabis permits within the City to provide guidance on the approval process for these changes; and

WHEREAS, the City continues to also receive relocation requests from the permitted commercial cannabis businesses throughout the City which requires additional time, effort and costs for the review of updated security plans, premises diagrams as well as zoning reviews; and

WHEREAS, a fee to recover the costs incurred by the City to review and approve these business modification requests has not been adopted to date; and

WHEREAS, commercial cannabis permit related fees shall be set by Resolution of the City Council in accordance with Modesto Municipal Code section 10-3.704 (f)(7); and

WHEREAS, City staff conducted a historical analysis of all staff costs, professional services, and legal expenditures related to business modification requests since the inception of the cannabis program in 2018; and

WHEREAS, an initial refundable deposit in the amount of $5,000 for changes in location and $2,000 for changes in ownership was calculated to reasonably recover costs incurred by both business modification requests and each deposit will be reconciled annually; and

WHEREAS, the adoption of both business modification request deposits were heard by the Finance Committee on April 21, 2025 with the committee recommending to forward the adoption of the deposits to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts commercial cannabis business modification request deposits in the amount of $2,000 for changes in ownership and $5,000 for changes in location.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2025, by Vice-Mayor Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
RECUSE:	Councilmembers:	Alvarez
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-162

RESOLUTION AMENDING THE CULTURE COMMISSION BYLAWS

WHEREAS, the Culture Commission is an enumerated appointive commission established in the City Charter; and

WHEREAS, the Culture Commission acts in an advisory capacity on matters pertaining to art, literature, music and other cultural activities; and

WHEREAS, by Resolution No. 2016-194, Council approved the Culture Commission bylaws; and

WHEREAS, the Commission approved amending the bylaws to provide clarification where needed, enhance its Mission and Objectives statements, and clarify appointments and attendance at meetings in accordance with Council Advisory Committee guidelines; and

WHEREAS, on March 5, 2025, the Commission approved the proposed bylaws, as set forth in the **attached "Exhibit A",** and recommended they be forwarded to the City Council for final approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amended bylaws for the Culture Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Exhibit "A"

CULTURE COMMISSION
BYLAWS

Adopted, Resolution No.

Article I. Definitions

Section 1.01 There is a Commission created to be known and designated as the Modesto Culture Commission

Section 1.02 As used in these Bylaws, unless a different meaning clearly appears from the context:

(a) "Member" shall mean a member of the Culture Commission.

(b) "Culture Commission" and "Commission" shall mean the Culture Commission.

(c) "Regular Meeting" shall mean the monthly Commission meetings.

Article II. Mission Statement and Objectives

Section 2.01 Mission Statement:

The mission of the Modesto Culture Commission is to enhance the quality of life of the people of Modesto by making the city a more culturally and aesthetically enjoyable place to live and visit.

Section 2.02 Vision Statement

A culturally rich city that is an enjoyable and appealing place to live and visit.

Section 2.03 Power and Duty

The Commission has the power and duty to:

(a) Act in an advisory capacity to the City Council and the City Manager in all matters pertaining to art, literature, music and other cultural activities;

(b) Formulate and recommend annually to the City Council a program relating to art, literature, music, and other cultural activities;

(c) Promote the preservation of historic sites, landmarks, documents, paintings and other objects associated with the

history of the City and its area, and develop educational interest in all such historical matters;

(d) Act in an advisory capacity to the City Council, the City Manager, and the Director of any Museum or Cultural Center that may be established by the City Council;

(e) Act in an advisory capacity to the City and City Manager on matters relating to the administration, selection, and placement of public art and art in public places;

(f) Facilitate the development of resources that support the City's cultural assets;

(g) Solicit and evaluate applicants for the position of Poet Laureate and act in an advisory capacity to City Council for the selection of the Poet Laureate.

Article III. Membership

Section 3.01 The Culture Commission shall consist of seven (7) qualified persons, comprised of the following:

Seat Designation	Term
Chairperson	One year, voted by simple majority of commission.
Vice Chairperson	One year, voted by simple majority of commission.
Citizen (All seven commissioners)	Four years, appointed by City Council

Section 3.02 Five (5) members of the Commission shall be registered electors of the City and two (2) shall live outside the City but shall be registered electors of Stanislaus County.

Section 3.03 No Member of the Commission shall be an employee of the City, nor of any bargaining unit for employees of the City, nor a person who receives compensation from the City.

Section 3. 04 All appointments to the Commission shall be made by the City's Appointments Committee and approved by the City Council.

Section 3.05 No Member of the Commission shall be a relative, by blood or marriage within the third degree of the Mayor, a Councilmember, a Charter Officer, or any Department Director or Deputy Department Director.

Section 3.06 All Members must complete a Statement of Economic Interest (Form 799) by April 1 of each year and when assuming or leaving Commission membership.

Article IV. Terms of Office

Section 4.01 Members may serve no more than two (2) consecutive terms.

Section 4.02 A full term is four (4) years in duration.

Section 4.03 A partial term of two (2) years shall be considered a full term for purposes of Section 4.01.

Section 4.04 Full term appointments begin on January 1 and expire on December 31, four (4) years subsequent.

Section 4.05 Members not eligible for reappointment may continue to serve until their successors are appointed. No member shall serve more than eight (8) consecutive years, with the exception of those who are serving until their successors are appointed.

Section 4.06 The Members of the Commission shall receive no compensation for the performance of their official duties.

Section 4.07 Appointments to fill vacancies on the Commission shall be handled in the same manner as the original appointments. When a vacancy occurs during a term, the appointment to fill such vacancy shall be for the unexpired portion of the term.

Section 4.08 Members of the Commission may be removed by a majority vote of the City Council after a recommendation by the Commission Chairperson for the following reasons:

(a) Misconduct, inefficiency, or willful neglect in the performance of their duties providing the Member is first provided in writing the reasons for such removal and gives the Member the opportunity to be heard before the City Council in their own defense.

(b) Refusal to resign from the Commission when no longer a resident of the City or when a conflict of interest exists.

Article V. Attendance at Meetings

Section 5.01 The Commission shall convene monthly on a regularly scheduled date, time and location to be set by the Commission. It shall be the responsibility of each Member to know the dates and times of all Commission Meetings. If a Members knows he or she will not be able to attend a regularly scheduled meeting, it shall be his or her responsibility to notify the Commission Secretary at least forty-eight (48) hours before the meeting, in order for the absence to be recorded as an excused absence.

Section 5.02 The minutes of each meeting will list those Members in attendance, those who are excused, and those who are unexcused.

Section 5.03 Attendance at meetings is expected and necessary to carry out the mission of the Commission.

Excused absences may be granted due to illness or injury, unexpected business, emergencies, important personal business, official City business, or any reasonable excuse that is approved by the appointed body.

A member who does not meet any of the conditions for an excused absence or fails to notify the Recording Secretary or Staff Liaison in advance of the meeting will be marked as an unexcused absence.

Unexcused absences shall result in automatic resignation if a member is absent from three (3) regular meetings unless by permission of the Culture Commission and expressed in its official minutes.

Article VI. Officers and Their Duties

Section 6.01 Officers shall consist of Chair and Vice-Chair elected by a simple majority vote of Members of the Commission. Officers shall serve a one-year term. Officers are eligible to be elected to serve more than one term or consecutive terms.

Section 6.02 All officers shall exercise all privileges of membership, including the making of motions, seconding, and debate.

Section 6.03 The Chair shall preside at all meetings, shall appoint all ad hoc committees, and shall ensure that the bylaws, rules, and regulations as adopted by the Commission are properly enforced.

Section 6.04 The Vice-Chair shall assist the Chair in his/her duties and in the absence of the Chair shall perform all duties usually performed by the Chair.

Section 6.05 The Commission Secretary shall be a City staff member, appointed by the department head, to serve as Secretary. The Commission Secretary shall keep a record of the minutes of all Commission meetings and such other duties as are usually performed by a secretary.

Article VII. Meetings

Section 7.01 Special meetings shall be called by the Chair as necessary.

Section 7.02 Notices of all meetings, including agendas, shall be given to all Members of the Commission, to the City Clerk, to the City Manager, and to all others as provided by law. All such notices shall be furnished to the Commission in writing at least seventy-two (72) hours prior to the time of such meeting.

Section 7.03 All meeting agendas will be posted at Tenth Street Plaza.

Section 7.04 All meetings shall comply with the requirements of the Ralph M. Brown Act.

Section 7.05 A quorum is necessary for the Commission to transact any business. A quorum shall be defined as a simple majority of active Commission Members, which is one-half of the active members plus one.

Section 7.06 All meetings of the Commission shall be open to the public and shall be held at a public facility, which is accessible in accordance with the regulations of the Americans with Disabilities Act.

Article VIII. Order of Proceedings

Section 8.01 Roberts Rules of Order shall be the guide for the parliamentary procedures on the conduct of Commission meetings.

Section 8.02 The order of proceedings of all meetings shall be as follows, subject to majority vote of the Members present:

(a) Roll Call

(b) Declaration of Conflict of Interest

(c) Public Comment Period

(d) Consent Items

(e) Old Business

(f) New Business

(g) Commission Comments and Reports

(h) Matters Too Late for the Agenda

(i) Adjournment

Section 8.03 Members of the public shall not speak unless recognized by the Chair and shall state his/her name before making any statement, which shall become part of the public record. The Chair may remove any person who refuses to follow these rules or the decision of the Chair.

Article IX. Amendments

Section 9.01 The Bylaws and any future amendments shall be subject to the final approval of the City Council and shall not and are not intended to go beyond any of the powers and duties given to the Commission by the City Council.

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-163

RESOLUTION APPROVING A SERVICE AGREEMENT WITH TRINITY RIVARD, TAMPA, FL FOR THE INSTALLATION OF THE 150th ANNIVERSARY MURAL IN THE AMOUNT OF $25,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Section 1110 of the City of Modesto Charter authorizes the Culture Commission (Commission) to act as an advisory body to the City Council and City Manager in all matters pertaining to art, literature, music, and other cultural activities; and

WHEREAS, in 2020, Modesto was set to commemorate it's Sesquicentennial; and

WHEREAS, the City and the Commission launched an effort to install a mural celebrating Modesto's 150-year history, culture, diversity, richness, and bounty but was delayed due to the pandemic; and

WHEREAS, in 2024, the Commission resumed its effort and recommended issuance of a Request for Proposals (RFP) calling for artists and muralists to design and install a mural in Tenth Street Place on the south wall of the 10th Street Parking Garage; and

WHEREAS, by Resolution No 2024-266, Council approved the RFP; and

WHEREAS, the RFP was advertised on PlanetBids and also mailed to 81 local schools, and districts, 9 local art galleries, and 26 muralists; and

WHEREAS, 8 proposals were received and deemed complete; and

WHEREAS, the Commission unanimously agreed to move forward with discussions with Trinity Rivard, an artist from Tampa, Florida (Artist); and

WHEREAS, the Artist's design captures the history of Modesto from an architectural and cultural perspective using colorful vignettes woven together to create a visually captivating and iconic mural to celebrate the City's 150th anniversary; and

WHEREAS, the Commission's recommendation was presented to and approved by the Safety & Communities Committee on April 14, 2025; and

WHEREAS, the approval for the mural design and installation conforms to Modesto Municipal Code 8-3.204 subsection (a) as the work is for professional services and at least three informal proposals were obtained; and

WHEREAS, the award of contract with Artist is for the design, installation, and materials, including a protective coating, and is not to exceed $25,000; and

WHEREAS, the City will grant Artist access to the parking garage, cover permit costs, and will maintain ownership of the final artwork upon completion; and

WHEREAS, installation of the mural is $25,000 which is budgeted in non-capital project $100880 – Art in Public Places.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Services Agreement with Trinity Rivard, Tampa, FL for installation of the 150th Anniversary Mural in the amount of $25,000.

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 May, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-164

RESOLUTION AMENDING THE MODESTO URBAN AREA GENERAL PLAN TO AMEND THE LAND USE ELEMENT TO CHANGE 12.66 ACRES FROM REGIONAL COMMERCIAL USES TO RESIDENTIAL USES (NRB INVESTMENTS, LLC)

WHEREAS, a General Plan for the City of Modesto entitled "City of Modesto Urban Area General Plan" (UAGP), was adopted by the City Council by Resolution No. 95-409 on August 15, 1995, in accordance with Section 65300 of the Government Code; and

WHEREAS, said General Plan has been amended by Modesto City Council Resolution Nos. 95-584, 96-20, 96-338, 96-639, 97-3, 97-137, 97-158, 98-293, 99-162, 99-564, 2000-303, 2000-633, 2001-47, 2001-476, 2002-154, 2002-526, 2003-101, 2003-122, 2007-066, 2007-599, 2008-142, 2008-583, 2009-419, 2011-253, 2011-254, 2011-436, 2012-430, 2014-17, 2014-422, 2015-262, 2016-34, 2017-21, 2019-109, 2022-101, 2022-193, 2022-449, and 2024-022, copies of which are on file in the office of the City Clerk; and

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

WHEREAS, NRB Investments, LLC has filed an application for a General Plan Amendment (File No. GPA-24-003) to amend the Land Use Element of the General Plan to change 7.29 acres of the 19.95-acre site from Regional Commercial (RC) uses to Residential (R) uses, for property located east of Oakdale Road, approximately 0.31 miles north of Sylvan Avenue, south of Mable Avenue, and west of a theoretical line projected north from Wood Sorrel Drive, also known as Assessor's Parcel Number (APN)

083-004-057 within the Tivoli Specific Plan, to facilitate development of a single-family residential project, known as the "Martin Project," consisting of 185 new medium density residential lots and 11 common area lots for streets, open space/basin, parking, emergency vehicle access, and utility easements; and

WHEREAS, said application was made concurrently with a proposed amendment to the Tivoli Specific Plan to amend the land use designation of the above 19.95 acres from Medium High Density Residential (MHDR) and Regional Serving Commercial (RSC), to Medium Density Residential (MDR) with associated text amendments (File No. SPA-24-002); and

WHEREAS, said application was also made concurrently with proposed Exceptions from the Tivoli Specific Plan's development and design standards for reduced setbacks and lot sizes for lots within the 19.95-acre project site in accordance with Section 9.4.1.6 of the Tivoli Specific Plan; and

WHEREAS, said application was also made concurrently with a proposal to adopt an Area Plan document for Tivoli Specific Plan Area No. 2 (File No. AREA-24-001), for the purpose of establishing land use, circulation, and infrastructure requirements for the Area, generally located east of Oakdale Road, south of Mable Avenue, north of the planned extension of Bridgewood Way, and west of a theoretical line projected north from Wood Sorrel Drive; and

WHEREAS, said application was also made concurrently with a proposed Vesting Tentative Subdivision Map to subdivide 19.95 acres into 185 single-family residential lots and 11 common area lots for streets, open space/basin, parking, emergency vehicle access, and utility easements (File No. TSM-24-005); and

WHEREAS, said application was also made concurrently with a proposed Final Development Plan for the purpose of establishing development standards and architectural guidelines for the Martin Project development (File No. FDP-24-004); and

WHEREAS, an Initial Study has been prepared as required by CEQA; and

WHEREAS, the Initial Study concluded that while the project may have a potentially significant effect on the environment, the incorporation of mitigation measures would reduce the impact to a less than significant level, and a Mitigated Negative Declaration, Environmental Assessment No. EA/C&ED No. 2024-37, was prepared; and

WHEREAS, a 30-day public review period for the proposed Initial Study/Mitigated Negative Declaration began on February 5, 2025, and concluded on March 7, 2025; and

WHEREAS, the City received public comments on the draft Initial Study/Mitigated Negative Declaration and no changes to the document were necessary as a result; and

WHEREAS, the Mitigation Monitoring Plan (MMP) is included and described within the Initial Study/Mitigated Negative Declaration; and

WHEREAS, a public hearing was held by the Planning Commission on April 7, 2025, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, whereupon the Planning Commission recommended approval of the General Plan Amendment to City Council; and

WHEREAS, a public hearing was held by the City Council on May 13, 2025, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that it hereby approves the amendment to the Land Use Diagram of the General Plan to change the designation of 12.66 acres from Regional Commercial (RC) uses to Residential (R) uses, and finds as follows:

1. The proposed amendment to the Land Use Diagram would result in Residential uses that would provide for development of new housing within the Tivoli Specific Plan, and the amendment is necessary to facilitate the future development of property identified as Assessor's Parcel Number 083-004-057.

2. An Initial Study/Mitigated Negative Declaration, Environmental Assessment No. EA/C&ED No. 2024-37, has been prepared by the City of Modesto that analyzed the proposed General Plan Amendment, and the City Council has determined that, on the basis of the whole record before it, that while the project may have a potentially significant effect on the environment, the incorporation of project-specific mitigation measures would reduce the impact to a less than significant level.

BE IT FURTHER RESOLVED by the City Council of the City of Modesto that it hereby adopts the proposed amendment to the Land Use Diagram of the Urban Area General 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 13th day of May, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC, City Clerk

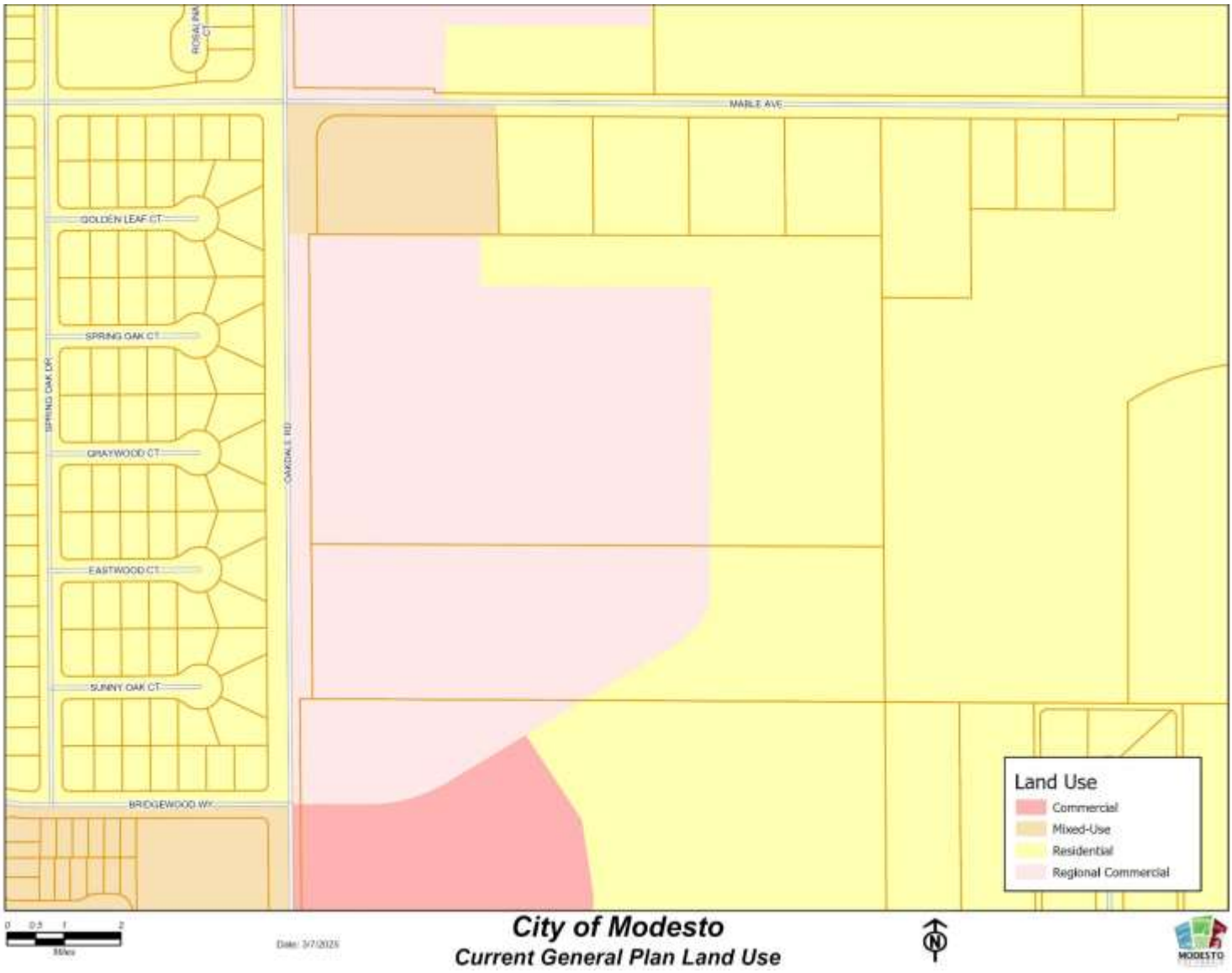
(SEAL)

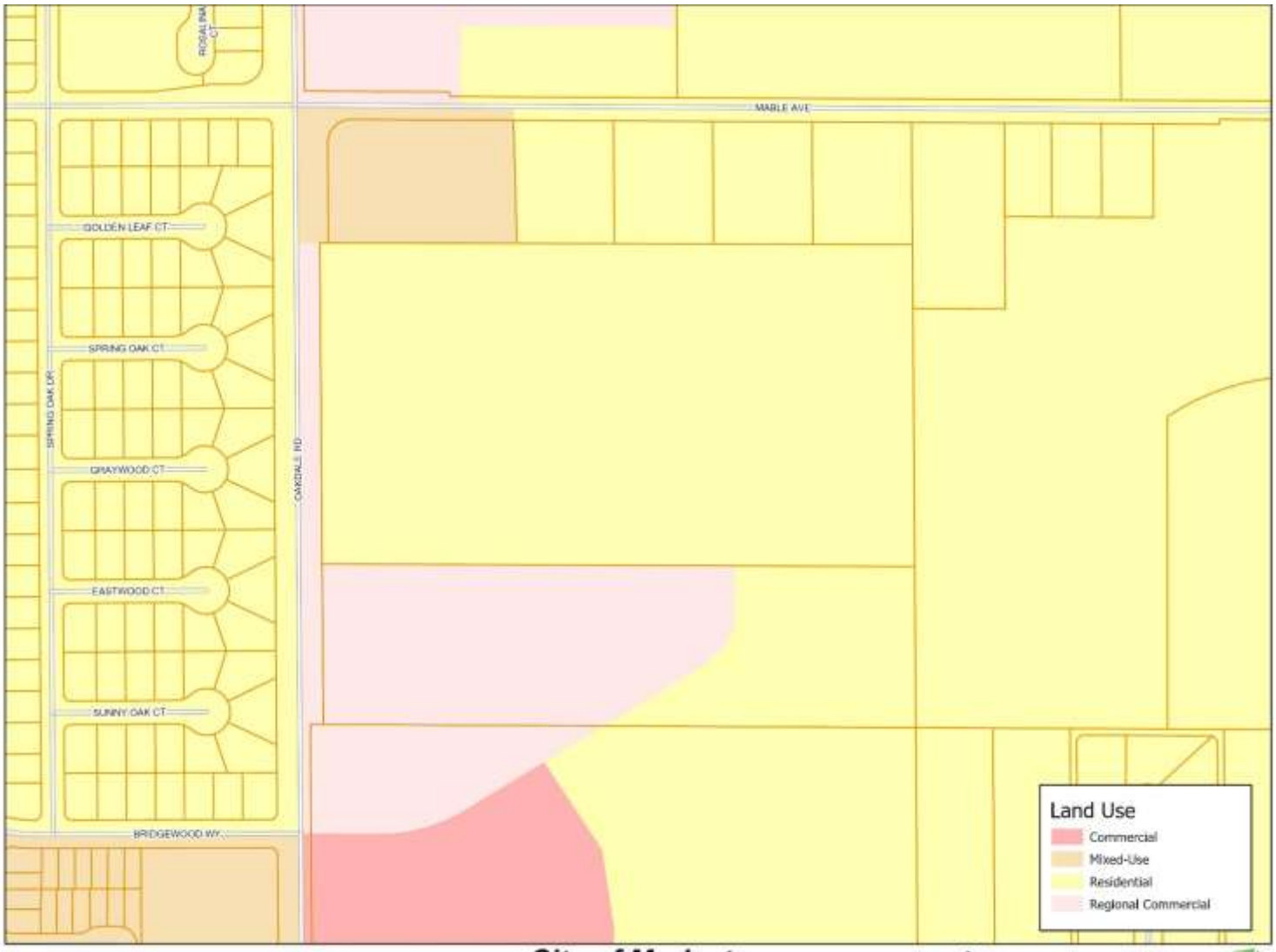
APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT "A"

GENERAL PLAN AMENDMENT: LAND USE DIAGRAM




MABLE AVE
GOLDEN LEAF CT
SPRING OAK CT
SPRING OAK DR
GRAYWOOD CT
EASTWOOD CT
SUNNY OAK CT
BRIDGEWOOD WY
OAKDALE RD
Land Use
Commercial
Mixed-Use
Residential
Regional Commercial
Miles
Date: 3/7/2025
City of Modesto
Proposed General Plan Land Use
MODESTO

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-165

RESOLUTION APPROVING SPECIFIC PLAN AMENDMENT NO. 4 TO THE TIVOLI SPECIFIC PLAN, AND EXCEPTIONS TO THE DESIGN STANDARDS FOR REDUCED SETBACKS AND LOT SIZES FOR LOTS (NRB INVESTMENTS, LLC)

WHEREAS, Government Code Section 65450 et. seq. permits cities and counties to adopt specific plans for the systematic implementation of the General Plan and to provide for a greater level of detail in planning sites or areas of special interest or value; and

WHEREAS, on February 26, 2008, the City Council by Ordinance No. 3479 adopted the Tivoli Specific Plan; and

WHEREAS, Government Code Section 65453 permits the amendment of specific plans as often as deemed necessary by the legislative body; and

WHEREAS, on September 7, 2016, the City Council approved Amendment No. 1 to the Tivoli Specific Plan to include minor land use adjustments regarding the relocation of the school site with the overall density and intensity remaining essentially the same, minor internal street alignment adjustments, removal of four roundabouts, and various clean-up and technical changes to the Specific Plan; and

WHEREAS, on March 21, 2022, the Director of Community and Economic Development administratively approved Amendment No. 2 to the Tivoli Specific Plan as allowed by Section 9.3.4.1 of the Specific Plan, to amend and update street cross section details with associated minor text changes; and

WHEREAS, on November 1, 2022, the City Council approved Amendment No. 3 to the Tivoli Specific Plan to change the land use designation of 25 acres from Regional

Serving Commercial (RSC) to Low Density Residential (LDR) and to change 27 acres from Medium Density Residential (MDR) to Low Density Residential; and

WHEREAS, NRB Investments, LLC has filed an application to amend the Tivoli Specific Plan to change the land use designation of 19.95 acres from Medium High Density Residential (MHDR) and Regional Serving Commercial (RSC), to Medium Density Residential (MDR) with associated text amendments (File No. SPA-24-002), for property located east of Oakdale Road, approximately 0.31 miles north of Sylvan Avenue, south of Mable Avenue, and west of a theoretical line projected north from Wood Sorrel Drive, also known as Assessor's Parcel Number (APN) 083-004-057 within the Tivoli Specific Plan, to facilitate development of a single-family residential project, known as the "Martin Project," consisting of 185 new medium density residential lots and 11 common area lots for streets, open space/basin, parking, emergency vehicle access, and utility easements; and

WHEREAS, NRB Investments, LLC has also filed an application to approve exceptions from the Tivoli Specific Plan's Development and Design Standards for reduced front yard setbacks from twelve (12) feet to five (5) feet, reduced rear yard setbacks from fifteen (15) feet to ten (10) feet, reduced minimum lot sizes for corner yards from 3,000 square feet to 2,460 square feet, and allowance for lot sizes for small lot development to exceed the noted 3,000 square foot maximum in footnote two of Table 4.2 of the Tivoli Specific Plan for lots within the Martin Project's 19.95-acres; and

WHEREAS, said applications were made concurrently with a proposed amendment to the General Plan Land Use Diagram (File No. GPA-24-003) to amend the

land use designation of 7.29 acres of the 19.95-acre site from Regional Commercial (RC) uses to Residential (R) uses; and

WHEREAS, said applications were also made concurrently with a proposal to adopt an Area Plan document for Tivoli Specific Plan Area No. 2 (File No. AREA-24-001), for the purpose of establishing land use, circulation and infrastructure requirements for the Area, generally located east of Oakdale Road, south of Mable Avenue, north of the planned extension of Bridgewood Way, and west of a theoretical line projected north from Wood Sorrel Drive; and

WHEREAS, said applications were also made concurrently with a proposed Vesting Tentative Subdivision Map to subdivide 19.95 acres into 185 single-family residential lots and 11 common area lots for streets, open space/basin, parking, emergency vehicle access, and utility easements (File No. TSM-24-005); and

WHEREAS, said applications were also made concurrently with a proposed Final Development Plan for the purpose of establishing development standards and architectural guidelines for the Martin Project development (File No. FDP-24-004); and

WHEREAS, an Initial Study has been prepared as required by CEQA; and

WHEREAS, the Initial Study concluded that while the project may have a potentially significant effect on the environment, the incorporation of mitigation measures would reduce the impact to a less than significant level, and a Mitigated Negative Declaration, Environmental Assessment No. EA/C&ED No. 2024-37, was prepared; and

WHEREAS, a 30-day public review period for the proposed Initial Study/Mitigated Negative Declaration began on February 5, 2025, and concluded on March 7, 2025; and

WHEREAS, the City received public comments on the draft Initial Study/Mitigated Negative Declaration and no changes to the document were necessary as a result; and

WHEREAS, the Mitigation Monitoring Plan (MMP) is included and described within the Initial Study/Mitigated Negative Declaration; and

WHEREAS, a public hearing was held by the Planning Commission on April 7, 2025, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, whereupon the Planning Commission recommended approval of the Specific Plan Amendment and exceptions from the Tivoli Specific Plan's Development and Design Standards; and

WHEREAS a public hearing was held by the City Council on May 13, 2025, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered,

NOW, THEREFORE, BE IT RESOLVED by the City Council that it hereby finds and determines as follows:

1. The proposed amendments to the Land Use Diagram of the Tivoli Specific Plan are consistent with the General Plan Land Use Designation of Residential (as amended), because the amendments would result in Residential uses that would provide for development of new housing within the Specific Plan.

2. The reduction in residential density by the proposed amendment of Medium High Density Residential (MHDR) area to Medium Density Residential (MDR) would be offset by the increase in residential density proposed by the amendment of Regional Serving Commercial (RSC) to MDR in accordance with Senate Bill 330 ("Housing Crisis Act of 2019").

3. An Initial Study/Mitigated Negative Declaration, Environmental Assessment No. EA/C&ED No. 2024-37, has been prepared by the City of Modesto that analyzed the proposed General Plan Amendment, and the City Council has determined that, on the basis of the whole record before it, that while the project may have a potentially significant effect on the environment, the incorporation of project-specific mitigation measures would reduce the impact to a less than significant level, and the Mitigated Negative Declaration is hereby adopted.

4. The granting of the proposed exceptions will not be materially detrimental to the public welfare or injurious to other property or improvements in the vicinity and will not nullify the intent and purpose of the Specific Plan and General Plan; and

5. Because of the unique nature of a particular development concept, design innovations are proposed that meet the functional standards of the Specific Plan standards without strict adherence to said standards and will result in a superior project with good land use relationship and compatibility of uses.

BE IT FURTHER RESOLVED by the City Council that it hereby adopts the proposed Tivoli Specific Plan Amendment No. 4 as described in **Exhibit "A," attached** hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the City Council that it hereby approves exceptions from the Tivoli Specific Plan's Development and Design Standards for the 19.95-acre Martin Project as follows:

- Front yard minimum setbacks reduced from twelve (12) feet to five (5) feet.
- Rear yard setbacks reduced from fifteen (15) feet to ten (10) feet.
- Minimum lot sizes for corner lots reduced from 3,000 square feet to 2,460 square feet.
- Lot sizes for small lot development allowed to exceed the noted 3,000 square foot maximum in footnote #2 of Table 4.2 of the Tivoli Specific Plan

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2025, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

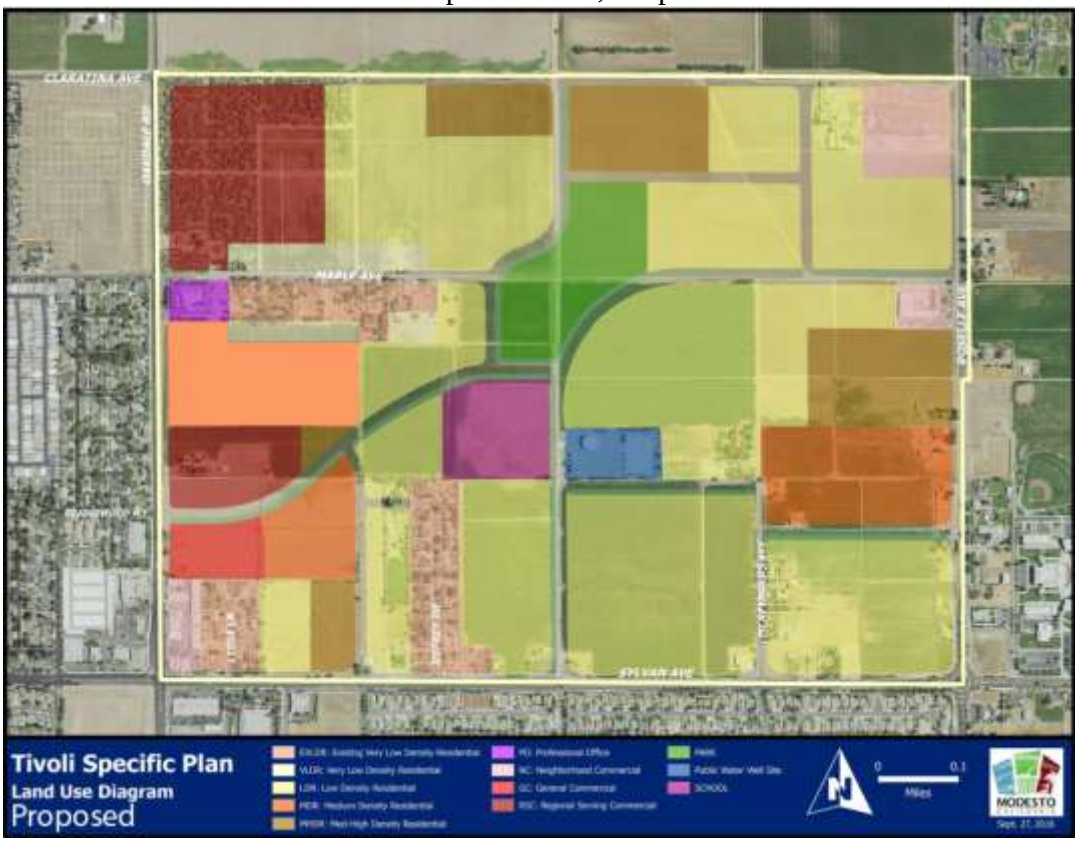
APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Exhibit "A"

Tivoli Specific Plan, Existing

Tivoli Specific Plan, Proposed



MODESTO CITY COUNCIL
RESOLUTION NO. 2025-166

RESOLUTION APPROVING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE TIVOLI SPECIFIC PLAN FINAL ENVIRONMENTAL IMPACT REPORT (SCH NO. 2005072125): DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND DASCO OLIVEWOOD LLC REGARDING AREA PLAN NO. 6 OF THE TIVOLI SPECIFIC PLAN

WHEREAS, on February 26, 2008, by Resolution 2008-141, City Council of the City of Modesto certified the Final Environmental Impact Report ("Final EIR") (SCH No. 2005072125) for the Tivoli Specific Plan, and

WHEREAS, DASCO Olivewood LLC has proposed a new Development Agreement regarding Area Plan No. 6 of the Tivoli Specific Plan, 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 2024-05 ("Initial Study") which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Tivoli Final EIR and whether the subsequent project was described in the Tivoli Final EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning on April 20, 2025, 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 Tivoli Final EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on May 13, 2025, 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 Development Agreement, 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 Tivoli Final EIR and whether the subsequent project was described in the Final EIR as being within the scope of the report.

2. The Initial Study, Environmental Assessment No. EA/C&ED 2024-05, found that although the overall project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in the Tivoli Specific Plan Final EIR, pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to the Final EIR, including revisions or mitigation measures that are imposed upon the proposed project, that pursuant to Section 15182 of the CEQA Guidelines, no new environmental review is required.

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 13th day of May, 2025, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2024-05

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

City of Modesto
1010 10th Street
PO Box 642
Modesto, CA 95342
Attn: Community Development Director

Exempt from Recording Fees
Pursuant to Government
Code Sections 6103 and 27383

APN: 083-004-060
083-004-059

(Space Above This Line Reserved for Recorder's Use Only)

DEVELOPMENT AGREEMENT

BY AND BETWEEN

THE CITY OF MODESTO

AND

DASCO OLIVEWOOD, LLC

OLIVEWOOD SUBDIVISION

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (this "**Development Agreement**" or this "**Agreement**") is entered into as of _____, 2025 (the "**Agreement Date**") by and between the City of Modesto, a charter city ("**City**"), and DASCO Olivewood, LLC, a California Limited Liability Company ("**Developer**"). City and Developer are referred to individually as "**Party**," and collectively as the "**Parties**."

RECITALS

This Agreement is entered upon the basis of the following facts, understandings and intentions of City and Developer.

A. The lack of certainty in the approval of development projects can result in a waste of resources, escalate the cost of housing and other development, and discourage investment in and commitment to comprehensive planning that would make maximum efficient utilization of resources at the least economic cost to the public.

B. In order to strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic costs and risk of development, the Legislature of the State of California enacted Section 65864 *et seq.* of the Government Code (the "**Development Agreement Legislation**"), which authorizes City to enter into a development agreement for real property with any person having a legal or equitable interest in such property in order to establish certain development rights in the property. Pursuant to Government Code Section 65865(c), City has adopted procedures and requirements for the consideration of Development Agreements within the City.

C. The Developer is the owner of certain property located in the City, known as County Assessor's Parcel Numbers 083-004-059 and 083-004-060 (the "**Property**"), as more particularly described in Exhibit A attached hereto and incorporated herein by this reference.

D. Developer intends to construct a residential subdivision consisting of seventy-four (74) single family homes (the "**Project**"). Construction of the Project includes construction of a number of public improvements, including but not limited to a traffic roundabout located at the intersection of McReynolds and Street C of the Project's tentative subdivision map.

E. The complexity, magnitude and long-range nature of the Project would be difficult for Developer to undertake if City had not determined, through this Development Agreement, to inject a sufficient degree of certainty in the land use regulatory process to justify the substantial financial investment associated with development of the Project. As a result of the execution of this Development Agreement, both Parties can be assured that the Project can proceed without disruption caused by a change in City planning and development policies and requirements, which assurance will thereby reduce the actual or perceived risk of planning, financing and proceeding with construction of the Project.

F. City has determined that by entering into this Development Agreement: (1) City will ensure the productive use of property and foster orderly growth and quality development in

City; (2) development will proceed in accordance with the goals and policies set forth in the City of Modesto General Plan (the "**General Plan**") and Tivoli Specific Plan (the "**Specific Plan**") and will implement City's stated General Plan and Specific Plan policies; (3) City will receive increased property tax revenues; and (4) City will benefit from increased housing for residents of City that are created by the Project.

G. Developer has applied for, and City has granted, the Project Approvals (as defined in Section 1.5) in order to protect the interests of its citizens in the quality of their community and environment.

H. On February 26, 2008, the City Council previously adopted Resolution #2008-141 certifying an environmental impact report for the Specific Plan entitled, "Tivoli Specific Plan Project Final Environmental Impact Report (SCH # 2005072125) (the "Tivoli Specific Plan EIR"), and adopting a Mitigation Monitoring and Report Program for the Project. The Project was contemplated by the Tivoli Specific Plan EIR. The City has determined that no circumstances exist that would require the preparation of a subsequent EIR for the Project pursuant to California Environmental Quality Act ("CEQA") Guidelines Section 15162.

I. City has also undertaken, pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 *et seq*., hereinafter "**CEQA**"), the required analysis of the environmental effects that would be caused by the Project. Pursuant to the CEQA Guidelines, (Title 14 California Code of Regulations Section 15000 et seq.), the City Council has determined that the Project is within the scope of the Tivoli Specific Plan Final EIR and is exempt from further environmental review pursuant to CEQA Regulations 15162, 15168(c), and 15182 on _____, 2025.

J. In addition to the Project Approvals, the Project may require various additional land use and construction approvals, termed Subsequent Approvals (as defined in Section 1.5.4), in connection with development of the Project.

K. City has given the required notice of its intention to adopt this Development Agreement and has conducted public hearings thereon pursuant to Government Code Section 65867. As required by Government Code Section 65867.5, City has found that the provisions of this Development Agreement and its purposes are consistent with the goals, policies, standards and land use designations specified in City's General Plan and Specific Plan.

L. On _____, 2025, the City of Modesto Planning Commission (the "**Planning Commission**"), the initial hearing body for purposes of development agreement review, recommended approval of this Development Agreement pursuant to Resolution No. ____.

M. On _____, 2025, the City of Modesto City Council (the "**City Council**") adopted its Ordinance No. ____ (the "**Approving Ordinance**") approving this Development Agreement and authorizing its execution. The Approving Ordinance will take effect on _____, 2025.

N. For the reasons recited herein, City and Developer have determined that the Project is a development for which this Development Agreement is appropriate. This Development Agreement will eliminate uncertainty regarding Project Approvals (including the

Subsequent Approvals), thereby encouraging planning for, investment in and commitment to develop the Property in a manner beneficial to the City and surrounding properties. Continued use and development of the Property will in turn provide substantial employment and property tax benefits, and contribute to the provision of needed infrastructure enhancements and public benefits, thereby achieving the goals and purposes for which the Development Agreement Legislation was enacted and ensuring consistency with the City's General Plan and Specific Plan.

O. The terms and conditions of this Development Agreement have undergone extensive review by City staff, the Planning Commission and the City Council at publicly noticed meetings and have been found to be fair, just and reasonable and in conformance with the City General Plan, Specific Plan, and the Development Agreement Legislation, and, further, the City Council finds that the economic interests of City's residents and the public health, safety and welfare will be best served by entering into this Development Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and promises set forth herein, City and Developer agree as follows:

ARTICLE 1.
GENERAL PROVISIONS

1.1. Parties.

1.1.1. City. City is a California municipal corporation, with offices located at 1010 10th Street, Modesto, CA 95342. "**City**," as used in this Development Agreement, includes the City of Modesto and any assignee of or successor to its rights, powers and responsibilities.

1.1.2. Developer. Developer is a California Limited Liability Company located at 1117 L Street; Modesto, California, 95354. "**Developer**," as used in this Development Agreement, includes any permitted assignee or successor-in-interest as herein provided.

1.2. Property Subject to this Development Agreement.

The Property known as APNs 083-004-059 and 083-004-060, as more particularly described in Exhibit A, is subject to this Development Agreement.

1.3. Term of the Agreement.

The term ("**Term**") of this Development Agreement will commence upon the Effective Date and shall continue in full force and effect for a period of ten (10) years, unless earlier terminated as provided in this Agreement. The Term has been established by the Parties as a reasonable estimate of the time required to develop the Project and obtain the benefits of the Project.

1.4. The Project.

1.4.1. General. Developer intends to subdivide the Property and construct seventy-four (74) single family homes on the Property (the "**Project**"). Construction of the

Project includes construction of a number of public improvements, including but not limited to design and construction of a new traffic roundabout described in this Section 1.4.

1.4.2. Community Facilities District. Developer has agreed to consent to the inclusion of the Property within the City's planned Community Facilities District for the Tivoli Specific Plan Area, to be known as Community Facilities District No. 2024-1 (Tivoli) (the "**District**") formed under the Mello-Roos Community Facilities Act of 1982 (Government Code § 53311 *et. seq.*). The District will be established to fund certain infrastructure and various services. Formation of the District shall occur prior to the recording of the final map for the Project. The District will impose a specified One-Time Facilities Special Tax, Annual Facilities Special Tax, and Annual Maintenance Special Tax. The taxes imposed by the District on the Project shall not exceed the maximum amounts set forth in Exhibit C, attached hereto and incorporated herein. The One-Time Facilities Special Tax and Annual Maintenance Special Tax shall increase annually on July 1 by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4%). The Annual Facilities Special Tax shall increase annually on July 1 by two percent (2%).

1.4.3. Improvements.

a. Public Subdivision Improvements. Developer shall construction all public improvements identified in the vesting tentative subdivision map ("**VTSM**") attached hereto and incorporated herein by reference as Exhibit B and all other Project Approvals, and dedicate such improvements to the City.

b. Traffic Roundabout. Without limiting section (a) above, the Developer shall design and construct a traffic roundabout at McReynolds and Street C of the Project's tentative subdivision map (the "**Roundabout**"). The Roundabout shall be designed and constructed in accordance with the VTSM attached hereto and incorporated herein as Exhibit B.. Developer's actual and reasonable cost to design and construct the Roundabout (the "**Roundabout Cost**"), shall be a credit against the One-Time Facilities Special Taxes imposed by the District and due for the Project upon building permit issuances. If the Roundabout Cost exceeds the One-Time Facilities Special Taxes due for the Project, the Developer shall be entitled to be reimbursed by the District from the proceeds of One Time Facilities Special Tax received by the District from other development projects within the District, if and when such special taxes are received by the District. The Developer shall not be entitled to receive payment or reimbursement from any other source. The actual cost of constructing the Roundabout and the amount of the One-Time Facilities Special Taxes credited for the Project shall either be (i) reimbursed to Developer if the actual cost of constructing the Roundabout exceeds the total amount of the One-Time Facilities Special Taxes credited by the District or; (ii) paid by the Developer if the actual cost of constructing the Roundabout is less than the total amount of the One-Time Facilities Special Taxes credited by the District. The Roundabout Cost shall be as approved by the City Engineer upon the submittal by Developer of all documentation reasonably required by the City Engineer. Developer shall cause all work performed in connection with the Roundabout to be performed in compliance with all applicable laws, ordinances, rules and regulations of federal, state, City or municipal governments or agencies now in force or that may be enacted hereafter, including without limitation and to the

extent applicable, California prevailing wage laws pursuant to Labor Code Section 1770 et seq., and the regulations pursuant thereto.

c. Roundabout at C Street and McReynolds Avenue. Developer shall plan, design, bid, and construct a traffic Roundabout "as required by and consistent with the terms and conditions contained in this subsection b and the VTSM. The obligation to construct the Roundabout shall be an obligation of this Development Agreement. Prior to, or at the time the first final map for the Project is recorded, Developer shall make an irrevocable offer to dedicate real property it owns to the City as necessary to accommodate the Roundabout. If construction of the Roundabout as planned requires property not owned by the Developer, then the Developer shall make a good faith effort to obtain the minimum amount of such real property necessary to facilitate construction and operation of the proposed Roundabout roadway ("**Third-Party Dedication**"). For the purposes of this section, a good faith effort shall mean, at a minimum, that the Developer contacted the relevant property owners in writing via certified mail at least four times to negotiate the acquisition or dedication of such Third-Party Dedication. If the relevant owners do not respond after four (4) attempts or are unwilling to transfer such required Third-Party Dedication, then Developer shall have satisfied this obligation. If Developer is required to purchase the Third-Party Dedication through the City's efforts to obtain, the purchase price shall be added to the Roundabout Cost and fully reimbursable to Developer.

Prior to recording the first final map for the Project, the Developer shall submit to the City Engineer and receive approval of complete design plans for the Roundabout. The Developer shall complete construction of the Roundabout prior to the earlier of either obtaining a building permit for the 65th single family home in the Project or the first building permit for any of the parcels that back McReynolds Avenue.

Without limiting the foregoing, Developer shall not be required to start construction of the Roundabout until all of the following events occur:

1. The City approves design and construction drawings for the Roundabout;

2. The City has reviewed and approved the Engineer's Estimate of the cost of the Roundabout. The cost of the Roundabout shall be a credit against the One-Time Facilities Special Taxes imposed by the District and due for the Project upon building permit issuances.

3. City and Developer have entered into an agreement providing that the difference between the actual cost of constructing the Roundabout and the amount of the One-Time Facilities Special Taxes credited for the Project shall either be (i) reimbursed to Developer if the actual cost of constructing the Roundabout exceeds the total amount of the One-Time Facilities Special Taxes credited by the District or; (ii) paid by the Developer if the actual cost of constructing the Roundabout is less than the total amount of the One-Time Facilities Special Taxes credited by the District ("**Acquistion and Shortfall Agreement**");

4. All necessary right-of-way to construct the Roundabout has been dedicated to the City and/or obtained by the City for any areas outside the Developer's Property; and

5. As an affirmative obligation of the City under this Agreement, the City shall obtain any right-of-way or easement necessary to extend sewer services north in the Tivoli Specific Plan's proposed Aria Way, and then east within the future right-of-way of dedication to serve the Project.

6. Prior to the approval of the Improvement Plans, the City shall be responsible to ensure that the land for the dual-use basin, including any right-of-way or easements necessary to construct the storm drainage conveyance system to the dual-use basin to serve the Project, has been obtained. The City shall not impose any fees or costs on the Project to obtain said land, right-of-way, or easements. If the City does not obtain the required land, right-of-way, or easements necessary to meet the storm drainage needs of the Olivewood development, the City shall allow the construction of a temporary basin and reimburse the Developer the construction cost for any and all temporary improvements required that do not follow the Tivoli Facilities Master Plan.

d. Temporary Improvements at C Street and McReynolds Avenue. As part of the off-site development of the Project, Developer shall construct a three way stop sign control at the intersection of C Street and McReynolds Avenue. The Parties shall regard this as a temporary improvement and it shall be removed when constructing the Roundabout.

e. Compliance with Applicable Laws. Developer shall cause all work performed in connection with the Roundabout to be performed in compliance with all applicable laws, ordinances, rules and regulations of federal, state, City or municipal governments or agencies now in force or that may be enacted hereafter, including without limitation and to the extent applicable, California prevailing wage laws pursuant to Labor Code Section 1770 et seq., and the regulations pursuant thereto.

1.4.4. Nuisance. Developer shall not use or permit the use of any portion of the Project for any offensive, noisy or dangerous trade, business manufacturing activity or occupation; for any activity which constitutes a nuisance or violated public policy; in violation of any law, ordinance rule or regulation of any governmental authority with jurisdiction over any portion of the Project.

1.5. Project Approvals.

Developer has applied for and obtained various environmental and land use approvals and entitlements related to the development of the Project, as described below. For purposes of this Development Agreement, the term "**Project Approvals**" means all of the approvals, plans and agreements described in this Section 1.5 and shall include all Project Approvals to (i) subdivide the Property into seventy-four (74) parcels (ii) construct seventy-four (74) new single-family homes on such newly created parcels, (iii) construct certain infrastructure improvements to serve the new single-family residences, and (iv) construct those other improvements as more fully set forth and described in that certain City of Modesto development application (DEV-23-001) submitted by Developer to the City on October 13, 2021, together with those plans and other information approved by the Planning Commission on _____, 2025 by Resolution No. _____. City and Developer agree to work diligently and in good faith toward appropriate planning entitlements and building permit approvals for each phase of construction.

1.5.1. CEQA Exemption. Pursuant to the CEQA, on _____, 2025 The City Council determined that the Project is within the scope of the Tivoli Specific Plan Final EIR and is exempt from further environmental review pursuant to CEQA Regulations 15162, 15168(c), and 15182 by Ordinance No _____ .

1.5.2. Development Agreement. On _____, 2025, following Planning Commission review and recommendation, and after a duly noticed public hearing, the City Council, by Ordinance No. _____, approved this Development Agreement and authorized its execution.

1.5.3. Other Concurrent Project Approvals. In order to develop the Project as contemplated in this Development Agreement, the following land use approvals shall be required

a. Tentative Subdivision Map. A tentative subdivision map is required for the creation of the new lots. A tentative subdivision map was approved by the Planning Commission on _____ by Resolution No. _____._which is attached hereto and incorporated herein by reference as though set forth fully herein as Exhibit F. The Final Map shall be reviewed and approved by in accordance with Sections 4-4.604 of the City of Modesto Municipal Code;

b. Development Plan Review. Development Plan Review is required for the construction of the seventy-four (74) single family residences pursuant to Section 10-9.1002 of the City of Modesto Zoning Code. The Development Plan Review was approved by the Planning Commission on _____ by Resolution No. _____.

c. Area Plan Approval. Area Plan approval is required for development of the Project pursuant to Section 9.4 of the Specific Plan. Tivoli Area Plan No. 6 was approved by the Planning Commission on _____ by Resolution No. _____.

1.5.4. Subsequent Approvals. In order to develop the Project as contemplated in this Development Agreement, the Project may require land use approvals, entitlements, development permits, and use and/or construction approvals other than those listed in Section 1.5 above, which may include, without limitation: development plans, amendments to applicable conditional use permits, variances, subdivision approvals, street abandonments, design review approvals, demolition permits, improvement agreements, infrastructure agreements, grading permits, building permits, right-of-way permits, lot line adjustments, design review, lot line adjustments, site plans, sewer and water connection permits, certificates of occupancy, parcel maps, lot splits, landscaping plans, master sign programs, transportation demand management programs, encroachment permits, and amendments thereto and to the Project Approvals (collectively, **"Subsequent Approvals**"). At such time as any Subsequent Approval applicable to the Property is approved by the City, then such Subsequent Approval shall become subject to all the terms and conditions of this Development Agreement applicable to Project Approvals and shall be treated as a "Project Approval" under this Development Agreement.

ARTICLE 2.
DEVELOPMENT OF THE PROPERTY

2.1. Project Development.

Developer shall have a vested right to develop the Project on the Property, in accordance with the Vested Elements (defined in Section 2.2).

2.2. Vested Elements.

The permitted uses of the Property, the minimum and maximum density, the intensity of use, the maximum height and size of the proposed dwellings, provisions for reservation or dedication of land for public purposes, the conditions, terms, restrictions, and requirements for subsequent discretionary actions, the provisions for public improvements and financing of public improvements, and the other terms and conditions of development applicable to the Property are as set forth in:

a. The City of Modesto General Plan and Tivoli Specific Plan as of the Effective Date, including any General Plan Amendments ("**Applicable General Plan**");

b. The Zoning Ordinance of City on the Effective Date ("**Applicable Zoning Ordinance**");

c. Other rules, regulations, ordinances and policies of City applicable to development of the Property on the Effective Date, except for any and all fees applicable to the development, which shall be vested as set forth in Section 2.6.2 of this Agreement, (collectively, together with the Applicable General Plan and the Applicable Zoning Ordinance, the "**Applicable Rules**"); and

d. The Project Approvals, as they may be amended from time to time with Developer's consent; and are hereby vested in Developer, subject to, and as provided in, the provisions of this Development Agreement (the "**Vested Elements**"). City hereby agrees to be bound with respect to the Vested Elements, subject to Developer's compliance with the terms and conditions of this Development Agreement.

2.3. Development Construction Completion.

2.3.1. Timing of Development; *Pardee* Finding. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo*, 37 Cal.3d 465 (1984), that the failure of the parties therein to provide for the timing of development resulted in a later-adopted initiative restricting the timing of development to prevail over the parties' agreement, it is the Parties' intent to cure that deficiency by acknowledging and providing that, subject to any infrastructure phasing requirements that may be required by the Project Approvals, Developer shall have the right (without obligation) to develop the Property in such order and at such rate and at such times as Developer deems appropriate within the exercise of its subjective business judgment.

2.3.2. Moratorium. No City-imposed moratorium or other limitation (whether relating to the rate, timing or sequencing of the development or construction of all or any part of the Property, whether imposed by ordinance, initiative, resolution, policy, order or otherwise, and whether enacted by the City Council, an agency of City, the electorate, or otherwise) affecting parcel or subdivision maps (whether tentative, vesting tentative or final), building permits, occupancy certificates or other entitlements to use or service (including, without limitation, water and sewer) approved, issued or granted within City, or portions of City, shall apply to the Property to the extent such moratorium or other limitation is in conflict with this Development Agreement; provided, however, the provisions of this Section 2.3.2 shall not affect City's compliance with moratoria or other limitations mandated by other governmental agencies or court-imposed moratoria or other limitations.

2.3.3. No Other Requirements. Nothing in this Development Agreement is intended to create any affirmative development obligations to develop the Project at all, or liability in Developer under this Development Agreement if the development fails to occur.

2.4. Effect of Project Approvals and Applicable Rules; Future Rules.

2.4.1. Governing Rules. Except as otherwise explicitly provided in this Development Agreement, development of the Property shall be subject to (a) the Project Approvals and (b) the Applicable Rules.

2.4.2. Changes in Applicable Rules; Future Rules.

a. To the extent any changes in the Applicable Rules, or any provisions of future General Plans, Specific Plans, Zoning Ordinances or other rules, regulations, ordinances or policies (whether adopted by means of ordinance, initiative, referenda, resolution, policy, order, moratorium, or other means, adopted by the City Council, Planning Commission, or any other board, commission, agency, committee, or department of City, or any officer or employee thereof, or by the electorate) of City (collectively, "**Future Rules**") are not in conflict with the Vested Elements, such Future Rules shall be applicable to the Project.

b. To the maximum extent permitted by law, City shall prevent any Future Rules from invalidating or prevailing over all or any part of this Development Agreement, and City shall cooperate with Developer and shall undertake such actions as may be necessary to ensure this Development Agreement remains in full force and effect. City shall not support, adopt or enact any Future Rule, or take any other action which would violate the express provisions or spirit and intent of this Development Agreement or the Project Approvals. Developer reserves the right to challenge in court any Future Rule that would conflict with the Vested Elements or this Development Agreement or reduce the development rights provided by this Development Agreement.

c. A Future Rule that conflicts with the Vested Elements shall nonetheless apply to the Property if, and only if (i) consented to in writing by Developer; (ii) it is determined by City and evidenced through findings adopted by the City Council confirming that the change or provision is reasonably required in order to prevent a condition dangerous to the public health or safety, that there are no feasible alternatives to the imposition of such change or

provision and how such change or provision would alleviate the dangerous condition; (iii) it is required by changes in State or Federal law as set forth in Section 2.4.3 below; (iv) it consists of changes in, or new fees permitted by, Section 2.6; or (v) it is otherwise expressly permitted by this Development Agreement.

d. Prior to the Effective Date, the Parties shall have prepared two (2) sets of the Project Approvals and Applicable Rules, one (1) set for City and one (1) set for Developer. If it becomes necessary in the future to refer to any of the Project Approvals or Applicable Rules, the contents of these sets are presumed for all purposes of this Development Agreement, absent clear clerical error or similar mistake, to constitute the Project Approvals and Applicable Rules.

2.4.3. Changes in State or Federal Laws. In accordance with California Government Code Section 65869.5, in the event that state or federal laws or regulations enacted after the Effective Date ("**State or Federal Law**") prevent or preclude compliance with one or more provisions of this Development Agreement, the Parties shall meet in good faith to determine the feasibility of any modification or suspension of this Development Agreement that may be necessary to comply with such State or Federal Law and to determine the effect such modification or suspension would have on the purposes and intent of this Development Agreement and the Vested Elements. Following the meeting between the Parties, the provisions of this Development Agreement may, to the extent feasible, and upon mutual agreement of the Parties, be modified or suspended, but only to the minimum extent necessary to comply with such State or Federal Law. In such an event, this Development Agreement, together with any required modifications, shall continue in full force and effect. In the event that the State or Federal Law operates to frustrate irremediably and materially the vesting of development rights to the Project as set forth in this Agreement, Developer may terminate this Agreement. In addition, Developer shall have the right to challenge (by any method, including litigation) the State or Federal Law preventing compliance with, or performance of, the terms of this Development Agreement and, in the event that such challenge is successful, this Development Agreement shall remain unmodified and in full force and effect, unless (i) Developer fails to commence construction under valid permits under the Term of this Development Agreement, or (ii) Developer fails to submit a written request to City prior to the expiration date of any construction permits for an extension of time as allowed under the Zoning Ordinance.

2.4.4. Conflicts. In the event of an irreconcilable conflict between the provisions of the Project Approvals (on the one hand) and the Applicable Rules (on the other hand), the provisions of the Project Approvals shall apply. In the event of a conflict between the Project Approvals (on the one hand) and this Development Agreement, in particular, (on the other hand), the provisions of this Development Agreement shall control.

2.5. Processing Subsequent Approvals. City will accept, make completeness determinations, and process, promptly and diligently, to completion all applications for Subsequent Approvals for the Project, in accordance with the terms of this Development Agreement.

2.5.2. Scope of Review of Subsequent Approvals. By approving the Project Approvals, City has made a final policy decision that the Project is in the best interests of the

public health, safety and general welfare. Accordingly, City shall not use its authority in considering any application for a discretionary Subsequent Approval to change the policy decisions reflected by the Project Approvals or otherwise to prevent or delay development of the Project as set forth in the Project Approvals. Instead, the Subsequent Approvals shall be deemed to be tools to implement those final policy decisions. The scope of the review of applications for Subsequent Approvals shall be limited to a review of substantial conformity with the Vested Elements and the Applicable Rules (except as otherwise provided by Section 2.4), and compliance with CEQA. Where such substantial conformity/compliance exists, City shall not deny an application for a Subsequent Approval for the Project.

2.6. Development Fees, Exactions; and Conditions. General. All fees, exactions, dedications, reservations or other impositions to which the Project would be subject, but for this Development Agreement, are referred to in this Development Agreement either as "**Processing Fees**" (as defined in Section 2.6.1) or "**Capital Facilities Fees**" (as defined in Section 2.6.2).

2.6.1. Processing Fees. "**Processing Fees**" mean fees charged on a citywide basis to cover the cost of City review of applications for any permit or other review by City departments. Applications for Subsequent Approvals for the Project shall be charged Processing Fees to allow City to recover its actual and reasonable costs of processing Developer's Subsequent Approvals with respect to the Project.

2.6.2. Impact Fees.

a. "**Capital Facilities Fees**", also known as CFF means monetary fees, exactions or impositions, other than taxes or assessments, whether established for or imposed upon the Project individually or as part of a class of projects, that are imposed by City on the Project in connection with any Project Approval for the Project for any purpose, including, without limitation, defraying all or a portion of the cost of public services and/or facilities construction, improvement, or operation and maintenance attributable to the burden created by the Project. Any fee, exaction or imposition imposed on the Project which is not a Processing Fee is a Capital Facilities Fees. Developer agrees to pay the specific Capital Facilities Fees in the amounts listed in Exhibit D, attached hereto and incorporated herein. Such amounts may only be adjusted annually by the City on or about July 1 for inflation, as measured by the change in the San Francisco Bay Area Engineering News Record Construction Cost Index through the month of December the year preceding each inflationary adjustment.

b. The Developer shall pay the Impact Fees prior to the issuance of the building permit for each unit of the Project, except that the Developer may defer payment until the issuance of a certificate of occupancy in accordance with the requirements of Government Code Section 66000 et seq. Developer may request to defer payment of, or receive credit for payment of, the Capital Facilities Fees as provided in the City Capital Facilities Fee Policies and Procedures adopted September 22, 2020 by Resolution No. 2020-407.

c. The Parties agree that in the event of a transfer of all or a portion of the Subject Property to a third party ("Subsequent Property Owner"), Owner may retain the right to receive fee credits so long as the Subsequent Property Owner pays the applicable capital facility fee without any Credits provided for in this Agreement and the obligations relative to

Owner and any Subsequent Property Owner are clearly allocated in an Assignment and Assumption Agreement.

2.6.3. Conditions of Subsequent Approvals. In connection with any Subsequent Approvals, City shall have the right to impose reasonable conditions including, without limitation, normal and customary dedications for rights of way or easements for public access, utilities, water, sewers, and drainage necessary for the Project; provided, however, such conditions and dedications shall not be inconsistent with the Applicable Rules or Project Approvals, nor inconsistent with the development of the Project as contemplated by this Agreement.

b. No conditions imposed on Subsequent Approvals shall require dedications or reservations for, or construction or funding of, public infrastructure or public improvements beyond those already included in the Project Approvals. In addition, any and all conditions imposed on Subsequent Approvals for the Project must comply with Sections 2.6.1 and 2.6.2 herein.

2.7. Life of Project Approvals and Subdivision Maps.

2.7.1. Life of Tentative Map. The terms of any tentative map for the Property, any amendment or reconfiguration thereto, or any subsequent tentative map, shall be automatically extended such that such tentative maps remain in effect for a period of time coterminous with the Term of this Development Agreement.

2.7.2. Life of Other Project Approvals. The term of all other Project Approvals, shall be automatically extended such that these Project Approvals remain in effect for a period of time at least as long as the Term of this Development Agreement.

2.7.3. Termination of Agreement. In the event that this Development Agreement is terminated prior to the expiration of the Term of the Development Agreement, the term of any tentative map or any other Project Approval and the vesting period for any final subdivision map approved as a Project Approval shall be the term otherwise applicable to the approval (including any extensions), which shall commence to run on the date that the termination of this Development Agreement takes effect.

2.8. Further CEQA Environmental Review.

2.8.1. Reliance on CEQA Exemption. City has also undertaken, pursuant to the CEQA, the required analysis of the environmental effects that would be caused by the Project. The City Council has determined that the Project is within the scope of the Tivoli Specific Plan Final EIR and is exempt from further environmental review pursuant to CEQA Regulations 15162, 15168(c), and 15182. It is agreed that, in acting on any discretionary Subsequent Approvals for the Project, City will rely on this determination to satisfy the requirements of CEQA to the fullest extent permissible by CEQA and City will not require a new initial study, negative declaration, EIR or subsequent or supplemental EIR unless required by CEQA.

2.8.2. Subsequent CEQA Review. In the event that any additional CEQA documentation is legally required for any discretionary Subsequent Approval for the Project, then the scope of such documentation shall be focused, to the extent possible consistent with CEQA, on the specific subject matter of the Subsequent Approval, and the City shall conduct such CEQA review as expeditiously as possible.

2.9. Developer's Right to Rebuild. Developer may renovate or rebuild the Project within the Term of this Agreement should it become necessary due to natural disaster, changes in seismic requirements, or should the buildings located within the Project become functionally outdated, within Developer's sole discretion, due to changes in technology. Any such renovation or rebuilding shall be subject to the Vested Elements, shall comply with the Project Approvals, the building regulations existing at the time of such rebuilding or reconstruction, and the requirements of CEQA.

ARTICLE 3.
ANNUAL REVIEW

3.1. Annual Review. The annual review required by California Government Code Section 65865.1 will be conducted for the purposes and in the manner stated in those laws as further provided herein. As part of that review, City and Developer shall have a reasonable opportunity to assert action(s) that either Party believes have not been undertaken in accordance with this Development Agreement, to explain the basis for such assertion, and to receive from the other Party a justification for the other Party's position with respect to such action(s), and to take such actions as permitted by law. The procedure set forth in this Article shall be used by Developer and City in complying with the annual review requirement. The City and Developer agree that the annual review process will review compliance by Developer and City with the obligations under this Development Agreement but will not review compliance with other Project Approvals or other agreements between City and Developer.

3.2. Commencement of Process; Developer Compliance Letter.

At least sixty (60) days prior to the anniversary of the Effective Date each year, Developer shall submit a letter to the City's Community Development Director requesting annual review of this Agreement and demonstrating Developer's good faith compliance with the material terms and conditions of this Development Agreement and shall include in the letter a statement that the letter is being submitted to City pursuant to the requirements of Government Code Section 65865.1. Developer shall include with its letter any materials and information reasonably requested by the Community Development Director. Notwithstanding the foregoing, the Development Agreement shall remain in full force and effect and shall automatically renew each year, continuing its validity irrespective of whether Developer submits the letter or commences the annual review process.

3.3. Community Development Director Review.

Within sixty (60) days after the receipt of Developer's letter, the Community Development Director shall review Developer's submission and determine whether Developer has, for the year under review, demonstrated good faith compliance with the material terms and

conditions of this Development Agreement. If Developer has demonstrated good faith compliance, than the Community Development Directorshall make such a finding and send a letter back to Developer describing the Community Development Director's finding and any comments. Upon the request of the Developer, the Community Development Director may issue "Finding of Compliance", in a form approved by the City Attorney, to be recorded at Developer's expense in the Stanislaus County's Recorder's Office to reflect the results of the annual review.

3.4. Community Development DirectorNoncompliance Finding.

If the Community Development Director finds and determines that there is substantial evidence that Developer has not complied in good faith with the material terms and conditions of this Development Agreement and that Developer is in material breach of this Development Agreement for the year under review, the Community Development Director shall issue and deliver to Developer a written "**Notice of Default**" specifying in detail the nature of the failures in performance that the Community Development Director claims constitutes material noncompliance, all facts demonstrating substantial evidence of material noncompliance, and the manner in which such noncompliance may be satisfactorily cured in accordance with the Development Agreement. In the event that the material noncompliance is an Event of Default pursuant to ARTICLE 5 herein, the Parties shall be entitled to their respective rights and obligations under both ARTICLE 3 and 5 herein, except that the particular entity allegedly in default shall be accorded only one of the 60-day cure periods referred to in Sections 3.5 and 5.1 herein.

3.5. Cure Period.

If the Community Development Director finds that Developer is not in compliance, the Community Development Director shall grant a reasonable period of time for Developer to cure the alleged noncompliance. The Community Development Director shall grant a cure period of at least sixty (60) days and shall extend the sixty (60) day period if Developer is proceeding in good faith to cure the noncompliance and additional time is reasonably needed. At the conclusion of the cure period, the Community Development Director shall either (i) find that Developer is in compliance; or (ii) find that Developer is not in compliance. If the Developer is not in compliance, the Community Development Director may record a Finding of Noncompliance against the Property in the Stanislaus County Recorder's Office.

3.6. Appeal of Noncompliance Finding to City Council.

Upon the expiration of the cure period and a finding that the Developer is not in compliance, the Developer may file a written appeal of such determination, along with the applicable fee, with the City Clerk within fifteen (15) days of delivery of the Community Development Director's determination. If no appeal is timely filed, the determination of non-compliance is final. Any appeal of the Director's decision shall be heard by the City Council. Notice of such appeal shall be provided in the same manner as required by Government Code section 65867. The Community Development Director shall prepare a staff report to the City Council which shall include, in addition to Developer's letter, (i) demonstration of City's good

faith compliance with the terms and conditions of this Development Agreement; (ii) the Notice of Default; and (iii) a description of any cure undertaken by Developer during the cure period.

3.7. Delivery of Documents.

At least five (5) days prior to any City hearing regarding Developer's compliance with this Development Agreement, City shall deliver to Developer all staff reports and all other relevant documents pertaining to the hearing. At the hearing the City Council shall consider oral and written testimony and evidence submitted by the Developer and Community Development Director.

3.8. City Council Compliance Finding.

If the City Council, following a noticed public hearing pursuant to Section 3.6, determines that Developer is in compliance with the material terms and conditions of this Development Agreement, the annual review shall be deemed concluded. City shall, at Developer's request, issue and have recorded a Certificate of Compliance indicating Developer's compliance with the terms of this Development Agreement.

3.9. City Council Noncompliance Finding.

If the City Council, at a properly noticed public hearing pursuant to Section 3.6, finds and determines that Developer has not complied in good faith with the material terms or conditions of this Development Agreement and that Developer is in material breach of this Development Agreement, the Community Development Director shall record a Finding of Noncompliance against the Property in the Stanislaus County Recorder's Office.

3.10. Termination due to Non-Compliance.

If the City records a Finding of Noncompliance pursuant to the procedures set forth herein, thereafter the City Council shall hold a public hearing regarding termination or modification of this Development Agreement. Notification of intention to modify or terminate this Development Agreement shall be delivered to Developer by certified mail containing: (i) the time and place of the City Council hearing; (ii) a statement as to whether City proposes to terminate or modify this Development Agreement and the terms of any proposed modification; and (iii) any other information reasonably necessary to inform Developer of the nature of the proceedings. At the time of the hearing, Developer shall be given an opportunity to be heard. The City Council may impose conditions to the action it takes as necessary to protect the interests of City; provided that any modification or termination of this Development Agreement pursuant to this provision shall bear a reasonable nexus to, and be proportional in severity to the magnitude of, the alleged breach, and in no event shall termination be permitted except in accordance with ARTICLE 5 herein.

3.11. Relationship to Default Provisions.

The above procedures supplement and do not replace that provision of Section 5.1 of this Development Agreement whereby either City or Developer may, at any time, assert matters which either Party believes have not been undertaken in accordance with this Development

Agreement by delivering a written Notice of Default and following the procedures set forth in Section 5.1.

3.12. Reimbursement of City's Costs Incurred in Bringing About Cure.

Developer shall be obligated to reimburse to City all costs, expenses, damages and attorneys' fees incurred as a result of any Developer default including all costs incurred in bringing about Developer's cure of any such default.

ARTICLE 4.
AMENDMENTS

4.1. Amendments to Development Agreement Legislation.

This Development Agreement has been entered into in reliance upon the provisions of the Development Agreement Legislation as those provisions existed at the Effective Date. No amendment or addition to those provisions or any other federal or state law and regulation that would materially adversely affect the interpretation or enforceability of this Development Agreement or would prevent or preclude compliance with one or more provisions of this Development Agreement shall be applicable to this Development Agreement unless such amendment or addition is specifically required by the change in law, or is mandated by a court of competent jurisdiction. In the event of the application of such a change in law, the Parties shall meet in good faith to determine the feasibility of any modification or suspension that may be necessary to comply with such new law or regulation and to determine the effect such modification or suspension would have on the purposes and intent of this Development Agreement and the Vested Elements. Following the meeting between the Parties, the provisions of this Development Agreement may, to the extent feasible, and upon mutual agreement of the Parties, be modified or suspended but only to the minimum extent necessary to comply with such new law or regulation. If such amendment or change is permissive (as opposed to mandatory), this Development Agreement shall not be affected by same unless the Parties mutually agree in writing to amend this Development Agreement to permit such applicability. Developer and/or City shall have the right to challenge any new law or regulation preventing compliance with the terms of this Development Agreement, and in the event such challenge is successful, this Development Agreement shall remain unmodified and in full force and effect. The Term of this Development Agreement may be extended for the duration of the period during which such new law or regulation precludes compliance with the provisions of this Development Agreement.

4.2. Amendments to or Cancellation of Development Agreement.

This Development Agreement may be amended from time to time or canceled in whole or in part by mutual consent of both Parties in writing in accordance with the provisions of the Development Agreement Legislation. Review and approval of an amendment to this Development Agreement shall be strictly limited to consideration of only those provisions to be added or modified. No amendment, modification, waiver or change to this Development Agreement or any provision hereof shall be effective for any purpose unless specifically set forth in a writing that expressly refers to this Development Agreement and signed by the duly authorized representatives of both Parties. All amendments to this Development Agreement

shall be recommended for approval by the Planning Commission and approved by the City Council and, upon such approval, will become part of the Project Approvals.

4.3. Operating Memoranda.

The provisions of this Development Agreement require a close degree of cooperation between City and Developer and development of the Property hereunder may demonstrate that refinements and clarifications are appropriate with respect to the details of performance of City and Developer. If and when, from time to time, during the Term of this Development Agreement, City and Developer agree that such clarifications are necessary or appropriate, City and Developer shall effectuate such clarifications through operating memoranda approved by City and Developer, which, after execution, shall be attached hereto as addenda and become a part hereof, and may be further clarified from time to time as necessary with future approval by City and Developer. No such operating memoranda shall constitute an amendment to this Development Agreement requiring public notice or hearing. The City Manager, in consultation with the City Attorney, shall make the determination on behalf of City whether a requested clarification may be effectuated pursuant to this Section 4.3 or whether the requested clarification is of such a character to constitute an amendment hereof pursuant to Section 4.2 above. The City Manager shall be authorized to execute any operating memoranda hereunder on behalf of City.

4.4. Amendments to Project Approvals.

Notwithstanding any other provision of this Development Agreement, Developer may seek and City may review and grant amendments or modifications to the Project Approvals (including the Subsequent Approvals) subject to the following (except that the procedures for amendment of this Development Agreement are set forth in Section 4.2 herein).

4.4.1. Amendments to Project Approvals. Project Approvals (except for this Development Agreement the amendment process for which is set forth in Section 4.2) may be amended or modified from time to time, but only at the written request of Developer or with the written consent of Developer (at its sole discretion) and in accordance with Section 2.4. All amendments to the Project Approvals shall automatically become part of the Project Approvals, except to the extent such amendments are considered by the Community Development Director, in his or her sole discretion, to constitute a major amendment. In such case, Developer consents to any major amendment's review before the Planning Commission for approval or recommendation to the City Council, whose review and approval or denial shall be final. The maximum height and size of the proposed buildings, the conditions, terms, restrictions and requirements for subsequent discretionary actions, and the other terms and conditions of development as set forth in all such amendments, except those considered by the Community Development Director to be a major amendment, shall be automatically vested pursuant to this Development Agreement, without requiring an amendment to this Development Agreement. Amendments to the Project Approvals shall be governed by the Project Approvals and the Applicable Rules, subject to Section 2.4. City shall not request, process or consent to any amendment to the Project Approvals that would affect the Property or the Project without Developer's prior written consent unless a Project Approval has not been activated within two

(2) years of commencement of the Term of this Development Agreement or a Project Approval has expired.

4.4.2. Administrative Amendments. Upon the request of Developer for an amendment or modification of any Project Approval, the Community Development Director or his/her designee shall determine: (a) whether the requested amendment or modification is minor when considered in light of the Project as a whole; and (b) whether the requested amendment or modification substantially conforms with the material terms of this Development Agreement and the Applicable Rules. If the Community Development Director or his/her designee finds that the requested amendment or modification is both minor and substantially conforms with the material terms of this Development Agreement and the Applicable Rules, the amendment or modification shall be determined to be an "**Administrative Amendment**," and the Development Services Director/City Engineer or his or her designee may approve the Administrative Amendment, without public notice or a public hearing. Without limiting the generality of the foregoing, lot line adjustments, minor alterations in vehicle circulation patterns or vehicle access points, variations in the location of structures that do not substantially alter the design concepts of the Project, substitution of comparable landscaping for any landscaping shown on any development plan or landscape plan, variations in the location or installation of utilities and other infrastructure connections and facilities that do not substantially alter design concepts of the Project, and minor adjustments to the Property legal description shall be deemed to be minor amendments or modifications. Any request of Developer for an amendment or modification to a Project Approval that is determined not to be an Administrative Amendment as set forth above shall be subject to review, consideration and action pursuant to the Applicable Rules and this Agreement.

ARTICLE 5.
DEFAULT, REMEDIES AND TERMINATION

5.1. Events of Default.

Subject to any extensions of time by mutual consent of the Parties in writing, and subject to the provisions of Section 9.2 hereof regarding permitted delays and a Mortgagee's right to cure pursuant to Section 8.3 hereof, any failure by either Party to perform any material term or provision of this Development Agreement (not including any failure by Developer to perform any term or provision of any other Project Approvals) shall constitute an "**Event of Default**," (i) if such defaulting Party does not cure such failure within sixty (60) days (such sixty (60) day period is not in addition to any (60) day cure period under Article 3, if Article 3 is applicable) following written notice of default from the other Party, where such failure is of a nature that can be cured within such sixty (60) day period, or (ii) if such failure is not of a nature which can be cured within such sixty (60) day period, the defaulting Party does not within such sixty (60) day period commence substantial efforts to cure such failure, or thereafter does not within a reasonable time prosecute to completion with diligence and continuity the curing of such failure.

Any notice of default given hereunder shall specify in detail the nature of the failures in performance that the noticing Party claims constitutes the Event of Default, all facts constituting substantial evidence of such failure, and the manner in which such failure may be satisfactorily cured in accordance with the terms and conditions of this Development Agreement. During the

time periods herein specified for cure of a failure of performance, the Party charged therewith shall not be considered to be in default for purposes of (a) termination of this Development Agreement, (b) institution of legal proceedings with respect thereto, or (c) issuance of any approval with respect to the Project. The waiver by either Party of any default under this Development Agreement shall not operate as a waiver of any subsequent breach of the same or any other provision of this Development Agreement.

5.2. Meet and Confer.

During the time periods specified in Section 5.1 for cure of a failure of performance, the Parties shall meet and confer in a timely and responsive manner, to attempt to resolve any matters prior to litigation or other action being taken, including without limitation any action in law or equity; provided, however, nothing herein shall be construed to extend the time period for this meet and confer obligation beyond the 60-day cure period referred to in Section 5.1 (even if the 60-day cure period itself is extended pursuant to Section 5.1) unless the Parties agree otherwise in writing.

5.3. Remedies and Termination.

If, after notice and expiration of the cure periods and procedures set forth in Sections 5.1 and 5.2, the alleged Event of Default is not cured, the non-defaulting Party, at its option, may institute legal proceedings pursuant to Section 5.4 of this Development Agreement and/or terminate this Development Agreement pursuant to Section 5.5 herein. In the event that this Development Agreement is terminated pursuant to Section 5.5 herein and litigation is instituted that results in a final decision that such termination was improper, then this Development Agreement shall immediately be reinstated as though it had never been terminated.

5.4. Legal Action by Parties.

5.4.1. Remedies. Either Party may, in addition to any other rights or remedies, institute legal action to cure, correct or remedy any default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation thereof, enforce by specific performance the obligations and rights of the Parties hereto or to obtain any remedies consistent with the purpose of this Development Agreement. All remedies shall be cumulative and not exclusive of one another, and the exercise of any one or more of these remedies shall not constitute a waiver or election with respect to any other available remedy. Without limiting the foregoing, Developer reserves the right to challenge in court any Future Rules that would conflict with the Vested Elements or the Subsequent Approvals for the Project or reduce the development rights provided by the Project Approvals.

5.4.2. No Damages. In no event shall either Party, or its boards, commissions, officers, agents or employees, be liable in damages for any default under this Development Agreement, it being expressly understood and agreed that the sole legal remedy available to either Party for a breach or violation of this Development Agreement by the other Party shall be an action in mandamus, specific performance or other injunctive or declaratory relief to enforce the provisions of this Development Agreement by the other Party, or to terminate this Development Agreement. This limitation on damages shall not preclude actions by a Party to

enforce payments of monies or the performance of obligations requiring an obligation of money from the other Party under the terms of this Development Agreement including, but not limited to obligations to pay attorneys' fees and obligations to advance monies or reimburse monies. In connection with the foregoing provisions, each Party acknowledges, warrants and represents that it has been fully informed with respect to, and represented by counsel of such Party's choice in connection with, the rights and remedies of such Party hereunder and the waivers herein contained, and after such advice and consultation has presently and actually intended, with full knowledge of such Party's rights and remedies otherwise available at law or in equity, to waive and relinquish such rights and remedies to the extent specified herein, and to rely to the extent herein specified solely on the remedies provided for herein with respect to any breach of this Development Agreement by the other Party.

5.5. Termination.

5.5.1. Expiration of Term. Except as otherwise provided in this Development Agreement, this Development Agreement shall be deemed terminated and of no further effect upon the expiration of the Term of this Development Agreement as set forth in Section 1.3.

5.5.2. Survival of Obligations. Upon the termination or expiration of this Development Agreement as provided herein, neither Party shall have any further right or obligation with respect to the Property under this Development Agreement except with respect to any obligation that is specifically set forth as surviving the termination or expiration of this Development Agreement. The termination or expiration of this Development Agreement shall not affect the validity of the Project Approvals (other than this Development Agreement) for the Project.

5.5.3. Termination by City. Notwithstanding any other provision of this Development Agreement, City shall not have the right to terminate this Development Agreement with respect to all or any portion of the Property before the expiration of its Term unless City complies with all termination procedures set forth in the Development Agreement Legislation and there is an alleged Event of Default by Developer and such Event of Default is not cured pursuant to ARTICLE 3 herein or this ARTICLE 5 and Developer has first been afforded an opportunity to be heard regarding the alleged default before the City Council and this Development Agreement is terminated only with respect to that portion of the Property to which the default applies.

ARTICLE 6.
COOPERATION AND IMPLEMENTATION

6.1. Further Actions and Instruments.

Each Party to this Development Agreement shall cooperate with and provide reasonable assistance to the other Party and take all actions necessary to ensure that the Parties receive the benefits of this Development Agreement, subject to satisfaction of the conditions of this Development Agreement. Upon the request of any Party, the other Party shall promptly execute, with acknowledgment or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of

this Development Agreement to carry out the intent and to fulfill the provisions of this Development Agreement or to evidence or consummate the transactions contemplated by this Development Agreement.

6.2. Regulation by Other Public Agencies.

Other public agencies not within the control of City may possess authority to regulate aspects of the development of the Property separately from or jointly with City, and this Development Agreement does not limit the authority of such other public agencies. Nevertheless, City shall be bound by, and shall abide by, its covenants and obligations under this Development Agreement in all respects when dealing with any such agency regarding the Property. To the extent that City, the City Council, the Planning Commission or any other board, agency, committee, department or commission of City constitutes and sits as any other board, agency, commission, committee, or department, it shall not take any action that conflicts with City's obligations under this Agreement unless required to by any State or Federal law.

6.3. Other Governmental Permits and Approvals; Grants.

Developer shall apply in a timely manner in accordance with Developer's construction schedule for the permits and approvals from other governmental or quasi-governmental agencies having jurisdiction over the Project as may be required for the development of, or provision of services to, the Project. Developer shall comply with all such permits, requirements and approvals. City shall cooperate with Developer in its endeavors to obtain (a) such permits and approvals and (b) any grants for the Project for which Developer applies.

6.4. Cooperation in the Event of Legal Challenge.

6.4.1. The filing of any third party lawsuit(s) against City or Developer relating to this Agreement, the Project Approvals or other development issues affecting the Property shall not delay or stop the development, processing or construction of the Project or approval of any Subsequent Approvals, unless the third party obtains a court order preventing the activity. City shall not stipulate to or cooperate in the issuance of any such order.

6.4.2. In the event of any administrative, legal or equitable action instituted by a third party challenging the validity of any provision of this Development Agreement, the procedures leading to its adoption, the Project Approvals for the Project or the portions of the LRPMP applicable to the Property and this Project ("**Initial Litigation Challenge**"), Developer and City each shall have the right, in its sole discretion, to elect whether or not to defend such action, to select its own counsel, and to control its participation and conduct in the litigation in all respects permitted by law. If an Initial Litigation Challenge is filed, upon receipt of the petition, the Parties will have 20 days to meet and confer regarding the merits of such Initial Litigation Challenge and to determine whether to defend against the Initial Litigation Challenge, which period may be extended by the Parties' mutual agreement so long as it does not impact any litigation deadlines.

If, after meeting and conferring, the Parties mutually agree to defend against the Initial Litigation Challenge, then the following shall apply: (i) the Parties hereby agree to affirmatively cooperate in defending said action and to execute a joint defense and confidentiality agreement

in order to share and protect information, under the joint defense privilege recognized under applicable law; (ii) for the purposes of cost-efficiency and coordination, the Parties shall first consider defending the Initial Litigation Challenge jointly, with counsel and under terms of joint representation mutually acceptable to the City and Developer (each in its sole discretion), at the Developer's sole cost and expense; and (iii) if the Parties cannot reach timely and mutual agreement on a joint counsel, and Developer continues to elect (in its sole discretion) to defend against the Initial Litigation Challenge, then Developer shall take the lead role defending such Initial Litigation Challenge and may, in its sole discretion, elect to be represented by the legal counsel of its choice, in which case, City, at its expense, may elect to be separately represented by the outside legal counsel of its choice in any such action or proceeding. The City Manager is authorized to negotiate and enter into a joint defense agreement in a form acceptable to the City Attorney. Such joint defense agreement shall also provide that any proposed settlement of an Initial Litigation Challenge shall be subject to City's and Developer's approval, each in its reasonable discretion.

As part of the cooperation in defending an action, City and Developer shall coordinate their defense in order to make the most efficient use of legal counsel and to share and protect information. Developer and City shall each have sole discretion to terminate its defense at any time. If Developer elects, in its sole and absolute discretion, not to defend against the Initial Litigation Challenge, it shall deliver written notice to the City regarding such decision. If Developer elects not to defend, the City has the right, but not the obligation, to proceed to defend against the Initial Litigation Challenge and shall take the lead role defending such Initial Litigation Challenge and may, in its sole discretion, elect to be represented by the legal counsel of its choice, at its sole cost and expense. If Developer elects not to defend, the City has the right, but not the obligation, to terminate this Agreement and consider the Developer's application for any related Project Approvals withdrawn. The City shall not settle any third party litigation of Project Approvals without Developer's consent, which consent shall not be unreasonably withheld, conditioned or delayed.

6.5. Revision to Project.

In the event of a court order issued as a result of a successful legal challenge, City shall, to the extent permitted by law or court order, in good faith seek to comply with the court order in such a manner as will maintain the integrity of the Project Approvals and avoid or minimize to the greatest extent possible (i) any impact to the development of the Project as provided for in, and contemplated by, the Vested Elements, or (ii) any conflict with the Vested Elements or frustration of the intent or purpose of the Vested Elements.

6.6. State, Federal or Case Law.

Where any state, federal or case law allows City to exercise any discretion or take any act with respect to that law, City shall, in an expeditious and timely manner, at the earliest possible time, (a) exercise its discretion in such a way as to be consistent with, and carry out the terms of, this Development Agreement and (b) take such other actions as may be necessary to carry out in good faith the terms of this Development Agreement.

6.7. Defense of Agreement.

City shall take all actions that are necessary or advisable to uphold the validity and enforceability of this Development Agreement. If this Development Agreement is adjudicated or determined to be invalid or unenforceable, City agrees, subject to all legal requirements, to consider modifications to this Development Agreement to render it valid and enforceable to the extent permitted by applicable law. Developer shall pay all of City's costs, including attorneys' fees and experts' costs, incurred to modify or defend this Development Agreement.

ARTICLE 7.
TRANSFERS AND ASSIGNMENTS

7.1. Right to Assign.

Developer shall have the right to sell, assign or transfer ("**Transfer**") in whole or in part its rights, duties and obligations under this Development Agreement, to any person or entity at any time during the Term of this Development Agreement upon providing notice to City no later than ten (10) days after the effective date of said sale, assignment or transfer. Assignment and assumption of this Development Agreement shall be administered through the form of Assignment and Assumption Agreement attached to this Agreement as Exhibit E, attached hereto and incorporated herein. In the event of a transfer of a portion of the Property, Developer shall have the right to Transfer its rights, duties and obligations under this Development Agreement that are applicable to the transferred portion, and to retain all rights, duties and obligations applicable to the retained portions of the Property. Upon Developer's request, City shall cooperate with Developer and any proposed transferee to allocate rights, duties and obligations under this Development Agreement and the Project Approvals among the transferred Property and the retained Property.

7.2. Release upon Transfer.

Upon the Transfer of Developer's rights and interests under this Development Agreement pursuant to Section 7.1, Developer shall automatically be released from its obligations and liabilities under this Development Agreement with respect to that portion of the Property transferred, and any subsequent default or breach with respect to the transferred rights and/or obligations shall not constitute a default or breach with respect to the retained rights and/or obligations under this Development Agreement, provided that (i) Developer has provided to City written notice of such Transfer, and (ii) the transferee executes and delivers to City a written Assignment and Assumption agreement, in substantially the form attached hereto in Exhibit E, in which (a) the name and address of the transferee is set forth and (b) the transferee expressly and unconditionally assumes all of the obligations of Developer under this Development Agreement with respect to that portion of the Property transferred. Upon any transfer of any portion of the Property and the express assumption of Developer's obligations under this Development Agreement by such transferee, City agrees to look solely to the transferee for compliance by such transferee with the provisions of this Development Agreement as such provisions relate to the portion of the Property acquired by such transferee. A default by any transferee shall only affect that portion of the Property owned by such transferee and shall not cancel or diminish in any way Developer's rights hereunder with respect to any portion of the Property not owned by such

transferee. The transferor and the transferee shall each be solely responsible for the reporting and annual review requirements relating to the portion of the Property owned by such transferor/transferee, and any amendment to this Development Agreement between City and a transferor or a transferee shall only affect the portion of the Property owned by such transferor or transferee. Failure to deliver a written assumption agreement hereunder shall not affect the running of any covenants herein with the land, as provided in Section 7.3 below, nor shall such failure negate, modify or otherwise affect the liability of any transferee pursuant to the provisions of this Development Agreement.

7.3. Covenants Run with the Land.

All of the provisions, agreements, rights, powers, standards, terms, covenants and obligations contained in this Development Agreement shall be binding upon the Parties and their respective successors (by merger, reorganization, consolidation, or otherwise) and assigns, devisees, administrators, representatives, lessees, and all of the persons or entities acquiring the Property or any portion thereof, or any interest therein, whether by operation of law or in any manner whatsoever, and shall inure to the benefit of the Parties and their respective successors (by merger, consolidation or otherwise) and assigns. All of the provisions of this Development Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land pursuant to applicable law, including but not limited to, Section 1468 of the Civil Code of the State of California. Each covenant to do, or refrain from doing, some act on the Property hereunder (i) is for the benefit of such Property and is a burden upon such Property, (ii) runs with such Property, (iii) is binding upon each Party and each successive owner during its ownership of such Property or any portion thereof, and (iv) each person or entity having any interest therein derived in any manner through any owner of such Property, or any portion thereof, and shall benefit the Property hereunder, and each other person or entity succeeding to an interest in such Property.

ARTICLE 8.
MORTGAGEE PROTECTION; CERTAIN RIGHTS OF CURE

8.1. Mortgagee Protection.

This Development Agreement shall not prevent or limit Developer in any manner, at Developer's sole discretion, from encumbering the Property or any portion thereof or any improvement thereon by any mortgage, deed of trust or other security device securing financing with respect to the Property ("**Mortgage**"). This Development Agreement shall be superior and senior to any lien placed upon the Property or any portion thereof after the date of recording this Development Agreement, including the lien of any Mortgage. Notwithstanding the foregoing, no breach hereof shall defeat, render invalid, diminish or impair the lien of any Mortgage made in good faith and for value, but all of the terms and conditions contained in this Development Agreement shall be binding upon and effective against and inure to the benefit of any person or entity, including any deed of trust beneficiary or mortgagee ("**Mortgagee**") who acquires title to the Property, or any portion thereof, by foreclosure, trustee's sale, deed in lieu of foreclosure, or otherwise.

8.2. Mortgagee Not Obligated.

Notwithstanding the provisions of Section 8.1 above, no Mortgagee shall have any obligation or duty under this Development Agreement to perform Developer's obligations or other affirmative covenants of Developer hereunder; provided, however, that a Mortgagee shall not be entitled to devote the Property to any uses or to construct any improvements thereon other than those uses or improvements provided for or authorized by this Development Agreement, or by the Project Approvals and Applicable Rules.

8.3. Notice of Default to Mortgagee; Right of Mortgagee to Cure.

If City receives a notice from a Mortgagee requesting a copy of any Notice of Default given to Developer hereunder and specifying the address for service thereof, then City shall deliver to such Mortgagee, concurrently with service thereon to Developer, any notice given to Developer with respect to any claim by City that Developer has committed a default, and if City makes a determination of noncompliance hereunder, City shall likewise serve notice of such noncompliance on such Mortgagee concurrently with service thereof on Developer. Each Mortgagee shall have the right (but not the obligation) during the same period available to Developer to cure or remedy, or to commence to cure or remedy, the Event of Default claimed or the areas of noncompliance set forth in City's notice.

8.4. No Supersedure.

Nothing in this ARTICLE 8 shall be deemed to supersede or release a Mortgagee or modify a Mortgagee's obligations under any subdivision improvement agreement or other obligation incurred with respect to the Project outside this Development Agreement, nor shall any provision of this ARTICLE 8 constitute an obligation of City to such Mortgagee, except as to the notice requirements of Section 8.3.

8.5. Technical Amendments.

City agrees to reasonably consider and approve interpretations and/or technical amendments to the provisions of this Agreement that are required by lenders for the acquisition and construction of the improvements on the Property or any refinancing thereof and to otherwise cooperate in good faith to facilitate Developer's negotiations with lenders.

ARTICLE 9.
MISCELLANEOUS PROVISIONS

9.1. Limitation on Liability.

Notwithstanding anything to the contrary contained in this Development Agreement, in no event shall any member, officer, agent or employee of City be personally liable for any breach

of this Development Agreement by City or for any amount which may become due to Developer under the terms of this Development Agreement.

9.2. Force Majeure.

The Term of this Development Agreement and the Project Approvals and the time within which Developer shall be required to perform any act under this Development Agreement shall be extended by a period of time equal to the number of days during which performance of such act is delayed unavoidably and beyond the reasonable control of the Party seeking the delay by strikes, lock-outs and other labor difficulties, Acts of God, inclement weather, failure or inability to secure materials or labor by reason of priority or similar regulations or order of any governmental or regulatory body, changes in local, state or federal laws or regulations, any development moratorium or any action of other public agencies that regulate land use, development or the provision of services prevents, prohibits or delays construction of the Project, enemy action, civil disturbances, wars, terrorist acts, fire, unavoidable casualties, litigation involving this Agreement or the Project Approvals, or any other cause beyond the reasonable control of Developer which substantially interferes with carrying out the development of the Project. Such extension(s) of time shall not constitute an Event of Default and shall occur at the request of any Party. In addition, the Term of this Development Agreement and any subdivision map or any of the other Project Approvals shall not include any period of time during which (i) a development moratorium including, but not limited to, a water or sewer moratorium, is in effect; (ii) the actions of public agencies that regulate land use, development or the provision of services to the Property prevent, prohibit or delay either the construction, funding or development of the Project; or (iii) there is any mediation, arbitration, litigation or other administrative or judicial proceeding pending involving the Vested Elements, or Project Approvals. The Term of the Project Approvals shall therefore be extended by the length of any development moratorium or similar action; the amount of time any actions of public agencies prevent, prohibit or delay the construction, funding or development of the Project; or the amount of time to finally resolve any mediation, arbitration, litigation or other administrative or judicial proceeding involving the Vested Elements, or Project Approvals. Furthermore, in the event the issuance of a building permit for any part of the Project is delayed as a result of Developer's inability to obtain any other required permit or approval, then the Term of this Development Agreement shall be extended by the period of any such delay.

9.3. Notices, Demands and Communications Between the Parties.

Formal written notices, demands, correspondence and communications between City and Developer shall be sufficiently given if delivered personally (including delivery by private courier), dispatched by certified mail, postage prepaid and return receipt requested, or delivered by nationally recognized overnight courier service, or by electronic facsimile transmission followed by delivery of a "hard" copy to the offices of City and Developer indicated below. Such written notices, demands, correspondence and communications may be sent in the same manner to such persons and addresses as either Party may from time-to-time designate in writing at least fifteen (15) days prior to the name and/or address change and as provided in this Section 9.3.

City: City of Modesto

	1010 10th Street PO Box 642 Modesto, CA 95342 Attn: Community Development Director
With copies to:	City of Modesto 1010 10th Street PO Box 642 Modesto, CA 95342 Attn: City Attorney
Developer:	DASCO Olivewood, LLC 1117 L Street Modesto, CA 95354

Notices personally delivered shall be deemed to have been received upon delivery. Notices delivered by certified mail, as provided above, shall be deemed to have been given and received on the first to occur of (i) actual receipt by any of the addresses designated above as the Party to whom notices are to be sent, or (ii) within five (5) days after a certified letter containing such notice, properly addressed, with postage prepaid, is deposited in the United States mail. Notices delivered by overnight courier service as provided above shall be deemed to have been received twenty-four (24) hours after the date of deposit. Notices delivered by electronic facsimile transmission shall be deemed received upon receipt of sender of electronic confirmation of delivery, provided that a "hard" copy is delivered as provided above.

9.4. Project as a Private Undertaking; No Joint Venture or Partnership. The Project constitutes private development, neither City nor Developer is acting as the agent of the other in any respect hereunder, and City and Developer are independent entities with respect to the terms and conditions of this Agreement. Nothing contained in this Development Agreement or in any document executed in connection with this Development Agreement shall be construed as making City and Developer joint venturers or partners.

9.5. Severability.

If any terms or provision(s) of this Development Agreement or the application of any term(s)or provision(s) of this Development Agreement to a particular situation, is (are) held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of this Development Agreement or the application of this Development Agreement to other situations, shall remain in full force and effect unless amended or modified by mutual consent of the Parties. Notwithstanding the foregoing, if any material provision of this Development Agreement, or the application of such provision to a particular situation, is held to be invalid, void or unenforceable, Developer (in its sole and absolute discretion) may terminate this Development Agreement by providing written notice of such termination to City.

9.6. Section Headings.

Article and Section headings in this Development Agreement are for convenience only and are not intended to be used in interpreting or construing the terms, covenants or conditions of this Development Agreement.

9.7. Construction of Agreement.

This Development Agreement has been reviewed and revised by legal counsel for both Developer and City, and no presumption or rule that ambiguities shall be construed against the drafting Party shall apply to the interpretation or enforcement of this Development Agreement.

9.8. Entire Agreement.

This Development Agreement, including the Recitals, and exhibits attached hereto and incorporated by reference herein, together with the Project Approvals, constitutes the entire understanding and agreement of the Parties and supersedes all negotiations or previous agreements between the Parties with respect to all or any part of the subject matter hereof. The exhibits and appendices are as follows:

Exhibit A Legal Description of the Property

Exhibit B Vesting Tentative Subdivision Map

Exhibit C CFD Taxes

Exhibit D Capital Facilities Fees

Exhibit E Assignment & Assumption Agreement

9.9. Estoppel Certificates.

Either Party may, at any time during the Term of this Development Agreement, and from time to time, deliver written notice to the other Party requesting such Party to certify in writing that, to the knowledge of the certifying Party, (i) this Development Agreement is in full force and effect and a binding obligation of the Parties, (ii) this Development Agreement has not been amended or modified either orally or in writing, or if amended; identifying the amendments, (iii) the requesting Party is not in default in the performance of its obligations under this Development Agreement, or if in default, to describe therein the nature and amount of any such defaults, and (iv) any other information reasonably requested. The Party receiving a request hereunder shall execute and return such certificate or give a written, detailed response explaining why it will not do so within twenty (20) days following the receipt thereof. The failure of either Party to provide the requested certificate within such twenty (20) day period shall constitute a confirmation that this Agreement is in full force and effect and no modification or default exists. Either the City Manager or her designee shall have the right to execute any certificate requested by Developer hereunder. City acknowledges that a certificate hereunder may be relied upon by transferees and Mortgagees.

9.10. Recordation.

Pursuant to California Government Code Section 65868.5, within ten (10) days after the later of the Parties' execution of this Development Agreement or the Effective Date, the City Clerk shall record this Development Agreement with the Contra Costa County Recorder. Thereafter, if this Development Agreement is terminated, modified or amended, the City Clerk shall record notice of such action with the Contra Costa County Recorder.

9.11. No Waiver.

No delay or omission by either Party in exercising any right or power accruing upon noncompliance or failure to perform by the other Party under any of the provisions of this Development Agreement shall impair any such right or power or be construed to be a waiver thereof. A waiver by either Party of any of the covenants or conditions to be performed by the other Party shall be in writing and signed by a duly authorized representative of the Party against whom enforcement of a waiver is sought, and any such waiver shall not be construed as a waiver of any succeeding breach or non-performance of the same or other covenants and conditions hereof.

9.12. Time Is of the Essence.

Time is of the essence for each provision of this Development Agreement for which time is an element.

9.13. Applicable Law.

This Development Agreement shall be construed and enforced in accordance with the laws of the State of California.

9.14. Attorneys' Fees.

Should any legal action be brought by either Party because of a breach of this Development Agreement or to enforce any provision of this Development Agreement, the prevailing party shall be entitled to reasonable attorneys' fees and such other costs as may be found by the court.

9.15. Third Party Beneficiaries.

Except as otherwise provided herein, City and Developer hereby renounce the existence of any third party beneficiary to this Development Agreement and agree that nothing contained herein shall be construed as giving any other person or entity third party beneficiary status.

9.16. Constructive Notice and Acceptance.

Every person who now or hereafter owns or acquires any right, title or interest in or to any portion of the Property is and shall be conclusively deemed to have consented and agreed to every provision contained herein, whether or not any reference to this Development Agreement is contained in the instrument by which such person acquired an interest in the Property.

9.17. Counterparts.

This Development Agreement may be executed by each Party on a separate signature page, and when the executed signature pages are combined, shall constitute one single instrument.

9.18. Authority.

The persons signing below represent and warrant that they have the authority to bind their respective Party and that all necessary board of directors', shareholders', partners', city councils' or other approvals have been obtained.

IN WITNESS WHEREOF, City and Developer have executed this Development Agreement as of the date first set forth above.

DEVELOPER:

DASCO Olivewood, LLC
1117 L Street
Modesto, CA 95354

By: _____

Title: _____

CITY:

CITY OF MODESTO
a charter city

By: _____
Joseph P. Lopez, City Manager

ATTESTATION:

By: _____
Diane Nayares-Perez, City Clerk

APPROVED AS TO FORM:

By: _____
Jose M. Sanchez, City Attorney

SIGNATURES MUST BE NOTARIZED

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN AN UNINCORPORATED AREA, COUNTY OF STANISLAUS, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL 1 (APN 083-004-060)

PARCEL 1, PER MAP FILED MARCH 24, 1970 IN VOLUME 8 OF PARCEL MAPS, AT PAGE 62, STANISLAUS COUNTY RECORDS.

EXCEPTING THEREFROM ALL OIL, GAS, PETROLEUM, NAPTHA AND OTHER HYDROCARBONS AND ALL CHEMICAL GAS, NOW OR HEREAFTER FOUND, SITUATED OR LOCATED IN ALL OR ANY PART OR PORTION OF THE LANDS HEREIN DESCRIBED LYING THEREIN OR THEREUNDER, AS EXCEPTED AND RESERVED IN THE DEED FROM EDWIN K. HOATSON AND BETTY JEAN HOATSON, HUSBAND AND WIFE, DATED APRIL 26, 1965 AND RECORDED MAY 3, 1965 IN VOLUME 2029 OF OFFICIAL RECORDS, PAGE 95, INSTRUMENT NO. 17320.

PARCEL 2 (APN 083-004-059)

PARCEL 2, PER MAP FILED MARCH 24, 1970 IN VOLUME 8 OF PARCEL MAPS, AT PAGE 62, STANISLAUS COUNTY RECORDS.

EXCEPTING THEREFROM ALL OIL, GAS, PETROLEUM, NAPTHA AND OTHER HYDROCARBONS AND ALL CHEMICAL GAS, NOW OR HEREAFTER FOUND, SITUATED OR LOCATED IN ALL OR ANY PART OR PORTION OF THE LANDS HEREIN DESCRIBED LYING THEREIN OR THEREUNDER, AS EXCEPTED AND RESERVED IN THE DEED FROM EDWIN K. HOATSON AND BETTY JEAN HOATSON, HUSBAND AND WIFE, DATED APRIL 26, 1965 AND RECORDED MAY 3, 1965 IN VOLUME 2029 OF OFFICIAL RECORDS, PAGE 95, INSTRUMENT NO. 17320.

EXHIBIT B
VESTING TENTATIVE SUBDIVISION MAP

EXHIBIT C
COMMUNITY FACILITIES DISTRICT TAXES

EXHIBIT D

CITY OF MODESTO
CAPITAL FACILITY FEES (CFF)

Single-Family Dwelling

TYPE OF FEE/CHARGE FEE	FEE AMOUNT/PER DWELLING
1) Administration Fee	$357.00
2) Police Fee	$766.00
3) Fire Fee	$477.00
4) Parks & Air Quality Fee	$7,551.00
5) General Government Fee	$631.00
6) Streets Fee	$8,244.00
7) Transit Fee	$120.00
	Total: $18,146.00

EXHIBIT E

ASSIGNMENT & ASSUMPTION AGREEMENT

RECORDING REQUESTED BY AND

WHEN RECORDED RETURN TO:

City of Modesto
1010 10th Street
PO Box 642
Modesto, CA 95354
Attention: Com.Dev. Director

Recording fees exempt (Gov. Code §§ 6103, 27383) (Space above line for recorder's use only)

ASSIGNMENT AND ASSUMPTION AGREEMENT

This ASSIGNMENT AND ASSUMPTION AGREEMENT ("Agreement") shall be deemed effective as of _____, 20__ ("Effective Date"), by and between _____, a_____("Assignor") and_____, a_____("Subsequent Landowner").

RECITALS

A. Assignor has entered into a Development Agreement with the City of Modesto, dated_____, 20__ , which was recorded on_____, 20__ as Document No._____in the Official Records of Stanislaus County, California (the "Development Agreement").

B. Assignor has agreed to develop property pursuant to the Development Agreement, which is now proposed for assignment pursuant to this Agreement, and is more particularly described as_____, as set forth in more detail in the Legal Description attached and incorporated hereto as **Exhibit A** (the "Assigned Parcels").

C. Subsequent Landowner desires to assume [all of Assignor's rights, duties and obligations under the Agreement] [a portion of Assignor's rights, duties and obligations as set forth in this Agreement] with respect to the Assigned Parcels and Assignor seeks to be relieved of said assigned rights, duties and obligations in reference to the Assigned Parcels.

NOW, THEREFORE, Assignor and Subsequent Landowner hereby agree as follows:

AGREEMENT

1. Assignor hereby assigns, effective as of [the Effective Date or Assignor's conveyance of the Assigned Parcels to Subsequent Landowner], [all of] *or* [if only a portion of, describe] the rights, interests, burdens and obligations of Assignor under the Agreement with respect to the Assigned Parcels. Assignor retains all of the rights, interests, burdens and obligations under this Agreement with respect to all property other than the Assigned Parcels within the Subject Property owned by Assignor.

2. Subsequent Landowner hereby assumes all of the rights, interests, burdens and obligations of Assignor under this Agreement, and agrees to observe and fully perform all of the duties and obligations of Assignor under the Development Agreement, and to be subject to all the terms and conditions thereof, with respect to the Assigned Parcels. It is the express intention of both Assignor and Subsequent Landowner that, upon the Effective Date, Subsequent Landowner shall become substituted for Assignor as a "Developer" under the Development Agreement with respect to the Assigned Parcels. Assignor acknowledges that Assignor shall remain subject to the duties and obligations of the Development Agreement if Assignor retains any portion of the Subject Property subject to the Development Agreement.

3. All of the covenants, terms, and conditions of this Agreement and set forth herein shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, successors and assigns.

4. Subsequent Landowner's address for all notices, as described in Section ____of the Development Agreement, shall be as follows:

_____
_____
_____
_____

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the above-referenced Effective Date.

ASSIGNOR:

_____, a
_____

By:_____

Name:_____

Title: _____

SUBSEQUENT LANDOWNER:

_____, a
_____

By:_____

Name:_____

Title: _____

APPROVED:

_____
City Manager

EXHIBIT F

RESOLUTION NO. _____

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-167

RESOLUTION APPROVING THE RELOCATION REQUEST OF CR & D INC. FROM 439 MAZE BOULEVARD TO 1313 MCHENRY AVENUE WITH THE GRANTING OF A RESIDENTIAL PROXIMITY WAIVER

WHEREAS, City Council via Resolution 2018-566 issued a commercial cannabis permit to the following commercial cannabis retail business, CR&D Inc, located at 439 Maze Blvd; and

WHEREAS, on July 11, 2024, the owners of CR&D applied to relocate from 439 Maze Blvd. to 1313 McHenry Ave; and

WHEREAS, City staff along with the current cannabis consultant, HDL, conducted a thorough review of the relocation application which included a review of zoning, proximity requirements, security and site plans, lease agreements, tax payments, as well as an initial site visit; and

WHEREAS, the application was found to be complete with the proposed new location being properly zoned mixed-use pedestrian (MU-P) which allows for general commercial uses (C-2) including commercial cannabis retail uses. The security and site plans were found to be compliant with both California Department of Cannabis Control regulations and the requirements of the Modesto Municipal Code. A lease agreement was provided showing that the property will be secured during the permit period, and the business was found to be current on all City taxes and fees; and

WHEREAS, commercial cannabis land uses are required to comply with minimum proximity requirements pursuant to section 10-3.703 of the Modesto Municipal code including distances of:

- Six hundred (600) feet from schools, childcare centers, or youth centers

- One hundred (100) feet from residential properties
- Two hundred (200) feet from parks or libraries; and

WHEREAS, during the application review process it was noted that the only proximity issue with the 1313 McHenry Avenue location was its proximity to a residential property located at 1312 Alma Avenue. This residence was noted as being approximately thirty-six (36) feet; and

WHEREAS, the applicant subsequently requested a waiver of the residential proximity requirements pursuant to section 10-3.703(c) of the Modesto Municipal Code which allows for the granting of a proximity waiver at the discretion of the decision maker when the applicant can show that an actual impassible physical barrier exists between the land uses or parcels. The applicant's letter of justification for the waiver of the residential proximity requirements noted that the subject location and residential property is separated by two (2) fences providing significant physical separation, including an impassible barrier in the form of the primary seven (7) foot wrought iron fence. The properties are also noted to be separated by a twenty-five (25) foot wide alleyway, and the fence itself contains an emergency access gate that would remain closed during all hours except for emergency access; and

WHEREAS, the proposed project application for the relocation of the commercial cannabis retail business is exempt from further analysis under the California Environmental Quality Act (CEQA) under the in-fill streamlining process found in CEQA Regulation 15183.3 and/or the existing facilities exemption in Regulation 15301 and/or the exemption for new construction or conversion of small structures under Regulation 15303. Furthermore, the proposed businesses are 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 business is for retail uses and is permitted under the current zoning code; and

WHEREAS, the relocation request was heard at a properly noticed public hearing of the Cannabis Program and Permit Review Committee on April 28, 2025 with the committee recommending to forward the relocation request to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the relocation request for CR & D Inc. from 439 Maze Boulevard to 1313 McHenry Avenue with the granting of a residential proximity waiver.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2025, 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, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	Bavaro
RECUSE:	Councilmembers:	Alvarez
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-168

RESOLUTION APPROVING THE RELOCATION REQUEST OF MCHENRY BUSINESS SERVICES LLC FROM 500 EAST GLENN AVENUE TO 1300 NORTH CARPENTER ROAD SUITE E AND F

WHEREAS, City Council via Resolution 2018-566 issued a commercial cannabis permit to the following commercial cannabis microbusiness with a retail component, McHenry Business Services LLC, located at 500 East Glenn Ave; and

WHEREAS, on February 24, 2025, the owners of McHenry Business Services LLC applied to relocate from 500 East Glenn Avenue to 1300 N. Carpenter Road Suite E and F; and

WHEREAS, City staff along with the current cannabis consultant, HDL, conducted a thorough review of the relocation application which included a review of zoning, proximity requirements, security and site plans, lease agreements, tax payments, as well as an initial site visit; and

WHEREAS, the application was found to be complete with the proposed new location being properly zoned light industrial (M-1) which allows for the manufacturing, distribution, and retail components of the applicant's microbusiness. The security and site plans were found to be compliant with both California Department of Cannabis Control regulations and the requirements of the Modesto Municipal Code. A lease agreement was provided showing that the property will be secured during the permit period, and the business was found to be current on all City taxes and fees; and

WHEREAS, commercial cannabis land uses are required to comply with minimum proximity requirements pursuant to section 10-3.703 of the Modesto Municipal code including distances of:

- Six hundred (600) feet from schools, childcare centers, or youth centers
- One hundred (100) feet from residential properties
- Two hundred (200) feet from parks or libraries; and

WHEREAS, there were no proximity issues found with the proposed new location; and

WHEREAS, the proposed project application for the relocation of the commercial cannabis retail business is exempt from further analysis under the California Environmental Quality Act (CEQA) under the in-fill streamlining process found in CEQA Regulation 15183.3 and/or the existing facilities exemption in Regulation 15301 and/or the exemption for new construction or conversion of small structures under Regulation 15303. Furthermore, the proposed businesses are 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 business is for cannabis manufacturing, distribution, and retail uses and is permitted under the current zoning code; and

WHEREAS, the relocation request was heard at a properly noticed public hearing of the Cannabis Program and Permit Review Committee on April 28, 2025 with the committee recommending to forward the relocation request to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the relocation request of McHenry Business Services LLC from 500 East Glenn Avenue to 1300 North Carpenter Road Suite E and F.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-169

RESOLUTION APPROVING THE CITYWIDE TWO-YEAR STRATEGIC PLAN, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO CARRY OUT THE NECESSARY STEPS TO ACHIEVE THE PRIORITIES IDENTIFIED IN THE STRATEGIC PLAN

WHEREAS, a strategic plan is an organization's vision for the community, outlining goals, projects and how success will be measured, and

WHEREAS, the strategic plan acts as a roadmap for prioritizing initiatives, allocating resources, and aligning the organization's operations to meet the community's needs, and

WHEREAS, the City has regularly adopted a strategic plan, with Council adopting the current Five-Year Strategic Plan on October 8, 2019, by Resolution 2019-463, and

WHEREAS, with the current Five-Year Strategic Plan coming to an end, a new plan needed to be developed to provide continuity in carrying out the Council's direction, and

WHEREAS, the City entered into an agreement with Jacob Green and Associates, to coordinate two (2) one-day Council Workshops to provide an opportunity for the City Council to receive information and input from the community, city departments, and one another as they determined what their strategies would be for the City's next Two-Year Strategic Plan, and

WHEREAS, the City Council held two (2) one-day Council Workshops/Retreats on January 15, 2025 and February 13, 2025 designed to facilitate discussion and an exchange of information in order to assist the Council in setting their strategies for the

new Two-Year Strategic Plan, and

WHEREAS, the work completed by the Council at the two (2) one-day retreats resulted in new strategies to be implemented to carry out the goals in the new Two-Year Strategic Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Citywide Two-Year Strategic Plan **attached** hereto, and authorizes the City Manager, or his designee, to carry out the necessary steps to achieve the priorities identified in the Strategic Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

City of Modesto
Two-Year Strategic Plan Elements
Vision, Mission, Goals, and Strategies
2025-2026

Vision Statement

Modesto will be a welcoming and well-maintained home for residents with a downtown that serves as the heart of our community; a regional hub for economic development with easy access for visitors to the best the region has to offer.

Mission Statement

We are committed to the delivery of exceptional public services and building partnerships that promote economic prosperity and engaged neighborhoods.

Areas of Focus

Quality of Life

Engage partners across the community to ensure the safety, resilience, and attractiveness of Modesto.

Economic Vitality

Retain and attract residential, commercial, and industrial development to meet the community's needs today and for the next generation.

Governance and Service Delivery

Build community trust in City government through responsive, transparent, and efficient service delivery.

Goals and Strategies

Quality of Life

Goal A: *Improve community safety and quality of life through a combination of prevention and intervention efforts that address safety and its underlying issues.*

Strategies

1. Improve community safety by reducing crime and the fear of crime.
2. Community risk reduction through uniform municipal fire codes and completion of stated mandated fire inspections.
3. Enhance emergency medical services.
4. Increase the number of technically trained first responders in our region.
5. Enhance traffic safety unit.
6. Increase Real Time Crime Center (RTCC) Coverage.
7. Implement a comprehensive smoke shop and massage parlor ordinance.
8. Develop and implement education and enforcement operations.

9. Enhance Area Command Community Engagement.
10. Complete installation of detection cameras at intersections.

Goal B: *Enhance pride in Modesto's diverse neighborhoods and business districts by actively addressing blight and ensuring that community assets and amenities are well-maintained and preserved.*

Strategies

1. Invest in beautification efforts.
2. Reforestation of the College and La Loma neighborhoods.
3. Update the City's tree ordinance.
4. Award and start construction on three major parks projects.
5. Reduce blight throughout the city.
6. Complete the Parks and Recreation Master Plan.

Goal C: *In partnership with public agencies and other key stakeholders, develop and implement a comprehensive housing and homelessness action plan.*

Strategies

1. Continue to implement strategies to address homelessness and increase affordable housing.
2. Encourage and foster development of affordable and new housing units.
3. Reduce number of individuals experiencing homelessness in Modesto.

Goal D: *Provide safe, efficient, and reliable infrastructure through proactive community investment, maintenance, and sustainability efforts.*

Strategies

1. Bring unpermitted/unsafe buildings into compliance.
2. Expand on the Rental Housing Safety Program.
3. Facilitate development in Downtown with updated downtown infrastructure to encourage development.
4. Complete a feasibility study for airport growth opportunities.
5. Complete a feasibility study for a new Federal Aviation Administration (FAA) Tower.
6. Divert waste from the landfill.
7. Implement stormwater and pretreatment fees.
8. Achieve and maintain a Pavement Condition Index (PCI) Rating 70 or greater.
9. Decrease Curbs, Gutters, Sidewalks (CGS) work orders.
10. Attain Sustainable Groundwater Management Act (SGMA) compliance.
11. Finalize design, bidding, and start construction for major/high profile projects.

Economic Vitality

Goal E: *Drive the success of a vibrant and economically sustainable business climate.*

Strategies

1. Drive the success of a vibrant and economically sustainable business climate.
2. Attract, retain, and expand new businesses in Modesto.
3. Implement a streamlined development review process.

Goal F: *Build and implement a comprehensive marketing strategy focused on communicating City achievements and successful investments while promoting City programs, services, and engagement opportunities.*

Strategies

1. Build and promote a recognizable and desirable identity for the City of Modesto.
2. Develop and implement a City of Modesto communication plan and branding campaign.

Goal G: *Advance a pro-growth Economic Development Strategy that focuses on Downtown, Sports, and Entertainment, building Modesto as a regional destination.*

Strategies

1. Make Modesto a regional destination.
2. Facilitate development in Downtown and encourage the redevelopment of Downtown.
3. Attract more affordable sports and entertainment opportunities to Modesto.
4. Deliver additional programming at the historical properties over the next two years.

Service Delivery Goals and Strategies

Goal H: *Achieve long-term financial sustainability.*

Strategies

1. Develop a strategy for long-term financial sustainability.
2. Reduce general liability exposure claims.

Goal I: *Promote trust and engagement between the community and the City by enhancing responsiveness, communicating broadly about City opportunities and challenges, and increasing public participation in municipal affairs.*

Strategies

1. Reimagine public sector excellence.
2. Enhance communication City-wide to reach a broader audience.
3. Complete overhaul of special event related policies.

Goal J: *Build a high-performance organization.*

Strategies

1. Develop automated claims process to transform efficiency.

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-170

RESOLUTION AMENDING THE FISCAL YEAR 2024-25 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 2024-25.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2024-25 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 3rd day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

COMMUNITY AND ECONOMIC DEVELOPMENT

- A budget adjustment of $94,993 is necessary in the Grants – CED Grants Reimbursed (1346) for Project 101575 – Travelers Motel project. The grant revenue for this project was received upfront, and quarterly interest on the unspent grant funds must now be recognized. This adjustment will account for the interest revenue received to date and align the project's discretionary expenditure accounts accordingly.

ENGINEERING SERVCES

- A budget adjustment of $132,734 is necessary in the Capital Grants – Streets CIP Projects Fund (3160) for Project 101519 – AB170 County Islands project. The grant revenue for this project was received upfront, and quarterly interest on the unspent grant funds must now be recognized. This adjustment will account for the interest revenue received to date and align the project's discretionary expenditure accounts accordingly.

FINANCE

- A budget adjustment in the amount of $265,620 in the Public Financing Authority 98 & 07 Bonds Fund (2150) is necessary to fund the increase in the annual debt service. Additionally, the transfer from the General Fund (0100) to the Public Financing Authority 98 & 07 Bonds Fund (2150) is being increased by the same amount. The increase for the transfer will come from General Fund carryover reserves. The increase in cost is due to the variable rate debt which was higher than previously expected.

PUBLIC WORKS

- A budget adjustment in the amount of $300,000 is needed in the Surface Transportation Fund (1700) to increase the Upgrade High Voltage FY 24/25 Project (101616) and increase the transfer out from the Gas Tax Fund (1730) to the project. This project will continue to upgrade the High Voltage Circuits within the City. City Council per resolution 2019-91 recommended the approach to replace 150 high voltage streetlights each year at an estimated cost of $1,000,000. This adjustment is accounting for the remaining anticipated in Fiscal Year 2024-2025 as the project approaches completion.

UTILITIES

- A budget adjustment in the amount of $177,604 in the Water 2008 Water Refunding Revenue COP 2008 Series Fund (4130) is necessary to fund the increase in the annual debt service. Additionally, the transfer from the Water Fund (4100) to the Water 2008 Water Refunding Revenue COP 2008 Series Fund (4130) is being increased by the same amount. The increase in cost is due to the variable rate debt which was higher than previously expected.

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-171

RESOLUTION APPROVING A TRANSIENT OCCUPANCY TAX FUNDING AGREEMENT WITH VISIT MODESTO FOR CONTINUED TOURISM MARKETING SERVICES THROUGH JUNE 30, 2030, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the purpose of Visit Modesto is to attract visitors to the area by promoting and marketing Modesto and to provide coordination and leadership for the tourism industry; and

WHEREAS, the City has previously provided funding to Visit Modesto (formerly known as Modesto Convention and Visitor's Bureau), and is willing to continue to provide certain funding to Visit Modesto; and

WHEREAS, the City imposed a Transient Occupancy Tax ("TOT") on the privilege of occupying a hotel on a temporary basis, pursuant to Article 6 of Title 8 of the Modesto Municipal Code; and

WHEREAS, the City has previously provided funding to Visit Modesto (formerly known as Modesto Convention and Visitor's Bureau) through a TOT Funding Agreement, and is willing to continue to provide certain funding to Visit Modesto to support their ongoing mission of marketing Modesto as a tourist destination; and

WHEREAS, the public purpose in providing such funding is the economic benefit that accrues to businesses and citizens of Modesto because of Visit Modesto's promotion and marketing of Modesto for meetings, conventions, tour groups, and other visitor activities; and

WHEREAS, the City desires to enter into a five year TOT Funding Agreement with Visit Modesto for tourism and marketing services; and

WHEREAS, beginning July 1, 2025, the City will provide funding to Visit Modesto in allocations equal to the following amounts through June 30, 2030:

a. Seventeen percent (17%) of the City's actual annual TOT receipts for the fiscal year of July 1, 2025 through June 30, 2026,
b. Fifteen percent (15%) of the City's actual annual TOT receipts for the fiscal year of July 1, 2026 through June 30, 2027,
c. Ten percent (10%) of the City's actual annual TOT receipts for the fiscal year of July 1, 2027 through June 30, 2028,
d. Seven and One-Half Percent (7.5%) of the City's actual annual TOT receipts for the fiscal year of July 1, 2028 through June 30, 2029,
e. Five percent (5%) of the City's actual annual TOT receipts for the fiscal year of July 1, 2029 through June 30, 2030; and

WHEREAS, Visit Modesto agrees to maintain the current level of effort and funding for projects or programs such that the TOT funds shall be used to supplement, not supplant, existing funding and efforts; and

WHEREAS, in order to incentivize increased TOT revenue, the City will provide a Bonus Share in addition to the Base Share, calculated annually based on a baseline of the average TOT from the preceding three fiscal years baseline will be recalculated with each annual review of the agreement. For every fifty thousand dollar ($50,000) increase in absolute TOT revenue per year, above the baseline, Visit Modesto will receive one quarter of a percent (.25%) as a bonus of the amount that is over the absolute TOT revenue; and

WHEREAS, the Base Share shall be calculated only on TOT receipts generated from the 9% TOT rate in effect as of the Effective Date of the Agreement, and Visit Modesto shall not receive any funds from any TOT rate increases adopted thereafter; and

WHEREAS, Visit Modesto shall submit a detailed budget to the City identifying the intended use of any Bonus Share funds, which shall not be used for personnel-related expenses, and such funds shall be used to supplement, not supplant, existing programs or funding; and

WHEREAS, the City shall make quarterly payments to Visit Modesto based on budgeted TOT receipts, with financial reconciliation of the actual share to occur annually by August 20th, and any underpayments or overpayments shall be adjusted in the November 5th payment; and

WHEREAS, for purposes of the TOT Funding Agreement, the annual term shall correspond to the City's fiscal year, beginning July 1 and ending June 30; and

WHEREAS, Visit Modesto shall provide annual reports, marketing plans, and budgets to the City by specified dates, including a final operating budget and marketing plan by June 30, and an Annual Report and sponsorship summary report by December 31, with such documents to include measurable performance standards and financial detail sufficient for City and public review; and

WHEREAS, the City and Visit Modesto both agree to make a good-faith effort to annually increase the assessment imposed by the Modesto Tourism Marketing District by the maximum amount permitted by the Modesto Tourism Marketing District's approved management plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby approves a Transient Occupancy Tax Funding Agreement with Visit Modesto for continued tourism marketing services, through June 30, 2030.

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 3rd day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-172

RESOLUTION APPROVING A MODESTO TOURISM MARKETING DISTRICT OWNERS' ASSOCIATION AGREEMENT WITH VISIT MODESTO, INC. THROUGH JUNE 30, 2034, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on May 14, 2024, the City Council adopted Resolution Number 2024-170, (the "Resolution), renewing the Modesto Tourism Marketing District ("MTMD") for a ten-year term in accordance with the provisions of the Property and Business Improvement District Law of 1994, Streets and Highways Code Section 36600 et seq., (the "1994 Law"); and

WHEREAS, Visit Modesto Inc. (formerly known as Modesto Convention and Visitor's Board) was designated in the Resolution and MTMD Management District Plan as the Owners' Association in accordance with Streets and Highways Code Section 36612, and as the entity responsible for managing the operations of the MTMD; and

WHEREAS, the Streets and Highways Code section 36651 requires a contract between the City and the Owners' Association; and

WHEREAS, on January 28, 2020, by Resolution No. 2020-039, Council approved an Agreement to transfer the collected MTMD assessments directly to Visit Modesto to fund marketing and promotional efforts targeted towards increasing hotel stays and tourism activity in the City; and

WHEREAS, On July 9, 2024, by Resolution No. 2024-256, Council approved a one-year extension of the MTMD Owner's Association Agreement through June 30, 2025; and

WHEREAS, the District desires, and Visit Modesto agrees, to continue to have Visit Modesto provide services to the District on the terms and conditions set forth in this

Agreement until 2034; and

WHEREAS, the term of the Agreement between the City and Visit Modesto shall commence on the last date signed by all Parties and shall continue until June 30, 2034, unless the Modesto Tourism Marketing District (MTMD) is disestablished prior to that date, in which case the Agreement shall terminate on the effective date of disestablishment; and

WHEREAS, Visit Modesto shall provide sales and marketing programs, improvements, and activities as outlined in the MTMD Management District Plan ("Management Plan"); and

WHEREAS, Visit Modesto agrees to comply with all applicable rules, regulations, and obligations set forth in the Resolution, the Agreement, and the Management Plan, including adherence to the approved plan budget, submission of annual reports, and compliance with the Brown Act and Public Records Act.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Modesto Tourism Marketing District Owners' Association Agreement with Visit Modesto, Inc. through June 30, 2034.

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 3rd day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-173

RESOLUTION APPROVING THE MODESTO TOURISM MARKETING DISTRICT ASSESSMENT RATE CHANGE BY 0.5% TO 1.5% EFFECTIVE JULY 1, 2025, AND BY AN ADDITIONAL 0.5% TO 2.0% EFFECTIVE JULY 1, 2026

WHEREAS, the Property and Business Improvement District Law of 1994 (Streets and Highway Code §36600 et. seq)("The 1994 Law") authorizes the city to establish business improvement districts upon petition by a weighted majority of the business owners located within the boundaries of the district; and

WHEREAS, the City Council established the Modesto Tourism Marketing District ("MTMD") on May 7, 2019 by Resolution No. 2019-213; and

WHEREAS, on May 14, 2024, the City Council adopted Resolution Number 2024-170 renewing the MTMD for a ten-year term, approving a maximum assessment of 3% of gross short-term sleeping room rental revenue, and establishing the initial assessment amount as 1% of gross short-term sleeping room rental revenue; and

WHEREAS, pursuant to the 1994 Law, the MTMD is subject to a Management District Plan approved by the City Council; and

WHEREAS, Visit Modesto (formerly known as Modesto Convention and Visitor's Board) was designated in the Management District Plan as the Owners' Association in accordance with Streets and Highways Code Section 36612, and as the entity responsible for managing the operations of the MTMD; and

WHEREAS, the Management District Plan authorizes the assessment amount to be increased by 0.5% per year, up to a maximum of 3%, with the approval of the Visit Modesto Board and City Council; and

WHEREAS, the Modesto Tourism Marketing District shall include all lodging businesses located within the boundaries of City of Modesto, whom are shown in the map **attached** as **Exhibit "A",** attached hereto and incorporated herein by reference; and

WHEREAS, as authorized by the Management District Plan, Visit Modesto has petitioned the City Council to adjust the current assessment rate; and

WHEREAS, the public purpose in providing such funding is the economic benefit that accrues to businesses and citizens of Modesto as a result of Visit Modesto's promotion and marketing of Modesto for meetings, conventions, tour groups, and other visitor activities; and

WHEREAS, the current assessment rate is one percent (1%) of gross short-term sleeping room rental revenue; and

WHEREAS, upon recommendation of the Visit Modesto's Board of Directors and approval by the Modesto City Council, the assessment rate may be increased by the Owner's association to a maximum of three percent (3%) of gross short-term sleeping room rental revenue; and

WHEREAS, the increase in any year shall not exceed one-half of one percent (0.50%) of gross short-term sleeping room rental revenue; and

WHEREAS, the Visit Modesto's Board of Directors have requested to increase the current assessment rate by 0.5% to 1.5% effective July 1,2025 and by an additional 0.5% to 2.0% effective July 1, 2026.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby approves the Modesto Tourism Marketing District Assessment Rate

Change by 0.5% to 1.5% effective July 1, 2025, and by an additional 0.5% to 2.0% effective July 1, 2026.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to take all steps necessary to carry out the purpose of this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

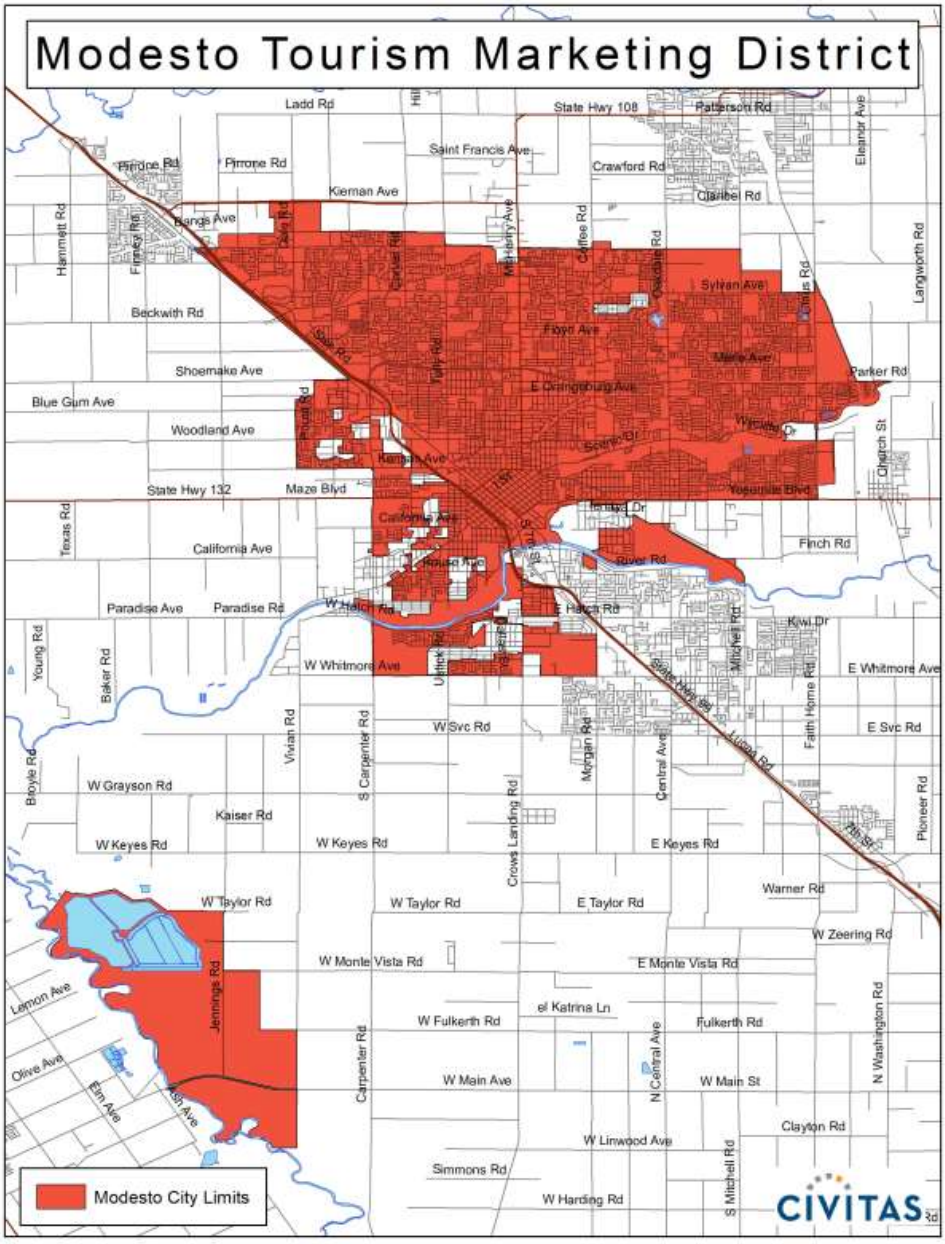
ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A
District Boundaries



MODESTO CITY COUNCIL
RESOLUTION NO. 2025-174

RESOLUTION ESTABLISHING THE APPROPRIATION LIMIT FOR THE FISCAL YEAR 2025-2026 ANNUAL BUDGET

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

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

WHEREAS, the 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 2025-2026 is $645,398,497, 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 2025-2026, including the price and population factors to be used in the calculation, is hereby established as $645,398,497 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 3rd day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

SCHEDULE A

FISCAL YEAR 2025-26

PROPOSITION 4

APPROPRIATION LIMIT CALCULATION

FY 2024-25 Appropriation Limit		$606,178,733
Adjustment Factors		
Per Capita Personal Income Change	6.44%	
Population Change (Modesto)	0.03%	
Per Capita converted to a ratio	1.0644	
Population converted to a ratio	1.0003	
Calculation of factor for FY 2025-26	1.0647	
Adjustment		$39,219,764
FY 2025-26 Appropriation Limit		$645,398,497

Article XIIIB places a limit on most, but not all, government revenue sources. The limit applies to appropriations from proceeds of taxes from both the general fund and special funds of government entities. Proceeds of taxes include tax revenues, interest earnings on invested tax revenues, and any revenues collected by a regulatory license fee or user charge in excess of the amount needed to cover the cost of providing the regulation, product, or service.

Appropriations from nontax revenues, including the City's enterprise funds, are not subject to the limit.

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-175

RESOLUTION APPROVING PAYMENT OF VARIOUS EQUIPMENT MAINTENANCE AGREEMENTS FOR FISCAL YEAR 2025-2026 WITH MULTIPLE EQUIPMENT MANUFACTURERS FOR ALL CITY DEPARTMENTS, FOR AN ANNUAL AMOUNT NOT TO EXCEED $888,358; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE EQUIPMENT MAINTENANCE AGREEMENTS ASSOCIATED WITH THE ITEMS IN EXHIBIT A AND EXHIBIT B

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 $100,000 under the City Manager's approval authority, and

WHEREAS, **Exhibit B** is an itemized list of the equipment maintenance agreements being utilized by the City departments greater than $100,000 which would require authorization by City Council, 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. The agreements over $100,000 provide maintenance services for specialized equipment and in order to utilize a different provider would trigger additional cost to solicit and purchase new equipment.

NOW, THEREFORE, BE IT RESOLVED by the Council of City of Modesto that it hereby authorizes the payment of various equipment maintenance agreements for Fiscal Year 2025-2026 with multiple equipment manufacturers for all City Departments, for an annual amount not to exceed $888,358.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the equipment maintenance agreements for an annual amount not to exceed $888,358.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Vendor/Contractor Name	Business Purpose of Equipment	Proposed - FY 25-26 Maintenance Cost	Funding Source
STRYKER SALES CORPORATION	Life saving equipment	$ 468	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 847	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 468	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 847	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 847	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 847	General Fund
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STRYKER SALES CORPORATION	Life saving equipment	$ 847	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 847	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 468	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 468	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 468	General Fund
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STRYKER SALES CORPORATION	Life saving equipment	$ 468	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 468	General Fund

Vendor/Contractor Name	Business Purpose of Equipment	Proposed - FY 25-26 Maintenance Cost	Funding Source
STRYKER SALES CORPORATION	Life saving equipment	$ 468	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 468	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 468	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 468	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 468	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 2,331	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 2,331	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 2,331	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 2,259	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 2,259	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 2,259	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 2,259	General Fund
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STRYKER SALES CORPORATION	Life saving equipment	$ 2,259	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 2,259	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 2,259	General Fund
AMANO	PARCS	$ 73,205	Parking Services
ACCRUENT	CMMS	$ 8,759	Building Services Fund
ACTION TARGET, INC.	Target shooting system at the Tactical Training Center	$ 7,982	General Fund
AIR WEST FILTRATION / BENZ AIR	Station Facilities	$ 38,989	General Fund
AIRGAS	Life saving equipment	$ 7,260	General Fund
AMERICAN BARCODE AND RFID	Annual Services Agreement for Barcode Machine	$ 1,842	General Fund
ARC DOCUMENT SOLUTIONS	Printing of Maps for Planning division	$ 4,092	General Fund
ARC DOCUMENT SOLUTIONS	Plotters are used to print large sized maps of job sites, etc.	$ 9,438	Water Fund
BMI IMAGING	Fujitsu scanner is used by Records to scan and store electronic records	$ 2,534	General Fund
CA HEALTH AND SAFETY	Breathing equipmemt	$ 29,238	General Fund

Vendor/Contractor Name	Business Purpose of Equipment	Proposed - FY 25-26 Maintenance Cost	Funding Source
CA REDING	Printing for day-to-day work activities	$ 3,469	General Fund
CA REDING	Printing for day-to-day work activities	$ 8,300	General Fund
CA REDING	Copier Maintenance	$ 6,813	Transit
CUMMINS	Currency Counter - detect counterfeit	$ 1,000	Water Fund
CUMMINS	Currency Counter - detect counterfeit	$ 990	Water Fund
CUMMINS	Currency Counter - detect counterfeit	$ 1,026	Water Fund
CUMMINS	Currency Counter - detect counterfeit	$ 989	General Fund
EXCEL FITNESS	Fitness equipment	$ 2,048	General Fund
FARO TECHNOLOGIES	Annual Calibration and Certification of 3-D Laser Scanner to Diagram tra	$ 8,698	General Fund
FIRE SERVICE SPECIFICATION & SUPI	Life saving equipment	$ 6,140	General Fund
HERITAGE-CRYSTAL CLEAN, LLC.	Parts cleaner for fire fighting equipment	$ 6,140	General Fund
GENETEC	Annual hardware maintenance for hardware system in creating ID badge	$ 11,580	General Fund
MOTOROLA SOLUTIONS	Annual Maintenance for LPR systems	$ 58,464	General Fund
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities	$ 6,140	Capital Improvement Fund
LUCAS BUSINESS SYSTEMS	Scan documents, limited color copy use	$ 820	General Fund
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities at MYC	$ 267	General Fund
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities. Copier located in MCP office.	$ 4,111	Center Plaza
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities at SCC	$ 1,100	General Fund
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities at Guest Services	$ 9,317	General Fund
LUCAS BUSINESS SYSTEMS	Printer	$ 2,662	Building Services Fund
LUCAS BUSINESS SYSTEMS	Copier for day-to-day	$ 968	Surface Transportation Fund
LUCAS BUSINESS SYSTEMS	Copier for Sutter WWTP - Building 3 - Maintenance	$ 879	Wastewater Fund
LUCAS/INLAND	Copier, Fax, Scanner, ID# C55158	$ 3,559	General Fund
LUCAS/INLAND	Copier, Fax, Scanner, ID# C24669	$ 3,509	General Fund
LUCAS/INLAND	Copier, Fax, Scanner, ID# C53191	$ 6,144	General Fund
LUCAS/INLAND	Copier, Fax, Scanner, ID# C56701	$ 9,355	General Fund
LUCAS/INLAND	Copier, Fax, Scanner, ID #C53188	$ 9,355	General Fund
MANTECH - FORMERLY MANSCI INC.	Mansci Lab Equipment Extended Warrant	$ 6,050	Wastewater Fund
MOBILE SPIKE	Mobile Spike Strips	$ 12,100	General Fund
NEC CORPORATION OF AMERICA	Automated Fingerprint Identification System - fingerprinting	$ 14,663	General Fund
OPEX	Envelope Opener - opens mixed sized envelopes	$ 821	Water Fund
OPEX	Mail Opener & sorter	$ 4,613	Water Fund
PARKEON	Off street pay stations	$ 5,115	Parking Services Fund
PARKFOLIO	Off street pay stations /connectivity	$ 5,508	Parking Services Fund
PUENTES TECHNOLOGIES	Check folding/Pressure Sealer	$ 1,950	General Fund
QUADIENT	Mail Room Postage & Label Machine	$ 17,731	General Fund

Vendor/Contractor Name	Business Purpose of Equipment	Proposed - FY 25-26 Maintenance Cost	Funding Source
(UBEO) RAY MORGAN CO.	Copier for Building Safety and Neighborhood Preservation	$ 4,362	General Fund
(UBEO) RAY MORGAN CO.	Large Format Printer/Scanner	$ 6,600	Wastewater Fund
(UBEO) RAY MORGAN CO.	Copier for Sutter WWTP - Environmental Services	$ 5,082	Wastewater Fund
(UBEO) RAY MORGAN CO.	Copier is used to make copies	$ 4,659	Water Fund
(UBEO) RAY MORGAN CO.	Copier is used to make copies	$ 4,659	Water Fund
(UBEO) RAY MORGAN CO.	Copier for Customer Service - Finance	$ 1,735	Water Fund
SCANNER ONE	Check Scanner - uploads to RemitPlus for Electronic check file to bank	$ 990	Water Fund
SCANTRON	Scantron Reader for Recruitment Tests	$ 1,786	General Fund
SEAL ANALYTICAL	Seal Lab Equipment Service Contract	$ 10,890	Wastewater Fund
SMILE BUSINESS PRODUCTS INC	Department Copier-LITT Store	$ 484	General Fund
SMILE BUSINESS PRODUCTS INC	Department Copier-JEFF Store	$ 484	General Fund
SMILE BUSINESS PRODUCTS INC	Purchasing Copier	$ 1,450	General Fund
SMILE BUSINESS PRODUCTS INC	Day to day copy purposes, parts, labor, staples, maintenance and suppo	$ 2,420	General Fund
SSD SYSTEMS	Alarm service	$ 3,071	General Fund
TECA Data Safe Corporation (CYBERNE	Tape Library Backup/Utility Billing System	$ 6,781	Water Fund
TECHNOLOGY UNLIMITED	MAINTENANCE CASH COUNTER BALANCING ROOM	$ 605	Water Fund
THE RADAR SHOP	Annual Calibration and Certification and repair of Radar and Lidar Guns	$ 6,140	General Fund
TRANE	MCP Fountain Maintenance - Annual	$ 6,050	Center Plaza
SPECIAL SERVICES GROUP	Annual maintenance of GPS Vehicle Trackers	$ 10,670	General Fund
VERTIV	Annual Maintenance for Battery Backup for MPD Servers	$ 14,850	General Fund
WEST COAST DOOR AND GATE	Station facility	$ 60,235	General Fund
SPECIAL SERVICES GROUP	Annual maintenance of GPS Vehicle Trackers	$ 10,670	General Fund
ZOOM IMAGING	Department Copier	$ 1,366	General Fund
ZOOM IMAGING	Copier for day-to-day	$ 1,710	Fleet Fund
ZOOM IMAGING	Copier for day-to-day	$ 1,417	Fleet Fund
ZOOM IMAGING	Printer/Copier	$ 3,071	Capital Improvement Fund
ZOOM IMAGING	Copier for Sutter WWTP - Building 2 - Collections	$ 1,933	Wastewater Fund
	TOTAL	**$ 682,113**	

Vendor/Contractor Name	Business Purpose of Equipment	Proposed - FY 25-26 Maintenance Cost	Funding Source
AMERICAN CHILLER CO.	Heating and Cooling of the Modesto Centre Plaza	$ 105,270	Centre Plaza
MO-CAL OFFICE SOLUTIONS	PRN Mailroom	$ 7,000	
MO-CAL OFFICE SOLUTIONS	Printing for day to day at NCAMP	$ 1,100	General Fund
MO-CAL OFFICE SOLUTIONS	Printing for day to day at Museum	$ 660	General Fund
MO-CAL OFFICE SOLUTIONS	Printing for day to day at PRN/TSP near Recreation	$ 1,650	General Fund
MO-CAL OFFICE SOLUTIONS	Copier, Fax, Scanner	$ 847	Information Technology
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner	$ 4,010	Water Fund
MO-CAL OFFICE SOLUTIONS	Copier for Jennings WWTP - Administration	$ 4,494	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Copier for Sutter WWTP - Building 1 - Administration	$ 7,260	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Printing for day-to-day work activities	$ 3,794	Capital Improvement Fund
MO-CAL OFFICE SOLUTIONS	Printing for day-to-day work activities	$ 3,794	General Fund
MO-CAL OFFICE SOLUTIONS	Copier, Fax, Scanner EQ63217 - MPD Training	$ 589	General Fund
MO-CAL OFFICE SOLUTIONS	Copier, Fax, Scanner EQ3216 MPD Payroll	$ 1,564	General Fund
MO-CAL OFFICE SOLUTIONS	Copier, Fax, Scanner EQ63218 MPD TRU	$ 283	General Fund
MO-CAL OFFICE SOLUTIONS	Copier, Fax, Scanner, EQ3219 - MPD Prop & Evid	$ 1,039	General Fund
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner	$ 19,092	
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner	$ 3,476	Green Waste Fund
MO-CAL OFFICE SOLUTIONS	Printer/Copier/Scanner	$ 4,345	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Printer/Copier/Scanner	$ 4,094	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Copier Maintenance	$ 2,114	General Fund
MO-CAL OFFICE SOLUTIONS	Copier for Sutter WWTP - Building 2 - Collections	$ 8,054	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Copier is used to make copies, scan, fax	$ 9,130	Water Fund
MO-CAL OFFICE SOLUTIONS	Copier	$ 924	Solid Waste Fund
MO-CAL OFFICE SOLUTIONS	Copier	$ 1,500	General Fund
MO-CAL OFFICE SOLUTIONS	Printing for day-to-day work activities	$ 1,760	General Fund
MO-CAL OFFICE SOLUTIONS	Department Copier/Printer/Scanner	$ 4,290	General Fund
MO-CAL OFFICE SOLUTIONS	Copier for day-to-day	$ 2,200	Surface Transportation Fund
MO-CAL OFFICE SOLUTIONS	Copier for IT	$ 550	IT Funds
MO-CAL OFFICE SOLUTIONS	Accounting Copier	$ 1,362	General Fund
		$ 206,245	

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-176

RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT (MOA) WITH OAKLAND FIRE DEPARTMENT FOR PARTICIPATION IN CALIFORNIA TASK FORCE 4 OF THE NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in response to major global disasters throughout the 1980s—most notably the 1989 Loma Prieta earthquake—the Federal Emergency Management Agency (FEMA) developed a framework to strengthen rescue operations nationwide; and

WHEREAS, the success and coordination of rescue teams deployed during these incidents led to the formal establishment of the National Urban Search and Rescue Response System (USAR); and

WHEREAS, the National USAR System operates as a network of highly trained task forces located across the United States, many of which are sponsored through partnerships with local agencies; and

WHEREAS, on October 5, 2009, the City of Oakland Fire Department ("Oakland") became one such sponsoring agency, forming California Task Force 4 (CA-TF4). Today, there are 28 FEMA USAR task forces across the country, with eight based in California; and

WHEREAS, the Modesto Fire Department (MFD) has built a strong reputation for excellence in technical rescue operations, including structural collapse, confined space, rope, and trench rescues. Given our capabilities and experience, joining Oakland's CA-TF4 presents an opportunity to both contribute to large-scale incident responses and also to enhance our department's operational readiness; and

WHEREAS, participation in this Team would provide access to advanced level training, shared resources, and interagency cooperation, strengthening our ability to respond effectively to disasters both locally and nationally, and potentially globally; and

WHEREAS, participation in the National Urban Search and Rescue (USAR) Response System is fully funded by FEMA, with an annual allocation of approximately $1 million. These funds are designated to cover tools, equipment, training resources, and personnel costs associated with maintaining a deployable task force; and

WHEREAS, all costs incurred by the sponsoring and partnering agencies during preparation, activation, and deployment are eligible for full reimbursement by FEMA, ensuring no net fiscal impact to the participating local agencies or municipalities; and

WHEREAS, the Modesto Fire Department will maintain a current salary survey or acknowledgement of acceptance of the “base rate” on file with the California Governor’s Office of Emergency Services, Fire Rescue Division.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Agreement (MOA) with Oakland Fire Department for participation in California Task Force 4 of the National Urban Search and Rescue Response System.

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 3rd day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-177

RESOLUTION IDENTIFYING THE TERMS AND CONDITIONS REQUIRED BY CAL OES FOR REIMBURSEMENT OF CITY COSTS FOR MODESTO FIRE DEPARTMENT'S RESPONSE TO INCIDENTS OUTSIDE OF THE JURISDICTION

WHEREAS, the City of Modesto is a public agency located in the County of Stanislaus, State of California, and routinely responds to request for assistance to incidents outside the jurisdiction; and

WHEREAS, it is the City of Modesto's desire to provide fair and legal payment to all its employees for time worked; and

WHEREAS, the City of Modesto has in its employ, Fire Department response personnel including: Fire Chief, Deputy Chief, Assistant Chief, Division Chief, Battalion Chief, Fire Captain, Engineer, Apparatus Operator, Equipment Operator, Paramedic, EMT, Firefighter/Paramedic, Firefighter/EMT, Firefighter, Helicopter Pilot, Public Safety Business Services Analyst, Administrative Technician, Administrative Analyst, Administrative Office Assistant, and Dozer Operator; and

WHEREAS, the City of Modesto will compensate its employees portal to portal while in the course of their employment and away from their official duty station and assigned to an emergency incident, in support of an emergency incident, or prepositioned for emergency response; and

WHEREAS, the City of Modesto will compensate its employees overtime while in the course of their employment and away from their official duty station and assigned to an emergency incident, in support of an emergency incident, or pre-positioned for emergency response; and

WHEREAS, personnel shall be compensated according to Memorandum of Understanding (MOU), Personnel Rules and Regulations, and/or other directive that identifies personnel compensation in the workplace; and

WHEREAS, in the event a personnel classification does not have an assigned compensation rate, a "Base Rate" as set forth in an organizational policy, administrative directive or similar document will compensate such personnel; and

WHEREAS, the Modesto Fire Department will maintain a current salary survey or acknowledgement of acceptance of the "base rate" on file with the California Governor's Office of Emergency Services, Fire Rescue Division; and

WHEREAS, personnel will be compensated (portal to portal) beginning at the time of dispatch to the return to jurisdiction when equipment and personnel are in service and available for agency response; and

WHEREAS, fire department response personnel includes: Fire Chief, Deputy Chief, Assistant Chief, Division Chief, Battalion Chief, Fire Captain, Lieutenant, Engineer, Apparatus Operator, Equipment Operator, Paramedic, EMT, Firefighter/Paramedic, Firefighter/EMT, Firefighter, Helicopter Pilot, Public Safety Business Services Analyst, Administrative Technician, Administrative Analyst, Administrative Office Assistant, and Dozer Operator.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the terms and conditions required by Cal OES for reimbursement of City costs for Modesto Fire Department's response to incidents outside of the jurisdiction.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-178

RESOLUTION APPROVING AN AGREEMENT WITH LOCALITY MEDIA, INC DBA FIRST DUE FOR FIRE AND EMS SOFTWARE FOR A TOTAL AMOUNT NOT TO EXCEED $525,754 FOR THREE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Fire Department (MFD) currently uses several disparate programs for occupancy management, pre-planning, scheduling, and reporting (Zoll Fire Reports Management System, Bryan L Drolet Consulting (BLD), and Crewsense); and

WHEREAS, Zoll is the platform used for records management and they recently publicized their end of service date as December 31, 2025. For this reason, the department will need a replacement Fire Records Management System (RMS); and

WHEREAS, the City is implementing a new Computer Aided Dispatch system (CAD) through Stanislaus Regional 9-1-1 (SR911) in September 2025. Therefore, the new CAD will no longer interface with Zoll. Zoll, which is currently used for fire reports, has proven to be cumbersome as it requires the use of third-party integrations to manage different aspects of fire/EMS operations, creating inefficiencies and data silos; and

WHEREAS, First Due will serve to replace the reliance on these other programs while providing modules to assist with inventory tracking, reporting, invoicing, and Fire Prevention. Completion of this project will reduce Information Technology (IT) resources needed for system management and will reduce services needed by a third-party consultant for customized reports and training; and

WHEREAS, First Due is the sole source for all-in-one fire and life-safety based occupancy management, pre-planning, mobile and web response, command management, hydrant management, inspections, permitting, invoicing, National Fire Incident Reporting

System incident reporting, scheduling, personnel, training records, events and activities, assets and inventory management, and medication tracking for the Modesto Fire Department. First Due provides industry leading all-in-one software as a service that provides modules for every division within a fire department, helping agencies to avoid costly interfaces with other third-party systems; and

WHEREAS, this program was approved at the February 27, 2025 Technology Steering and Alignment Committee meeting and an Authorization to Purchase was executed on April 9, 2025; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid. However, 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, First Due is the sole source for all-in-one software as a service that provides modules for every division within a fire department. Therefore, staff recommends the Fire and Emergency Medical Services (EMS) Software of this Agreement to Locality Media, Inc, dba First Due, should be exempt from the formal bidding procedures in accordance with Modesto Municipal Code 8-3.204(b) since Locality Media, Inc, dba First Due, is the Sole Provider of this Software.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Locality Media, Inc dba First Due for Fire and EMS Software for a total amount not to exceed $525,754.

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 3rd day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-179

RESOLUTION APPROVING THE PAYMENT OF SOFTWARE MAINTENANCE SUPPORT AGREEMENTS FOR FISCAL YEAR 2025-2026 IN A TOTAL AMOUNT NOT TO EXCEED $10,902,807; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE ROUTINE RENEWAL AGREEMENTS ASSOCIATED WITH THE ITEMS IN EXHIBIT A AND EXHIBIT B - SOFTWARE MAINTENANCE SUPPORT AGREEMENTS FOR FISCAL YEAR 2025-2026

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

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

WHEREAS, staff requests the approval for payment of software maintenance support invoices presented for Fiscal Year 2025–2026 in an amount not to exceed $10,902,807.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves payment for invoices for various software maintenance support agreements from software vendors or their representatives for Fiscal Year 2025-2026 in an amount not to exceed $10,902,807, contingent on Council approval of the Fiscal Year 2025-2026 City of Modesto budget.

BE IT FURTHER RESOLVED, that the City Manager or his designee is hereby authorized to execute the software maintenance support agreements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Exhibit A - Annual Software/Hardware Maintenance Agreements
FY 25-26 Under $100K

Title	Description	Vendor	Department	Fund	Resolution Number	PO No.	Agreement Start	Agreement End	Projected Maintenance Cost
Activation	Case Management Sytstem	Activation	ITD	5230			1/1/2025	12/31/2026	$ 2,954.00
Adobe Enterprise	Creative Cloud All Apps 30 : Professional 300	Carahsoft	ITD	5230			3/7/2025	3/6/2026	$ 60,903.00
Adobe Sign	5000 Transactions		ITD				3/7/2025	3/6/2026	$ 13,613.00
Allison - Bus	Transit Maintenance Software for City Buses	Allison	PWO	5400			11/26/2025	11/25/2026	$ 815.00
Allison - Fleet	Fleet Maintenance Software for Corp Yard & Cop Shop	Allison	PWO	5400			11/21/2025	11/20/2026	$ 815.00
AQ2 Discrete Analyzer	AQ2 DISCRETE ANALYZER, 090400, 090752	Seal Analytical	UPP	4210	2019-317	167757	11/26/2025	11/25/2026	$ 9,130.00
ARIN Public IP Address Fees	Public IP Addresses	ARIN	ITD	5230			1/1/2026	12/31/2027	$ 1,058.00
AutoCAD	Engineering Plan Design Software	DLT	ITD	5230	2019-317	164472	1/1/2026	12/31/2026	$ 34,914.00
Automated Parking System	NowCare Premium Support Agreement Tech support for automated parking system software & hardware	Amano McGann Inc	PWO	4000	2019-317	173179	4/1/2026	3/31/2027	$ 58,190.00
AutoTURN Map	Performs turning movement analysis to check vehicle access and ensure vehicles have enough space to circulate around an area safely and efficiently	Transoft Solutions	ENG	1700		211471	12/20/2025	12/19/2026	$ 931.00
BEACON	Meter Reading system used by Water Services Division and used with Naviline Utility Billing.	Badger Meter	UPP	4100			12/8/2025	12/7/2026	$ 31,740.00
BlueBeam	Comprehensive AECO collaboration for companies and power users at unlimited project scale	BlueBeam	ENG	1300			11/29/2025	11/28/2026	$ 2,793.00
BlueDag	Americans with Disabilits Act (ADA) transition Plan software integrated and Application Programming Interface (API) with existing software	BlueDag, LLC	HUR	5310			10/29/2024	1/26/2028	$ 78,234.00
Box.com	Encrypted File Transfer	Box.com	ITD	5230			1/1/2026	12/31/2026	$ 14,918.00
CAD System Maintenance	CAD System Maintenance MPD share of 911 Communications Center -billed by Stanislaus County	Central Square Techn	MPD	0100	2019-317	N/A	4/30/2025	4/30/2026	$ 81,466.00
Callyo	Softrware for ISD	Callyo	MPD	0100		272020	12/4/2025	12/3/2026	$ 15,131.00
Calm	Software Subscription for Mediatation and Mental Health	Calm Com, Inc.,	HUR	5230	251702	243310	12/8/2023	12/10/2027	$ 16,632.00
Canva	Marketing materials development tool	Canva	PRN	0100			12/2/2025	12/1/2026	$ 317.00
Canva	Online graphic design platform that is used to create social media graphics and presentations.	Canva	ITD	5230			12/2/2025	12/1/2026	$ 233.00
Canva	Solid Waste to produce outreach materials	Canva	PWO	4891			12/2/2025	12/1/2026	$ 317.00
CAT diagnostic software	Fleet Maintenance Software for Corp Yard & Cop Shop	CAT diagnostic softwa	PWO	5400			12/8/2025	12/7/2026	$ 5,935.00
CEB - OnLAW Pro- Unlimited	Online Subscription to CEB Online Legal research.	Continued Education (	CAO	4010	N/A	N/A	11/21/2025	11/20/2026	$ -
Cellebright Guardian	Annual Software of phone/digital evidence storage	Carahsoft Technology	MPD	0100		275571	7/1/2025	6/29/2028	$ 66,000.00
Cisco ASA 5508-X AMP/IPS Subscription License	Cisco ASA5508 FirePOWER IPS and AMP Licenses for SCADA	Cisco	UPP	4100			11/21/2025	11/20/2026	$ 9,310.00
Cisco ASA 5508-X SmartNet Support	Cisco ASA5508 Firewall Support for SCADA	Cisco	UPP	4100			12/31/2025	12/31/2026	$ 11,764.00
Cisco Duo MFA	Multi-Factor Authentication (MFA) 500 seats	Telcion	ITD	5230			12/4/2025	12/3/2026	$ 29,095.00
Cisco Maintenance True-up Mid Agreement	Cisco SmartNET & Licensing Maintenance	Cisco	ITD	5230			12/11/2025	12/28/2026	$ 10,830.00
Civic Plus - City Website	Content Management System and Hosting - Public Web Site	Civic Plus	ITD	5230	2018-409	150347	12/11/2025	12/28/2026	$ 41,262.00
CLEAR Search	CLEAR Search Software utilized by Crime Analysts as an investigatory tool as a subscription service. Paid monthly	Thomson-Reuters	MPD	0100			12/11/2025	12/28/2026	$ 4,774.00
Commercial Real Estate Exchange	Commercial Real Estate information	Crexi	CED	0100			11/30/2025	11/29/2026	$ 3,364.00
Commvault	Disaster Recovery Software	Meridian	ITD	5230	2019-317	181143	6/8/2025	6/7/2026	$ 51,055.00
ConCentRICs Pervasive	Convention Center Resource Information and Control System (ConCentRICs) - Event Registration System	R I C CORP	PRN	4700	2019-317	194377	7/1/2025	6/30/2026	$ 6,438.00
CopLink Export	CopLink export from Inform RMS	Central Square Techn	MPD	0100		276370	12/20/2025	12/19/2026	$ 3,174.00
CopWare: Legal Sourcebook, California Codes, and Mobile App	California Peace Officers Legal Sourcebook Site License for 151-200 Sworn Officers. Provides sworn personnel with an on-line resource for accessing this information and California Codes Mobile App License for 2	CopWare	MPD	0100	2019-317	275140	12/14/2025	12/13/2026	$ 5,290.00
Cordico App	Cordico App - For assistance with Officer Wellness used by Officers	Lexipol	MPD	0100		282476	12/1/2025	11/30/2026	$ 30,682.00
CRM	Customer Relationship Management (CRM)	Pacific Point	CED	100	N/A	N/A	2/28/2026	3/31/2027	$ 33,686.00
CoStar	Commercial Real Estate Information	CoStar	CED	0100	2019-317	160991	11/29/2025	11/28/2026	$ 6,208.00
Covert Track Service	Annual Maintenance for GPS Trackers for Investiations, used by PCU	Special Services Grou	MPD	0100	2019-317	290413	3/1/2026	2/28/2027	$ 14,283.00

Exhibit A - Annual Software/Hardware Maintenance Agreements
FY 25-26 Under $100K

Title	Description	Vendor	Department	Fund	Resolution Number	PO No.	Agreement Start	Agreement End	Projected Maintenance Cost
Cradle Point for POD Cameras	Renewal of licenses for the cradle point for POD Cameras and Armadillo	AT&T	MPD	0100	2022-256	236207	11/25/2025	11/24/2026	$ 4,761.00
Crash Data Recorder	Annual Software Subscription to Crash Data Recorder (CDR). This is utilized by the Traffic Unit for imaging Air Bag Control Modulars in the event of a fatal accident.	Crash Data Group, Inc	MPD	0100	2019-317	P-card	11/21/2025	11/20/2026	$ 2,116.00
Cricut	Image templates nad marketing materials development tool	Cricut	PRN	0100			12/1/2025	11/30/2026	$ 127.00
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 Techno	MPD	0100	2019-317	287281	12/31/2025	12/31/2026	$ 4,761.00
Critical Reach	Critical Reach APBnet Bulletin Service Annual Fee for use of software, servers, network bandwith & user support	Critical Reach	MPD	0100	2019-317	287279	1/1/2026	12/31/2027	$ 1,799.00
Cummins - Bus	Transit Maintenance Software for City Buses	Cummins	PWO	5400			2/21/2026	2/22/2027	$ 3,491.00
Cummins - Fleet	Fleet Maintenance Software for Corp Yard & Cop Shop	Cummins	PWO	5400			12/31/2025	12/31/2026	$ 582.00
Debt Mgmt Software	Debt Mgmt Software	Debtbook	FIN	0100			1/17/2025	1/16/2026	$ 13,500.00
Dell/HP Servers	Dell/HP Server Maintenance	Dell/HP	ITD	5230			7/1/2025	6/30/2026	$ 13,966.00
Detroit - Bus	Transit Maintenance Software for City Buses	Detroit	PWO	5400			9/3/2025	9/3/2026	$ 815.00
Digicert	Digital Security Certificates for multiple Modesto domains	Digicert	ITD	5230			7/1/2025	6/30/2026	$ 2,116.00
Discovery Attender	2 licenses for Software tool for Public Records Requests, Subpoena's, and etc.	Sherpa	ITD	5230	2019-317	Card Purchase - Pl	3/4/2026	3/3/2027	$ 3,174.00
Docusign	Electronic Signature System	Docusign	ITD	5230	2019-475	172119	11/29/2025	11/28/2026	$ 27,320.00
DogTeam Pro	Web & App base K9 Activity reporting; statistical system	DogTeam Pro	MPD	0100		271495	4/1/2026	3/30/2027	$ 3,872.00
DTC - Telecommunications Services	NEC Phone System and Support	DTC	ITD	5230		189187	9/14/2025	9/13/2027	$ 23,276.00
Ecite Software	Ecite Software Annual Maintenance	Crossroads	MPD	0100		279252	6/30/2023	6/30/2026	$ 2,910.00
Efax LCMData	Efax Service	LCMData	FIN	4100			3/2/2025	3/1/2026	$ 2,420.00
Enercalc SE Cloud	Structural Engineering Library	Enercalc	UPP	4210			3/31/2026	3/31/2027	$ 1,862.00
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 t	S4i Systems	FIN	4100	2021-226	184356	7/1/2025	6/30/2026	$ 5,610.00
FA Suite Applications	Fleet Work Order System	AssetWorks	PWO	5409	2019-317	169900	12/1/2025	11/30/2026	$ 43,536.00
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	Faro Technologies	MPD	0100		208007	8/13/2025	8/14/2026	$ 3,026.00
FlowBird	Extended warranty and customer phone support for parking meter software & hardware	Parkeon	PWO	4000		198585	1/1/2026	12/31/2027	$ 4,065.00
Forcepoint Security Software	Web Filter 1200 seats total	ePlus	ITD	5230	2018-396	129355	12/20/2025	12/19/2026	$ 52,371.00
Ford - Fleet	Fleet Maintenance Software for Corp Yard & Cop Shop	Ford	PWO	5400			10/1/2025	10/1/2026	$ 1,978.00
Forensic Explorer	By GetData Forensics Company. High Tech Crimes Unit investigatory tool.	Getdata Forensics US/	MPD	0100	2019-317	287280	11/30/2025	11/29/2026	$ 735.00
Genetec Licensing	Licenses for cameras, POD, LPRS	Best Communications	MPD	0100		284022	10/1/2025	9/30/2030	$ 44,568.00
Genetec Security Desk	Annual Renewal for server federation and cameras for MPDs Video Surveillance System	Genetec	ITD	5230			11/1/2025	10/31/2026	$ 23,276.00
GIS Flyover Layers	Aerial Tile layer from flyover service	NearMap	ITD	5230		279752	7/19/2025	7/18/2026	$ 31,994.00
GO ANYWHERE MFT (City)	"GoAnywhere MFT - 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.	Fortra	ITD	5230	2021-226	180098, 185525	7/1/2025	7/2/2026	$ 11,744.00
GO ANYWHERE MFT 5.4.4 (PD)	Managed File Transfer software used to manage data from various databases and servers to City. Used to help centralize data file transfers, primarily used with InTime to transwer to City Payroll	Fortra	MPD	0100	2019-317	275488	7/1/2025	6/30/2026	$ 2,275.00

Exhibit A - Annual Software/Hardware Maintenance Agreements
FY 25-26 Under $100K

Title	Description	Vendor	Department	Fund	Resolution Number	PO No.	Agreement Start	Agreement End	Projected Maintenance Cost
GoModesto	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, ille	Granicus OneView	ITD	5230	2019-317	169390	11/16/2026	11/15/2027	$ 56,603.00
GovInvest	Labor Tracking Software	GovInvest, Inc.	HUR	0100			7/2/2025	7/1/2026	$ 13,754.00
Gray Key	Forensic tool to extract data from Iphones	Magnet Forensics	MPD	0100		279088	8/4/2025	8/9/2026	$ 57,545.00
HDL Interface Oracle/SpryPoint Go L	HDL Interface Oracle/SpryPoint Go Live	HDL Prime Interface	FIN	0100			7/1/2025	6/30/2026	$ 16,000.00
HDL Prime	Business license, TOT, Cannabis Tax Software application	HDL Companies Busin	FIN	0100	2021-226	185546	8/1/2025	7/31/2026	$ 31,500.00
HSQ - Phone Support	HSQ (SCADA)- CMMS manage and maintain regulatory process data	HSQ	UPP	.00421	2016-495	12702 Agreemen	11/1/2022	10/31/2027	$ 56,074.00
Hyland - OnBase Agenda	Agenda Management System	Hyland	ITD	5230	2019-474	165054	11/1/2025	10/31/2026	$ 41,897.00
Hyland - SaaS Fees (Video Hosting)	Video Hosting for Agenda Management System	Hyland	ITD	5230	2019-474	169915	11/1/2025	10/31/2026	$ 15,341.00
IA Pro - Blue Team	Blue Team Annual Maintenance including all software upgrades, associated materials and technical support via phone and e-mail	Versaterm	MPD	0100		207516	8/1/2025	7/31/2026	$ 1,862.00
IAProfessional & BlueTeam Suite	Internal affairs case management and Officer in-field use of force reporting.	Versaterm	MPD	0100	2019-317	207516	8/1/2025	7/31/2026	$ 3,259.00
IdeaWake	Innovation idea collector, rating, ranking application for Employee Innovation Program	IdeaWake	HUR	5230			12/1/2025	11/30/2026	$ 8,464.00
Ignition SCADA	Ignition SCADA support for NVRRWP	Inductive Automation	UPP	4210		155721	4/3/2026	4/2/2027	$ 14,604.00
InfoSWMM - Stormwater Modeling	InfoSWMM - Stormwater Modeling	Innovyze	UPP	4480			7/1/2025	6/30/2026	$ 6,440.00
InfoSWMM (InfoWorks) - Hydraulic Sewer Model	InfoSWMM - Hydraulic Sewer Model	TD SYNNEX/DLT Soluti	UPP	4210			8/15/2025	8/14/2026	$ 4,364.00
InfoWater	Annual Maintenance & Software Agreements for InfoSWMM & InfoWater (Floating License #FLM43R10101-0001041) InfoWater is a fully GIS integrated water distribution modeling and management software application. Built atop ArcGIS™ using the latest Microsoft .N	TD SYNNEX/DLT Soluti	UPP	4100	2019-317	163733	8/15/2025	8/14/2026	$ 14,548.00
infraMap	Utilized by the Water Department to perform valve turning, backflows, and 811 tickets (USA tracking). Disconnected use for Work Orders, Inspections, Isolation Traces, One-Click Reporting, Redlining and Data Collection. Directly control and record data fro	iWater	UPP	4100	2019-317	165580	11/1/2025	10/31/2026	$ 10,580.00
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. InTime is a full Scheduling and Payroll system	InTime Solutions	MPD	0100	2019-317	279314	8/1/2025	7/31/2026	$ 50,441.00
IP2	Annual Location License	IP2	MPD	0100		PCard	11/24/2025	12/3/2027	$ 931.00
IT Pipes	CCTV Inspection Software	IT Pipes	UPP	4210			1/31/2026	1/31/2027	$ 2,619.00
Ivanti	Patch Management System	Ivanti	ITD	5230			1/15/2026	1/14/2027	$ 47,954.00
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	FIN	5230	2019-317	164522	11/1/2024	10/31/2025	$ 35,543.00
John Deere - Fleet	Fleet Maintenance Software for Corp Yard & Cop Shop	John Deere	PWO	5400			10/1/2025	10/1/2026	$ 5,586.00
KnowBe4	Cybersecurity Education Program	KnowBe4	ITD	5230			5/31/2026	6/30/2027	$ 13,754.00
LabWorks	Laboratory Information Management System (LIMS) for Wastewater and Water	Labworks	UPP	4210	2019-317	144713	8/1/2025	7/31/2026	$ 19,702.00
LCP Tracker	Labor Compliance Software	LCP	ENG	1300			4/5/2023	4/4/2026	$ 62,250.00
LETS	Software Used by CNT for Communication	LETS	MPD	0100		271493	4/1/2025	4/1/2026	$ 2,645.00

Exhibit A - Annual Software/Hardware Maintenance Agreements
FY 25-26 Under $100K

Title	Description	Vendor	Department	Fund	Resolution Number	PO No.	Agreement Start	Agreement End	Projected Maintenance Cost
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 a	Lexipol	MPD	0100	2019-317	283533	10/1/2025	9/30/2026	$ 52,900.00
LexisNexis	Online Subscription to CA National Gov. Package and Practical Guidance - State & Local Gov. for usage of the legal research platform.	LexisNexis	CAO	4010	N/A	N/A	11/30/2025	11/29/2028	$ 5,500.00
LexisNexis Risk: Skip Tracing	SkipTracing Services (Collection Process)	LexisNexis	FIN	.00010	2021-226	194004	6/1/2025	6/1/2026	$ 8,500.00
Library Software	Safari Software	Surpass	UPP	4210			5/1/2026	6/30/2027	$ 559.00
Liebert Uninterruptible Power Suppl	Liebert Uninteruptable Power Supply (UPS)	Vertiv	ITD	5230	2019-317	149956	3/1/2026	2/28/2027	$ 29,234.00
Linko Database Program	CROMEER Compliant Software	Aquatic Informatics (F	UPP	4210	020-516	194434	4/1/2026	3/31/2027	$ 102,356.00
Linux (Red Hat)	Red Hat Linux Licensing for Oracle EBS	CDWG	ITD	5230		114592	7/17/2025	7/16/2026	$ 34,914.00
Live Action NetTool	Network Monitoring Tool	Telcion	ITD	5230			1/10/2026	1/9/2027	$ 32,824.00
Loftware	Barcode and Labeling System	Loftware	FIN	5110		161871	7/16/2025	7/15/2026	$ 738.00
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	Lucity	ITD	5230	2018-117	143851	4/4/2024	4/4/2029	$ 50,043.00
Mack/Volvo - Fleet	Fleet Maintenance Software for Corp Yard & Cop Shop	Mack/Volvo	PWO	5400			10/1/2025	10/1/2026	$ 3,666.00
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	MPD	0100	2022-256	288250	12/31/2024	12/31/2026	$ 5,353.00
Maintenance Connection CMMS	PRND (Park Ops) $3800 Public Works - $380 0 Public Works x2 - $2376 Annual Tech Support Renewal $1123 Total $18,164	Maintenance Connect	UPP	!10448	2017-107	133621 Agreemen	4/24/2026	4/23/2027	$ 33,611.00
Maintenance Connection CMMS - Public Works	Maintenance Connection - Annual Technical Support, including hosting, software maintenance, technical support, and upgrades, and 2 licenses; approx $4500/yr. MC Express support & maintenance (approx $610/yr).	Accruent	PWO	5800	2019-317	203454, 209652	7/1/2025	6/30/2026	$ 6,962.00
Maintenance Connection CMMS - Ut	Maintenance Connection and MC Express; CMMS used to manage and maintain assets and coordinate maintenance of sewer plants	Accruent	UPP	!10428	2017-107	133621 Agreemen	4/24/2026	4/23/2027	$ 8,147.00
Manage Engine Password Manager F	Manage Engine Password Manager Pro: 15 Administrator licenses	CDWG	ITD	5230	2019-317	180144	5/18/2026	5/17/2027	$ 3,831.00
MediaStar Digital Signage - Utilities	Application used to schedule, acquire and store video media. Electronic bulletin board used at the Corp Yard	Cabletime	UPP	.00421			7/1/2025	6/30/2026	$ 7,396.00
Meraki MDM	Mobile Device Management System Full Version	Telcion	ITD	5230		165596	8/3/2025	8/2/2026	$ 29,513.00
Meraki WiFi	WiFi Licenses	Telcion	ITD	5230			3/14/2026	3/13/2027	$ 3,713.00
Message On Hold System	Message On Hold System for MPD	Spectrio	MPD	0100		272860	2/28/2026	3/1/2027	$ 794.00
Metalic	Secured Disaster Recovery Backup	Meridian	ITD	5230			6/25/2026	6/24/2027	$ 39,373.00
Mitchell 1 Diagnotic - Fleet	Fleet Maintenance Software for Corp Yard & Cop Shop	Mitchell 1 Diagnotic	PWO	5400			10/28/2025	10/27/2026	$ 2,910.00
Monday.com subscription	Annual License for 100 licenses of the Work Management module Enterprise version	Monday.com	MPD	0100		289299	3/18/2025	3/17/2026	$ 39,612.00
Monday.com subscription	Annual License for 100 licenses of the Work Management module Enterprise version	Monday.com	ITD	5230		289299	11/26/2025	11/25/2026	$ 39,612.00
Monsido and CommonLook	ADA site compliance tool and pdf document remediation	CivicPlus	ITD	5230			10/1/2026	9/30/2027	$ 37,125.00
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 Ar	MPD	0100	2019-317	283377	9/30/2025	9/29/2026	$ 9,310.00
NEC Phone System 9300 SW	City Phone System	DTC	ITD	5230		150135	12/11/2025	12/28/2026	$ 49,541.00
NEC Phone System Software	NEC Software system for MPD Phone System	DTC - Digital Telecomr	MPD	0100		275168	6/30/2025	6/30/2026	$ 16,293.00

Exhibit A - Annual Software/Hardware Maintenance Agreements
FY 25-26 Under $100K

Title	Description	Vendor	Department	Fund	Resolution Number	PO No.	Agreement Start	Agreement End	Projected Maintenance Cost
NEC Software Assurance	Software assurance which provides the ability for IT staff to contact DTC/NEC for system support, access to software upgrades and services for the department's Voice over IP phone system.	DTC - Digital Telecomr	MPD	0100		205348	6/30/2025	5/29/2026	$ 3,724.00
NEC SV9300/UM8700 - PD	MPD PBX and Voicemail Maintenance	DTC	ITD	5230			6/1/2026	5/31/2027	$ 49,540.00
Neighborly	Cloud based HUD project and grant management	Benevate dba Neighbo	CED	1133	2021-436		8/23/2025	12/1/2027	$ 41,262.00
NeoGov Onboarding	Electronic Recruitment and Onboarding System including Modules: Perform, Custom Employee Integration, Insight, and Onboard	NeoGov	ITD	5230	2019-317	154814	2/15/2026	2/14/2027	$ 96,894.00
Nessus-Tenable	Vulnerability Scanner	CDWG	ITD	5230	2019-317	162468	10/8/2025	10/7/2026	$ 3,367.00
NetFile Paperless Form 700 Suite	E-filing system for the 700 forms & Campaign Form Filings. Manages tasks, forms, and filing. Completely web-based with a portal for public viewing.	NetFile	ITD	5230	2019-304	168574	10/23/2026	10/23/2027	$ 10,580.00
Netmotion Analytics	NetMotion Maintenance	Mobile Wireless, LLC	ITD	5230	2019-317	173142	1/17/2026	1/16/2027	$ 13,966.00
Netmotion Software	Mobility application for 127 devices and 1 additional server police module	Mobile Wireless - Net	MPD	0100	2019-317	271605	4/1/2025	3/31/2026	$ 17,986.00
Network Support Services	3rd Party Network Support Services	Telcion	ITD	5230			2/2/2026	2/1/2027	$ 55,016.00
NextRequest	Public Records Management software.	NextRequest	ITD	5230		165169	9/1/2025	8/31/2026	$ 10,263.00
NIBRS	Handle PDF Documents	Central Square Techn	MPD	0100		276370	10/1/2025	9/29/2026	$ 29,095.00
NIGP Consulting	NIGP 5-Digit Commodity Code License Renewal	Periscope Holdings	FIN	0100	2019-317	159089	7/1/2024	6/30/2025	$ 968.00
Nimble Virtual Networking Storage	Nimble Disk Storage System	Nimble	ITD	5230			2/2/2026	2/1/2027	$ 17,457.00
Offender Watch	Sex Registrant Database Subscription	Offenderwatch	MPD	0100		286289	11/7/2025	11/6/2026	$ 18,515.00
OnBase - PD	OnBase is used by MPD as our Enterprise Content Management Sytem (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	Hyland Software	MPD	0100	2019-317	272009	5/1/2025	4/30/2027	$ 33,856.00
OpenGov	Public Bidding Solution	OpenGov	FIN	0100	2024-206	279218	6/11/2024	6/9/2027	$ 81,804.00
Oracle Analytics and Cloud	Oracle Analytics and Cloud Infrastructure	Oracle	ITD	5230	2023-136	273712	5/1/2024	5/1/2029	$ 102,560.00
Oracle LVF	Oracle Annual Incremental License Fees (ILF)	Oracle	ITD	5231			12/31/2026	12/31/2027	$ 26,316.00
Oracle ERP Project Costing	Support# 20740384 - Old Support # 5163867	Oracle	ITD	5230	2019-317	181144	7/1/2025	6/30/2026	$ 7,907.00
Oracle Financials #1	Support# 6853126 - Old Support # 5729309	Oracle	ITD	5230	2019-317	164492	11/21/2025	11/20/2026	$ 5,493.00
Oracle Financials #2	Support# 6853126 - Old Support # 18679065	Oracle	ITD	5230	2019-317	165168	8/9/2025	8/8/2026	$ 17,124.00
Oracle Financials True Up	Support# Enterprise $M in Op Budget - Support # 40781130	Oracle	ITD	5230			4/13/2026	4/12/2027	$ 44,331.00
Oracle Financials True Up	Support# Enterprise $M in Op Budget 20740384 - Old Support # 20338629	Oracle	ITD	5230			7/1/2025	6/30/2026	$ 5,268.00
Oracle Human Resources #1	Support# 20740384 - Old Support # 5109761	Oracle	ITD	5230	2019-317	181147	7/1/2025	6/30/2026	$ 9,875.00
Oracle Human Resources #2	Support# 20740384 - Old Support # 5896965	Oracle	ITD	5230	2019-317	181145	7/1/2025	6/30/2026	$ 9,139.00
Oracle Human Resources #3	Support# 6853126 - Old Support # 6853126	Oracle	ITD	5230	2019-317	161856	8/3/2025	8/2/2026	$ 10,598.00
Oracle Supply Chain Management	Support# 20740384 - Old Support # 5137117	Oracle	ITD	5230	2019-317	181146	7/1/2025	6/30/2026	$ 2,224.00
Oracle Tuning Pack	Support# 6853126 - Old Support # 5721756	Oracle	ITD	5230	2019-317	162446	11/16/2025	11/15/2026	$ 3,305.00
Parkfolio	Monthly connectivity charges with Level 3 Alarms, Statistics and CR Card for 5 multispace parking meters	Parkeon	PWO	4000		164219	1/1/2026	12/31/2027	$ 3,936.00
PasswordManager Pro	Password Manager	PasswordManager	ITD	5230			7/1/2025	6/30/2026	$ 5,290.00
PerfectMind	Perfect Mind, Recreation Software, used for Facility Rentals and Program Registrations	PerfectMind	PRN	0100	2017-243	164471	6/27/2025	6/25/2028	$ 15,411.00
Permitium	Software subscription for CCW permits and renewal of permits	Permitium LLC	MPD	0100		276383	6/1/2025	5/31/2026	$ 4,973.00
PINS Advantage	Electronic Insurance Certificate Management System	PINS	HUR	0100			10/24/2025	10/23/2026	$ 11,109.00
PINS Advantage	Electronic Insurance Certificate Management System	PINS Advantage	ITD	5230	209-317	169499	10/27/2025	10/24/2026	$ 10,474.00
Planet Bids	Bid Management Software	Planet Bids	ITD	5230	2019-317	161903	7/1/2025	6/30/2026	$ 15,234.00
Planview PPM Pro	City-wide project and software portfolio management system.	Planview	ITD	5230	2019-317	172696	12/1/2025	11/30/2026	$ 17,575.00
PLX	Annual renewal of annual maintenance and support services for Collection Maintenance Premium & Analytical Maintenance. Investigatory tools used by PD	Penlink	MPD	0100	2019-317	289183	1/1/2026	12/31/2027	$ 34,914.00
Policy Management Software	City-wide Policy and Procedure Management Software	Navex Global Inc.	ITD	5230		196351	1/27/2026	1/26/2027	$ 32,361.00
PosterMyWall	Marketing materials development	PosterMyWall	PRN	0100			2/9/2025	2/9/2026	$ 339.00
PowerDMS	Paperless Daily Observation Reports for Field Training Program & Manual for training	PowerDMS	MPD	0100		287284	12/4/2025	12/3/2026	$ 5,819.00

Exhibit A - Annual Software/Hardware Maintenance Agreements
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Title	Description	Vendor	Department	Fund	Resolution Number	PO No.	Agreement Start	Agreement End	Projected Maintenance Cost
Proofpoint Email Security	Email security filter and spam blocker	Proofpoint	ITD	5230			5/9/2026	5/8/2027	$ 45,198.00
Proofpoint Enterprise Archive	Email archival system	Proofpoint	ITD	5230			5/9/2026	5/8/2027	$ 44,806.00
Public Safety Citizen Reporting Module	On-line reporting system allowing citizens to file police reports online.	Central Square Techn	MPD	0100	2018-210	276370	7/1/2025	6/30/2026	$ 10,474.00
RASWIN	RASWIN Point of Sale Cash Receipting System	Quadrant	FIN	4100			1/1/2026	12/30/2027	$ 6,655.00
RASWIN Sprypoint Migration	Point of Sale Cash Receipting System	Quadrant	FIN	4100	2021-226	168407	7/1/2025	6/30/2026	$ 5,500.00
Register.com	Registration service for Modesto's 39 owned domain names	Register.com	ITD	5230	2019-317	Pcard Purchase	9/21/2020	9/23/2029	$ 19,256.00
Remit Plus	Check scanning application to send check payments to bank	Jack Henry & Associat	FIN	4100	2021-226	183868	7/1/2025	6/30/2026	$ 9,000.00
Rentalscape	Software to track Short Term Rentals (STR) and provide business address	Deckard	FIN	0100			9/29/2025	9/28/2026	$ 1,980.00
Rockwell TechConnect - AssetCentre	Rocwell Factory Talk AssetCenter - PLC Asset Management Subcription License and Support	Rockwell	UPP	4210			5/14/2026	5/13/2027	$ 8,147.00
Rockwell TechConnect - HMI	Rockwell Factory Talk SE View, Studio 5000, RS Logix Support	Rockwell	UPP	4210			7/19/2025	7/20/2026	$ 4,731.00
Scantron	Scanner hardware support for HR	Scantron Corporation	HUR	0100	2019-317	157641	6/12/2026	6/11/2027	$ 1,169.00
Server M1000 Maintenance	Hardware Maintence support for Dell M1000 server platform	Dell	ITD	5230			6/1/2026	5/31/2027	$ 61,100.00
ShareGate	SharePoint Management Tool	ShareGate	ITD	5230			7/1/2025	6/30/2026	$ 7,832.00
SitStat Licensing	Emergency operations situational awareness platform and resource alerting system - 15 licenses @ $300.00 / each.	Stanislaus County of E	MFD	0100			11/1/2025	11/1/2026	$ 5,237.00
Software for ID Employee Badges	Annual Software and Hardware Maintenance LE Renewal for Imageware. Imageware is a software and hardware system utilized in creating police department employee ID badges.	Genetec Security Desk	MPD	0100			7/1/2025	6/30/2027	$ 10,580.00
Solid Waste Management Software	Solid Waste, Salesforce software for waste management, compliance, code enforcement	Carahsoft	PWO	4891	2024-185	279244	4/5/2025	4/5/2026	$ 72,000.00
Star Chase	GPS projectile subscription for Star Chase Launcers	Star Chase	MPD	0100		288270	12/20/2025	12/18/2028	$ 58,613.00
Star Net Pro	STAR*NET Pro Annual Maintenance Subscription (Engineering)	Microsurvey	UPP	1300			7/1/2025	6/30/2026	$ 846.00
Star*Net Pro	STAR*NET Pro (Annual Maintenance Subscription)	MicroSurvey	ENG	1300	2019-317	158039	6/30/2026	6/29/2027	$ 846.00
StreetSaver	A computer-based pavement management system, that allows agencies better maintain their local streets and roads.	Metropolitan Transpo	ENG	1300	2019-317	Non PO Form	3/1/2026	2/28/2027	$ 4,761.00
T2 Parking Citations	Cloud system for T2 Parking Citation processing and appeals. Online payment portal. Managed by Finance/Customer Service staff.	T2 Systems	FIN	0100	2021-226	191517	12/1/2025	11/30/2026	$ 31,901.00
Tap It Call Accounting	Track all incoming & outgoing calls	DTC - Digital Telecomr	MPD	0100		276368	11/25/2025	11/24/2026	$ 951.00
Target Solutions	Online Training System	Vector Solutions	MFD	0100	2021-226	211871	1/1/2026	12/31/2027	$ 27,223.00
Tenable Nessus	Vulberability Scanner	Nessus	ITD	5230			12/2/2025	12/1/2026	$ 5,290.00
The Meeting Advantage	Web-based tool designed to solve one of the most painful and common realities in business — unfocused, ineffective and mediocre meetings.	The Table Group	ITD	5230			11/21/2025	11/20/2026	$ 524.00
TLOxp TransUnion	TLO Monthly Subscription to database. Utilized by Crime Analysts as an investigatory tool. Monthly charge is based on usage.	Trans Union Risk and I	MPD	0100			12/1/2025	11/30/2026	$ 10,157.00
Toad for Oracle	Oracle Database Tool	DLT	ITD	5230	2019-317	178837	4/30/2025	4/29/2026	$ 8,846.00
Trafficware (Synchro)	Trafficware advances motorists' quality of life and promotes green initiatives by optimizing the flow of motorist and pedestrian traffic, while also expediting the arrival of emergency vehicles and maintaining transit vehicle schedules.	Trafficware/Cubic	PWO	1700			3/16/2026	3/16/2027	$ 561.00
Training Software - Lefta	Training Software used to keep track of the POST-mandated training that officers complete.	Lefta	MPD	0100		279088	12/1/2025	11/30/2026	$ 9,205.00
Transparity (Traffic)	Application that manages communication with traffic signal equipment for programming, etc . Used by PW staff on 4th floor. Used to be "QuicNet" but upgraded on 6/25/2018 to Transparity.	McCain, Inc.	PWO	1700	2019-317	203341	8/31/2024	8/31/2027	$ 13,701.00

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Title	Description	Vendor	Department	Fund	Resolution Number	PO No.	Agreement Start	Agreement End	Projected Maintenance Cost
Trimble Access	Trimble Access (Annual Software Maintenance Subscription)	California Surveying &	ENG	1300		p-card	11/25/2025	11/24/2026	$ 725.00
TSI Incorporated	Annual maintenance and calibration of the fit testing machines to ensure they are calibrated to the original manufacturer's specifications/the National Institute of Standards and Technology (NIST) *Paid for two calibrations in 2 year service agreement	TSI Incorporated	MFD	0100		203798	6/14/2025	6/14/2026	$ 2,234.00
Tyler Data Management	Data analytics and graphical presentation application	Tyler	ITD	5230			2/15/2026	2/14/2027	$ 84,640.00
Vector Solutions - CrewSense	Fire Crew call back scheduling / hiring system	Vector Solutions	MFD	0100	2021-226	207580	11/30/2025	11/29/2026	$ 18,887.00
Vector Solutions Training	Online courses for CEU/Contact Hours for Water and Wastewater Divisions	Vector Solutions	UPP	4100			3/26/2026	3/24/2027	$ 7,618.00
Veritone - RIPA	Annual license for Veritone for state mandated RIPA reporting	Veritone	MPD	0100		288557	1/1/2026	12/31/2026	$ 20,102.00
Vertex Payroll Tax Q Series	Online resource to download tax files for integration into Oracle HRMS for payroll processing.	Vertex	ITD	5230	2019-317	160164	11/30/2025	11/29/2026	$ 13,805.00
Vertiv	Battery back up service for MPD servers	Vertiv	MPD	0100			3/1/2026	2/28/2027	$ 23,276.00
Video Collection - FirstTwo	Annual license for FirstTwo which integrates Fusus and provides real time public data, mapping, and social media marking in real time	FirstTwo	MPD	0100		275486	12/20/2025	12/19/2026	$ 15,235.00
Vigilant - EA	Contract with Vigilant for annual ESA subscription for 29 LPR Camera license keys & VS ISA Integration service for non-Vigilant LPR Cameras	Motorola Solutions	MPD	0100		215175	1/1/2026	12/31/2027	$ 23,276.00
Vigilant - Maintenance	Software maintenance for LPRs, Software license Key Fee for each camera, Commercial Data Fee and Data Source Fee	Motorola Solutions	MPD	0100		197918	3/31/2026	3/31/2027	$ 64,358.00
VMWare	Virtual Server Software	Kovarus	ITD	5230	2019-317	15439	3/27/2025	3/25/2028	$ 38,842.00
VMWare - SCADA Support	SCADA VMWare infrastucture Support	VMWare	UPP	4100		218657	12/14/2025	12/13/2026	$ 2,904.00
VXRail Maintenance	Annual Maintenance for VXRail, SAN, comm.	Dell/Kovarus	ITD	5230			8/1/2022	7/31/2027	$ 58,190.00
Warrant Data	Annual License for ISD	Maverick Data System	MPD	0100			2/1/2026	1/31/2027	$ 317.00
Waste Wizard	Solid Waste, Waste Wizard tool on City website that helps people know how to sort waste	Routeware	PWO	4891		235848	12/1/2025	11/30/2026	$ 9,281.00
WasteWORKS/ WasteWIZARD	WasteWorks and WasteWizard software is a truck scale weight and material tracking database for the Compost Facility.	Carolina Software	PWO	4890	2019-317	162752	11/29/2025	11/28/2026	$ 2,793.00
WaterView	Uses GIS and high res aerial imagery to calculate water use efficiency, generate water use analytics, and supply detailed demographic data for water services division.	Eagle Aerial	UPP	4100			11/29/2025	11/28/2026	$ 76,176.00
WhatsUp Gold	Application Monitoring Software	IPSwitch	ITD	5230			2/28/2026	2/27/2027	$ 13,974.00
When2Work	Recreation division staff scheduler	When2Work	PRN	0100			12/2/2025	12/1/2026	$ 2,116.00
Wordly	Council Interpreation System	Wordly	ITD	5230			12/1/2025	11/30/2026	$ 40,733.00
X-Ways Software Forensics	Forensics investigatory tool. (2 user BYOD licenses)	Cleverbridge	MPD	0100		PCard	3/9/2026	3/9/2027	$ 1,058.00
Zeno Track	Membrane Monitoring for Phase I. This is just a one year renewal till WIMS is in place we will not need.	Veolia WTS Services U	UPP	4210			2/20/2026	2/19/2027	$ 6,702.00
Zoho ServiceDesk Plus	Helpdesk Service Desk Software	Zoho	ITD	5230		170547	2/4/2026	2/3/2027	$ 16,322.00
Zoll Fire RMS & ePCR	Modesto Fire Department's Fire Records Management System and Electronic Patient Care Record	Zoll	MFD	0100	2020-277	156679	1/22/2026	1/21/2027	$ 59,759.00
Zoom	Zoom Enterprise Licenses	Carahsoft	ITD	5230			12/14/2025	12/13/2026	$ 4,000.00
								Total	**$ 4,325,171**

Exhibit B - Annual Software/Hardware Maintenance Agreements
FY 25-26 Over $100K

Title	Description	Vendor	Department	Fund	Resolution	PO No.	Agreement Start	Agreement End	Projected Maintenance Cost
Cellebrite Premium, UFED, UFED Cloud Analyzer	Premum Annual License Renewal and for all devices cracking technology	Cellebrite	MPD	0100	2019-317	284019	2/14/2022	2/13/2024	$ 136,949.00
CGI Advantage Performance Budgeting (PB)	Budget Software that is used for department budget entry and generation of the entire operating budget for the City of Modesto. The software is operated as a Software as a Service (SAAS).	CGI	ITD	5230	2019-317	176344	4/1/2025	3/31/2026	$ 118,707.60
Cisco SmartNet	Licensing, support and maintence for enterprise communication equipment	Telcion	ITD	5230			2/2/2025	2/1/2028	$ 640,443.37
CommunityDev TRAKiT Permits	Cloud permit and case-tracking application used by many departments including CED, PW, UPP, etc.	CentralSquare	ITD	5230			5/20/2025	5/19/2026	$ 257,961.56
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 t	ForensicLogic	MPD	0100	2023-218	182397	4/1/2023	3/31/2026	$ 221,122.00
Crowdstrike Falcon	Security endpoint protection and malicious activity monitoring and forensics	Crowdstrike	ITD	5230			4/26/2025	4/25/2026	$ 111,908.89
E-Builder	e-Builder, Inc. Program Management Information System (Enterprise Capital Program license) unlimited licenses	e-Builder, Inc.	ENG	1300	2019-317	164095	7/1/2025	6/30/2026	$ 109,728.88
ESRI - Small Government EA	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	ITD	5230	2019-317	176583	7/19/2025	7/18/2026	$ 185,150.00
Final Cut Media	Council Production Services StanCo Partnership	FCM	ITD	5230			7/1/2019	6/30/2025	$ 230,745.78
Guardicore	Guardicore Security Segmentation	Akamai	ITD	5230			4/26/2025	4/25/2026	$ 115,493.40
IBM Qradar	SIEM	IBM	ITD	5230			5/31/2025	5/30/2026	$ 108,819.53
Microsoft Enterprise Agreement	Microsoft 365, Windows	Microsoft	ITD	5230			5/1/2023	4/30/2026	$ 1,058,000.00
Naviline Utility Billing	Naviline utility billing application. 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, Navili	CentralSquare	FIN	4100	2021-226	163267	11/1/2025	10/31/2026	$ 135,953.00
Officer Safety Plan 10	Officer Safety Plan - Evidence.com licensing 4 year contract - Year 2	Axon Enterprise	MPD	0100	2020-538	207362	1/14/2025	1/13/2026	$ 1,089,069.23
Oracle Cloud EBS OCI	Oracle Cloud Infrastructure	Oracle	ITD	5230	2024-015		5/2/2024	5/1/2029	$ 172,079.47
Oracle Database	Support# 20740384 - Old Support # 2344161	Oracle	ITD	5230	2019-317	180219	6/1/2025	5/31/2026	$ 170,479.77
Oracle E-Business Suite (COSMO) 4105695	City-wide ERP application for Finance and HR processes. Support# 4105695	Oracle	ITD	5230	2019-317	180213	6/1/2025	5/31/2026	$ 330,010.30
Payflow Pro/BrainTree	Payment gateway for online payments for Parking Citations and payment gateway for IVR phone payments for Utility Billing	Payflow Pro/BrainTre	FIN	4100	2021-226	Pcard	7/1/2025	6/30/2026	$ 331,800.00
Peregrine	Investigative Software used by ISD and RTCC, Geoshield	Peregrine	MPD	0100	2024-17	270646	2/2/2025	2/1/2027	$ 195,201.00
SpryPoint Services	Utility Billing, CR and AR	SpryPoint	FIN	4100			12/4/2025	12/3/2026	$ 480,356.00
Video Collection - Fusus	Software System for video & data collection	Axon	MPD	0100			3/1/2025	2/28/2026	$ 148,500.00
Inform RMS	Police Field Reporting and Records Management System. MPD's Records Management System Licensing	Central Square Techn	MPD	0100	2024-373	286702	7/26/2025	7/25/2026	$ 110,449.00
CGI Advantage Performance Budgeting (PB)	Budget Software that is used for department budget entry and generation of the entire operating budget for the City of Modesto. The software is operated as a Software as a Service (SAAS).	CGI	ITD	5230	2019-317	176344	4/1/2025	3/31/2026	$ 118,707.60
								Total	**$ 6,577,636**

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-180

RESOLUTION APPROVING THE SMALL GOVERNMENT ENTERPRISE LICENSE AGREEMENT RENEWAL WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. (ESRI) FOR A TERM OF THREE YEARS FOR A TOTAL AMOUNT NOT TO EXCEED $541,200; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the ESRI Geographical Information Systems (GIS) platform is the foundational mapping and spatial data software used by the City's Information Technology Department GIS division to support mapping services across all departments; and

WHEREAS, since 1997, the City has steadily acquired ESRI ArcGIS licenses, through individual and bulk purchases. Over time, named user licenses were also obtained to support major software initiatives for the Utilities Department and the Police Department. These projects demonstrated how essential the ESRI ArcGIS platform is to the City's operations and information systems; and

WHEREAS, to better manage licensing costs and streamline operations, the City later consolidated its legacy ESRI agreements into a single Small Government Enterprise Agreement (SGEA); and

WHEREAS, renewing the ESRI SGEA is essential for maintaining efficient operations across City departments. This technology supports internal and external web applications to track such things as City boundaries, locations of City assets, and district planning and zoning; and

WHEREAS, the SGEA offers scalability and flexibility, allowing the City to allocate additional licenses, applications, and tools without unexpected costs; and

WHEREAS, centralized license management through the ESRI portal simplifies administration, improves access to technical support, and boosts operational efficiency. Additionally, this renewal agreement establishes secured pricing for three (3) years, offering financial predictability and simplifies the City's budget planning; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 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 requirement where the Purchasing Agency's requirements can be met solely by a single article or process. ESRI is the sole-source provider of ESRI products and related maintenance services in the U.S. commercial, state, and local government marketplace.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Small Government Enterprise License Agreement renewal with Environmental Systems Research Institute, Inc. (ESRI) for a term of three years in the amount not to exceed $541,200.

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 3rd day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-181

RESOLUTION APPROVING THE FIRST AMENDMENT WITH CARAHSOFT TECHNOLOGY CORP., OF RESTON, VIRGINIA, FOR THE PURCHASE OF SOFTWARE PROGRAMING AND LICENSE, INCREASING THE AGREEMENT AMOUNT BY $49,867 TO A REVISED TOTAL AMOUNT NOT TO EXCEED $243,232 OVER THE TERM OF THE AGREEMENT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the Solid Waste Division is responsible for solid waste code enforcement throughout the City of Modesto, including illegal dumping in the public right of way, service violations, contamination, and other waste-related violations; and

WHEREAS, staff must maintain records on all waste collection, levels of service, inspections and route reviews, disposal sites, edible food recovery, waivers, shared containers, self-haul options, and related outreach and education, as required by the State of California's waste enforcement agency, the Department of Resources, Recycling, and Recovery (CalRecycle); and

WHEREAS, on June 4, 2024, by Resolution No. 2024-185, Council approved an Agreement for the Purchase of Software Programming and License under the competitive bidding process for NASPO ValuePoint through the State of Utah with Carahsoft Technology Corp. of Reston, Virginia for a total amount not to exceed $193,365; and

WHEREAS, City staff met with Carahsoft and Salesforce staff regularly since purchasing to customize the functions of the software and, in that time, both parties identified areas where the original contract did not fully address the City's needs; and

WHEREAS, City staff is recommending approving this First Amendment, increasing the Agreement total by $49,867, with funding allocated from the Solid Waste Management Fund, to include six new templates, data loading, and additional project

management that are critical to the final product; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment with Carahsoft Technology Corp., of Reston, Virginia, for the Purchase of Software Programing and License, increasing the Agreement amount by $49,867 to a revised total amount not to exceed $243,232 over the term of the Agreement.

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 3rd day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-182

RESOLUTION APPROVING THE FIRST AMENDMENTS WITH GREENTEK SERVICES, LLC, OROVILLE, CA, FOR TREE PRUNING AND REMOVAL SERVICES INCREASING THE AGREEMENT AMOUNT BY $300,000 TO A NEW TOTAL AMOUNT OF $3,475,000 AND RUMBLE TREE, INC., MODESTO, CA FOR TREE REMOVAL AND STUMP GRINDING SERVICES INCREASING THE AGREEMENT BY $1,594,350 FOR A NEW TOTAL OF $2,914,350 FOR A TOTAL AMOUNT BETWEEN BOTH AGREEMENTS COMBINED NOT TO EXCEED $6,389,350 OVER FIVE YEARS FOR BOTH AGREEMENTS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENTS

WHEREAS, in recent years, the demand for tree pruning and removal services within the City's urban forest exceeded the City Forestry Division's available time and resources; and

WHEREAS, staff's difficulty in providing these services raises safety concerns and at this time there is a significant backlog of trees that need to be trimmed or removed and stumps that need to be ground; and

WHEREAS, on June 6, 2023, by Resolution 2023-266, Council approved the Fiscal Year (FY) 2023-2024 budget, which included $1,550,000 of Measure H funding for tree maintenance; and

WHEREAS, on October 10, 2023, by Resolution 2023-455, Council approved the Agreements for Tree Pruning and Removal Services with West Coast Arborists, Inc., Anaheim, CA; Greentek Services, LLC, Oroville, CA; and Rumble Tree, Inc., Modesto, CA; and

WHEREAS, on June 4, 2024, by Resolution 2024-190, Council approved the FY 2024-25 budget, which included an adjustment request for Measure H funding in an amount of $550,000 in additional funding for outside contractors (Pruning, Removal, and

Stump Grinding) calling out Greentek Services, LLC and Rumble Tree, Inc., and an adjustment request for Measure H funding in the amount of $1,094,350 for reforestation of City trees, calling out Rumble Tree Service. Over the next five years Rumble Tree will assist in replanting trees at "open locations" while also conducting tree and stump removal operations in other areas identified. Breaking this down over a five-year span would average 230 new trees planted each year in identified areas; and

WHEREAS, these agreements will continue to assist the Forestry Division in catching up with deferred tree maintenance that has built up over the past decade providing for a safer environment and healthier urban forest for the citizens of Modesto. Many trees in Modesto's urban forest are experiencing limb and tree failure due to extended pruning cycles, defects within the trees, storms, drought, vandalism, disease, and lack of young tree training. These agreements will directly impact the trees throughout the City, improving the health and safety for residents and visitors alike; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) "Where the Purchasing Manager, in her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar good or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services." The City has determined that an increase in Agreement funding is required to ensure adequate funding allowance to cover the increased demand for services; and

WHEREAS, the two increased agreements will have a combined estimated annual amount of $1,277,870, resulting in a combined estimated five-year not to exceed total of $6,389,350.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment with Greentek Services, LLC, Oroville, CA, for Tree Pruning and Removal Services increasing the Agreement amount by $300,000 and Rumble Tree, Inc., Modesto, CA for Tree Pruning and Removal Services increasing the Agreement amount by $1,594,350 for a total amount between both agreements combined not to exceed $6,389,350 over five years.

BE IT FURTHER RESOLVED that the City Manager, or his designee is authorized to adjust the amount of each contract to address operational needs subject to the total combined not to exceed amount.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendments, 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 3rd day of June, 2025, by Councilmember Alvarez, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-183

RESOLUTION APPROVING THE THIRD AMENDMENT WITH UNIVAR SOLUTIONS, USA, KENT, WA FOR THE PURCHASE AND DELIVERY OF SODIUM HYPOCHLORITE – LIQUID CHLORINE INCREASING THE AGREEMENT AMOUNT BY $330,594, TO A NEW ANNUAL ESTIMATED AMOUNT OF $189,550, A NEW TOTAL AMOUNT NOT TO EXCEED $991,604, OVER FIVE YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City operates and maintains ninety-one (91) potable water wells and twelve tanks; and

WHEREAS, state regulations require the City to disinfect the drinking water to kill or inactivate most microorganisms. Sodium Hypochlorite is used to disinfect the wells and tanks throughout the City's water system to meet all compliance requirements set forth by the California State Water Resources Control Board, which requires well water to be chlorinated; and

WHEREAS, on January 11, 2022, the Purchasing Division issued Request for Bids (RFB), RFB 2122-05 Sodium Hypochlorite – Liquid Chlorine, on Planet Bids via the City's website under two commodity codes. Prospective bidders were notified online and via email of the bid opportunity; and

WHEREAS, on June 28, 2022, by Resolution No. 2022-291, Council authorized the approval of the purchase of Sodium Hypochlorite – Liquid Chlorine to Univar Solution USA, Kent, WA for the Utilities Department, Water Division, for five years at a total cost of $661,010 over five years; and

WHEREAS, on June 29, 2023, Univar submitted a proposed 61% price increase for Contract Year 2, and through negotiations with the Purchasing Division, it was reduced to 50%, increasing the price per gallon from $1.35 to $2.02 per gallon. On

September 18, 2023, the Purchasing Division authorized a First Amendment to the original agreement which included revised rates and executed Contract Year 2; and

WHEREAS, on May 28, 2024, the vendor submitted a proposed 58% price increase for Contract Year 3 and through negotiations with the Purchasing Division, it was reduced to a 10% increase to remain, increasing the price per gallon from $2.02 to $2.23 per gallon; and

WHEREAS, on July 19, 2024, the Purchasing Division authorized a Second Amendment to the original agreement was authorized which include revised rates through the end of Contract Year 3; and

WHEREAS, initially, Univar submitted a price increase of $0.80/gallon, which was a total increase of 59% and financial impact of $48,000. Through negotiations with Purchasing, the vendor resubmitted a reduced price increase of $0.67/gallon to a new rate of $2.02/gallon, which was an increase of 50% and financial impact of $40,200. The financial impact was based on the RFB estimated quantities. Purchasing recommended the approval of this increase as being justified by market conditions and supporting documentation; and

WHEREAS, on May 28, 2024, Univar proposed a price increase of $1.17/gallon to a new rate of $3.19/gallon for year 3 of the agreement. The requested price represented a 58% increase to current pricing and financial impact of $69,960. Univar provided supporting documentation to substantiate an increase in supplier costs of 10% ($0.21). Through negotiations, the vendor resubmitted a price increase of $0.21/gallon for a rate of $2.23/gallon, an increase of 10% and financial impact of $12,600. Purchasing

recommended the approval of this increase as being justified by market conditions and supporting documentation; and

WHEREAS, a Third Amendment to this five (5) -year agreement is necessary to increase funding by $330,594 due to a combined 60% vendor price increase in contract years two and three, and anticipated price increases in contract year five; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $100,000 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 forth in Section 8-3.203 will result in a procurement of the City at the lowest possible cost commensurate with the desired quality. Upon comparing the current market cost for Sodium Hypochlorite – Liquid Chlorine at an average of $3.00/gal and the Department's current cost of $2.23/gal, going out to bid would not be in the best interest of the City as doing so may increase Department pricing to current market costs.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Third Amendment with Univar Solutions USA, Kent, WA for the purchase and delivery of Sodium Hypochlorite – Liquid Chlorine increasing the agreement amount by $330,594 to a new annual estimated amount of $189,550 and a new total amount not to exceed $991,604 over five 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 3rd day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-184

RESOLUTION APPROVING THE AWARD OF BID AND PURCHASING AGREEMENTS FOR SPOILS SCREENING AND ROCK CRUSHING SERVICES TO CALIFORNIA ROCK CRUSHER, RIPON, CA AND K & D ENTERPRISES INC., CERES, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR A COMBINED ANNUAL ESTIMATED AMOUNT OF $300,000 AND A TOTAL COMBINED AMOUNT NOT TO EXCEED $1,608,495 OVER FIVE (5) YEARS; AUTHORIZING THE DIRECTOR OF FINANCE TO ADJUST AGREEMENT TOTALS BETWEEN VENDORS BASED ON CONTRACTOR AVAILABILITY AND DEPARTMENT NEEDS, ENSURING THE COMBINED TOTAL AMOUNT DOES NOT CHANGE; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, the Utilities Department Water and Wastewater Services Divisions, and the Public Works Streets Division, require a Contractor to provide spoils screening and rock crushing services on an as-needed basis throughout the year. Spoils refers to the asphalt, concrete, rock, dirt, sand, and miscellaneous debris accumulated from construction jobs, and

WHEREAS, these materials must be separated and screened down to ¾ inch minus clean soil for disposal. The remaining larger material is crushed to create Cal Trans Aggregate base rock which is used for other City construction jobs, and

WHEREAS, each year, Water Services generates approximately 55,000 tons of spoils, Wastewater generates approximately 45,000 tons, Streets generates a minimal amount of asphalt that requires grinding, and

WHEREAS, on August 11, 2020, by Resolution 2020-333, Council approved an Agreement with Rock Crushing Solutions, Inc., Rohnert Park, CA, for an annual estimated amount of $1,259,000 for the first year and $754,500 annually for the following four (4) years, and a total not to exceed $4,277,000 over five (5) years, and

WHEREAS, on September 16, 2024, by City Manager authority, a First Amendment to the Agreement with Rock Crushing Solutions was approved which executed the fifth-year extension option and included revised rates with no increase in spending, and

WHEREAS, on October 8, 2024, the City Manager authorized the Purchasing Division to solicit the procurement for Spoils Screening and Rock Crushing Services. On December 12, 2024, the Purchasing Division issued IFB No. 2425-23 for Spoils Screening and Rock Crushing Services, and prospective bidders were notified online. Eighteen companies chose to download the IFB document from PlanetBids, and

WHEREAS, to ensure continued service to the City, contracts may be awarded to more than one contractor to provide backup if the primary contractor is unable to meet the City's needs. A secondary contractor may be awarded a specific job if the primary contractor is unable to perform the service, unable to complete the specific job within the time frame required by the City, or unable to maintain acceptable quality standards required by the City, and

WHEREAS, on January 14, 2025, bids were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream. Three (3) chose to respond, none of which were local vendors. Based on providing the lowest responsive and responsible bid, City staff recommended to award the Spoils Screening and Rock Crushing Services Agreement to California Rock Crushers, Ripon, CA as Primary, and K & D Enterprises Inc., Ceres, CA as Secondary, and

WHEREAS, staff is requesting to give the Director of Finance the approval to adjust agreement totals between vendors based on contractor availability and department needs, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $100,000 for material, equipment, or contractual services to follow formal bid procedures. An Award of Bid and Agreements for Spoils Screening and Rock Crushing Services to California Rock Crushers, Ripon, CA and K & D Enterprises Inc., Ceres, CA conforms to the Modesto Municipal Code because the City complied with formal bid procedures, and California Rock Crushers, Ripon, CA and K & D Enterprises Inc., Ceres, CA were the lowest responsive and responsible bidders.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Award of Bid and Purchasing Agreements for Spoils Screening and Rock Crushing Services to California Rock Crusher, Ripon, CA and K & D Enterprises Inc., Ceres, CA, for a two (2) year Agreement with three (3) one-year extension options, for a combined annual estimated amount of $300,000 and a total combined amount not to exceed $1,608,495 over five (5) years; and authorizing the Director of Finance, or her designee, to adjust Agreement totals between vendors based on contractor availability and department needs, ensuring the combined total amount does not change.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby 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 3rd day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-185

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENTS FOR THE HAULING OF NON-HAZARDOUS BRINE WITH B & B HARVESTING, INC. DBA CAL VALLEY TRUCKING, MODESTO, CA, AND SUN VALLEY TRANSPORT, INC., HUGHSON, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL AMOUNT OF $150,000 AND A TOTAL COMBINED AMOUNT NOT TO EXCEED $804,260 OVER FIVE YEARS; GIVING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, THE AUTHORITY TO ADJUST AGREEMENT TOTALS BETWEEN VENDORS BASED ON CONTRACTOR AVAILABILITY AND DEPARTMENT NEEDS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, the City of Modesto operates a water treatment facility in the community of Grayson. This treatment facility provides safe and reliable drinking water for the residents of the community; and

WHEREAS, as part of the water treatment process, a waste brine is generated that needs to be disposed of on an as-needed basis. Modesto's wastewater treatment permit does not allow the disposal of this brine waste at its facility. The removal of brine is imperative to keep the Grayson treatment facility operational; and

WHEREAS, the City currently contracts with Envirogen, 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. This waste is then hauled under contract to East Bay Municipal Utility District, an approved waste disposal facility located in Oakland, California; and

WHEREAS, on September 1, 2020, by Resolution No. 2020-345, Council approved the award of proposal for the hauling of non-hazardous brine services to Sun Valley Transport, Inc., for a total not to exceed $458,915 over five years; and

WHEREAS, on April 5, 2022, by Resolution No. 2022-60, Council approved a First Amendment with Sun Valley Transport, Inc., for the hauling of non-hazardous brine services, to increase the amount by $208,910 from $458,915, for a new total amount not to exceed $667,825 over five years; and

WHEREAS, on October 21, 2024, the City Manager authorized the Purchasing Manager to solicit the procurement for the Hauling of Non-Hazardous Brine. On November 20, 2024, the Purchasing Division issued Invitation for Bids (IFB) No. 2425-25 for the Hauling of Non-Hazardous Brine on the City's PlanetBids public bidding website under various commodity codes. Prospective bidders were notified online which included twenty (20) local vendors and via email of the bid opportunity. Twenty-one (21) companies downloaded the IFB document from PlanetBids; and

WHEREAS, on December 17, 2024, bids were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream. Six (6) companies chose to respond. Based on providing the lowest responsive and responsible bid, City staff recommended to award the Hauling of Non-Hazardous Brine to B & B Harvesting, Inc. dba Cal Valley Trucking, Modesto, CA as Primary, and Sun Valley Transport, Inc., Hughson, CA as Secondary; and

WHEREAS, to ensure continued service to the City, contracts may be awarded to more than one contractor to provide backup if the primary contractor is unable to meet the City's needs. A secondary contractor may be awarded a specific job if the primary

contractor is unable to perform the service, unable to complete the specific job within the time frame required by the City, or unable to maintain acceptable quality standards required by the City; and

WHEREAS, staff is requesting to give the Director of Finance the authority to adjust agreement totals between vendors based on availability and department needs; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $100,000 for material, equipment, or contractual services to follow formal bid procedures. An award of Bid and Agreements for the Hauling of Non-Hazardous Brine to Cal Valley Trucking and Sun Valley Transport conforms to the Modesto Municipal Code because the City complied with formal bid procedures, and Cal Valley Trucking and Sun Valley Transport were the lowest responsive and responsible bidders.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Award of Bid and Agreements for the Hauling of Non-Hazardous Brine with B & B Harvesting, Inc. dba Cal Valley Trucking, Modesto, CA, and Sun Valley Transport, Inc., Hughson, CA, for a two (2) year agreement with three (3) one-year extension options, for a combined estimated annual amount of $150,000 and a total combined amount not to exceed $804,260 over five years; and giving the Director of Finance, or her designee, the authority to adjust agreement totals between vendors based on contractor availability and department needs.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby 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 3rd day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-186

RESOLUTION APPROVING THE ADOPTION OF THE FISCAL YEAR 2025-26 ANNUAL AND MULTI-YEAR NON-CAPITAL OPERATING BUDGETS AND THE 2025-26 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 (CIP) for Fiscal Year 2025-26 to the Finance Committee at Budget Workshops held on April 14, April 15, and April 16, 2025, 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 April 14, April 15, and April 16, 2025, and at a joint Planning Commission/Finance Committee meeting held on May 19, 2025, and

WHEREAS, the Finance Committee recommended the City Manager's preliminary Draft Operating and Multi-Year Non-Capital 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 3, 2025, during which the City Council considered the recommendations of the Finance Committee relating to the preliminary Draft Operating and Multi-Year Non-Capital 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 2025-26 includes the proposed Operating Budget, Multi-Year Non-Capital Operating Budget, Capital Improvement Program Budget, Approved Adjustments, Proposed Fiscal Year 2025-26 Measure H Spending Plan, Approved Addendums, Transfers In and Out, adoption of Budget Operating Policies and Financial Policies, and

WHEREAS, the effective date of the Adopted Budget for FY 2025-26 shall be July 1, 2025, and

WHEREAS, copies of the Final Proposed Operating and Multi-Year Non-Capital Budgets and the Capital Improvement Program have been made 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 Non-Capital Budget, and Capital Improvement Program Budget for Fiscal Year 2025-26 inclusive of the Mayor's Final Budget Modifications, Fiscal Year 2025-26 Measure H Spending Plan, Adjustments, and Addendums to be in effect July 1, 2025.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of June, 2025, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-187

RESOLUTION APPROVING THE BUDGET PRINCIPLES, AND THE OPERATING BUDGET POLICY AS OUTLINED IN THE FISCAL YEAR 2025-26 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 Fiscal Year 2025-26 Operating Budget, the Finance Committee reviewed and recommended for City Council consideration the attached Budget Principles, and Operating Budget Policy.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Budget Principles, and Operating Budget Policy as shown in **Attachment 8** and **Exhibit 3**, which are incorporated by reference herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of June, 2025, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
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 balance 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. Any use of the General Fund Emergency Reserves 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.

CITY OF MODESTO
OPERATING BUDGET POLICY

INTRODUCTION

The purpose of this policy is to identify roles, responsibilities, and actions related to the preparation and monitoring of the City of Modesto's annual operating budget. The operating budget is adopted annually at the fund level by the City Council. The budget provides a detailed estimate of how much the City needs to spend in its fiscal year to meet its ongoing financial obligations and provide programs and services.

RESPONSIBILITIES

Per the City Charter (Section 1302.1 through 1304), each year:

The City Manager shall, on or before December 15 of each year, submit to the Mayor and to the Council a five (5) year economic forecast of expenditures and revenues for each City Department.

On or before January 10, the members of the Council may submit individual written budget priorities to the Mayor for consideration. The Mayor shall, after consideration of any received written budget priorities, prepare and deliver to the Council the Mayor's Proposed Budget Priorities and Direction for both the City's Capital Budget and for the City's Operating Budget.

The Mayor shall, on or before February 15 of each year prepare and deliver to the Council the Mayor's Budget Message which shall include:

a) A statement of the fiscal priorities which the City should adopt for the ensuing fiscal year; and
b) Which City services, departments, offices or agencies the Mayor proposes to be expanded or reduced.

The Council shall hold a public hearing to consider the Final Mayor's Budget Message and to make any additions or revisions the Council deems advisable. Upon closing of the public hearing, the Council shall approve the Mayor's Budget Message as presented, or as revised.

The City Manager shall, on or before March 15 of each year, prepare and deliver to the Mayor and Council, a Capital and Operating Mid-Year Budget Report for each department, office, or agency.

By April 30 of each year, the City Manager shall send to Council a draft budget consisting of a careful estimate of the amounts of expenditures required for the business and proper conduct of the various departments, offices, boards, and commissions of the City, over which the City Manager has control during the next ensuing year. The City Manager shall also include in the draft budget an estimate of the amount of income/revenues that are to be included as part of the

draft budget. The draft budget shall accurately reflect the recommendations and priorities specified in the Final Mayor's Budget Message as adopted by the Council.

At least forty-five (45) days prior to the new fiscal year, the Mayor shall prepare and deliver to the Council the Mayor's Final Budget Modifications of the draft budget as submitted by the City Manager. Following the receipt of the Mayor's Final Budget Modifications, the Council shall consider and review the draft budget as submitted by the City Manager together with the Mayor's Final Budget Modifications and make such revisions as the Council may deem advisable. The resulting document shall be deemed the "Proposed Budget."

After the creation of the "Proposed Budget" document, the Council shall determine the time for the holding of a public hearing upon the "Proposed Budget" and a notice shall be posted not less than ten (10) days prior to said hearing. This public hearing will be used by the Council to allow for interested persons desiring to be heard an opportunity to speak upon the "Proposed Budget."

At the conclusion of the public hearing, the Council shall further consider the "Proposed Budget" and make any revisions that it may deem advisable; and thereafter it shall adopt the budget with revisions, if any. Any revisions may add or increase programs or amounts or may delete or decrease programs or amounts except expenditures required by law or for debt service provided that no budget revision to the budget shall increase proposed expenditures to an amount greater than the total estimated income plus unencumbered available reserves and estimated unencumbered balances of funds carried over from the preceding fiscal year.

The Mayor is responsible for preparing and delivering to the City Council the Mayor's Proposed Budget Priorities and Direction for capital and operating budgets, the Mayor's budget message, and final budget modifications.

The City Manager is responsible for preparing and delivering to the Mayor and Council a five-year forecast of expenditures and revenues, mid-year budget reports, and a draft budget.

The City Council is responsible for reviewing the proposed budget, holding a public hearing, revising the draft budget as needed, and approving the budget.

Under the Modesto Municipal Code (MMC) 2-3.401, the Budget Division is responsible for annually preparing and submitting to the City Manager a proposed preliminary budget prior to the beginning of the next succeeding fiscal year, and to ensuring monies are available and appropriated.

POLICY

Budget Development

1. It is the policy of the City of Modesto to prepare an annual budget using the accounting basis that is in conformance with generally accepted accounting principles (GAAP). To prepare the organization's budget, the Budget Manager shall gather proposed budget information from all Department directors (and others with budgetary responsibilities).
2. Budgets proposed and submitted by each department should be accompanied by a narrative explanation of the sources and uses of funds and explaining all material fluctuations in budgeted amounts from prior years. All requests for additional personnel shall include a narrative explaining the need for an increase in staff potential duties for the new

employee and expected salary. All requests for capital shall include a narrative explaining the reason for the need of the respective item.

3. After appropriate revisions and a compilation of all department budgets a draft of the organization-wide budget is prepared by the Budget Manager. The appropriated budget is prepared by:
   - Fund (e.g. General Fund)
   - Department (e.g. Police).
   - Division (e.g. Field Operations)
   - Revenue/Expense Account (e.g. Sales and Use Tax/Office Supplies)
4. The draft of the organization-wide budget, individual departments' budgets as well as the narratives, and multi-year project budgets are presented to the City Manager for discussion, revision, and initial approval. Each individual capital request is evaluated to determine whether the capital item is needed to clear a safety issue a legal requirement or to improve customer service. This process is separate from the creation and adoption of the City's Capital Improvement Program (CIP). The policy for the CIP adoption follows a different set of guidelines. All request for additional staff are reviewed for viability based on the economic condition of the City.
5. At a public hearing the Mayor submits to the City Council a proposed operating budget for the fiscal year commencing the following July 1. The operating budget includes proposed expenditures and the means of financing them. The proposed budget is presented to City Council for discussion, revision and adoption.
6. Public hearings are conducted at City Hall to obtain citizen input. Prior to July 1, the budget is adopted by motion of the City Council.
7. It is the policy of the City of Modesto to adopt a final budget prior to July 1 of the new fiscal year. The purpose of adopting a final budget at this time is to allow adequate time for the Budget Division to input the budget into the accounting system and establish appropriate budget and reporting procedures to ensure proper classification of activities and comparison of budget versus actual once the year begins.
8. The City will prepare and annually refine written goals and policies to guide the preparation of financing, spending, and performance plans for the City budget. Proposed budgets will comply with the adopted budget polices and Council priorities.
9. Department and program managers will not exceed the Council-approved appropriations in any fund. The City Council may approve modifications to these appropriations throughout the year as warranted by revenue collections and activity demands.
10. Enterprise funds and other non-general fund operations should be self-supporting and should maintain reserve levels that are adequate to protect against fluctuations in revenue and expenditure levels. Activities that deviate from this requirement shall be identified for the City Council annually at the time of budget adoption. Exempt from this requirement are those funds that account solely for grant funds.
11. Interest shall be allocated quarterly to all funds based on their average monthly balances during each quarter.
12. Costs charged between funds such as force-account labor and other direct costs shall be charged on the basis of actual cost and not on the budgeted amount, unless a separate contract exists between the managers of the two programs allowing the use of the budgeted amount as the basis for the charge.
13. Appropriations for certain grants and on-going Capital Improvement Program projects that were authorized in previous years and that are not fully expended shall be deemed valid until revoked. Appropriations related to certain developer-funded expenditures may also be treated as multi-year appropriations.

<u>Inter-fund Transfers and Loans</u>

1. Ongoing operating program costs will not exceed the amount of ongoing revenue to finance those costs. Inter-fund loans will not be used as a funding mechanism to address ongoing gaps between revenues and costs. If a new program is added on an ongoing basis, an ongoing revenue source will be identified to fund the program costs. Any available carryover balance will only be used to offset one-time costs.
2. Unless direction is given at the time an inter-fund transfer is approved that the amount to be transferred between funds is not subject to adjustment based on a share of cost formula, all inter-fund transfers shall be based upon the sending fund's pro rata share of any project costs or other obligation that is the basis for the transfer. Therefore, a reconciliation of the share of costs allocable to the fund(s) from which resources are to be transferred shall be performed prior to the year-end closing of the city's financial records and shall become the basis for determining the actual amount of any resources to be transferred. It is the intent of this policy that any transfers designed to provide a subsidy to the operations of another fund shall not exceed the amount needed to provide sufficient resources to make revenues equal expenditures unless other direction is provided by the City Council.
3. All inter-fund transfers and their purpose shall be identified to the Council annually, at the time of the budget adoption.
4. All inter-fund transfers between a fund and Capital or Non-Capital project shall not lapse at the end of the fiscal year but instead shall remain active until the project is completed and the funding is no longer needed. Inter-fund transfers will be evaluated at each year-end and then the remaining funds will be re-appropriated in the new fiscal year as the inter-fund transfer continues on for the continuing project.
5. Loans between funds and loans to other component units of the city should be considered in light of a multi-year business plan that demonstrates a reasonable ability to repay the loan. All inter-fund loans and loans to component units, either existing or proposed, shall be identified for the City Council at the time of budget adoption. Generally, inter-fund loans and loans to component units shall be established with a repayment deadline that reflects the earliest feasible opportunity for repayment of the loan. Interest rates charged on the loan shall be based on the actual rate of return earned by the City's investment portfolio during the 12-month period immediately preceding a payment date.
    a. Note that the terms and conditions for existing loans between the City and the former Redevelopment Agency are governed by one or more separate resolutions adopted at the time the loans were approved and are subject to the laws put into place by recent redevelopment dissolution legislation passed by the State of California.

<u>Reserves</u>

1. *General Fund Reserve:* The Council has adopted a policy that uses the Fund Balance Guidelines for the General Fund that has been established by the Government Finance Officers Association (GFOA). The Council has established the following policies pertaining to General Fund reserves:

    - The General Fund's minimum reserve requirement should be maintained at a level of no less than two months of the General Fund's regular operating expenditures. The amount of General Fund reserves are to be calculated as the total of the Emergency Reserves category.
    - Any unassigned reserves/carryover in the General Fund at the end of a fiscal year will be distributed out based upon the following guidelines:
        - 1/4 of the unassigned reserves/carryover will be assigned to the Emergency Reserves category.

- 1/4 of the unassigned reserves/carryover will be assigned to fund pension obligations (i.e. pension trust funding, etc.)
- 1/4 of the unassigned reserves/carryover will be assigned to fund deferred maintenance.
- 1/4 of the unassigned reserves/carryover will be assigned to the Innovation Fund category.

2. *Fund Replacement Reserves:* In order to provide future resources for the replacement or repair of depreciable assets, each fund shall establish a list of depreciable assets, including useful lives and replacement costs that will determine the amount to be set-aside annually to allow the timely replacement or repair of these assets. Each program manager shall also establish a plan for funding the reserve and shall disclose the adequacy of the reserve level annually to the City Council as part of the annual budget adoption process.

<u>Fund Balance Information Requirements</u>

1. The requirements of GASB Statement No. 54 are intended to enhance the usefulness, including the understandability, of fund balance information, in the financial statements. The City will spend the most restricted dollars before less restricted, given equal eligibility, in the following order:
    - Non-Spendable - if funds become spendable (inventories, prepaid amounts)
    - Restricted (grants, bond proceeds)
    - Committed (capital acquisitions, pending projects)
    - Emergency Reserves (set aside funds in the General Fund that can only be appropriated through Council action)
    - Assigned (purchase orders, encumbrances)
    - Unassigned (residual fund balance after deducting the other fund balance categories)

<u>Budget Adjustment Authority</u>

1. Any adjustment that would appropriate any amount from the General Fund Emergency Reserves must receive Council approval to be appropriated. The authority to approve any other type of budget adjustment in the amount of $25,000 or less is delegated to the Office of Performance Management and Budget Director. The authority to approve any other type budget adjustment between $25,001 and $50,000 is delegated to the City Manager.
2. Authority for any budget adjustment over $50,000 is delegated to the parties shown below with the exception of appropriations from the General Fund Emergency Reserves:

    - City Council
        - Appropriation of undesignated reserves
        - Appropriation of new revenues
            - Does not include Developer Payments
        - Budgeting inter-fund transfers
            - Does not include adjustments to budgeted transfers where the intent is to subsidize an enterprise operation as shown in item (v) under the City Manager's budget adjustment authority
        - Creation of inter-fund loans
        - Creation of, or increase in, any multi-year appropriation except for the allocation of interest
        - Addition of permanent staff positions
        - Appropriation of payments for new indebtedness including operating leases
        - All other budgetary actions not delegated to another official

- City Manager
    - Adjust appropriations between departments within a fund
    - Change any capital equipment appropriation
    - Appropriate reserves, excluding General Fund Emergency Reserves, for litigation on a case-by-case basis
    - Adjustments to Inter-fund transfers intended to balance enterprise fund operations where the cumulative total of any adjustment does not increase the original City Council approved appropriation by more than $50,000
    - Appropriate Developer Payments not previously budgeted
    - Annexation Deposits
    - Special District Formation Deposits
    - Developer Deposits to be recognized as revenue

- Office of Performance Management and Budget Director
    - Appropriate unbudgeted grant interest
    - Revise the allocation of Internal Service Fund charges between departments, provided that the total allocated amount does not increase (any such changes to the allocation shall not result in an increase or decrease to the total amount of discretionary appropriations provided to the affected departments)
    - Changing any CIP line item appropriation
    - Revoke multi-year appropriations
    - Close Capital Improvement Program or Non-Capital projects
    - Make technical budget corrections to implement the intent of Council-approved actions and resolutions
    - Transfer fiscal appropriations between sub-funds of a single fund (except where this changes appropriation amounts for temporary agency labor and/or capital equipment purchases over $25,000)
    - Make adjustments to funds or cost centers when they are closed and encumbrances need to be cleared out and budgets need to be reduced to $0 as part of the close-out process to ensure all activity is closed out for audit purposes

- Department Director
    - Transfer appropriations within a department, within a single fund (excludes appropriations related to capital equipment, capital improvement program)
    - Acting as a designee of the City Manager, the Parks, Recreation, & Neighborhoods Director shall be authorized to appropriate private donations or grants made to the Fund Development Program of the Parks, Recreation, & Neighborhoods Department for specified purposes up to $25,000

<u>Monitoring Performance</u>

1. It is the policy of the City of Modesto to monitor its financial performance by comparing and analyzing actual results with budgeted results. This function shall be performed periodically by the Budget Manager.
2. Budgetary review
    - Budget-to-actual comparisons are made on a monthly basis by the Budget Division.
    - Budget-to-actual comparisons are presented for City Council review at mid-year and on an as needed basis.
    - Budget-to-actual comparisons are provided in the annual comprehensive financial report (ACFR) for each individual governmental fund, for which an appropriated annual budget has been adopted.

3. The City maintains an encumbrance accounting system of purchase orders and contracts as a means of accomplishing budgetary control. Purchase orders are reviewed to ensure that funds are available and that requests are properly authorized prior to being released to vendors.

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-188

RESOLUTION AMENDING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO TO CREATE NEW CLASSIFICATIONS AND AMEND EXISTING CLASSIFICATIONS

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 2024-316 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 Position 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. POSITION CLASSIFICATION PLAN AMENDED. The Position Classification Plan of the City of Modesto is hereby amended as per **Exhibit 5**.

2. EFFECTIVE DATE. This Resolution shall become effective the pay period in which July 1, 2025, falls.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of June, 2025, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Classification Plan Amendments
FY 2025/2026

Dept	OPN	QTY	Position Title	Description of Adjustment	Salary Range Assignment	Division	Cost Center
MFD	New	1	Fire Plans Examiner	New Classification	1135	MFD.Fire Prevention	18510
MPD	1536, 1669	2	Police Park Ranger Supervisor	New Classification	421	MPD.Park Ranger Program - Measure H	19522
OPMB	0042	1	Budget Manager	Change Association from MCMA to UNREP; range change from 447 to 2447	2447	OPMB.Budget	11210
PW	0677, 0682, 1633	3	Senior Tree Trimmer	Retitle Tree Trimmer Crewleader to Senior Tree Trimmer	126	PW.Community Forestry	56040
PW	0189, 0190	2	Solid Waste Code Enforcement Officer	Retitle/range change Solid Waste Enforcement Officer to Solid Waste Code Enforcement Officer; Range change from 125 to 126	126	PW.Solid Waste Management	56010
PW	1399	1	Solid Waste Code Enforcement Supervisor	Retitle Solid Waste Enforcement Supervisor to Solid Waste Code Enforcement Supervisor	435	PW.Solid Waste Management	56010
UTIL	1337	1	Water Operations Superintendent	Retitle Water Superintendent to Water Operations Superintendent	444	UTL.Water Services	45010
UTIL	1400	1	Water Construction Superintendent	Retitle Water Superintendent to Water Construction Superintendent	444	UTL.Water Services	45010

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-189

RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL YEAR 2025-26 AS ADOPTED IN THE OPERATING BUDGET

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council Resolution pursuant on June 04, 2024, as part of the Annual Budget of the City of Modesto for Fiscal Year 2024-25, 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 classifications, and

WHEREAS, position changes will be effective the pay period in which July 1, 2025 falls, unless otherwise 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 2025-26 Operating Budget for various departments **attached** hereto as **Exhibit 6**.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of June, 2025, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Position Allocation Amendments
FY 2025/2026

Dept	OPN	QTY	Request	Position	Current Division	Current CC#	Division Moving To	CC# Moving To
AUD	1434	1	Eliminate Senior Auditor	Senior Auditor	AUD.City Auditor	06010	n/a	n/a
AUD	1385	1	Eliminate Auditor II	Auditor II	AUD.City Auditor	06010	n/a	n/a
CED	0197	1	Reallocate/reclass Senior Building Inspector to Building Inspector Supervisor	Senior Building Inspector	CED.Building Safety	14210	n/a	n/a
ENG	New	1	Allocate Construction Inspector	Construction Inspector	ENG.onstruction Administration	13210	n/a	n/a
MFD	New	1	Fire Plans Examiner	Fire Plans Examiner	MFD.Fire Prevention	18510	n/a	n/a
MFD	1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528	9	Move Firefighter positions to new Cost Center	Firefighter	MFD.SAFER Grant	18216	MFD.SAFER Grant	18218
MFD	n/a	n/a	Eliminate Cost Center 18216	n/a	MFD.SAFER Grant	18216	n/a	n/a
MPD	1539	1	Reallocate/reclass Police Park Ranger to Police Park Ranger Supervisor	Police Park Ranger Supervisor	MPD.Measure H - Park Ranger Program ARU	19522	n/a	n/a
MPD	1652	1	Allocate 1 Senior Administrative Office Assistant	Senior AOA	MPD.Measure H - Records and Support	19321	n/a	n/a
MPD	0852, 1111	2	Reallocate 1 Police Officer to Police Sergeant	Police Sergeant	MPD.Measure H - Field Operations	19321	n/a	n/a
MPD	1373	1	Reallocate 1 Police officer to Police Lieutenant	Police Lieutenant	MPD.Measure H - Field Operations	19321	n/a	n/a
MPD	1657, 1658, 1659, 1660, 1661,	5	Reallocate 5 Police Officer Recruits to 5 Police Officer	Police Officer	MPD.Measure H - Field Operations	19321	n/a	n/a
MPD	1662, 1663, 1664, 1665, 1666	5	Eliminate 5 Police Officer Recruits	Police Officer Recruit	MPD.Measure H - Field Operations	19321	n/a	n/a
MPD	1383	1	Move 1 Police Lieutenant to new Cost Center	Police Lieutenant	MPD. Area Command	19510	MPD.Measure H - Area Command	19511
MPD	0122	1	Move 1 Police Sergeant to new Cost Center	Police Sergeant	MPD.Measure H - Alt. Response Unit	19520	MPD.Measure H - ARU	19521
MPD	1094	1	Move 1 Police Officer to new Cost Center	Police Officer	MPD.Measure H - Alt. Response Unit	19520	MPD.Measure H - ARU	19521
MPD	1092	1	Reallocate 1 Police Officer to Police Sergeant	Police Sergeant	MPD.Field Operations	19320	n/a	n/a
MPD	1405	1	Move 1 Maintenance Worker II to new Cost Center	Maintenance Worker II	MPD.Measure H - Alt. Response Unit	19520	MPD.Measure H - ARU	19521
MPD	0065	1	Move 1 Building Maintenance Technician to new Cost Center	Building Maintenance Technician	PW.City 10th Street Place JPA Operations	52310	MPD. Building Services	19490
MPD	0892	1	Move 1 Community Service Officer II to new Cost Center	Community Service Officer II	MPD.Field Operations	19320	MPD.Police Abandoned Vehicles (AC)	19570
PRN	0177, 0178	2	Move 2 Recreation Coordinators to new Cost Center	Recreation Coordinator	PRN.Senior and Children's Services	33120	PRN.Adult and Child Programs	33140
PRN	0180, 1403	2	Move 2 Recreation Coordinator to new Cost Center	Recreation Coordinator	PRN.Sports and Aquatic Services	33130	PRN.Aquatics Programs	33150
PW	0189, 0190	2	Reallocate/reclass 2 Solid Waste Code Enforcement Officers	Solid Waste Code Enforcement Officer	PW.Solid Waste	56010	na	na
PW	1399	1	Reallocate/reclass 1 Solid Waste Code Enforcement Supervisor	Solid Waste Code Enforcement Supervisor	PW.Solid Waste	56010	na	na
PW	0761, 0762	2	Reallocate 2 Maintenance Worker I to Maintenance Worker II	Maintenance Worker II	PW.Parking Services	53250	na	na
PW	New	1	Allocate 1 Operations Crew leader	Operations Crew leader	PW.Solid Waste	56010	na	na
PW	New	1	Allocate 1 Maintenance Worker II	Maintenance Worker II	PW.Measure H - Blight Abatement	56019	na	na
PW	1592, 1593, 1594, 1595	4	Reallocate 4 Maintenance Worker I to Maintenance Worker II	Maintenance Worker II	PW.Measure H - Blight Abatement	56019	na	na
PW	n/a		Eliminate Cost Center 52310	n/a	PW.City 10th Street Place JPA Operations	52310	na	na
PW	1276, 1277	2	Reallocate 2 Maintenance Worker I to Maintenance Worker II	Maintenance Worker II	PW.Solid Waste Management	56010	na	na
UTL	New	1	Allocate 1 Water Resources Analyst	Water Resources Analyst	UTL.Wastewater Administration	45010	na	na
UTL	1337	1	Reallocate/reclass 1 Water Operations Superintendent	Water Operations Superintendent	UTL.Water Services	45010	na	na
UTL	1400	1	Reallocate/reclass 1 Water Construction Superintendent	Water Construction Superintendent	UTL.Water Services	45010	na	na

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-190

RESOLUTION APPROVING THE 2025-2027 BLIGHT ABATEMENT STRATEGY

WHEREAS, in a 2019 Citywide community survey, blight was identified as one of the most pressing concerns among Modesto residents. Since then, the City has been diligently working to address concerns raised in the community survey through the goals and strategies outlined in the 2020-2025 Blight Abatement Strategy; and

WHEREAS, while the past five years have brought significant challenges, particularly with the pandemic, they also created new opportunities, such as the passage of Measure H, which has further supported our blight abatement efforts; and

WHEREAS, the City of Modesto is ready to adopt an update strategy reflecting on the past five years and new opportunities ahead.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the 2025-2027 Blight Abatement Strategy.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Zwahlen

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, ~~City Attorney~~

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-191

RESOLUTION APPROVING AN AGREEMENT WITH DOWNTOWN STREETS, INC. (DST) FOR JOB TRAINING AND RAPID RE-HOUSING SERVICES FOR AN ANNUAL AMOUNT OF $500,000 AND A TOTAL AMOUNT NOT TO EXCEED $1,000,000 FOR A TWO (2) YEAR TERM, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on December 11, 2018, by Resolution 2018-565, a Memorandum of Understanding (MOU) was entered into by the City of Modesto, County of Stanislaus, Stanislaus Community Foundation, and the United Way to bring the Downtown Streets Inc. program to Stanislaus County; and

WHEREAS, the initial multi-partner Memorandum of Understanding expired on December 11, 2021; and

WHEREAS, on August 9, 2022, through Resolution 2022-340, the City, the County of Stanislaus Community Services Agency and the Downtown Streets Inc. entered into another MOU in an amount not to exceed $2,100,000 for the three (3) year term; and

WHEREAS, the City committed a total of $700,000 annually and the County contributed $200,000 annually to continue supporting the Downtown Streets Inc.; and

WHEREAS, with the expiration of the MOU approaching, June 30, 2025, the City and County have been in active negotiations for a renewed MOU to help with the continuation of the DST program; and

WHEREAS, the DST organization has been exceptional in supporting individuals experiencing homelessness by providing daily meaningful activities, building camaraderie, and supporting members in the following areas: securing employment,

increasing engagement in mental health treatment, removing barriers to housing and employment, and assisting with vital documents; and

WHEREAS, DST will continue to require team members to perform a daily meaningful activity and the scope of work will continue to include case management, outreach and engagement of individuals experiencing homelessness and litter abatement on public right of ways such as parks, sidewalks, and other city owned property; and

WHEREAS, DST will be responsible for funding 60% of their total budget, which equals $1,500,000, for this agreement to support ongoing operations of the program for the 2-year term; and

WHEREAS, the City has partnered with the Downtown Streets, Inc. to identify potential revenues such as Medi-Cal reimbursement, philanthropic sources, and other fundraising opportunities that can meet or exceed the 60% requirement to help DST become a self-sufficient organization; and

WHEREAS, the total allocation from the City will be in the amount of $500,000 and a total allocation for the two-year period in the amount of $1,000,000 in aggregate for all services provided by Downtown Streets, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Downtown Streets, Inc. (DST) for job training and rental assistance services for an annual amount of $500,000 and a total amount not to exceed $1,000,000 for a two (2) year term.

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 June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Zwahlen

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-192

RESOLUTION AMENDING THE FISCAL YEAR 2024-25 ANNUAL OPERATING FUND BUDGETS AND CREATING A MULTI YEAR PROJECT IN THE AMOUNT OF $1,100,000 TO APPROPRIATE THE FUNDS FOR THE AGREEMENT WITH DOWNTOWN STREETS, INC. FOR JOB TRAINING AND RAPID REHOUSING SERVICES AND CITY ACTIVITY DELIVERY IN THE AMOUNT OF $100,000 FOR A TOTAL AMOUNT NOT TO EXCEED $1,100,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the initial multi-partner Memorandum of Understanding expired on December 11, 2021; and

WHEREAS, on August 9, 2022, through Resolution 2022-340, the City, the County of Stanislaus Community Services Agency and the Downtown Streets, Inc. entered into another MOU in an amount not to exceed $2,100,000 for the three (3) year term; and

WHEREAS, with the expiration of the MOU approaching, June 30, 2025, the City and County have been in active negotiations for a new MOU to help with the continuation of the DST program; and

WHEREAS, the DST organization has been exceptional in supporting individuals experiencing homelessness by providing daily meaningful activities, building camaraderie, and supporting members in the following areas: securing employment, increasing engagement in mental health treatment, removing barriers to housing and employment, and assisting with vital documents; and

WHEREAS, DST will continue to require team members to perform a daily meaningful activity and the scope of work will continue to include case management,

outreach and engagement of individuals experiencing homelessness and litter abatement on public right of ways such as parks, sidewalks, and other city owned property; and

WHEREAS, DST will be responsible for funding 60% of their total budget, which equals $1,500,000, for this agreement to support ongoing operations of the program for the 2-year term; and

WHEREAS, the City has partnered with the Downtown Streets, Inc.to identify potential revenues such as Medi-Cal reimbursement, philanthropic sources, and other fundraising opportunities that can meet or exceed the 60% requirement to help DST become a self-sufficient organization; and

WHEREAS, the total allocation from the City will be in the amount of $500,000 and a total allocation for the two-year period in the amount of $1,000,000 in aggregate for all services provided by Downtown Streets, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the fiscal year 2024-25 annual operating fund budgets and creation of a multi-year project in the amount of $1,100,000 to appropriate the funds for the agreement with Downtown Streets, Inc. for job training and rapid rehousing services and activity delivery in the amount of $100,000 for a total amount not to exceed $1,100,000.

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 June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Zwahlen

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-193

RESOLUTION APPROVING AN AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR THE ACCEPTANCE OF ENCAMPMENT RESOLUTION FUNDING PROGRAM IN THE AMOUNT OF $5,757,847, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS AND SUBMIT APPLICABLE DOCUMENTS AS REQUIRED BY THE STATE, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AGREEMENTS FOR THE ALLOCATION OF SUB-AWARDS TO MODESTO GOSPEL MISSION FOR $1,491,967 AND SALVATION ARMY FOR $669,167 TO CARRY OUT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, in 2021, Assembly Bill 140 allocated $50 million for local proposals to resolve the experience of unsheltered homelessness for people residing in encampments in a first round of funding; and

WHEREAS, Senate Bill 197 amended the program and Assembly Bill 178 allocated an additional $300 million for round two of funding; and

WHEREAS, the Notice of Funding Availability (NOFA) administered through the State accepted applications through the California Interagency Council on Homelessness (Cal-ICH) for the remaining $298,747,574 of ERF-3 funds until June 30, 2024 or until funds were exhausted; and

WHEREAS, the City's proposal for ERF funding submitted in June 2024 was approved to be awarded and will support the City's Camp2Home initiative in tackling homelessness with the focus of non-congregate shelter, congregate shelter, and permanent housing in a grant amount of $5,757,847; and

WHERAS, the City has identified the ERF-3-R funding program as an opportunity to address concerns caused by the encampments to transition unhoused individuals into safe and stable housing; and

WHEREAS, this proposal includes financial support for personnel and equipment for the City's Modesto Police Department through the Community Health and Assistance Team (CHAT) to perform street outreach and associated services on State Route 132, nearby areas, and other key State Right of Ways; and

WHEREAS, the City will partner with the Modesto Gospel Mission to support the operations of bridge housing, meal services, and wrap-around support services for clients; and

WHEREAS, the City will also partner with The Salvation Army for critical case management services and referral services to the program participants to help improve exits to housing; and

WHEREAS, ERF will also support permanent housing subsidies to help support individuals with their transition from bridge housing and shelter to housing; and

WHEREAS, ERF also includes funds for City staff to provide oversight of the program; and

WHEREAS, the grant award is for a total of $5,757,847 to further the City's Camp2Home initiative through key partnerships and critical services with the Modesto Gospel Mission, The Salvation Army, and the provision of permanent housing subsidies; and

WHEREAS, $1,491,967 of the grant will be provided to the Modesto Gospel Mission to support the operations of non-congregate shelter units at the 1530 Owens Drive project, including meal services, access to bathrooms, showers and laundry services, storage, access to supportive services/linkages, and security services.

WHEREAS, of $669,167 of the grant will be provided to the Salvation Army to support ongoing operations of the Berberian Shelter.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement with the State of California Department of Housing and Community Development for the acceptance of Encampment Resolution Funding in the amount of $5,757,847.

BE IT FURTHER RESOLVED, that the City Manager is authorized to execute agreements and submit applicable documents as required by the State.

BE IT FURTHER RESOLVED, that the City Manager is authorized to negotiate and execute agreements for the allocation of subawards to Modesto Gospel Mission for $1,491,967 and Salvation Army for $669,167 to carry out the provisions of this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Zwahlen

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-194

RESOLUTION AMENDING THE FISCAL YEAR 2024-25 ANNUAL OPERATING AND NON-CAPITAL PROJECT FUND BUDGETS TO ESTABLISH THE REVENUE, EXPENDITURES, AND TRANSFERS FOR PROJECT #101663 IN THE AMOUNT OF $5,757,847 TO APPROPRIATE THE FUNDS FOR THE ENCAMPMENT RESOLUTION FUNDING PROGRAM AND AUTHORIZING THE CITY MANAGER, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the Encampment Resolution Funding (ERF) Program was created to fund actionable, person-centered local proposals that resolve the experience of unsheltered homelessness for people residing in encampments; and

WHEREAS, the City applied for ERF in June 2024 funding to support the encampment population; and

WHEREAS, in December 2024, the City was notified that the City was awarded $5,757,847 to support the City's Camp2Home initiative in tackling homelessness with focus of outreach, bridge housing, and shelter; and

WHEREAS, the funding is broken down for the following activities: Modesto Gospel Mission, The Salvation Army, Community Health and Assistance Team, Permanent Housing, and City of Modesto Administration; and

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual Operating Fund Budgets to establish the revenue, expenditures, and transfers for Project #101663 – Encampment Resolution Funding (ERF) in the amount of $5,757,847 to appropriate funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2024-25 Annual Operating and Non-Capital Project budgets to establish the revenue, expenditures, and transfers for the

encampment resolution funding program.

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 June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Zwahlen

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-195

RESOLUTION APPROVING AN AGREEMENT WITH TURNING POINT COMMUNITY PROGRAMS, RANCHO CORDOVA, CALIFORNIA TO ADMINISTER A MOTEL VOUCHER PROGRAM TO ASSIST INDIVIDUALS EXPERIENCING HOMELESSNESS IN AN AMOUNT NOT TO EXCEED $200,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on November 8, 2022, Modesto voters approved Measure H, a one-cent sales tax for general City services; and

WHEREAS, the community identified a desire for an increased level of service such as addressing quality of life issues; and

WHEREAS, the measure identified expenditures that will allow the City to improve City services, including funding to address homelessness; and

WHEREAS, on June 4, 2024, by Resolution 2024-190 Council approved the adoption of the Fiscal Year 2024-25 Measure H spending plan allocating Two Hundred Thousand Dollars ($200,000) in Measure H revenue towards the implementation of a motel voucher program; and

WHEREAS, with the adoption of the budget for the implementation of a motel voucher program City staff began the development of the program and engaged Turning Point Community Programs (TPCP) to administer and provide oversight for the program; and

WHEREAS, TPCP has experience implementing this type of program and has the capacity and knowledge to successfully operate and administer a motel voucher program; and

WHEREAS, evidenced by its management over the past 40 years, TPCP provides essential and supportive services aiding the unhoused community on a path to recovery and stability through outreach, housing programs, and housing stabilization services to the residents of Modesto; and

WHEREAS, the program will operate through a collaboration between TPCP and Community Health and Assistance Team (CHAT); and

WHEREAS, CHAT program has been successful in engaging individuals experiencing homelessness within the city and provides immediate support, intervention, and connections to mainstream social services, shelters, and housing programs; and

WHEREAS, TPCP will partner with local motels to provide the eligible participants motel vouchers that cover the cost of their temporary stay at a not to exceed cost of $85 per night for a single individual; and

WHEREAS, the motel voucher will provide individuals with a maximum stay of up to five (5) nights for individuals that have a place to go following their motel stay; and

WHEREAS, during this process, individuals will be assisted with stabilization, while they wait to be reunited with family, or are connected with a shelter or permanent housing situation; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to follow formal bid procedures. However, 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 is exempt from the formal bidding procedures in accordance with Modesto Municipal Code 8-3.204(d) since Turning Point Community Programs, Rancho Cordova, California has the administrative experience and the negotiated motel contracts to manage this program; and

WHEREAS, Turning Point Community Programs has an established relationship with the hotel/motels with negotiated rates that adhere to rates established by the State of California for identical programs and these rates will apply to this motel voucher program; and

WHEREAS, therefore, staff recommends the administration of the motel voucher program to assist individuals experiencing homelessness the of this Agreement to Turning Point Community Programs, Rancho Cordova, California; and

WHEREAS, City Staff recommends an allocation to TPCP not to exceed Two Hundred Thousand Dollars ($200,000) in Measure H funds on a cost reimbursement basis; and

WHEREAS, the cost of the motel voucher program will be absorbed within the Fiscal Year 2024-25 operating budget in the CED-Measure H-Administration Cost Center 14112.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Turning Point Community Programs, Rancho Cordova, California to administer a motel voucher program to assist individuals experiencing homelessness in an amount not to exceed $200,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Zwahlen

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-196

RESOLUTION OF INTENTION TO FORM CITY OF MODESTO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2025-2 (VILLAGE ONE TRIANGLE), AN AREA BOUNDED BY CLAUS ROAD, EAST BRIGGSMORE AVE AND THE RAILROAD ALONG NORTH SANTA FE AVENUE AND TO DESIGNATE CERTAIN PARCELS AS FUTURE ANNEXATION AREA FOR THE CFD NO. 2025-2 AND AUTHORIZE THE LEVY OF SPECIAL TAX WITHIN CFD NO. 2025-2

WHEREAS, pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code of the State of California (the "Act"), the City Council of the City of Modesto (the "City") is authorized to establish a community facilities district and to act as the legislative body for a community facilities district; and

WHEREAS, the owner (collectively, the "Owner") of not less than 10 percent of the area of land depicted on the map of the proposed community facilities district referred establish to below on file with the City Clerk (the "Property"), has filed a written petition with the City to establish the City of Modesto Community Facilities No. 2025-2 (Village One Triangle) (the "Community Facilities District"), in order to finance the cost of the facilities and services listed in **Appendix A** hereto (the "Facilities" and "Services"), as well as all costs associated with the creation of the Community Facilities District and administering the Community Facilities District (collectively, the "Incidental Expenses"); and

WHEREAS, the Owner has submitted to the City an application to form the Community Facilities District pursuant to the City's 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 (the "City's CFD Policies and Procedures"); and

WHEREAS, the Owner has submitted deposits required by the City for payment of City fees and costs incurred in conducting proceedings to create the Community Facilities District; and

WHEREAS, the petition submitted by the Owner complies with the requirements of 53319 of the Act and the City's CFD Policies and Procedures; and

WHEREAS, subject to the satisfaction of all applicable requirements of law, it is the intention of this City Council to finance the Incidental Expenses and to pay for the Facilities and Services through the formation of the Community Facilities District and the levy of annual facilities and maintenance special taxes and one-time facilities special tax, provided that the levy of the special taxes is approved at an election to be held within the initial boundaries of the Community Facilities District; and

WHEREAS, the City Council also desires to institute proceedings to designate certain property within the Village One Specific Plan, as future annexation to the Community Facilities District (the "Future Annexation Area") under and pursuant to the terms of the Act for the purpose of financing facilities and services authorized pursuant to the Act, including the Facilities and Services; and

WHEREAS, the City Council has determined that public convenience and necessity require that pursuant to Sections 53328.1 and/or 53339.3 of the Act, the Future Annexation Area be designated for annexation to the Community Facilities District with the condition that parcels within that territory may be annexed only with the unanimous

approval of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds and determines as follows:

SECTION 1. The above recitals are true and correct and are incorporated herein by reference.

SECTION 2. The Community Facilities District is proposed to be established, with the initial parcels, and other property is proposed to be designated as future annexation area, under the terms of the Act. It is further proposed that the boundaries of the Community Facilities District and the boundaries of the future annexation area, shall be as depicted on the map of the proposed Community Facilities District which is on file with the City Clerk entitled "Map of Proposed Boundaries and Future Annexation Area of the City of Modesto Community Facilities District No. 2025-2 (Village One Triangle)." The City Clerk is hereby directed to sign the original map of the Community Facilities District and record it with all proper endorsements thereon with the County Recorder of the County of Stanislaus within fifteen days after the adoption of this resolution, all as required by Section 3111 of the Streets and Highways Code of the State of California.

SECTION 3. The name of the proposed community facilities district shall be "City of Modesto Community Facilities District No. 2025-2 (Village One Triangle)."

SECTION 4. The Facilities and Services proposed to be provided within the Community Facilities District are services or facilities, as the case may be, which the City is authorized by law to construct, acquire, own and operate, or to provide. This City

Council hereby finds and determines that the descriptions of the Facilities and Services contained herein is sufficiently informative to allow taxpayers within the proposed improvement areas within Community Facilities District to understand what the funds of the Community Facilities District may be used to pay for. The Incidental Expenses expected to be incurred include the cost of forming the Community Facilities District and levying and collecting a special tax within the Community Facilities District.

The description of the Facilities and Services may be modified upon the annexation of property into the Community Facilities District, provided such modified description shall only apply to such annexed areas. Improvement areas may be designated when property is annexed into the Community Facilities District.

SECTION 6. Except where funds are otherwise available, it is the intention of the City Council to levy in accordance with procedures contained in the Act within the Community Facilities District (i) a one-time special tax sufficient to pay for the costs of financing the purchase, construction, expansion, modification, rehabilitation or improvement of a portion of the Facilities (the "One-Time Facilities Special Tax"), and (ii) an annual special tax sufficient to pay for the costs of financing the Services (the "Annual Maintenance Special Tax," and, together with the Annual Facilities Special Tax and the One-Time Facilities Special Tax, the "Special Taxes"), and to pay for Incidental Expenses. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code of the State of California, a continuing lien to secure each levy of the Special Taxes shall attach to all nonexempt real property in the Community Facilities District, and when annexed, the Future Annexation Area, and that lien shall continue in force and effect until collection of the Special Taxes ceases.

The rate, method of apportionment and manner of collection of the special tax are described in detail in **Appendix B attached** hereto and incorporated herein as though set forth at length (the "Rate and Method"). **Appendix B** allows each landowner within the Community Facilities District to estimate the maximum amount that may be levied against each parcel.

If special taxes within the Community Facilities District are levied against any parcel used for private residential purposes to pay for public facilities, under no circumstances will such special tax be increased as a consequence of delinquency or default by the owner of any other parcel or parcels within the Community Facilities District, and for each annexed area or future improvement area from the Future Annexation Area, when annexed, by more than ten percent (10%) within the Community Facilities District or same improvement area, as applicable.

This City Council hereby determines the Rate and Method to be reasonable. The special tax is apportioned to each parcel on the basis of its land use and area pursuant to Section 53325.3 of the Act; and such special tax is not on or based upon the value or ownership of real property. In the event that a portion of the property within the Community Facilities District shall become for any reason exempt, wholly or partially, from the levy of the special tax, this City Council shall, on behalf of the Community Facilities District, cause the levy to be increased, subject to the limitation of the maximum special tax for a parcel as set forth in the Rate and Method, to the extent necessary upon the remaining property within the Community Facilities District, and for each annexed area or future improvement area from the Future Annexation Area, when annexed, which is not delinquent or exempt in order to yield the special tax revenues

required for the purposes described in this Section 5. The Annual Maintenance Special Tax shall be levied and collected in perpetuity. The One-Time Facilities Special Tax shall be levied and collected as provided in the Rate and Method.

SECTION 6. A public hearing (the "Hearing") on the establishment of the Community Facilities District, the designation of the Future Annexation Area and the proposed Rate and Method shall be held on July 22, 2025, at 5:30 p.m., or as soon thereafter as practicable, at the Modesto City Council Chamber, 1010 Tenth Street, Modesto, CA 95353. Should this City Council determine to form the Community Facilities District, a special election will be held to authorize the levy of the special tax within the Community Facilities District in accordance with the procedures contained in Government Code Section 53326. If held, the proposed voting procedure at the election is expected to be a landowner vote with each landowner of record as of the close of the Hearing within the Community Facilities District having one vote for each acre of land or portion thereof owned within the Community Facilities District. Ballots for the special election may be distributed by mail or by personal service.

SECTION 7. At the time and place set forth above for the Hearing, any interested person, including all persons owning lands or registered to vote within the proposed Community Facilities District or the Future Annexation Area, may appear and be heard.

SECTION 8. Each officer of the City who is or will be responsible for providing the Facilities and Services within the proposed Community Facilities District, if it is established, and within the Future Annexation Area, when annexed, is hereby directed to study the proposed Community Facilities District and, at or before the time of the Hearing, file a report with this City Council containing a brief description of the Facilities

and Services, as the case may be, which will in his or her opinion be required to meet adequately the needs of the proposed Community Facilities District and an estimate of the cost of providing those Facilities and Services and an estimate of the fair and reasonable cost of any Incidental Expenses to be incurred.

SECTION 9. The City may accept advances of funds or work-in-kind from any source, including, but not limited to, private persons or private entities, for any authorized purpose, including, but not limited to, paying any cost incurred by the City in creating the Community Facilities District. The City may enter into an agreement with the person or entity advancing the funds or work-in-kind, to repay all or a portion of the funds advanced, or to reimburse the person or entity for the value, or cost, whichever is less, of the work-in-kind, as determined by this City Council, with or without interest.

SECTION 10. Pursuant to Section 53340 of the Act, and except as provided in Section 53317.3 of the Act or in the Rate and Method, properties of entities of the state, federal, and local governments shall be exempt from the levy of the Special Taxes.

SECTION 11. The City Council hereby finds that the proposed Facilities and Services are necessary to meet increased demands put upon the City as a result of the new development within the proposed Community Facilities District, and when annexed, the Future Annexation Area.

SECTION 12. The City Clerk is hereby directed to publish a notice (the "Notice") of the Hearing pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the area of the Community Facilities District. Such publication shall be completed at least seven days prior to the date of the Hearing. The City Clerk is further directed to mail a copy of the Notice to each of the

landowners and registered voters, if any, within the boundaries of the Community Facilities District at least 15 days prior to the Hearing. The Notice shall contain the text or a summary of this Resolution, the time and place of the Hearing, a statement that the testimony of all interested persons or taxpayers will be heard, a description of the protest rights of the registered voters and landowners in the proposed Community Facilities District and a description of the proposed voting procedure for the election required by the Act.

SECTION 13. The Future Annexation Area will be annexed into the Community Facilities District only at such time as the Community Facilities District receives unanimous written approval to be annexed from the owner or owners of each parcel or parcels of the portion of the Future Annexation Area proposed to be annexed at that time. Annexations to the Community Facilities District may include separate and distinct improvement areas, modified descriptions of facilities and services and/or modified special tax rates as set forth in a modified or separate Rate and Method at the time of annexation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Zwahlen

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorney~~

APPENDIX A

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2025-2
(VILLAGE ONE TRIANGLE)

LIST OF FACILITIES

The types of Facilities and Services proposed to be financed by Community Facilities District No. 2025-2 (CFD) are as follows:

Authorized Facilities:

The CFD shall be authorized to finance all or any part of the costs of acquisition, construction and improvement of the following facilities (the "Facilities"):

- Bike Trail
- Road Improvements
- Roundabout Intersections
- MID Crossing Improvements
- Rail Crossing Improvements

The Facilities shall include all hard and soft costs associated with the improvements, including the costs of acquisition of land and rights-of-way, the costs of design, engineering and planning, the costs of environmental or traffic studies, surveys or other reports, costs related to landscaping and irrigation, soils testing, permits, plan check, and inspection fees, insurance, legal and related overhead costs, coordination and supervision and any other costs or appurtenances related to any of the foregoing. The CFD may also fund, and the special taxes may also be used to directly pay for, the purchase, construction, expansion, improvement or rehabilitation of any of the Facilities, and to reimburse the City or any third parties for advances made to purchase, construct, expand, improve or rehabilitate any of the Facilities.

LIST OF SERVICES

Maintenance of the Neighborhood Park(s), arterial road parkway, median and roundabout landscaping, tree pruning, connector street parkway, median landscaping, bike trails, masonry walls, central basin and storm drain facilities.

The services to be provided include, but are not limited to, litter and debris removal, pruning, staking, fertilizing, plant replacement and restoration, fire and weed control, erosion control, trimming of vegetation, and storm drain system maintenance. Authorized services shall also include the following: (i) related reserves for the replacement of plants and materials, replacement of storm water treatment filters and other storm drainage facilities, and (ii) a sinking fund for services that could not otherwise be funded in a given fiscal year.

The services to be financed by the CFD are in addition to those provided in the territory of the CFD before the date of creation of the CFD and will not supplant services already available within that territory when the CFD was created.

Administrative Expenses

The administrative expenses to be funded by the CFD include the direct and indirect expenses incurred by the City in carrying out its duties with respect to the CFD including, but not limited to, the levy and collection of special taxes, fees and expenses of attorneys, any fees of the County of Stanislaus related to the CFD or the collection of special taxes, an allocable share of the salaries of the City staff related thereto, and expenses incurred by the City in undertaking action to foreclose on properties for which the payment of special taxes is delinquent, and all other costs and expenses of the City in any way related to the CFD.

APPENDIX B

PROPOSED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

ADD UPDATED RMA

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2025-2
(VILLAGE ONE TRIANGLE)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES

Special Taxes applicable to each Assessor's Parcel in the City of Modesto Community Facilities District No. 2025-2 (Village One Triangle) shall be levied and collected according to the tax liability determined by the City or its designee, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in the CFD, unless exempted by law or by the provisions of Section H below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre" or "Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map or other Development Plan.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, (commencing with Section 53311), Part 1, Division 2 of Title 5 of the California Government Code.

"Administrative Expenses" means any or all of the following: the expenses of the City in carrying out its duties with respect to the CFD, including, but not limited to, the levy and collection of Special Taxes, the fees and expenses of its counsel, charges levied by the County in connection with the levy and collection of Special Taxes, costs related to property owner inquiries regarding the Special Taxes, costs associated with appeals or requests for interpretation associated with the Special Taxes and this RMA, costs associated with foreclosure and collection of delinquent Special Taxes, and all other costs and expenses of the City in any way related to the establishment or administration of the CFD.

"Administrator" means the person or firm designated by the City to administer the Special Taxes according to this RMA.

"Annual Maintenance Special Tax" means a special tax levied in any Fiscal Year to pay the Maintenance Special Tax Requirement, as defined below.

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

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

"Assessor's Parcel Number" means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Facilities" means the public facilities authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

"Authorized Services" means the public services authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

"Base Annual Maintenance Special Tax" means the applicable Annual Maintenance Special Tax initially identified in Table 1 of Section C, as may be adjusted pursuant to Section D herein.

"Base One-Time Facilities Special Tax" means the applicable One-Time Facilities Special Tax initially identified in Table 1 of Section C, as may be adjusted pursuant to Section D herein.

"Base Special Taxes" means, collectively, the Base Annual Maintenance Special Tax and the Base One-Time Facilities Special Tax.

"Building Permit" means a permit that allows for vertical construction of a building or buildings, which shall not include a separate permit issued for construction of the foundation thereof.

"CFD" means the City of Modesto Community Facilities District No. 2025-2 (Village One Triangle).

"CFD Formation" means the date on which the Resolution of Formation to form the CFD was adopted by the City Council.

"City" means the City of Modesto.

"City Council" means the City Council of the City of Modesto, acting as the legislative body of the CFD.

"County" means the County of Stanislaus.

"Developed Property" means, in any Fiscal Year, the following:

For purposes of levying the Annual Maintenance Special Tax:

- for Single Family Detached Property, all Parcels for which a Final Map was recorded prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2024;

- for Single Family Attached Property, all Parcels for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2024;

- for Other Property, all parcels for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2024.

For purposes of levying the One-Time Facilities Special Tax: all Parcels for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2024.

"Development Class" means, individually, Developed Property and Undeveloped Property.

"Development Plan" means a condominium plan, apartment plan, site plan or other development plan that identifies such information as the type of structure, the acreage, the square footage, and/or the number of Units that will be developed on Single Family Attached Property or Other Property.

"Escalation Factor" means, in any Fiscal Year, the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%).

"Expected Maximum Annual Maintenance Special Tax Revenues" means the aggregate Annual Maintenance Special Tax that can be levied based on application of the Base Annual Maintenance Special Tax to the Expected Land Uses. The Expected Maximum Annual Maintenance Special Tax Revenues at CFD Formation are shown in Attachment 1 and may be revised pursuant to Sections D and E below. Updates to Attachment 1 shall be maintained internally by the Administrator and shall not require recordation of an amended RMA.

"Expected Maximum One-Time Facilities Special Tax Revenues" means the aggregate One-Time Facilities Special Tax that can be levied based on application of the Base One-Time Facilities Special Tax to the Expected Land Uses. The Expected Maximum One-Time Facilities Special Tax Revenues at CFD Formation are shown in Attachment 1 and may be revised pursuant to Sections D and E below. Updates to Attachment 1 shall be maintained internally by the Administrator and shall not require recordation of an amended RMA.

"Final Map" means a final map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq*) that creates Single Family Detached Lots. The term "Final Map" shall not include any large-lot subdivision map, Assessor's Parcel Map, or subdivision map or portion thereof, that does not create Single Family Detached Lots, including Assessor's Parcels that are designated as remainder parcels.

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

"Future Annexation Area" means that geographic area that, at the time of CFD Formation, was considered potential annexation area for the CFD and which was, therefore, identified as "future annexation area" on the recorded CFD boundary map. Such designation does not mean that any or all of the Future Annexation Area will annex into the CFD, but should property designated as Future Annexation Area choose to annex, the annexation may be processed pursuant to the streamlined annexation procedures provided in the Act.

"Land Use Category" means the categories of land use identified in Table 1 in Section C below.

"Maintenance Special Tax Requirement" means the amount of revenue needed in any Fiscal Year to pay for: (i) Authorized Services, (ii) establishment of reserves, (iii) Administrative

Expenses, and (iv) amounts needed to cure any delinquencies in the payment of Annual Maintenance Special Taxes which have occurred in prior Fiscal Years.

"**Maximum Annual Maintenance Special Tax"** means the greatest amount of Annual Maintenance Special Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordance with Sections C and D below.

"Maximum Annual Maintenance Special Tax Revenues" means, for a particular Tax Zone in any Fiscal Year, the aggregate revenues that can be generated if the Maximum Annual Maintenance Special Tax is levied on all Parcels of Taxable Property in that Tax Zone.

"**Maximum One-Time Facilities Special Tax"** means the greatest amount of One-Time Facilities Special Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordance with Sections C and D below.

"Maximum Special Taxes" means, collectively, the Maximum One-Time Facilities Special Tax and Maximum Annual Maintenance Special Tax.

"One-Time Facilities Special Tax" means a special tax levied on Taxable Property to pay the One-Time Facilities Special Tax Requirement.

"One-Time Facilities Special Tax Requirement" means, for a Parcel of Taxable Property in the CFD, the amount needed to pay the Parcel's share of the cost of Authorized Facilities as determined by the City, which amount shall not exceed the Maximum One-Time Facilities Special Tax assigned to the Parcel pursuant to this RMA.

"Other Property" means any Parcel of Developed Property in the CFD that is not Single Family Attached Property, Single Family Detached Property, Owners Association Property, or Public Property.

"Owners Association" means a homeowners association or property owners association that provides services to, and collects assessments, fees, dues, or charges from, property within the CFD.

"Owners Association Property" means any property within the boundaries of the CFD that is owned in fee or through easement by the Owners Association, not including any such property that is located directly under a residential structure.

"Proportionately" means, for each Development Class, that the ratio of the actual Annual Maintenance Special Tax levied in any Fiscal Year to the Maximum Annual Maintenance Special Tax authorized to be levied in that Fiscal Year is equal for all parcels assigned to the Development Class.

"Public Property" means any property within the boundaries of the CFD that is owned by the federal government, State of California, County, City, or other public agency.

"Required Annual Maintenance Special Tax Revenues" means the lowest amount of Maximum Annual Maintenance Special Tax Revenues in a Tax Zone that must be available to

the City in any Fiscal Year, although the actual amount levied in any Fiscal Year may be less that then Maximum Annual Maintenance Special Tax Revenues. The Required Annual Maintenance Services Revenues for Tax Zone 1 for Fiscal Year 2025-26 is $850,120, which amount shall be adjusted on July 1, 2026 and each July 1 thereafter by the Escalation Factor. The Required Annual Maintenance Revenues will also be adjusted, as needed, based on Section E below.

"Required One-Time Facilities Special Tax Revenues" means the minimum amount of aggregate One-Time Facilities Special Tax Revenues to be generated from Taxable Property within a particular Tax Zone. The Required One-Time Special Revenues for Tax Zone 1 for Fiscal Year 2025-26 is $12,037,890, which amount shall be adjusted on July 1, 2026 and each July 1 thereafter by the Escalation Factor. The Required One-Time Facilities Special Tax Revenues will also be adjusted, as needed, based on Section E below.

"RMA" means this Rate and Method of Apportionment of Special Taxes.

"SFD Unit" means a residential dwelling unit that does not share a common wall with another residential dwelling unit.

"Single Family Attached Property" means, in any Fiscal Year, all Parcels of Developed Property for which a Building Permit was issued for construction of a residential structure consisting of two or more Units that share common walls and are offered as for-sale Units, including such residential structures that meet the statutory definition of a condominium contained in Civil Code Section 1351.

"Single Family Detached Lot" means an individual residential lot, identified and numbered on a recorded Final Map, on which a Building Permit has been or is permitted to be issued for construction of an SFD Unit without further subdivision of the lot and for which no further subdivision of the lot is anticipated pursuant to an approved Tentative Map.

"Single Family Detached Property" means, in any Fiscal Year, all Parcels of Developed Property for which a Building Permit was issued or will be issued for construction of an SFD Unit.

"Special Taxes" means, collectively, the One-Time Facilities Special Tax and the Annual Maintenance Special Tax.

"Tax Zone" means a mutually exclusive geographic area within which Special Taxes may be levied pursuant to this RMA. *All property in the CFD at CFD Formation is within Tax Zone 1.* Additional Tax Zones may be created when property is annexed into the CFD, and the amount of each Special Tax will be identified for property within the new Tax Zone at the time of such annexation. The Assessor's Parcels included within a new Tax Zone established when such Parcels are annexed to the CFD shall be identified by Assessor's Parcel number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

"Tax Zone 1" means the property included in the CFD at CFD Formation and any property that is subsequently annexed into Tax Zone 1.

"Taxable Property" means all Assessor's Parcels within the boundaries of the CFD that are not exempt from the Special Tax pursuant to law or Section H below.

"Tentative Map" means a tentative map or substantial conformance exhibit for property in the CFD, including any adjustments or amendments thereto.

"Unanimous Approval Form" means the form executed by the record owner of fee title to the Parcel or Parcels included within the Future Annexation Area and annexed into the CFD that constitutes the property owner's approval and unanimous vote in favor of annexing the property into the CFD and authorizes the levy of Special Taxes against his/her Parcel or Parcels pursuant to this RMA.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property within the CFD that are not Developed Property.

"Unit" means (i) for Single Family Detached Property, an SFD Unit and (ii) for Single Family Attached Property, an individual residential unit within a duplex, triplex, fourplex, townhome, or condominium structure.

B. DATA FOR ADMINISTRATION OF THE SPECIAL TAXES

Each Fiscal Year, the Administrator shall: (i) determine the Tax Zone within which each Parcel of Taxable Property is located; (ii) categorize each Parcel of Taxable Property according to its Development Class; (iii) for Developed Property, categorize each Parcel as Single Family Detached Property, Single Family Attached Property, or Other Property; (iv) for Parcels of Single Family Attached Property, determine the number of Units on each Parcel; (v) for Other Property, determine the Acreage of each Parcel; and (vi) determine the Maintenance Special Tax Requirement for the Fiscal Year.

In any Fiscal Year, if it is determined that: (i) a parcel map for property in the CFD was recorded after January 1 of the prior Fiscal Year (or any other date after which the Assessor will not incorporate the newly-created Parcels into the then current tax roll), (ii) because of the date the parcel map was recorded, the Assessor does not yet recognize the new Parcels created by the parcel map, and (iii) one or more of the newly-created Parcels is in a different Development Class than other Parcels created by the subdivision, the Administrator shall calculate the Special Taxes for the property affected by recordation of the parcel map by determining the Special Taxes that apply separately to the property within each Development Class, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the parcel map.

C. MAXIMUM SPECIAL TAXES

1. Developed Property

The Maximum Special Taxes for Parcels of Developed Property in Tax Zone 1 shall be the greater of (i) the Base Special Taxes set forth in Table 1 below, or (ii) the Maximum Special Taxes determined pursuant to Section D below. For property that annexes into the CFD, different maximum special tax rates may be established by creating a separate Tax Zone for such annexed property. Alternatively, property may be annexed into Tax Zone 1 or another Tax Zone that was established prior to the annexation, and such property shall be subject to the Maximum Special Taxes applicable to that Tax Zone.

Table 1
Base Special Taxes for Developed Property
Tax Zone 1

Land Use Category	Base One-Time Facilities Special Tax (Fiscal Year 2025-26)*	Base Annual Maintenance Special Tax (Fiscal Year 2025-26)*
Single Family Detached Property	$22,713 per Residential Unit	$1,604 per Residential Unit
Single Family Attached Property	$22,713 per Residential Unit	$1,604 per Residential Unit
Other Property	$145,418 per Acre	$10,266 per Acre

* Beginning July 1, 2026 and each July 1 thereafter, the Maximum Special Taxes shall be adjusted by the Escalation Factor.

2. Undeveloped Property

The Maximum Annual Maintenance Special Tax for Undeveloped Property in all Land Use Categories in Tax Zone 1 is $10,266 per Acre for Fiscal Year 2025-26, which amount shall be increased on July 1, 2026 and each July 1 thereafter by an amount equal to the Escalation Factor.

D. CHANGES TO THE MAXIMUM SPECIAL TAXES

1. Land Use Changes

The Expected Maximum Annual Maintenance Special Tax Revenues and Expected Maximum One-Time Facilities Special Tax Revenues shown in Attachment 1 were originally calculated based on the Expected Land Uses in Tax Zone 1 at the time of CFD Formation. Attachment 1 is subject to modification upon annexation of property into the CFD and the occurrence of Land Use Changes, as described below. The Administrator shall review all Land Use Changes and compare the revised land uses to the Expected Land Uses within the affected Tax Zone to evaluate the impact on the Expected Maximum Annual Maintenance Special Tax Revenues and Expected One-Time Facilities Special Tax Revenues in the Tax Zone.

If a Land Use Change is proposed or identified that will result in a change in the Expected Maximum Annual Maintenance Special Tax Revenues and Expected Maximum One-Time Facilities Special Tax Revenues within a Tax Zone, Steps 1 through 3 below must be applied:

Step 1: By reference to Attachment 1 (which shall be updated by the Administrator each time property is annexed into the CFD and each time a Land Use Change has been processed according to this Section D), the Administrator shall identify the Expected Maximum Annual Maintenance Special Tax Revenues and Expected Maximum One-Time Facilities Special Tax Revenues for the affected Tax Zone prior to the Land Use Change.

Step 2: The Administrator shall calculate the Expected Maximum Annual Maintenance Special Tax Revenues and Expected Maximum One-Time Facilities Special

Tax Revenues that could be collected from Taxable Property in the affected Tax Zone after the Land Use Change.

Step 3: If the revenues calculated in Step 2 are higher than that determined in Step 1, no further action is needed, and the Administrator shall update Attachment 1 to show the revised Expected Maximum Annual Maintenance Special Tax Revenues and Expected Maximum One-Time Facilities Special Tax Revenues for the affected Tax Zone and for the CFD as a whole.

If the revenues calculated in Step 2 are less than those calculated in Step 1, and the Administrator determines that the Expected Maximum Annual Maintenance Special Tax Revenues and Expected Maximum One-Time Facilities Special Tax Revenues for the affected Tax Zone are less than the Required Annual Maintenance Special Tax Revenues and Required One-Time Facilities Special Tax Revenues for that Tax Zone, then the Administrator shall:

i. Identify all remaining Parcels of Undeveloped Property in the affected Tax Zone (the "Adjustment Property");

ii. Determine the number of Residential Units and Acres of Other Property, if applicable, that are expected on the Adjustment Property after the Land Use Change;

iii. Increase the Base Annual Maintenance Special Tax and Base One-Time Facilities Special Tax proportionately for each Land Use Category expected on the Adjustment Property until, when applied to the Expected Land Uses on the Adjustment Property, the Maximum Annual Maintenance Special Tax Revenues and Maximum One-Time Facilities Special Tax Revenues that can be collected within the Tax Zone are equal to the Required Annual Maintenance Special Tax Revenues and Required One-Time Special Tax Revenues for that Tax Zone. The amounts calculated shall thereafter be the Maximum Annual Maintenance Special Tax and Maximum One-Time Facilities Special Tax for each Unit and/or Acre of Other Property, if applicable, when the Adjustment Property becomes Developed Property, which amount shall be increased by the Escalation Factor. The Administrator shall update Attachment 1 to reflect the Expected Land Uses, Maximum Special Taxes, Expected Maximum Annual Maintenance Special Tax Revenues, and Expected Maximum One-Time Facilities Special Tax Revenues for the Adjustment Property.

For purposes of this Step 3.b, a landowner may make a request to the City and the Administrator that the Adjustment Property include only particular Parcels that are under his/her ownership. If such a request is made, the Administrator will calculate the Maximum Special Taxes that would apply to the identified Parcels, and the City shall review the Maximum Special Taxes to determine if the request should be approved based on existing City policies and special tax rates on comparable land uses within the CFD.

The duties imposed on the Administrator to review Land Use Changes and to make the calculations set forth above, are intended only to facilitate administration of the Special Taxes and to better assure the sufficiency of tax capacity to pay for Authorized Facilities and Authorized Services. Such duties are not intended to give any developer, subdivider, or owner of property any right to receive notice of the potential impact of Land Use Changes on the Special Taxes applicable to a Parcel; and each developer, subdivider, or owner of property in the CFD shall be responsible for understanding the impact thereof on the Special Taxes applicable to such property.

Pursuant to this Section D, the Administrator may from time to time update Attachment 1 to reflect revised Expected Maximum Annual Maintenance Special Tax Revenues and Expected Maximum One-Time Facilities Special Tax Revenues. Such update shall be maintained internally by the Administrator and shall not require recordation of an amended RMA.

2. Conversion of a Parcel to a Taxable Land Use

If, in any Fiscal Year, a Parcel of Public Property or Owners Association Property that had been exempt from the Special Taxes is converted to a Land Use Category, such Parcel shall be subject to the levy of the Special Taxes. The Maximum Special Taxes for each such Parcel shall be determined based on the applicable Land Use Category and Tax Zone for the Parcel, as determined by the City and the Administrator.

E. ANNEXATIONS

If, in any Fiscal Year, a property owner within the Future Annexation Area wants to annex property into the CFD, the Administrator shall apply the following steps as part of the annexation:

Step 1: Working with City staff, the Administrator shall determine the following for the area being annexed: (i) the Expected Land Uses and (ii) the Tax Zone into which the property is to be annexed.

Step 2: The Administrator shall prepare an updated Attachment 1 to reflect the annexed property and identify the revised Expected Land Uses, Tax Zones, and Expected Maximum Annual Maintenance Special Tax Revenues and Maximum One-Time Facilities Special Tax Revenues. After the annexation is complete, the application of this RMA shall be based on the adjusted Expected Land Uses, Expected Maximum Annual Maintenance Special Tax Revenues, and Expected Maximum One-Time Facilities Special Tax Revenues, as applicable, including the newly annexed property.

Step 3: The Administrator shall ensure that a Notice of Special Tax Lien is recorded against all Parcels that are annexed to the CFD.

F. METHOD OF LEVY OF THE SPECIAL TAXES

1. One-Time Facilities Special Tax

Prior to issuance of a Building Permit for a Parcel of Taxable Property, the One-Time Facilities Special Tax shall be levied on the Parcel in the amount of the One-Time Facilities Special Tax Requirement for the Parcel, as determined by the City.

2. Annual Maintenance Special Tax

Each Fiscal Year, the Administrator shall determine the Maintenance Special Tax Requirement for that Fiscal Year. The Annual Maintenance Special Tax shall then be levied on all Parcels of Taxable Property as follows:

Step 1: The Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Developed Property within the CFD up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel for such Fiscal Year.

Step 2: If additional revenue is needed after Step 1, the Annual Maintenance Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property within the CFD, up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Undeveloped Property for such Fiscal Year.

G. COLLECTION OF SPECIAL TAXES

The One-Time Facilities Special Tax shall be collected prior to a Building Permit being issued for any residential or non-residential structure on Taxable Property and shall be immediately delinquent if not so paid.

The Annual Maintenance Special Tax shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Annual Maintenance Special Taxes through foreclosure or other available methods. The Annual Maintenance Special Tax will continue to be levied and collected unless and until the City determines that Annual Maintenance Special Tax revenues are no longer needed to pay for Authorized Services.

H. EXEMPTIONS

No Special Taxes shall be levied on Public Property or Owners Association Property, as defined herein. Notwithstanding the foregoing, if in any Fiscal Year, a Parcel of Public Property is converted to private use, such Parcel may be subject to the levy of Special Taxes. In such case, the City shall determine the appropriate Maximum Special Taxes for the Parcel based on the land uses to be constructed on the Parcel.

I. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that do not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City by ordinance or resolution for purposes of clarifying any vagueness or ambiguity in this RMA.

ATTACHMENT 1

City of Modesto
Community Facilities District No. 2025-2
(Village One Triangle)

Expected Maximum Special Tax Revenues
Tax Zone 1

		One-Time Facilities Special Tax		Annual Maintenance Special Tax	
Land Use Category	**Expected Land Uses**	**Base One-Time Facilities Special Tax (FY 2025-26) ***	**Expected Maximum One-Time Facilities Special Tax Revenues (FY 2025-26) ***	**Base Annual Maintenance Special Tax (FY 2025-26) ***	**Expected Maximum Annual Maintenance Special Tax Revenues (FY 2025-26) ***
Single Family Detached Property	530 Residential Units	$22,713 per Residential Unit	$12,037,890	$1,604 per Residential Unit	$850,120
Single Family Attached Property	0 Residential Units	$22,713 per Residential Unit	$0	$1,604 per Residential Unit	$0
Other Property	0 Acres	$145,418 per Acre	$0	$10,266 per Acre	$0
			$12,037,890		**$850,120**

***** Beginning July 1, 2026 and each July 1 thereafter, all dollar figures shown above shall be adjusted by the Escalation Factor.

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-197

RESOLUTION AMENDING THE CITIZENS' TRANSPORTATION SALES TAX COMMISSION BYLAWS RELATING TO MEMBERSHIP REQUIREMENTS

WHEREAS, on October 4, 2016, Council approved Ordinance No. 3656-C.S. adding Chapter 10 to Title 8 of the Modesto Municipal Code to establish a Citizens' Transportation Sales Tax Commission; and

WHEREAS, in November of 2016, Stanislaus County voters approved a county-wide, 25-year, half-cent sales tax increase known as Measure L; and

WHEREAS, on April 11, 2023, by Resolution 2023-169, Council approved the bylaws for the Citizens' Transportation Sales Tax Commission; and

WHEREAS, in recent years, the staff has noted challenges in filling the Commission seats; and

WHEREAS, the current criteria for membership are too restrictive for many potential applicants and has resulted in difficulties in attracting and appointing suitable candidates to serve on the Commission; and

WHEREAS, the proposed changes to the bylaws include extending the number of consecutive four-year terms to three (3) from two under the Terms of Office section and updating the parliamentary procedures to Rosenberg's Rules of Order to align with all citywide boards and commission parliamentary procedures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Citizens' Transportation Sales Tax Commission bylaws relating to membership requirements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Zwahlen

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-198

RESOLUTION ACCEPTING THE STATE ROUTE 99/PELANDALE INTERCHANGE RECONSTRUCTION PHASE II – PELANDALE AVENUE AND SISK ROAD CML 5059(258) PROJECT AS COMPLETE, RELEASING SECURITIES, RELEASING PAYMENTS TOTALING $1,798,161 TO UNITED PAVEMENT MAINTENANCE, INC., OF HUGHSON CA, AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, the State Route 99/Pelandale Interchange Reconstruction Phase II – Pelandale Avenue and Sisk Road Project continued improvements to intersection geometrics by adding a second turn lane and modifying the traffic signal at the Pelandale-Sisk intersection; and

WHEREAS, this was the final phase in the State Route 99/Pelandale Interchange Reconstruction Project; and

WHEREAS, the project was advertised for bids on September 19, 2023; and

WHEREAS, bids were publicly opened on October 24, 2023, and United Pavement Maintenance, Inc., of Hughson, CA, was the lowest responsible bidder at 28.40% above the engineers estimate; and

WHEREAS, on December 12, 2023, by Resolution 2023-547, Council awarded a contract to United Pavement Maintenance, Inc., in the amount of $1,669,217; and

WHEREAS,. the Contractor received the Notice to Proceed with a start date of February 12, 2024. All contract work was completed on November 5, 2024; and

WHEREAS, the total project costs were $2,299,799, which included design, design Support (Dokken Engineers), construction, and construction administration costs. The total project amount originally budgeted was $2,445,021 which included $1,836,139

for the construction contract and contingency with United Pavement Maintenance, Inc; and

WHEREAS, due to delays in final quantity and As-built approval, change order processing, and monument preservation the administrative closure of this project was delayed. As such, the Construction Administration and the City Manager's Office authorized the release of retention on February 28, 2025; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, updated by Resolution No. 2019-326 on July 9, 2019, and revised a second time September 12, 2023 by Resolution 2023-405 established a contract change order authority of 10% ($166,922) for construction contracts of this dollar value; and

WHEREAS, there are fourteen change orders resulting in an overall increase of $128,944 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 City Council of the City of Modesto that the State Route 99/Pelandale Interchange Reconstruction Phase II – Pelandale Avenue and Sisk Road, CML 5059(258) Project, releasing securities, releasing payments totaling $1,798,161 to United Pavement Maintenance, Inc., of Hughson, CA, and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Zwahlen

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-199

RESOLUTION ACCEPTING THE GRAYSON WELL 69 (REPLACING WELL 274) PROJECT AS COMPLETE, RELEASING SECURITIES, RELEASING PAYMENTS TOTALING $3,059,859 TO W M LYLES CO., OF FRESNO CA, AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, a feasibility study completed in January 2015, addressed nitrate concentrations in Well 274 and recommended a replacement well; and

WHEREAS, this portion of the project constructed the above-ground section of Grayson Well 69; and

WHEREAS, the project was advertised for bids on August 24, 2021; and

WHEREAS, bids were publicly opened on September 14, 2021, pursuant to City Charter Section 1307, and W.M. Lyles Co., Fresno, CA, was the responsible bidder with the lowest responsive bid at 9.59% above engineers estimate; and

WHEREAS, on December 12, 2021, by Resolution 2021-473, Council awarded a contract to W.M. Lyles Co., of Fresno, CA, in the amount of $2,683,800; and

WHEREAS, the Contractor received the Notice to Proceed with a start date of March 28, 2022. All contract work was completed on April 11, 2025; and

WHEREAS, the total project costs were $4,156,989, which included design, design support (Hazen and Sawyer), construction, construction support services (Brown & Caldwell), and construction administration costs. The total project amount originally budgeted was $3,352,912 which included $2,952,180 for the construction contract and contingency with W.M. Lyles Co; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, updated by Resolution No. 2019-326 on July 9,

2019, established a contract change order authority of 8% ($214,704) for construction contracts of this dollar value. Given the nature of this project and the high likelihood of changes to the scope of the project, staff requested and received an increase to the contract change order budget to 10% ($268,380). By Resolution 2023-257 on June 6, 2023 Council approved an additional increase to issue change orders to 15%, not to exceed $402,570; and

WHEREAS, there are twenty-two change orders resulting in an overall increase of $376,059 for change order work as listed on the attached change order log; and

WHEREAS, due to a large number of change orders the administrative closure of this project was delayed. As such, the Construction Administration and the City Manager's Office authorized the release of half of the retention (2.5%) on January 22, 2025; 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 City Council of the City of Modesto that the Grayson Well 69 (Replacing Well 274) Project as complete, releasing securities, releasing payments totaling $3,059,859 to W.M. Lyes Co., of Fresno CA, and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Zwahlen

ATTEST: _____
DIANE NAYARES-REREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-200

RESOLUTION APPROVING THE UPDATES TO THE CITY'S DEBT MANAGEMENT POLICY

WHEREAS, pursuant to the City of Modesto Debt Management Policy, last adopted on June 25, 2024 the City of Modesto is required to periodically review and update its Debt Management Policy to address changes to the primary objectives related to the City's debt and financing related activities, and

WHEREAS, staff has identified the need to update the City's Debt Management Policy in order to continue to maintain cost-effective access to the capital markets through prudent yet flexible policies; moderate principal and debt service payments through effective planning and project cash management; achieve the lowest cost of borrowing; and achieve the highest practical credit ratings.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby adopts the revised Debt Management Policy.

BE IT FURTHER RESOLVED that City staff is hereby authorized and directed to proceed with any and all actions deemed necessary or advisable, following the adopted policy guidelines pursuant to this Resolution, in connection with the future issuances of the City Debt, for future consideration by this City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Zwahlen

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorney~~

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-201

RESOLUTION APPROVING THE UPDATES TO THE CITY'S INVESTMENT POLICY

WHEREAS, pursuant to the City of Modesto Investment Policy, last adopted on May 20, 2024 the Investment Policy shall be reviewed at least annually to ensure its consistency with the overall objectives of preservation of principal, liquidity and yield, and its relevance to current law and financial and economic trends, and

WHEREAS, staff has identified the need to update the City's Investment Policy in order to continue to effectively invest funds in accordance with the principles of sound treasury management and applicable laws.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby approves the updates to the City's Investment Policy.

BE IT FURTHER RESOLVED that City staff is hereby authorized and directed to proceed with any and all actions deemed necessary or advisable, following the adopted policy guidelines pursuant to this Resolution, in connection with the future investments of funds, for future consideration by this City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Zwahlen

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-202

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL TO WIRTGEN AMERICA, INC., ANTIOCH, TN UNDER THE AUTHORIZED DEALER, NIXION-EGLI EQUIPMENT COMPANY, TRACY, CA FOR THE PURCHASE OF ONE (1) WIRTGEN W120FI-FCS PAVEMENT GRINDER FOR AN AMOUNT NOT TO EXCEED $797,910; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, the Public Works Fleet Division provides the maintenance for all City vehicles and equipment; and

WHEREAS, new and replacement vehicles need to be added to the City's Fleet inventory due to the operational needs of City departments and when these vehicles are added to the fleet, they are also added to the Fleet Replacement list to prepare for future replacement; and

WHEREAS, on April 16, 2023, the City Manager authorized the Purchasing Manager to solicit the procurement for Wirtgen W120Fi-FCS Pavement Grinder; and

WHEREAS, on April 12, 2022, Sourcewell solicited a bid for the State of Minnesota local government unit and service cooperative issued Request for Proposal (RFP) No.060122 under Roadway Paving Equipment on the Sourcewell Procurement Portal and New York State Contract Reporter website, DJC Oregon, and Oklahoman, and the Biddingo Merx; and

WHEREAS, on June 1, 2022, proposals were opened at Sourcewell Procurement Portal; and

WHEREAS, 18 proposals were received and based on the Sourcewell intent to award one or more contracts to highest scored proposers offering the best overall quality, selection of equipment, products, and services and price; and

WHEREAS, eight (8) contracts were awarded for this commodity which includes the Winder America as the manufacturer but procured through the dealer Nixion-Egli Equipment Company; and

WHEREAS, based on the ranking of the proposals offering the Roadway Paving Equipment, City staff recommends to award to Wirtgen America, Inc to purchase One (1) Wirtgen W120Fi-FCS Pavement Grinder for an amount not to exceed $797,910; and

WHEREAS, Sourcewell is a cooperative agreement to streamline the procurement process by developing Request for Proposals (RFPs) for national competitive solicitations that meet or exceed local requirements; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $100,000 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 a procurement for the City at the lowest possible cost commensurate with the desired quality.”; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; and

WHEREAS, by utilizing the Sourcewell bidding process, the City is complying with the requirements defined under this code for the purchase of one (1) Wirtgen W120Fi-FCS Pavement Grinder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Competitive Bidding Process from Sourcewell to Wirtgen America, Inc., Antioch, TN under the authorized dealer, Nixion-Egli Equipment Company, Tracy, CA for the purchase of one (1) Wirtgen W120Fi-FCS Pavement Grinder for an amount not to exceed $797,910.

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

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Zwahlen

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-203

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL TO VACTOR MANUFACTURING, STREATOR, IL UNDER THE AUTHORIZED DEALER, OWEN EQUIPMENT, FAIRFIELD, CA, FOR THE PURCHASE OF ONE (1) VACTOR 2100I FAN TRUCK FOR AN AMOUNT NOT TO EXCEED $745,310; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, the Public Works Fleet Division provides the maintenance for all City vehicles and equipment; and

WHEREAS, new and replacement vehicles need to be added to the City's Fleet inventory due to the operational needs of City departments and when these vehicles are added to the fleet, they are also added to the Fleet Replacement list to prepare for future replacement; and

WHEREAS, on October 24, 2024, the City Manager authorized the Purchasing Manager to solicit the procurement for Vactor 2100i Fan Truck (Jet/Vac); and

WHEREAS, on October 12, 2021, Sourcewell solicited a bid for the State of Minnesota local government unit and service cooperative issued RFP No.101221 under Contract No 101221-VTR for Sewer Vacuum, Hydro-Excavation, and Municipal Pumping Equipment with Related Accessories and Supplies on the Sourcewell Procurement Portal and New York State Contract Reporter website, DJC Oregon, and Oklahoman; and

WHEREAS, on October 12, 2021, proposals were opened at Sourcewell Procurement Portal; and

WHEREAS, 22 proposals received and based on the Sourcewell intent to award one or more contracts to responsive and responsible proposers offering the best overall quality, selection of equipment, products, services and price; and

WHEREAS, Nine (9) Contracts were awarded for this commodity which includes the Sewer Vacuum, Hydro-Excavation, and Municipal Pumping Equipment with Related Accessories and Supplies; and

WHEREAS, based on the highest scored proposer offering the Sewer Vacuum, Hydro-Excavation, and Municipal Pumping Equipment with Related Accessories and Supplies based on conformance to RFP, pricing, financial viability & marketplace value, ability to sell and deliver service, marketing plan, value added attributes, warranty, depth and breadth of offered equipment, and products, or service; and

WHEREAS, City staff recommends to award to Vactor Manufacturing, a division of Federal Signal, for the purchase for one (1) Vactor 2100i Fan Truck an amount not to exceed $745,310; and

WHEREAS, Sourcewell is a cooperative agreement to streamline the procurement process by developing Request for Proposals (RFP)'s for national competitive solicitations that meet or exceed local requirements; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $100,000 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 a

procurement for the City at the lowest possible cost commensurate with the desired quality.”; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; and

WHEREAS, by utilizing the Sourcewell bidding process, the City is complying with the requirements defined under this code for the purchase of one (1) Vactor 2100i Fan Truck.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Competitive Bidding Process from Sourcewell to Vactor Manufacturing, Streator, IL under the authorized dealer, Owen Equipment, Fairfield, CA for the purchase of one (1) Vactor 2100i Fan Truck for an amount not to exceed $745,310.

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

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Zwahlen

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-204

RESOLUTION APPROVING AN AGREEMENT WITH NYNOX SOLUTIONS, PRINCETON, NJ, TO IMPLEMENT AND SUPPORT AN AI-POWERED SEARCH ENGINE FOR A TOTAL AMOUNT NOT TO EXCEED $255,000 OVER THREE YEARS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto has identified the need to modernize and improve the search functionality on its website to enhance user experience and access to public information; and

WHEREAS, the current website search function yields a high number of irrelevant results across over 22,000 web pages and 3,000 PDFs, making it difficult for residents to find meaningful information; and

WHEREAS, City staff solicited informal proposals from three qualified vendors, including OpenAI, Oracle, and Nynox Solutions, in compliance with Modesto Municipal Code 8-3.204(a); and

WHEREAS, OpenAI did not respond and Oracle proposed a higher-cost solution requiring third-party support, while Nynox Solutions provided the most responsive and cost-effective proposal for implementation and annual support of its SmartSearch platform; and

WHEREAS, Nynox Solutions SmartSearch platform offers Artificial Intelligence-powered contextual results, adapts to evolving content, and aligns with the City's Strategic Plan to improve digital services and accessibility; and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), "Exceptions to Formal Bidding Requirements," Agreements for Professional Services are exempt from the bidding requirements of Modesto Municipal Code 8-3.203 if

competitive quotations or proposals have been sought informally from at least three (3) qualified entities. The approval to implement and support an AI-powered search engine to NyNox Solutions conforms to Modesto Municipal Code 8-3.204, subsection (a) as Nynox will be providing professional services and at least three (3) informal proposals were solicited; and

WHEREAS, the proposed agreement includes a one-time setup and training cost of $75,000 in the first year, plus $60,000 annually for support; and

WHEREAS, licensing for year two will be $60,000; and

WHEREAS licensing for optional year three will be $60,000, for a total contract value not to exceed $255,000; and

WHEREAS, funding for this agreement will be provided through the Information Technology Fund and is available in the Fiscal Year 2024-25 operating budget and proposed FY 2025-26 and 2026-27 budgets.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement with Nynox Solutions, Princeton, New Jersey, for the implementation and support of an AI-powered search engine for a total amount not to exceed $255,000 over three years, as set forth in **Exhibit A, attached** hereto and incorporated herein by reference.

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 June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Zwahlen

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

CITY OF MODESTO

SmartSearch Engine Integration

Scope of Work

April 8, 2025 | Version 2.0

DOCUMENT CONTROL

Authors	Name	Title	Date
Prepared	Win Pe	COO	03/27/2025

RELEASE INFORMATION

Document Name	Scope of Work (SOW) – City of Modesto SmartSearch Engine Integration		
Version	Date Released	Pages Affected	Remarks
1.0	03/27/2025	All	Initial Release
2.0	04/08/2025	Few Pages	Final Release

CONTACT DETAILS

Matthew Adebayo – Chief Executive Officer		Win Pe – Chief Operating Officer	
Telephone	Email	Telephone	Email
+1 609 865-5703	matthew.adebayo@nynox.solutions	+61 0418 266 718	win.pe@nynox.solutions

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1. INTRODUCTION

This Scope of Work (SOW) outlines the services for implementing SmartSearch Engine, an AI-powered contextual search solution, to be provided by **Nynox Solutions** (Nynox) for the **City of Modesto** (CoM) main website **modestogov.com**. The objective is to deliver precise, context-aware search results utilizing advanced Generative AI. By integrating SmartSearch directly with the city's main website, it will enhance citizen engagement, improve access to critical information, and streamline service delivery. This intelligent search will reduce frustration, minimize response times, and empower residents with quick, accurate answers to their needs — whether it's finding local resources, accessing permits, or getting real-time city updates.

2. BACKGROUND

The City of Modesto seeks to ensure that its citizens receive the most relevant information instantly, enhancing discovery, engagement, and their overall experience when accessing the City's website. The current search functionality lacks contextual understanding and often returns irrelevant results, leading to citizen frustration and increased call volumes to city departments for information that should be readily accessible online.

3. SCOPE OF SERVICES

Nynox shall provide the following services for integrating SmartSearch Engine into City of Modesto main website modestogov.com:

3.1 Planning & Requirements

- Conduct thorough requirement gathering sessions with key stakeholders
- Document search functionality requirements and success metrics
- Define specific use cases and user journeys
- Create detailed technical specifications
- Establish performance benchmarks

3.2 Infrastructure Setup

- Set up Nynox-Managed Infrastructure
- Configure hosting environments (development, testing, production)
- Establish network connectivity and security protocols
- Set up monitoring and alerting systems
- Configure backup and recovery mechanisms

3.3 Data Collection & Processing

- Inventory and analyze existing website content
- Develop content extraction and indexing strategy
- Implement data cleansing and normalization procedures
- Create and optimize vector embeddings for AI search

- Establish metadata tagging conventions

3.4 SmartSearch Engine Development

- Develop core search algorithm customized to CoM requirements
- Implement contextual understanding capabilities
- Create natural language processing interface
- Build relevance ranking system with municipal focus
- Develop result filtering and categorization features

3.5 Integration & Implementation

- Integrate SmartSearch with modestogov.com
- Implement search UI/UX elements
- Configure search result display templates
- Enable analytics and reporting features

3.6 Testing & Quality Assurance

- Conduct functional testing across multiple devices and browsers
- Perform performance and load testing
- Execute security and vulnerability assessments
- Conduct user acceptance testing
- Verify analytics and reporting accuracy

3.7 Deployment & Go-Live

- Develop detailed deployment plan
- Execute production deployment
- Conduct post-deployment validation
- Monitor system performance
- Address any immediate issues

3.8 Maintenance & Support

- Provide ongoing system monitoring
- Implement regular updates and improvements
- Conduct periodic performance reviews
- Provide technical support
- Review and optimize search patterns

4. OUT OF SCOPE

The following items are specifically excluded from this SOW:

- Set up infrastructure for Self-Hosted Infrastructure
- Data extraction or indexing from external websites linked from the main website
- Development of new content for the City of Modesto website
- Training of end-users (citizens) on search functionality
- Integration with internal city systems not directly connected to the website
- Custom mobile application development
- Offline search capabilities
- Historical content archiving older than 7 years
- Support for non-standard or end-of-life browsers
- Print-optimized search results

5. PROJECT TIMELINE

Nynox shall undertake the services according to the following indicative timescales subject to further analysis and requirements:

Activity	Week No.	Detailed Activities
Planning & Design	1	- Project kickoff - Requirements gathering - Technical planning - Environment setup
Development	2-3	- Core search development - Integration with website - UI implementation - Initial data collection and indexing
Testing (Nynox)	4	- Internal QA testing - Performance testing - Security testing - Bug fixes
Testing (CoM)	5	- User acceptance testing - Stakeholder reviews - Final adjustments
Cut-over & Go-live	5	- Production deployment - Go-live verification - Initial performance monitoring
Hypercare	6+	- Post-launch support - Performance optimization

6. PROJECT MANAGEMENT

Nynox and City of Modesto shall take an approach to project implementations that empower CoM to acquire knowledge and actively participate in key decisions through every phase of the engagement. The implementation is flexible and dynamic, allowing for quick, iterative releases that will enable CoM to realize rapid time to value.

A core objective of the approach in implementation will be to achieve City's services readiness and end-user adoption, while ensuring risk management and proper project management discipline throughout.

6.1 Project Governance Structure

The project will utilize the following governance structure:

6.1.1 Executive Steering Committee

- Meeting Frequency: Monthly
- Participants: Project Sponsors, Project Directors, Key Stakeholders
- Purpose: Strategic oversight, issue escalation, major decision approval

6.1.2 Project Management Team

- Meeting Frequency: Weekly
- Participants: Project Managers from Nynox and CoM, Team Leads
- Purpose: Tactical oversight, progress tracking, risk management

6.1.3 Technical Working Group

- Meeting Frequency: Bi-weekly
- Participants: Technical Leads, Subject Matter Experts
- Purpose: Technical decision-making, standards alignment, architecture validation

6.1.4 Implementation Team

- Meeting Frequency: Daily stand-ups
- Participants: All project team members
- Purpose: Day-to-day coordination, issue identification, task management

6.2 Project Phases

The key project phases include:

1. Planning & Design
2. Development (Build)

3. Testing
4. Deployment
5. Hypercare

During the Planning & Design phases, Nynox will collaborate with City of Modesto to map out the key use cases and make fundamental decisions about search design to optimize overall performance and user experience.

Business requirements are broken down into discrete pieces of functionality called User Stories, and the User Stories are prioritized to ensure the most critical functionality is delivered first. Development is split into phases called 'Sprints', and progress is measured over each sprint to identify as early as possible any risk of missing the final deadline. During the development, or the build phase, agile principles are applied where practical, aiming to improve the quality of the end product by involving the business throughout the process.

6.3 Communication Plan

Communication Type	Frequency	Format	Participants	Owner
Status Reports	Weekly	Written report with dashboard	Project Team, Stakeholders	Nynox PM
Executive Updates	Monthly	Presentation	Executive Sponsors, Steering Committee	Nynox PM, CoM PM
Team Meetings	Daily	Stand-up	Implementation Team	Nynox Team Lead
Technical Reviews	Weekly	Working session	Technical Team	Nynox Technical Lead
Risk Reviews	Bi-weekly	Meeting	Project Management Team	Nynox PM, CoM PM
User Testing Feedback	As needed	Report	Project Team	CoM Testing Lead

7. PROJECT DELIVERABLES

The project deliverables, with noted responsibility, are listed below and are aligned with the project phases:

Project Phase	Deliverables (Responsibility)	Milestone
Planning	- Project Kick Off (Nynox) - RACI Log (Nynox) - Requirements Document (CoM) - User Stories (Nynox)	- Project Start (Kick Off)

Project Phase	Deliverables (Responsibility)	Milestone
	- Project Plan (Nynox) - Communication Plan (Nynox)	
Design & Refinement	- Evaluate data system's access, integration, and storage requirements (Nynox) - Define Output format (CoM) - Baseline existing search results & performance (Nynox & CoM) - Set up Nynox accounts for system access - Design Document (Nynox) - Data flow between system components (Nynox) - Implementation Plan (Nynox) - RAID Log (Nynox) - Technical Architecture Document (Nynox) - Security Design Document (Nynox)	- Acceptance of User Stories, Design and Implementation Plan
Development/ Build Sprints (1-x)	- Set up SmartSearch website (Nynox) - Data Collection & system training (Nynox) - Redirect website endpoints to SmartSearch (Nynox) - Set up incremental refresh (Nynox) - Sprint Reviews (Nynox) - Sprint Testing (CoM) - Test Issue Tracker (CoM logs issues) - Test Plan (CoM) - Test Objectives Definition and/or Test Search Queries Creation (CoM) - RAID Log (Nynox) - Developed Features (Nynox)	- Sprint Reviews Sprints (1-x) Delivery of each Sprint - Acceptance of Sprint Deliverables
Test (UAT - CoM IT)	- Documented UAT results (CoM), - Test Issues logged (in Test Issue Tracker) (CoM), - Test Issues resolution notes (in Test Issue Tracker) (Nynox), - UAT Acceptance/ sign-off (CoM), - User Story Acceptance (CoM) - Performance Test Results (Nynox) - Security Test Results (Nynox)	- UAT Acceptance
Deployment	- Documentation to approve deployment (CoM)	- Go/ No Go Decision, - Production deployment

Project Phase	Deliverables (Responsibility)	Milestone
	- Deployment Plan (Nynox) - Rollback Plan (Nynox) - Go-Live Checklist (Nynox) - Production Deployment Report (Nynox)	
Hypercare	- Track system: Uptime, errors, usage & workload (Nynox) - Post implementation support for issue resolution (Nynox) - Review search phrases weekly / fine tune SmartSearch model (Nynox) - Optimize performance as required (Nynox) - Review usage stats (Nynox) - Conduct admin user training (Nynox) - Daily Project Delivery team meetings (Nynox + CoM) - Weekly Project Status (Nynox) - RAID Log (Nynox + CoM) - Team meeting recordings (Nynox) - Daily Test Meetings (CoM + Nynox) - Performance Reports (Nynox) - Tuning Recommendations (Nynox)	- Throughout project duration
Close	- Project Close (Nynox) - Lessons Learned Document (Nynox & CoM) - Knowledge Transfer Documentation (Nynox) - Final Project Report (Nynox) - Transition to Operations Plan (Nynox)	- Project Closure Approval

8. CHANGE MANAGEMENT

8.1 Change Request Process

Should the need arise for a Change Order, Nynox and CoM will work collaboratively to agree on the scope, details and prioritization of the change.

In the event of a Change Order, Nynox will provide an addendum to this SOW, including:

- Summary of change
- Rationale for the change
- Estimated work effort and proposed resource allocation with corresponding cost
- Impact assessment on timeline, scope, and budget

- Dependencies and risks introduced by the change
- Implementation approach for the change

City of Modesto will provide formal sign off for the Change, ahead of Nynox commencing the work.

8.2 Change Review Board

A Change Review Board (CRB) will be established to evaluate and approve all change requests. The CRB will include:

- CoM Project Manager
- Nynox Project Manager
- CoM Technical Lead
- Nynox Technical Lead
- Additional stakeholders as needed based on the nature of the change

8.3 Change Request Timeline

Activity	Timeframe
Change Request Submission	As needed
Initial Impact Assessment	Within 3 business days
Detailed Analysis	Within 5 business days for simple changes; 10 business days for complex changes
Change Approval Date	Assess impact on the current scope of work and determine when change needs to be approved (specific date) without impacting on the on-going project nor cause major delays.
CRB Review	Weekly or as needed
Change Implementation	As scheduled following approval

9. PROJECT RISKS

9.1 Flexibility and Scope Management

The agile nature of the implementation means that requirements can be re-prioritized during the course of the project. Throughout the project, the project team must be able to react quickly and adjust the course. Time, scope, and resources will be closely monitored and managed throughout the engagement. The project team will collaboratively decide how to re-allocate time, edit scope and re-assign resources should the project require this.

9.2 Cost and Scope Management

The price estimate for this project has been provided based on the information reviewed to date. The parties acknowledge that certain objectives and deliverables may require intermediate steps that are not identified or performed until the services have progressed to a certain point. As a result, the timeline and scope of services may need to be adjusted during the term of this SOW based on such unknowns. If necessary, the project delivery team, including CoM will agree on a change order in the event of a significant change that impacts cost.

9.3 Key Risk Factors

Risk	Probability	Impact	Mitigation Strategy
Data quality issues in existing website content	Medium	High	Early content audit; develop data cleansing procedures
Integration complexity with existing website	Medium	High	Conduct detailed technical discovery; plan for additional integration time
User adoption challenges	Low	Low	Engage stakeholders early; develop training materials; implement feedback mechanisms
Performance issues with large data volumes	Low	High	Implement robust performance testing; design for scalability
Security vulnerabilities	Low	High	Conduct security assessments; implement security best practices
Staff availability constraints	Medium	Medium	Identify key resources; establish backup personnel; document knowledge
Scope creep	High	Medium	Implement robust change management process; prioritize requirements
Technology limitations	Low	Medium	Conduct technical feasibility assessment; identify alternatives
Timeline delays	Medium	Medium	Build buffer into project plan; identify acceleration options
Budget constraints	Low	High	Regular budget tracking; early identification of potential overruns

10. ASSUMPTIONS AND RESPONSIBILITIES

10.1 Planning and Administration

- Nynox project delivery team will work remotely.
- CoM will provide the required access to the relevant systems in a timely manner.
- CoM will be responsible for the review, acceptance, and sign-off of all deliverables in a timely manner.

- CoM will ensure active participation in activities as and when required throughout the duration of the project.
- CoM will ensure that skilled, knowledgeable, and accountable CoM project representatives attend all meetings, discussions, workshops, planning, and training sessions as required throughout the project where practical. These may include requirement workshops, daily project meetings, sprint reviews, training, and testing sessions.
- CoM will provide a single point of contact who will be responsible for coordinating CoM resources and making decisions on behalf of CoM.
- Nynox will provide a dedicated Project Manager who will be responsible for overall project delivery.
- All project documentation will be maintained in a shared project repository accessible to both Nynox and CoM team members.
- Regular status meetings will be held as defined in the Communication Plan.
- Approvals for deliverables will be provided within 5 business days unless otherwise agreed.

10.2 Project Management Responsibility

- Unless otherwise agreed, the City of Modesto and Nynox will jointly manage the activities of the project throughout the duration of the engagement.
- Specifically, Nynox will primarily focus on managing the activities of the Nynox implementation team, whilst CoM will focus on managing the activities related to the project.
- Nynox will also be responsible for the following Project Management Office activities throughout the duration of the project unless otherwise agreed:
    - Preparation and distribution of monthly status reports throughout the lifecycle of the project.
    - Communication of planned actions and activities for the following week.
    - Maintenance of a Risk and Issues log to communicate any risks and issues that may arise during the lifecycle of the project and to initiate any escalations required.
    - Delivery of a resource tracking schedule to CoM on a monthly basis for the duration of the project.
    - Facilitation of all project meetings and workshops.
    - Management of the change control process.
    - Coordination of all project activities and dependencies.
    - Tracking of project progress against the agreed schedule.
    - Escalation of issues and risks as appropriate.

10.3 Technical Responsibilities

10.3.1 Nynox Responsibilities

- Provide all technical expertise required for SmartSearch implementation
- Configure and maintain all Nynox-managed infrastructure
- Design and implement the search algorithm and AI components
- Develop and test all integration components
- Provide technical documentation for all implemented components

- Troubleshoot and resolve technical issues
- Implement security best practices for all developed components
- Provide knowledge transfer to CoM technical staff where applicable

10.3.2 CoM Responsibilities

- Provide access to website infrastructure and relevant systems
- Provide information about existing website architecture
- Make available technical resources for integration activities
- Participate in technical design reviews
- Review and approve technical specifications
- Provide test data and test scenarios
- Conduct user acceptance testing
- Identify and communicate technical issues

11. IMPLEMENTATION APPROACH

To successfully implement SmartSearch within the 6-week timeline, Nynox will deploy a cross-functional team with expertise in AI, data engineering, web development, analytics, and customer support. Below is a breakdown of the required team members and their responsibilities across each phase.

Role	Responsibilities	Estimated Effort
Project Manager	Oversee implementation, manage timelines, and communicate with the customer	50%
AI/ML Engineer	Implement vector embeddings, fine-tune the search model, and optimize LLM responses.	75%
Data Engineer	Set up and manage the vector database, data pipelines, and API integrations.	50%
Backend Developer	Build and optimize search indexing, API endpoints, and authentication.	50%
Frontend Developer	Implement search UI/UX on the customer's website, ensure seamless integration	50%
DevOps Engineer	Handle deployment, monitoring, and infrastructure setup.	50%
QA Engineer	Perform testing (functionality, security, performance) and fix issues before go-live.	25%
Information Architect	Design taxonomy, metadata structure, and content organization	25%
UX Designer	Create user-friendly query results presentation	25%

11.1 Implementation Methodology

Nynox will utilize an agile implementation methodology with two-week sprints. Each sprint will include:

- Sprint planning
- Daily stand-ups
- Sprint review
- Sprint retrospective
- Continuous integration and testing

11.2 Quality Assurance Approach

Nynox will implement a comprehensive quality assurance approach including:

- Automated testing for core functionality
- Performance testing to ensure search speed meets requirements
- Security testing to identify and address vulnerabilities
- User acceptance testing to validate user experience
- Code reviews to maintain code quality
- Continuous integration and deployment pipeline

12. TECHNICAL SPECIFICATIONS

12.1 Search Engine Architecture

The SmartSearch Engine will be implemented using a modern, scalable architecture consisting of the following components:

- **Frontend Interface**: Responsive search UI integrated with modestogov.com
- **API Layer**: RESTful APIs for search queries and administration
- **Semantic Understanding Layer**: AI-based natural language processing
- **Vector Database**: For efficient similarity search and embeddings storage
- **Content Indexing Engine**: For fast document retrieval
- **Analytics Engine**: For tracking search metrics and performance
- **Administration Portal**: For managing search configuration and tuning

12.2 Performance Requirements

The SmartSearch Engine will meet the following performance requirements:

- **Search Response Time**: < 500ms for 95% of queries
- **Indexing Latency**: < 15 minutes for new content
- **Availability**: 99.9% uptime (excluding scheduled maintenance)
- **Concurrency**: Support for 500 simultaneous users
- **Scalability**: Ability to handle 100,000 indexed documents

- **Browser Compatibility**: Support for Chrome, Firefox, Safari, Edge (latest 2 versions)
- **Mobile Compatibility**: Responsive design for all major mobile devices

12.3 Integration Requirements

SmartSearch will integrate with the following systems:

- City of Modesto website (modestogov.com) via JavaScript integration
- Web analytics platform for tracking search metrics
- Content Management System for content indexing
- Authentication system (if applicable)

13. ACCEPTANCE CRITERIA

13.1 Functional Acceptance Criteria

The SmartSearch implementation will be considered accepted when it meets the following criteria:

1. Search functionality is fully integrated with modestogov.com
2. Search results are relevant to user queries as determined by UAT
3. All agreed features and functions are implemented and functioning correctly
4. System performs according to the defined performance requirements
5. All critical and high-priority issues identified during testing are resolved
6. Analytics and reporting features are functioning correctly

13.2 Acceptance Testing Process

The acceptance testing process will include:

1. **Preparation**:
    - Test plan development
    - Test case creation
    - Test environment setup
2. **Execution**:
    - Functional testing
    - Performance testing
    - User acceptance testing
    - Security testing
3. **Evaluation**:
    - Issue tracking and resolution
    - Regression testing
    - Final acceptance review

13.3 Acceptance Sign-off

Final acceptance will require formal sign-off from:

- CoM Project Manager
- CoM IT Director
- CoM Website Manager
- Additional stakeholders as identified by CoM

14. SERVICE LEVEL AGREEMENTS

14.1 System Availability

- Production system will maintain 99.9% availability measured monthly, excluding scheduled maintenance windows
- Scheduled maintenance will be limited to off-peak hours and communicated at least 72 hours in advance
- Emergency maintenance will be communicated as soon as possible

14.2 Performance Metrics

- Search response time will not exceed 500ms for 95% of queries
- System will support at least 500 concurrent users without performance degradation
- Indexing of new content will complete within 15 minutes of publication

14.3 Support Response Times

Issue Severity	Initial Response	Resolution Target	Escalation Timeline
Critical	1 hour	4 hours	2 hours to management
High	4 hours	8 hours	8 hours to management
Medium	8 hours	3 business days	2 business days to management
Low	16 hours	5 business days	4 business days to management

15.4 Monitoring and Reporting

- System monitoring will be continuous (24/7/365)
- Performance reports will be provided monthly
- Incident reports will be provided within 48 hours of resolution
- Usage analytics will be provided monthly

15. INTELLECTUAL PROPERTY RIGHTS

15.1 Ownership

- Nynox retains ownership of all pre-existing intellectual property and the SmartSearch Engine technology
- CoM retains ownership of all content, data, and customizations specific to CoM implementation
- Nynox grants CoM a perpetual, non-exclusive license to use the SmartSearch Engine for the duration of the subscription

15.2 Licensing Terms

- SmartSearch Engine is licensed on a subscription basis
- License permits use on modestogov.com domain ONLY
- Additional domains or usage beyond agreed limits will require additional licensing

15.3 IP Indemnification

Nynox warrants that the SmartSearch Engine does not infringe on any third-party intellectual property rights and will indemnify, defend, and holdharmless CoM against any claims of infringement, of any nature whatsoever, related to the SmartSearch Engine, except to the extent the claim is based on CoM's modifications to the SmartSearch Engine.

16. DATA SECURITY AND PRIVACY

16.1 Data Protection Measures

Nynox will implement the following data protection measures:

- All data will be encrypted in transit and at rest
- Access to data will be limited to authorized personnel only
- Multi-factor authentication for all administrative access
- Regular security audits and vulnerability assessments
- Timely application of security patches and updates

16.2 Compliance Requirements

The implementation will comply with:

- City of Modesto security policies and standards
- NIST Cybersecurity Framework
- OWASP security best practices
- Applicable state and federal regulations
- Industry standard security protocols

16.3 Data Handling Procedures

- No personally identifiable information (PII) will be collected without explicit consent

- Search query logs will be anonymized for analytics purposes
- Data retention periods will comply with CoM policies
- Data access will be logged and monitored
- Data breach notification procedures will be established

16.4 Security Auditing

- Regular penetration testing will be conducted
- Vulnerability scanning will be performed monthly
- Security audit reports will be provided upon request
- Security incidents will be reported immediately

17. WARRANTY

17.1 Service Warranty

Nynox warrants that all services will be performed in a professional manner consistent with industry standards and practices. Services that do not meet this standard will be re-performed at no additional cost to CoM.

17.2 Software Warranty

Nynox warrants that the SmartSearch Engine will substantially conform to the specifications outlined in this SOW for a period of 90 days following acceptance. Nynox will promptly correct any defects identified during this warranty period at no additional cost to CoM.

17.3 Exclusions

The warranty does not cover:

- Issues resulting from CoM's modification of the system
- Issues resulting from changes to CoM's website not coordinated with Nynox
- Performance issues resulting from infrastructure not under Nynox's control
- Issues resulting from force majeure events

17.4 Third-Party Components

For third-party components, Nynox will pass through any warranties provided by the third-party vendors to the extent possible.

18. DISASTER RECOVERY AND BUSINESS CONTINUITY

18.1 Backup and Recovery

Nynox will implement the following backup and recovery measures:

- Daily incremental backups of all data
- Weekly full backups
- Geo-redundant storage of backups
- Verification of backup integrity monthly
- Recovery time objective (RTO) of 4 hours
- Recovery point objective (RPO) of 1 hour

18.2 Business Continuity

Nynox will maintain a business continuity plan that includes:

- Redundant infrastructure components
- Geographic distribution of critical systems
- Failover mechanisms for critical services
- Regular testing of failover procedures
- Alternate communication channels
- Escalation procedures for service disruptions

18.3 Disaster Recovery Testing

Nynox will conduct disaster recovery testing:

- Annually for full system recovery
- Quarterly for critical component recovery
- Test results will be provided to CoM upon request

19. PRICING AND SUBSCRIPTION PLANS

The deployment of SmartSearch includes a one-time implementation cost, covering setup, integration, testing, and deployment, followed by an ongoing subscription plan for continuous use, maintenance, and support. This ensures that the solution remains optimized, up-to-date, and scalable as the organization evolves. Below is a breakdown of the pricing structure, including implementation, base plans and optional add-ons for additional functionality.

Nynox offers flexible pricing based on the website size, search volume and additional features.

19.1 Implementation Cost

Based on the proposed scope of work, the estimated implementation cost is going to be **$75,000.00 USD**.

This implementation cost includes:

- Requirements gathering and analysis
- System design and architecture
- Development and customization
- Integration with modestogov.com
- Testing and quality assurance
- Data migration and indexing
- Deployment and go-live support
- Project management

19.2 Ongoing Support

Based on the proposed scope of work, ongoing monthly services will be **$5,000.00 USD / Month**.

Monthly recurring costs include:

- System monitoring and maintenance
- Infrastructure hosting and management
- Security updates and patches
- Performance optimization
- Content indexing and updates
- Technical support (standard business hours)
- Basic Analytics (see additional options in Optional Add-Ons)
- Monthly performance reports
- Quarterly system reviews

19.3 Optional Add-Ons

Add-On	Description	Price
Analytics*	**Basic**: Search volume, most searched topics, zero result queries (INCLUDED)	From $299 to $699/month
*These are example descriptions; deliverables of applicable tiers will be defined during the client assessment phase of the project.	**Standard**: Click through rates, top clicked resources, common follow-up searches	
	Advanced: AI driven topic clustering, resident sentiment analysis, usage heatmaps by demographics	
	Impact/Well Being: Search to action conversion, accessibility	

Add-On	Description	Price
	tracking, AI recommendations for resource allocation	
Personalized Recommendations	AI-driven content/product recommendations based on user behavior.	$149/month
Real-Time Crawling	Instant indexing of new content instead of scheduled updates.	$199/month
API Access	Custom integration into internal applications.	From $499/month per integration (plus implementation costs)
Extended Support Hours	24/7 support coverage with guaranteed response times	$999/month
Multi-language Support	Support for additional languages beyond English	$299/month per language
Custom UI Elements	Specialized search interfaces for specific departments or functions	From $199/month per custom interface
Enhanced Security	Additional security measures including advanced encryption and access controls	$399/month

** Custom pricing available for additional requirements.*

20. PAYMENT TERMS

20.1 Implementation Fees

Implementation fees will be invoiced according to the following schedule:

- 50% upon contract signing
- 20% upon completion of development phase
- 20% upon completion of user acceptance testing
- 10% upon final acceptance and project closure

20.2 Subscription Fees

- Monthly subscription fees will be invoiced monthly in advance
- First month's subscription fee will be invoiced upon go-live
- Subscription fees are due within 30 days of invoice date

20.3 Optional Add-Ons

- Optional add-ons will be invoiced monthly in advance along with the base subscription
- Implementation costs for add-ons will be invoiced upon completion of the add-on implementation

20.4 Payment Methods

- Payments can be made by electronic funds transfer or check
- Credit card payments are accepted for monthly subscription fees only
- All invoices are payable in US dollars

20.5 Late Payments

- Payments received after the due date will incur a late fee of 1.5% per month
- Nynox reserves the right to suspend services for payments more than 60 days overdue

21. SIGNATORY PAGE

This Statement of Work is executed and constitute an agreement by:

_____	_____
City of Modesto	**Nynox**
by its authorised representative	by its authorised representative
_____	_____
Name and Title	Name and Title
Date: / / 2025	Date: / / 2025

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-205

RESOLUTION APPROVING AN AGREEMENT WITH INTIME SOLUTIONS, FERNDALE, WA, FOR SCHEDULING AND TIME-KEEPING MANAGEMENT SOFTWARE FOR A FIVE-YEAR AGREEMENT FOR AN ESTIMATED AMOUNT OF $267,670, WITH A 4% CONTINGENCY IN THE AMOUNT OF $10,707, FOR TOTAL AMOUNT NOT TO EXCEED $278,377; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on September 10, 2013, by Resolution No. 2013-326, Council approved the purchase of Kronos Telestaff Scheduling Software (Telestaff) for Modesto Police Department (MPD) with the intent to have the software be a personnel scheduling and tracking mechanism for employees at the Police Department with the ability to integrate with the Oracle Applications payroll module, and

WHEREAS, Telestaff was unable to interface with the Oracle payroll module during the three-year period it was in use, creating the need for employees to continue to produce paper timesheets manually entering their time into the payroll system, and

WHEREAS, on June 2, 2016, the City Manager authorized the Purchasing Manager to solicit the procurement for Purchase of a Scheduling/Timekeeping System specific to MPD, and

WHEREAS, on March 7, 2017, by Resolution No. 2017-91, Council approved an agreement with InTime Solutions, Inc. for a Scheduling and Time-Keeping Management Software System, and

WHEREAS, the agreement with InTime Solutions was for a term of two (2) year with three (3) one-year extension options which ended on March 6, 2022, and

WHEREAS, the agreement included an additional option to extend the agreement for three one-year extension options extending the agreement through March 6, 2025, and

WHEREAS, because the agreement is beyond the end of the term, the City has proceeded with services though InTime on a month-to-month basis. Meanwhile, InTime has offered a discounted rate to re-enter a multi-year agreement, and

WHEREAS, since 2017, MPD has utilized InTime Solutions to provide scheduling and payroll software tailored to the operational needs of law enforcement. The system supports critical functions including shift scheduling, shift bidding, overtime tracking, and timekeeping and payroll integration; and

WHEREAS, InTime Solutions has demonstrated reliable performance, responsive customer support and a comprehensive understanding of the unique requirements of law enforcement operations, and

WHEREAS, continuing services with InTime Solutions would allow for continuity of service with no disruption to daily operations and payroll processing, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to follow formal bid procedures. However, 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 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, here, InTime Solutions, Inc. is the existing scheduling and time keeping management software provider for the department and continuing with their product avoids disruption to daily operations, preserves access to critical reports and information for auditing and operational analysis. Additionally, the time and funding

needed to go out to bid and implement and train on a new system would not only disrupt daily operations, but it would also cost substantially more than a renewal with the existing company.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with InTime Solutions, Ferndale, WA, for scheduling and time-keeping management software for a five-year agreement for an estimated amount of $267,670, with a 4% contingency in the amount of $10,707, for total amount not to exceed $278,377.

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 June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Zwahlen

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-206

RESOLUTION APPROVING ADJUSTMENTS TO VARIOUS AIRPORT RATES AND FEES FOR SPECIFIC ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT (AIRPORT), EFFECTIVE JULY 1, 2025, AND RESCINDING RESOLUTION NO. 2024-183

WHEREAS, the Modesto City-County Airport (Airport) is an enterprise fund and is expected to be self-supporting; and

WHEREAS, the Airport must provide a facility that complies with Federal Aviation Administration (FAA) operational standards; and

WHEREAS, each year, Council can adjust the Modesto City-County Airport (Airport) rates and fees using the National Consumer Price Index (CPI) for All Urban Consumers, West Urban, published by the United States Department of Labor, Bureau of Labor Statistics; and

WHEREAS, these adjustments take place annually based on the CPI data. The last increase was implemented on July 1, 2024, by Resolution No. 2024-183; and

WHEREAS**,** the Airport reviewed the CPI data for the west region for the 12-month period starting January 1, 2024, through December 31,2024, showing an increase of 2.5%, and therefore all Airport Rates and Fees will increase by 2.5%; and

WHEREAS, adjusting Airport Rates and Fees will increase revenue that will allow the airport to cover 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 B**, **attached** hereto and incorporated herein.

BE IT FURTHER RESOLVED that Resolution 2024-183 shall be rescinded.

BE IT FURTHER RESOLVED that this resolution shall go into effect and be in full force and operation on July 1, 2025.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Zwahlen

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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 2025 rounded to the nearest dollar:

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, 4 & 7-9	$213 per month
Small T-Hangars (Electricity provided) Hangar A Unit 1 Hangar C Units 4-6 Hangar D Unit 3, 5, 6	$249 per month
Medium T-Hangars (No electricity provided) Hangar B Unit 10 Hangar D Unit 10	$265 per month
Medium T-Hangars (Electricity provided) Hangar B Unit 1 Hangar C Units 1, 8 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	$334 per month
Large T-Hangars (Electricity provided) Hangar G Unit 9 Hangar H Unit 9 Hangar K Units 2-6, 8-11	$393 per month

Large Modified Box Hangar (Electricity provided) Hangar K Unit 1,7	$478 per month
Extra Large T-Hangars (Electricity provided) Hangar I Units 1-8	$567 per month
Storage Units	
Hangar G Storage Unit	$59 per month
Hangar H Storage Unit	$59 per month
Hangar I Storage Unit	$155 per month
Hangar J Storage Unit	$59 per month
Hangar L Storage Unit	$59 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	$2,054 per month
Hangar 2	$1,673 per month
Hangar 3	$917 per month
Hangar 4	$1,563 per month
Hangar 5	$1,556 per month
Hangar 6	$917 per month
Hangar 7	$917 per month

(c) Portable Hangars and Land Lease

Portable Hangars 1-14	$84 per month
Land Lease - (per sq. ft.)	$.068 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	$55 per month
Transient	$9.70 per day

(b) Aircraft greater than 12,501 lbs. maximum certificated gross landing weight

Permanent	$93 per month
Transient	$19 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 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:

Office Spaces/when Utilities furnished by Airport	……	$1.36 per sq. ft.
Office Building(s) 1 & 2 Utilities furnished by Tenant	……	$1.15 per sq. ft.

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	……	$1.15 per sq. ft.
(b)	Other areas	……	$1.15 per sq. ft.

SECTION 6. UTILITY COST

(a) When electricity is provided, an additional utility rate will be included each month …… $.22 per sq. ft.

SECTION 7. 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 9,500 lbs. maximum certificated gross landing weight - $0.00 per landing

(b) All aircraft weighing greater than 9,501 lbs. maximum certificated gross landing weight – $1.23 per 1,000 pounds per landing

(c) 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 8. 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 - $4.75 per ticketed passenger

SECTION 9. 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

Display Size	Display Only	Display & Telephone
7.5" x 9.5"	$21.00	$32.00
7.5" x 21"	$42.00	$64.00
19" x 21"	$53.00	$74.00

SECTION 10. 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.

SECTION 11. FUEL FLOWAGE FEES. A fuel flowage fee of eight cents ($.08296) 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-six and no/100ths ($96.00) dollars per month, or any portion thereof, payable in advance, for the privilege of using the Airport and its facilities.

SECTION 13. OFF-AIRPORT CAR RENTAL OPERATOR FEE. Off-airport operators picking up customers at the Modesto City-County Airport/Harry Sham Field will pay to the City of Modesto 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 14. 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 eight and no/100ths ($8.00) dollars per day.

SECTION 15. 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 are not paid within thirty (30) days after they are due and payable. No penalties will be collected on the PFC.

SECTION 16. 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. 2025-207

RESOLUTION APPROVING THE DEPARTMENT OF WATER RESOURCES AMENDED 2021 URBAN AND MULTIBENEFIT DROUGHT RELIEF GRANT PROGRAM AWARD OF $2,500,000 FOR THE WELL 312 TREATMENT SYSTEM AND FLUSH LINE PROJECT, APPROVING AN AMENDED LOCAL PROJECT SPONSOR AGREEMENT WITH CONTRA COSTA WATER DISTRICT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDED AGREEMENT

WHEREAS, by Resolution No. 2022-172, Council authorized the submittal of a grant application to the Department of Water Resources (DWR) for the 2021 Urban and Multibenefit Drought Relief Grant Program for the Well 312 Treatment System and Flush Line Project; and

WHEREAS, the 2021 Urban and Multibenefit Drought Relief Grant Program made available set-aside funding for drought relief projects that support underrepresented communities via the existing Proposition 1 Integrated Regional Water Management (IRWM) Disadvantaged Community (DAC) Involvement Program; and

WHEREAS, the City is a participating agency in the IRWM in the San Joaquin River Funding Area (SJRFA), where Contra Costa Water District (CCWD) is the administrator of the SJRFA Proposition 1 IRWM DAC Involvement Program Grant Agreement; and

WHEREAS, as administrator CCWD provides necessary financial and grant administration services to the member agencies including, but not limited to, coordination and submittal of reports and invoices to DWR, and the acceptance and distribution of DWR funds to Local Project Sponsors; and

WHEREAS, by Resolution No. 2023-181, Council accepted a $1,000,000 grant award from DWR and entered into a Local Project Sponsor Agreement with CCWD; and

WHEREAS, on August 8, 2024, CCWD notified Staff that DWR would be able to provide additional funding for the Well 312 Treatment and Flush Line Improvements Project; and

WHEREAS, DWR requested information on the Project's total anticipated costs to determine the amount of additional funding that it would be eligible for; and

WHEREAS, on December 20, 2024, DWR and CCWD executed Amendment No. 1 to Grant Agreement No. 4600014796, increasing the total grant award for this Project from $1,000,000 to $2,500,000 and extended the term of the agreement through March 31, 2026; and

WHEREAS, the 2023 Local Project Sponsor Agreement between CCWD and the City of Modesto must be amended to reflect the amended terms of the Grant Agreement.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Department of Water Resources Amended 2021 Urban and Multibenefit Drought Relief Grant Program Award of $2,500,000, an increase of $1,500,000, for the Well 312 Treatment System and Flush Line Project and Approves an Amended Local Project Sponsor Agreement with Contra Costa Water District.

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 June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Zwahlen

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-208

RESOLUTION AMENDING THE FISCAL YEAR 2024-25 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $1,500,000 IN ORDER TO ACCEPT AN AMENDED GRANT AWARD FROM THE DEPARTMENT OF WATER RESOURCES AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $1,500,000, in order to recognize an Amended Grant Award from the Department of Water Resources for the Well 312 Treatment System and Flush Line Project, and

WHEREAS, the Fiscal Year 2024-25 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 2024-25 Capital Improvement Program Budget in the amount of $1,500,000.

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 10th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Zwahlen

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-209

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE 2018-2019 LIFT STATION IMPROVEMENTS PROJECT; ACCEPTING THE BID AND AWARDING A CONSTRUCTION CONTRACT TO TSI ENGINEERING INC., OF NORTH HIGHLANDS, CA, IN THE AMOUNT OF $2,403,786, AUTHORIZING THE DIRECTOR OF ENGINEERING SERVICES TO APPROVE CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF $480,758, 20% OF THE ORIGINAL CONTRACT PRICE, FOR A TOTAL PAYMENT AMOUNT NOT TO EXCEED $2,884,544 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, the Codoni Lift Station is located at the south end of Codoni Avenue and conveys wastewater flows through various trunks lines and on to the Regional Water Recycling Facility – Sutter Campus; and

WHEREAS, the existing lift station was designed with excessive capacity, as the actual flows are significantly lower than was previously anticipated; and

WHEREAS, a combination of low flows and corrosive industrial discharge has led to considerable deterioration in both the influent and discharge piping and has resulted in several Sanitary Sewer Overflows at this site; and

WHEREAS, due to the aforementioned issues, Utilities Operations and Maintenance Staff have requested a redesign of the existing lift station to transition from a wet well - dry well system to a submersible pump configuration; and

WHEREAS, by reconfiguring the current lift station and installing appropriately sized pumps, the conveyance system will be enhanced, leading to improved operational efficiency, helping to prevent future failures and eliminating the need for emergency repairs; and

WHEREAS, the project was advertised for bids on February 26, 2025; and

WHEREAS, on March 25, 2025, bids were publicly opened, pursuant to City Charter Section 1307, and one bid was received; and

WHEREAS, TSI Engineering Inc., of North Highlands, CA, was the sole bidder; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment or contractual services to follow the formal bid procedures; and

WHEREAS, the award of a Contract for the construction of the 2018-2019 Lift Station Improvements Project to TSI Engineering Inc., of North Highlands, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and TSI Engineering 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 the plans and specifications for the 2018-2019 Lift Station Improvements Project, accepts the bid of $2,403,786, authorizes the Director of Engineering Services to approve Change Orders up to the cumulative amount of $480,758, 20% of the original Contract price, for a total payment amount not to exceed $2,884,544, and awards a Construction Contract to TSI Engineering Inc., of North Highlands, CA.

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 June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Zwahlen

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, ~~City Attorney~~

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-210

RESOLUTION AMENDING THE FISCAL YEAR 2024-25 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $2,346,844 TO FUND THE CONSTRUCTION PHASE OF THE 2018-2019 LIFT STATION IMPROVEMENTS PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $2,346,844, in order to fund the 2018-2019 Lift Station Improvements Project, and

WHEREAS, the Fiscal Year 2024-25 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 2024-25 Capital Improvement Program Budget in the amount of $2,346,844.

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 June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Zwahlen

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, ~~City Attorney~~

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-211

RESOLUTION APPROVING AN AMENDMENT TO THE MODESTO URBAN AREA GENERAL PLAN TO AMEND THE DENSITIES OF RESIDENTIAL ZONES AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT

WHEREAS, a General Plan for the City of Modesto entitled "City of Modesto Urban Area General Plan" (UAGP), was adopted by the City Council by Resolution No. 95-409 on August 15, 1995, in accordance with Section 65300 of the Government Code; and

WHEREAS, said General Plan has been amended by Modesto City Council Resolution Nos. 95-584, 96-20, 96-338, 96-639, 97-3, 97-137, 97-158, 98-293, 99-162, 99-564, 2000-303, 2000-633, 2001-47, 2001-476, 2002-154, 2002-526, 2003-101, 2003-122, 2007-066, 2007-599, 2008-142, 2008-583, 2009-419, 2011-253, 2011-254, 2011-436, 2012-430, 2014-17, 2014-422, 2015-262, 2016-34, 2017-21, 2019-109, 2022-101, 2022-193, 2022-449, 2024-022, and 2025-164, copies of which are on file in the office of the City Clerk; and

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

WHEREAS, on December 5, 2023, the City Council adopted Resolution 2023-532, adopting the Modesto 2023-2031 Housing Element (hereinafter "the Housing Element"); and

WHEREAS, on April 10, 2024, the California Department of Housing and Community Development found Modesto's Housing Element in substantial compliance with State Housing Element Law per Gov. Code § 65580 et seq; and

WHEREAS, the Housing Element includes Program A-3, General Plan and Zoning Densities, which requires the City to revise the densities of the residential zones as discussed in the General Plan; and

WHEREAS, the City is concurrently proposing an Ordinance to update the Modesto Municipal Code (CODE-24-003) for concurrence with the General Plan as amended and for other items as required by the Housing Element; and

WHEREAS, an Initial Study has been prepared as required by CEQA, which concluded that an Environmental Impact Report should be prepared; and

WHEREAS, a Programmatic Environmental Impact Report for the Modesto Urban Area General Plan was prepared, which concluded that the City Council would need to adopt a statement of overriding considerations as well as written findings in accordance with State CEQA Guidelines Section 15091 and 15093; and

WHEREAS, a 45-day public review period for the proposed Environmental Impact Report began on February 28, 2025, and concluded on April 15, 2025; and

WHEREAS, the City received two (2) public comment letters on the draft Environmental Impact Report and has made changes to the document as a result, addressing their contents and providing responses thereto within the Final EIR; and

WHEREAS, a public hearing was held by the Planning Commission on May 5, 2025, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and at which the Planning Commission recommended that the City Council approve the amendments to the Urban Area General Plan as described in **Exhibit "A", attached** hereto and incorporated herein

by reference, to make certain findings, and to certify the Environmental Impact Report; and

WHEREAS, a public hearing was held by the City Council of the City of Modesto on June 10, 2025, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered.

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

1. An Environmental Impact Report, Environmental Assessment No. EA/C&ED No. 2024-38, has been prepared by the City of Modesto and provided as "**Exhibit B"**, **attached** hereto and incorporated herein by reference, that analyzed the proposed General Plan Amendment and the associated Ordinance to update the Municipal Code, and the City Council has determined that, on the basis of the whole record before it, that in addition to the mitigation measures provided therein, the City Council hereby certifies the Environmental Impact Report and adopts a Statement of Overriding Considerations as well as written findings in accordance with State CEQA Guidelines Section 15091 and 15093. The CEQA Findings and Statement of Overriding Considerations are provided as **"Exhibit C"**, **attached** hereto, and incorporated herein by reference. In accordance with State CEQA Guidelines Section 15090, the City Council certifies that:

    i. The final EIR has been completed in compliance with CEQA; and

    ii. The final EIR was presented to the City Council, the decision-making body of the lead agency, the City of Modesto, and that the City Council reviewed and considered the information contained in the final EIR prior to approving the project; and

    iii. The final EIR reflects the City of Modesto's independent judgment and analysis.

2. The proposed amendment to the General Plan implements the requirements of the adopted Housing Element and makes the General Plan more internally consistent.

BE IT FURTHER RESOLVED by the City Council of the City of Modesto that it hereby adopts amendments to the Urban Area General 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 10th day of June, 2025, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Zwahlen

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT "A"

General Plan Amendment

EXHIBIT "B"

Environmental Assessment No. EA/C&ED No. 2024-38

https://www.modestogov.com/DocumentCenter/View/23856/Modesto-General-Plan-Final-Environmental-Impact-Report

EXHIBIT "C"

CEQA Findings and Statement of Overriding Considerations

Chapter III

Community Development Policies

This chapter contains the "instructions" for building the actual physical components of the City of Modesto (City) in a manner consistent with Chapter II. This chapter establishes the proposed general distribution and extent of land uses within the Modesto Urban Area General Plan. It contains Land Use policies to guide the physical development of Modesto, within three areas defined in Chapter II: Downtown Area, Baseline Developed Area, and Planned Urbanizing Area. This chapter also provides the Land Use Diagram and Land Use Designations for the Modesto Urban Area General Plan. This chapter complies with Section 65302(a) of the California Government Code.

A. Land Use Diagram

Figure III-1 is the Land Use Diagram, which presents the general distribution of land uses within the Modesto Urban Area General Plan boundary. The Land Use Diagram conforms to Section 65302(a) of the Government Code, and is hereby adopted and incorporated into this Modesto Urban Area General Plan.

The word "Diagram" is distinguished from "Map" in the context of a California Attorney General Opinion (67 Cal.Ops.Atty.Gen. 75, 77), to provide a certain limited degree of flexibility in applying the Land Use Designations to specific parcels.

B. Adopted General Plan Land Use Designations

The following Land Use Designations are presented on the Land Use Diagram (Figure III-1). These designations describe the extent of each land use type within the Modesto Urban Area. Each Land Use Designation includes standards of population density and building intensity, in conformance with Government Code Section 65302(a), and each is summarized in Table III-1, below.

Table III-1. General Plan Land Use Designations

Land Use Designation	Non-Residential Intensity Guidance*	Residential Density Guidance
Residential	N/A	Low-Density Residential (R1 zoning) – up to 10.9 du / gross acre Medium-Density Residential (R2 zoning) – 10.9 to 22 du / gross acre Medium-High-Density Residential (R3 zoning) – 22 to 45 du / gross acre
Mixed Use	FAR = 0.35 SF bldg / SF of gross acreage of non-Residential area	Average 14 du / gross acre of Residential area
Commercial	FAR = 0.35 SF bldg / SF of gross acreage of the area	N/A
Industrial	FAR = 0.30 to 0.50 SF bldg / SF of gross acreage of the area	N/A
Downtown	FAR = 1.0-14.0 SF bldg / SF of gross acreage of the entire area	FAR = 1.0-14.0. Residential density is not otherwise limited.
Village Residential	4% of area designated Village Residential FAR = 0.35 SF bldg / SF of gross acreage of the non-residential area	6.6 du / gross acre for entire CPD
Business-Commercial-Residential	Approximately 70% of acreage designated Business-Commercial-Residential FAR = 0.4 SF bldg. / SF of gross acreage of the area	Approximately 30% of acreage designated Business-Commercial-Residential 10-30 du / gross acre
Regional Commercial	FAR = 0.35 SF bldg / SF of gross acreage of the area	N/A
Business Park	FAR = 0.40 SF bldg / SF of gross acreage of the area	N/A
Open Space	N/A	Low Density Residential – max. 1.0 du / 10 acres

CPD = Specific plan District FAR = Floor Area Ratio SF = square foot
du = dwelling unit N/A = not applicable

* FAR is calculated by dividing the total square footage of building floorspace by the total square footage of the property that it is located on.

1. Residential (R)

a. Purpose and Intent

To provide for residential uses throughout the Modesto Urban Area. Residential uses include single-family detached housing, single-family attached housing, multi-family housing, and mobile homes. Small-lot single-family residential development is encouraged, subject to applicable zoning regulations, design guidelines and General Plan criteria. Compatible uses in the residential designation may include schools, parks, and religious or community facilities. Existing small-scale commercial and office uses are also deemed compatible.

b. Location Criteria

This designation may be applied anywhere within the Modesto Urban Area General Plan where residential land uses would be compatible with other existing and planned land uses.

c. Land Use Intensity

The land use intensity is a typical density of 6.6 dwelling units per gross acre, to a maximum of 10.9 dwelling units per gross acre, on an area-wide basis without requiring a General Plan Amendment, and between 10.9 and 45.0 dwelling units per gross acre for multi-family housing.

2. Mixed Use (MU)

a. Purpose and Intent

To characterize those areas in Modesto Urban Area that are already developed and that contain a mixture of all or some of the following uses in close proximity to each other: residential, commercial, office, and/or institutional. Additional purpose and intent of the MU designation is to provide for future development opportunities for mixed uses. In the existing Baseline Developed Area where this designation is applied, zoning controls land use on a specific parcel.

b. Location Criteria

This designation may be applied to those areas of the Modesto Urban Area that are already developed and contain a mixture of uses as described above. This designation may also be applied to areas outside of the Baseline Developed Area where mixed-use development would be appropriate.

c. Land Use Intensity

For new development, the land use mix should include residential uses and non-residential uses including but not limited to institutional, office, and commercial uses. For residential uses, the intensity should average approximately 14 dwelling units per acre over the entire residential area, with project-specific density to be consistent with zoning. For non-residential uses, the guiding intensity is a Floor Area Ratio of approximately 0.35.

3. Commercial (C)

a. Purpose and Intent

To provide for a range of Commercial uses to serve the current and projected needs of Modesto's population. This designation encompasses a variety of service and retail uses, including but not limited to business, medical, and professional offices (other than large office campuses), neighborhood retail centers, convenience retail, highway-oriented commerce (restaurants, gas stations, automotive repair, and service), and Regional Commercial uses.

b. Location Criteria

Commercial land uses in Modesto are generally located at intersections along major arterial streets and expressways. The Modesto Zoning Code presents additional criteria for the location and type of Commercial uses.

c. Land Use Intensity

The guiding intensity is a Floor Area Ratio of approximately 0.35.

4. Industrial (I)

a. Purpose and Intent

To provide for industrial uses in the Modesto Urban Area. This designation provides for the full range of industrial uses, including but not limited to manufacturing, food processing, trucking, packing, and recycling, as well as those enterprises which may want to combine office and production aspects of their business in the same complex.

b. Location Criteria

Industrial land uses in Modesto are generally located within larger tracts of land oriented towards Freeway 99 and/or one of the three railroads serving the Urban Area.

c. Land Use Intensity

The guiding intensity is a Floor Area Ratio of approximately 0.50.

5. Downtown (D)

a. Purpose and Intent

Downtown Modesto should be the focal point of community life and the social, cultural, business, governmental and entertainment center of Stanislaus County. This vision will be achieved through partnerships between private enterprise and government agencies. The City

shall take the lead through strategic investments in public infrastructure and by recruiting and assisting with new private investment.

Housing will be an integral part of Downtown Modesto, to be complemented by and stimulated by a safe and attractive, tree-lined environment. Modern transportation systems shall provide convenient transportation to and within the Downtown Area. Vertical mixed-use development is allowed, and is encouraged by the Downtown zones.

b. Location Criteria

The Downtown designation shall be applied within the original downtown grid / City center and limited surrounding areas. The Land Use Diagram (Exhibit III-1) indicates the boundaries of this area.

c. Land Use Intensity

Residential and non-residential development should conform to the standards, regulations and criteria contained within the City of Modesto's Downtown Zoning District regulations and/or other zoning code regulations that apply within the Downtown area. The applicable guiding intensity is a Floor Area Ratio between 1.0 and 14.0.

6. Village Residential (VR)

a. Purpose and Intent

To provide for the development of urban "villages." Villages are to be comprised of mixed-use, compact, pedestrian- and transit-oriented neighborhoods that are intended to accommodate a variety of residential product types, such as detached houses on small lots, multi-family housing and senior housing, in addition to neighborhood-serving non-residential uses. The Comprehensive Planning District Exhibits beginning on page 22 of this Chapter provide general guidance, as applicable, for policy implementation of the Village Residential Designation. Villages should be comprehensively planned using the Specific Plan process presented in Section III-D, below.

b. Location Criteria

This designation may be applied to areas throughout the Planned Urbanizing Area, as shown in Figure II-1. As areas designated Village Residential are entitled, annexed and developed, the General Plan land use designation should be changed to Residential.

c. Land Use Intensity

The Comprehensive Planning Districts (CPDs) presented in Section III-D, below, contain the actual land use mix and intensities for each CPD.

Residential: The residential density within a CPD is typically 6.6 dwelling units per gross acre for the entire district. Small-lot single-family residential development is encouraged, subject to applicable zoning regulations, design guidelines and General Plan criteria. Consistent with the Housing Element, at least 15 percent of the residentially-designated land

area shall be reserved for multi-family development at a minimum density of 22.0 dwelling units per acre. The maximum multi-family residential density is 45.0 dwelling units per acre.

Commercial: Approximately four (4) percent of lands designated Village Residential shall be devoted to commercial uses, with a guiding intensity of 0.35 FAR.

7. Business Commercial Residential (BCR)

a. Purpose and Intent

To provide for a combination of land uses, including Business Park, Commercial and Residential, in close proximity in order to reduce vehicle trips. This designation is intended to accommodate employment-intensive uses, and medium-high-density residential uses, with a variety of goods and services readily available. The desired result is compact and walkable development that integrates a mix of land uses such that opportunities to live near employment, shopping and service centers are created.

b. Location Criteria

This designation may be applied to areas within the Planned Urbanizing Area, as shown in Figure II-1, at locations that have adequate access to regional traffic routes and transit corridors. This designation is intended for those areas where the combination of land uses would be appropriate and compatible with neighboring uses.

c. Land Use Intensity

The land use mix should be a minimum of 55 percent and maximum of 70 percent of gross acreage devoted to business park uses; a minimum of 20 percent and a maximum of 30 percent of gross acreage to be devoted to residential uses; and, a minimum of 10 percent and a maximum of 20 percent of gross acreage devoted to commercial uses. Vertical mixed-use development is also encouraged.

For residential uses, densities should be between 10 and 30 dwelling units per gross acre, respectively. For non-residential uses, the guiding intensity is approximately 0.4 FAR.

Example photos to illustrate BCR development concept

8. Regional Commercial (RC)

a. Purpose and Intent

To provide for large-scale commercial areas and regional retail Commercial uses serving the needs of the entire region. Regional Commercial uses serve a much larger population by providing commercial activities not needed on a regular basis. Their location is primarily determined by major transportation routes which allow convenient access.

b. Location Criteria

This designation may be applied anywhere within the Modesto Urban Area General Plan area that is located with adequate access to regional traffic routes and transit corridors.

c. Land Use Intensity

The land use intensity is a Floor Area Ratio of approximately 0.35.

9. Business Park (BP)

a. Purpose and Intent

To provide for areas of light industrial and employment-intensive uses, and to produce an environment conducive to industries and employers seeking an aesthetically attractive "campus-like" setting. Regional Commercial uses are also permitted in Business Parks.

b. Location Criteria

This designation may be applied anywhere within the Modesto Urban Area General Plan area that has adequate access to regional traffic routes and transit corridors.

c. Land Use Intensity

Business Parks should have a campus-like setting, with a guiding intensity of approximately 0.40 FAR.

10. Open Space (OS)

a. Purpose and Intent

To provide for regional recreational open space (active and passive) along the Tuolumne River, Stanislaus River, and Dry Creek. Community and neighborhood parks and other smaller open space areas can be accommodated within any Land Use Designation. In the Open Space designation, planned land uses shall include low-impact recreational facilities,

public ownership, low-density residential, and agriculture. New development within areas designated Open Space shall be designed to not detract from habitat value or passive recreational uses, nor increase flood potential.

b. Location Criteria

This designation is applied along the Tuolumne and Stanislaus Rivers and Dry Creek.

c. Land Use Intensity

For residential uses in the Open Space designation, the density shall not exceed one (1) dwelling unit per ten (10) acres.

11. Salida Community Plan (SCP)

a. Purpose and Intent

If the Salida Comprehensive planning district is annexed to the City of Modesto, the City does not propose to change any land use directions from those established by Stanislaus County. Therefore, the Salida Community Plan, as adopted by Stanislaus County, will continue to guide growth and development for this area, even upon annexation to the City.

b. Location Criteria

This designation is applied only in the Salida Comprehensive planning district, as shown in Exhibit III-1. These are precisely the same boundaries as for the Salida Community Plan adopted by Stanislaus County as of January 1, 1995.

c. Land Use Intensity

The Stanislaus County General Plan, in effect as of January 1, 1995, contained ten Land Use Designations to guide development within the Salida Community Plan. School sites were also designated in the Community Plan. These Land Use Designations are described in detail in the "Salida Comprehensive planning district," presented in Section III-D.

C. LAND USE GOALS AND POLICIES

The Land Use Designations presented above are supplemented by Land Use goals and policies, which are presented and categorized below. The following goals and policies are intended to achieve these objectives: smart growth and sustainable development; reduced per capita vehicle miles travelled and improved air quality; and, maximized efficiencies of infrastructure systems and delivery of services.

1. Overall

Goal III.A
Zoning Consistency. Maintain and enhance consistency between the General Plan (land use designations and policies) and zoning.

Policy III.A.1
Parcel-Specific Zoning. Zoning within the incorporated City limits should be, and generally is, consistent with the General Plan Land Use Designations as presented on the Land Use Diagram. However, because these designations are broad in nature, there may be minor instances in which the existing zoning for a particular property is not consistent with the Land Use Designation for the property. These situations are still considered to be consistent with the overall goals and policies of the General Plan, and development of these properties may occur consistent with zoning.

Policy III.A.2
Rezoning. Rezonings should also be consistent with the General Plan Land Use Designations. However, rezonings involving less than five (5) acres may occur even if they are not consistent with the Land Use Designation for the property, as long as the rezoning can be found consistent with the Land Use goals and policies of the General Plan. Rezonings of five (5) acres or more that are inconsistent with the applicable Land Use Designation(s) will require a General Plan amendment.

Goal III.B
Quality of Life. Maintain and improve the integrity of the existing developed City, and promote complete, sustainable, compatible and high-quality development – for living, working, shopping and recreation – across the entire city.

Policy III.B.1
Infill Incentives. Facilitate infill development through active leadership and strategic provision of infrastructure and services, and supporting land uses. Provide incentives for infill development, redevelopment and growth in existing urbanized areas to enhance community character, optimize infrastructure investments, support increased transit use, promote non-motorized transportation, increase housing diversity and enhance commercial viability. Structure fee programs so that infill development is "priced" according to its relative infrastructure efficiencies and the community-wide benefits to be realized. *(Air quality, public health, energy conservation, environmental justice)*

Policy III.B.2
Existing City. To maximize economic and social benefits, and resource efficiencies, prioritize and focus new development within the existing City limits. This will strengthen existing neighborhoods and maximize efficiencies of utility / infrastructure systems. New development will be accessible by all modes of transportation, both motorized and non-motorized, with an emphasis on availability of public services. *(Air quality, public health, energy conservation, environmental justice)*

Policy III.B.3
Property Maintenance. Encourage owners of visually unattractive or poorly-maintained properties to upgrade existing deficiencies, whether related to structures, outdoor storage / activities, and/or any other maintenance issues, in order to improve their visual quality. *(environmental justice)*

2. Neighborhoods

Promote and facilitate a fabric of complete, cohesive, pedestrian-friendly and family-oriented neighborhoods across the entire City. New neighborhoods are to be integrated with existing neighborhoods, through contextual design consideration, compact development patterns and application of Neighborhood Compatibility Guidelines and other applicable development guidelines.

Goal III.C
Neighborhoods. Create neighborhoods that are complete, compact and sustainable so that housing, jobs, shopping and transit access are within easy walking distance. Include a mix of compatible land uses within close proximity, contain a diversity of housing types to accommodate a wide range of economic levels and age groups, and have a center focus that combines commercial, civic, cultural, and recreational uses in order to facilitate high-quality living environments. Access to healthy foods and grocery stores that sell fresh fruits and vegetables is a high priority. *(Air quality, public health, energy conservation, environmental justice)*

Policy III.C.1
Complete Neighborhoods. Complete neighborhoods promote livability, sustainability and safety for all residents. Neighborhoods are to contain: a mix of housing types including affordable and market-rate; a range of services and facilities such as schools, parks, retail, services & civic facilities; transit access within a half-mile of all dwelling units; and, complete streets with tree canopy cover that accommodate both motorized and non-motorized mobility. *(Air quality, public health, energy conservation, environmental justice)*

Policy III.C.2
Protect Established Neighborhoods. Preserve, protect, and enhance established neighborhoods by providing sensitive transitions between and among adjoining neighborhoods, and by requiring new development – both private and public – to respect and respond to those existing physical characteristics, buildings, streetscapes, open spaces, and urban form that contribute to the overall character and livability of the neighborhood. *(environmental justice)*

Policy III.C.3
Neighborhood Shopping Centers. Locate neighborhood shopping centers, preferably at the intersection of two arterial streets, in each neighborhood. Neighborhood shopping center should include full-service food stores with fresh fruits and vegetables. *(environmental justice)*

Great, Safe Neighborhoods

Complete Neighborhoods promote livability and safety for residents of all ages, incomes and cultural backgrounds. Characteristics of complete neighborhoods include the following:

- A mix of housing types affordable to all income levels;
- A neighborhood watch group and/or other neighborhood-scale organizations;
- At least one vibrant commercial or civic activity area that provides neighborhood identity;
- Services and facilities including full-service grocery stores, schools, parks, & other public spaces;
- Substantial tree canopy & general landscaping, combined with lighting enhance safety;
- An interconnected street network with short blocks and very few cul-de-sacs;
- Convenient access to public transportation and high-quality bicycle & pedestrian facilities; and,
- School sites that are central to neighborhoods.

Policy III.C.4
Diverse Centers. Encourage development of local, citywide and regional mixed-use centers that address different community needs and market sectors, and that compliment and are well-integrated with surrounding neighborhoods. *(Air quality, public health)*

Policy III.C.5
New Neighborhood Core. All parts of new neighborhoods should be within a half-mile of a central gathering place that is located on a collector street or minor arterial and that includes public space, shopping areas, transit access, and community-supportive facilities and services. *(Air quality, public health)*

Policy III.C.6
Traditional Grid and Pedestrian Safety. Design new neighborhoods with traditional grid block sizes ranging from 300 to 400 feet in length. Separate sidewalks from the curb with a minimum eight-foot (8') landscaped parkway. Construct context-appropriate traffic-calming improvements, such as traffic circles and intersection bulbouts. *(Air quality, public health, energy conservation)*

Policy III.C.7
Connections to Transit. New neighborhoods include transit stops that support and connect to the citywide transit system, and that are within a half-mile walking distance of all dwelling units. *(Air quality, public health, energy conservation)*

Policy III.C.8
Neighborhood Schools. Neighborhoods should contain sufficient K-12 schools necessary to serve them. Locate schools on Collector streets, preferably at or near the intersection of two Collector streets. Locate neighborhood parks (see Chapter VI for parks standards) adjacent to school sites. New schools and parks should be surrounded by streets on all sides wherever possible to encourage access by walking and bicycling. *(Air quality, public health, energy conservation)*

Safe Schools

Safe Schools promote accessibility, education, exercise, healthy food choices and role models for Modesto's youth. Characteristics of Safe Schools include the following:

- A convenient network of sidewalks and pedestrian improvements in general to assist students in getting to school, regardless of their available transportation mode choice options;
- A well-developed network of bicycle lanes, paths and trails to allow safe and convenient access to schools for those students that choose to bike to school;
- Healthy foods, including fresh fruits and produce, that are consistently available at school;
- Extended outdoor playtime and recreational facilities, and a formal physical education program;
- Qualified, competent and experienced teachers and faculty, including counselors and police department staff; and,
- A central location to neighborhoods, and prominent placement along the connector street network in the Planned Urbanizing Area.

Policy III.C.9
Senior Housing Development. Encourage the development of senior housing in neighborhoods that are accessible to public transit, commercial services, and health & community facilities. *(Air quality, public health, energy conservation, environmental justice)*

Policy III.C.10
Neighborhood Open Space. Neighborhoods should contain an ample supply of specialized open space in the form of squares, greens and parks, whose frequent use is encouraged through placement and design. Provide linkages between such areas and surrounding neighborhoods.

Policy III.C.11
Development Guidelines. Apply Neighborhood Compatibility Guidelines, Multi-Family Residential Design Guidelines, Guidelines for Small-Lot Single-Family Residential Developments, and other adopted development guidelines, as appropriate to new construction, additions to existing structures, replacement of existing buildings / land uses, and other neighborhood improvements.

Policy III.C.12
Residential Design. For new residential development, include a range of lot sizes, varied setbacks, and orient buildings to the street (e.g. entry, windows).

Policy III.C.13
Transitions in Scale. Scale and massing of new development in higher-density centers and corridors should provide appropriate transitions in building height and bulk that are sensitive to the physical and visual character of adjoining neighborhoods.

3. Major Transportation Corridors

This General Plan acknowledges the "land use-transportation connection" by providing direction with regard to both public and private investment along major transportation corridors. Future corridor studies will provide detailed guidance for site design, land use mix, and development intensity, in addition to transportation options and "Complete Streets."

Goal III.D

Corridor Studies. Corridor Studies guide infill development, and re-use / recycling of existing development, along major transportation corridors. Such development will balance vehicular circulation and access against all other travel modes – both motorized and non-motorized. Development along major transportation corridors should mix land uses effectively so that housing, retail and service needs are combined with pedestrian-friendly facilities and gathering places. *(Air quality, public health, energy conservation, environmental justice)*

Policy III.D.1

Study Corridors. The following "Major Transportation Corridors" are the best candidates for reinvestment, based in part on the connectivity they provide between downtown and other parts of the City / surrounding region (see Figure III-2):

i. McHenry Avenue / SR108;
ii. Yosemite Avenue / SR132;
iii. Crows Landing Road;
iv. Paradise Road;
v. Maze Boulevard;
vi. N. 9th Street; and,
vii. other corridor(s) as needed.

Policy III.D.2

Corridor Study Topics. Corridor Studies will address the following:

i. Transportation mode priority (includes transit, bicycle and pedestrian);
ii. Street design;
iii. Land use designations;
iv. Development standards & design guidelines;
v. Pedestrian safety; and,
vi. other considerations as applicable.

Goal III.E

Corridor Development. Development along major transportation corridors that occurs pursuant to an adopted corridor study should be compact, mixed-use, transit- / bicycle- / pedestrian-friendly, and scaled appropriately to match the context and transition to existing nearby neighborhoods. *(Air quality, public health, energy conservation, environmental justice)*

Policy III.E.1

Transit Oriented Development. Locate higher-density, transit-oriented, mixed-use development (TOD) along major transportation corridors near significant intersections and public transportation facilities. Development density along major transportation corridors should increase with proximity to transit stops and decrease with distance from transit stops in order to encourage increased transit ridership. Establish specific thresholds, standards and guidelines for TOD and other development types in the applicable corridor study documentation. *(Air quality, public health, energy conservation, environmental justice)*

Policy III.E.2
Corridor Mixed-Use Infill. Promote mixed-use infill development along major transportation corridors through the use of corridor studies, zoning, flexible development standards, density bonuses and other development incentives. Locate such development along the back of sidewalk, and oriented to frame the street, while incorporating public plazas and pedestrian amenities that will create people-oriented centers for living, working and gathering. *(environmental justice)*

Policy III.E.3
Corridor Residential Infill. Encourage high-quality, compact, multi-story residential infill development along major transportation corridors, through design criteria contained within applicable corridor study documentation. Minimize parking requirements where appropriate. Maintain compatibility with form and function of nearby existing neighborhoods through use of applicable design guidelines.

Policy III.E.4
Corridor Study Implementation. Corridor studies may include a form-based code component to guide subsequent development, in order to provide clear and consistent development standards. Other potential implementation mechanisms include, and are not limited to, mixed-use and/or overlay zoning, specific plans, and design guidelines.

Policy III.E.5
Corridor Features. Promote the transformation of major transportation corridors, via formal corridor studies, into boulevards that are attractive, comfortable, and safe for pedestrians and cyclists by incorporating the following design features: *(Air quality, public health, energy conservation, environmental justice)*

i. Wide sidewalks to accommodate pedestrian traffic, amenities and landscaping;
ii. Class I, II or IV bicycle facilities;
iii. On-street parking between sidewalks and travel lanes;
iv. Few curb cuts and driveways;
v. Enhanced pedestrian street crossings;
vi. Compatible interface with adjacent existing residential neighborhoods;
vii. Buildings located at the back of sidewalk;
viii. Building entrances oriented to the street;
ix. Transparent ground floor frontage;
x. Street trees and furnishings; and,
xi. Pedestrian-scale lighting and signage.

The following exhibits reflect development concepts that include some of these features. These concepts, while shown within the context of existing development on surrounding properties, are not intended in any way to dictate or restrict development options or alternative designs that would otherwise be consistent with this General Plan and applicable zoning regulations.

4. Downtown

The City of Modesto will continue to focus on Downtown as the cultural, social, business and activity center of Modesto. Implementation of the City's Downtown Form-Based zoning code will assist in facilitating progress toward meeting the policy objectives reflected below.

Goal III.F

Downtown Focus. Downtown Modesto is a high-priority area for both public and private investment. Therefore, the City should prioritize and focus infrastructure investments here. Downtown is planned to become a more urban, higher-density, mixed-use, pedestrian-oriented, economically vibrant, innovative center for living, working, socializing and recreating. *(Air quality, public health, energy conservation, environmental justice)*

Policy III.F.1

Density and Mix. Implement higher density, mixed-use development to create a balanced, vibrant downtown and active neighborhood centers by streamlining development processing, offering public parking for projects with parking structures (in lieu of the provision of private parking), reducing fees and providing for deferral of fees.

Policy III.F.2

Downtown Housing. Housing in the Downtown Area should include a variety of unit types and densities, ranging from medium to very high, to act as a catalyst for other types of development.

Policy III.F.3

Support Downtown Businesses. Enhance downtown businesses by establishing new downtown residential and mixed-use development, which will provide customers for downtown businesses.

Policy III.F.4

Public Spaces. Enhance the visual appeal of Modesto's public spaces by upgrading existing parks, plazas, and streets, and by creating new parks and plazas.

Policy III.F.5

Sense of Place. Develop a cohesive design along roadway corridors to help establish a sense of orientation and aid with navigation, by using consistent shade tree species, lighting and street furniture between adjoining street sections along the corridors. Develop historic 10th and J Streets as attractive, pedestrian-oriented streets.

Policy III.F.6

Downtown Development. Higher-density, transit-oriented, mixed-use development (TOD) within the Downtown area should be strategically located near the most significant intersections and public transportation facilities such as the multi-modal transportation station. TOD should be designed and oriented toward these and any other major transportation facilities, as they are among the most important building blocks for Downtown Modesto's future. *(Air quality, public health, energy conservation, environmental justice)*

Policy III.F.7

Reduce Trips by Car. Reduce the use of automobiles and the need to own a car by prioritizing infrastructure for pedestrians, bicycles, buses, and rail over automobile infrastructure, which also reduces the need for off-street parking. *(Air quality, public health, energy conservation, environmental justice)*

Policy III.F.8

Downtown Accessibility. Develop a context-sensitive circulation system that prioritizes and facilitates pedestrians, bicycles, and transit, and which also accommodates automobiles. *(Air quality, public health, energy conservation, environmental justice)*

Policy III.F.9
Downtown Multi-Modal Transportation Center. Support development of a downtown multi-modal transportation center, and its connectivity to various transportation modes, to act as a catalyst for intensified mixed-use development within the downtown area. *(Air quality, public health, energy conservation, environmental justice)*

Policy III.F.10
Cultural Amenities. Continue to support existing cultural amenities Downtown, and encourage development of additional amenities that promote the City as the regional center for social activity.

Policy III.F.11
Building Height Transitions. Maintain height standards for Downtown and adjoining transition areas consistent with the General Plan vision for a higher-density Downtown and sensitive transitions to surrounding neighborhoods.

5. Commercial / Retail Centers

This General Plan will guide design and development of new shopping centers, and will also be applied to re-development of existing retail and commercial centers. Retail activity should be accessible by all transportation modes, particularly for non-motorized modes, and is intended to be designed consistent with applicable zoning regulations and development guidelines.

Goal III.G
Connectivity and Centers. Commercial development should strengthen the vehicular, pedestrian and visual connections between shopping centers and their surrounding neighborhoods, and between neighboring retail sites, through physical improvements, public transit and coordinated land use and transportation planning. *(Air quality, public health, energy conservation, environmental justice)*

Policy III.G.1
Making Shopping Centers More Pedestrian Friendly. Support the transformation of auto-oriented shopping centers currently characterized by retail strips surrounded by large surface parking lots into pedestrian- and bicycle-friendly places. Retail activity and shopping in general should be designed for pedestrian, bicyclist and transit user safety and convenience. Wide sidewalks, crosswalks, clear and well-lit storefront windows, varied building facades, awnings, street furniture, public art, extensive landscaping and pedestrian-scaled signage are among the design components to be considered. *(Air quality, public health, energy conservation, environmental justice)*

Policy III.G.2
Building Orientation. For new shopping center development, and for renovation of older shopping centers where feasible, locate buildings at the "front" of the site (at or near the back of sidewalk) and parking at the "back" of the site, behind the buildings. This policy is intended to be applied where contextually-appropriate, primarily in the more walkable areas of the City.

Policy III.G.3
Commercial Design. Incorporate high-quality design features into shopping center development, including the following:

- Interconnected streets and walkable blocks connected to transit facilities;
- Buildings sited around common plazas, courtyards, walkways and open spaces;

- A complete signage program for business identification and way-finding;
- Attractive landscaping and lighting to promote pedestrian activity; and,
- Clearly-marked driveways, pedestrian routes and building entries that minimize potential conflicts among trucks, autos, bicycles and pedestrians.

Policy III.G.4
Commercial Development Guidelines. Apply neighborhood Compatibility Guidelines, Design Guidelines for Commercial & Industrial Development, and other applicable development guidelines, as appropriate to new construction, additions to existing structures, replacement of existing buildings / land uses, and other commercial development activity.

6. Employment Centers

The following goals and policies are to guide design and development of new business park, industrial and office development (employment centers), and will also be applied to re-development of employment centers. Employment centers should improve the City's economy by decreasing the local unemployment rate and increasing the amount of money circulating through the local economy. Therefore, the City should monitor the availability of land area for new employment centers in order to ensure a balanced supply of available land. Employment centers should be easily accessible by all transportation modes, and should be designed consistent with applicable zoning regulations and design guidelines.

Goal III.H.
Employment Centers. Locate employment-intensive uses, such as medical and professional offices, light industry, R&D and skill training, in appropriate areas as designated by the General Plan and the zoning map. Locate Business Parks, Industrial development and other employment centers near access points to major transportation facilities so that they are accessible by all modes of transportation.

Policy III.H.1
Priority Areas. Besides Downtown, the Kiernan Business Park (KBP) area is the highest priority for employment center development. KBP will develop further as a more distinctive and attractive business park / office park that caters to medical, professional, technological and similar businesses in a campus-like setting.

Policy III.H.2
Employment Center Design. Design employment center development to accommodate safe and convenient walking, biking and transit use, and provide a high-quality campus-like environment, characterized by the following: *(Air quality, public health, energy conservation)*

- Interconnected streets and walkable blocks;
- Buildings sited around common plazas, courtyards, walkways and open spaces;
- On-site landscaping and buffers between buildings and properties;
- Visual screening of areas for outdoor storage, processing and/or other industrial operations;
- A thoughtful and well-executed signage program for business identification and way-finding;
- Landscaping and lighting to promote pedestrian activity;
- Clearly-marked driveways, pedestrian routes and building entries that minimize potential conflicts among trucks, autos, bicycles and pedestrians; and,
- Control of operations regarding lighting, noise, odors, vibrations, hazardous / toxic materials, heavy equipment / truck access and any other environmental considerations that may affect nearby properties.

Policy III.H.3
Employment Center Guidelines. Apply adopted Design Guidelines, such as those for Commercial & Industrial Development, as appropriate to new construction, additions to existing structures, replacement of existing buildings / land uses, and other employment center development.

Policy III.H.4
Accessory Support Uses. Employment centers should incorporate accessory uses such as public open space, transit facilities, child-care facilities, health clubs, professional offices and non-office retail uses, based on the size and location of the development, as appropriate.

D. COMPREHENSIVE PLANNING DISTRICTS

Each of the Comprehensive Planning Districts (CPDs) delineated on the Land Use Diagram (Figure III-1) are further described in this Section. All Specific Plans adopted to implement a given CPD shall include a text narrative and a map or diagram, conforming to the requirements of the relevant CPD. The minimum planning area for a new specific plan is approximately 480 acres, or as otherwise determined adequate for true comprehensive planning of new growth areas. For those CPDs where a specific plan has already been adopted, no exhibit is shown. Open Space CPDs are regulated via the applicable park system master plan.

1. Principal Comprehensive Planning District Policies

The following Principal CPD policies apply to all CPDs, regardless of whether they are located in the Baseline Developed Area or the Planned Urbanizing Area.

Policy III.I.1
CPD Implementation. Specific Plans, as defined in Chapter VIII, should be used for the implementation of the CPDs presented in Figure III-1.

Policy III.I.2
CPD Property Owners. Since each CPD contains a number of properties, unified direction from affected property owners should be encouraged, particularly for privately-initiated applications. In the case of disparate or unknown development intentions, the City may proactively seek consensus from affected property owners.

Policy III.I.3
CPD Specific Plans. The Specific Plan(s) within each CPD should follow the policies and procedures as outlined in the City of Modesto's Specific Plan Procedures and Preparation Guide (Guide), which identifies all subsequent land use approvals required to be consistent with the Specific plan. The Guide should be updated in order to keep it current with regard to policies and practices.

Policy III.I.4
Specific Plan Financing. Each Specific Plan should be accompanied by a long-range financing strategy that provides reasonable estimates of the costs of on- and off-site infrastructure to support the proposed development pattern. The strategy should generally address public facility funding for any development project that serves to implement the subject Specific Plan. If new public facilities

are required that will also serve the broader community, the Specific Plan should include options for broad-based funding mechanisms. Each Specific Plan should address the need to provide water, wastewater and storm drainage infrastructure, in the context of the required Facilities Master Plan and Infrastructure Master Plan (prepared at developer's expense).

Policy III.I.5
Public Safety Funding. With each Specific Plan, prepare a long-range financing strategy that provides reasonable estimates of the long-term public safety facilities, maintenance and operational costs. Identify funding mechanisms for these costs within the financing strategy documentation.

Policy III.I.6
Specific Plan-CPD Relationship. More than one Specific Plan may be processed within a given CPD, as long as the remaining area within the CPD can still comply with the General Plan policies presented in this chapter. Conversely, a Specific Plan can be used to implement more than one CPD, when those districts are adjoining. A CPD may consist of more than one Specific Plan provided that the Specific Plans are consistent, compatible, and complement one another. This is particularly important for issues related to, but not limited to, land use plans, circulation plans and the Specific Plans' financing sections (which must be correlated to provide for adequate infrastructure throughout the CPD). If Specific Plans are adopted at different times within a CPD, the first Specific Plan should include an infrastructure plan for the entire CPD.

2. Adoption of Comprehensive Planning Districts

On the following pages, 16 CPDs are hereby adopted as Exhibits III-2 through III-17 inclusive. Exhibits for those CPDs where a specific plan(s) has been adopted for the entire area are not shown. Brief descriptions of these CPDs are summarized in Exhibit III-1. The order presented does not imply the order in which each Specific Plan should be processed. To the contrary, no phasing or sequencing of development is intended through the CPD process, as long as each Specific Plan conforms to the requirements of its respective CPD.

In addition to the scenario noted above where a specific plan(s) has already been adopted for a given CPD, certain CPDs have other special considerations that result in no need to include an Exhibit reflecting development assumptions and policies applicable to their respective specific plan process. For example, development in the Tuolumne River CPD is governed by the Tuolumne River Regional Park (TRRP) Master Plan. The boundaries of this CPD match the boundaries of the TRRP Master Plan area.

Exhibit III-1, Page 1 of 2: Comprehensive Planning Districts Summary

Exhibit No.	Comprehensive Planning District (CPD)	Land Use Designations within the CPD	Acreage	Dwelling Units	Jobs
BASELINE DEVELOPED AREA					
	Downtown Area	Downtown	710	3,500	40,200
	Baseline Developed Area (excludes Downtown)	Residential, Commercial, Industrial, Mixed Use	22,540	81,870	135,160
Baseline Developed Area subtotals			**23,250**	**85,370**	**175,360**
PLANNED URBANIZING AREA – Inside Sphere of Influence					
(N/A)	Coffee / Claratina	Residential	160	1,080	---
		Commercial	10	---	240
III-3	College West	Business Park	230	---	5,980
(N/A)	Dry Creek	Open Space	510	50	---
III-4	Empire North	Village Residential	160	1,060	110
		Residential	60	400	---
III-5	Fairview	Village Residential	140	920	100
		Residential	210	1,390	---
		Commercial	20	---	480
III-6	Hetch-Hetchy	Village Residential	790	5,030	550
		Regional Commercial	170	---	4,080
III-7	Highway 132	Business Park	630	---	16,380
		Residential	30	60	---
III-8	Johansen	Village Residential	600	3,810	420
III-9	Kiernan / Carver	Residential	240	1,580	---
		Regional Commercial	70	---	1,680
		Business Park	300	---	7,800
		Business-Comm-Res	490	2,940	7,640
		Mixed Use	50	420	480
III-11	Kiernan / McHenry	Business Park	370	---	9,620
		Regional Commercial	100	---	2,400
(N/A)	North Beyer	Residential	160	960	---
		Mixed Use	20	160	200
III-12	Paradise / Carpenter	Village Residential	810	5,110	570
(N/A)	Pelandale / Snyder	Residential	360	2,380	---
		Commercial	20	---	480
		Mixed Use	10	80	100
III-13	Roselle / Claribel	Village Residential	840	5,540	590
		Residential	380	2,510	---
		Regional Commercial	110	---	2,640
		Business-Comm-Res	260	1,560	4,060
		Commercial	30	---	720

Exhibit III-1, Page 2 of 2: Comprehensive Planning Districts Summary

Exhibit No.	Comprehensive Planning District (CPD)	Land Use Designations within the CPD	Acreage	Dwelling Units	Jobs
PLANNED URBANIZING AREA – Inside Sphere of Influence (cont'd)					
(N/A)	Tuolumne River	Open Space	1,630	160	---
(N/A)	Village One	Residential	1,510	9,970	---
		Mixed Use	10	80	100
		Business-Comm-Res	340	1,800	5,300
		Commercial	40	---	960
III-15	Whitmore / Carpenter	Village Residential	690	4,380	480
Planned Urbanizing Area – Inside Sphere of Influence subtotals			**12,560**	**53,430**	**74,160**
PLANNED URBANIZING AREA – Outside Sphere of Influence					
III-2	Beckwith / Dakota	Business Park	690	---	17,940
		Regional Commercial	350	---	8,400
III-9	Kiernan / Carver	Business Park	230	---	5,980
III-10	Kiernan / Carver North	Business Park	490	---	12,740
III-14	Salida &	Salida Community Plan	4,310	(B)	(B)
	Stanislaus River	Open Space	740	(B)	(B)
Total Acreage, Dwelling Units & Jobs in the Planned Urbanizing Area – Outside Sphere of Influence subtotals			**6,810**		**45,060**
GRAND TOTALS					
Total Acreage, Dwelling Units & Jobs in the Baseline Developed Area and the Planned Urbanizing Area – Inside Sphere of Influence			**35,810**	**138,800**	**249,520**
Total Acreage, Dwelling Units & Jobs within the entire planning area			**42,620**	**138,800**	**294,580**

(A) Acreages, population estimates, and employment estimates rounded to the nearest ten (10).

(B) The Salida Community Plan and Stanislaus River CPDs are administered by Stanislaus County.

(C) Total population of approximately 390,000 assumed at 2040 (or later) based on traffic analyses.

(D) Assumed Village Residential and Residential gross density = 6.6 du / acre

(E) Assumed Business Park employee density = 26 per acre

(F) Assumed Regional Commercial and Commercial employee density = 24 per acre

(G) Assumed Village Residential employee density = 0.7 per acre

E. SENATE BILL 244 – DISADVANTAGED UNINCORPORATED COMMUNITIES

Senate Bill 244 (SB244), which was signed into law in 2011, requires that local agencies analyze the Disadvantaged Unincorporated Communities (DUC) within their Spheres of Influence (SOI). Based on information provided by the State of California Department of Water Resources, and the criteria set forth in SB244, Modesto has a total of nine (9) individual DUCs within its Sphere of Influence. Figure III-3, below, shows the boundaries of each DUC. The following information describes the DUCs and the general infrastructure needs for each, including rough cost estimates, and an overview of funding.

1. Disadvantaged Unincorporated Community Infrastructure Needs

Area 1: "West Modesto" – Water

The City provides water service to all but a few parcels in Area 1. Area 1 has some adequately-sized 10" to 16" water mains which provide a strong backbone system for water supply. However, there are many existing 4" and 6" steel mains that are prone to leaking and calcification with age, resulting in reduced pipe capacity and efficiency. The water system's smaller pipes will require future upsizing in order to meet City Standards. A sufficient and reliable source of potable water to meet the existing and expected demands is available from both ground water and surface water supplies.

The City has an annual Pipeline Strengthen and Replacement Program of about $4M to $5M per year, prioritized to replace smaller and older water mains throughout the water system – both within and outside the City limits. The "Robertson Road" and "Hilltop" neighborhoods within Area 1 have been upsized with new water mains. Because the City already owns, maintains and provides water in Area 1, there are no additional costs to extend water service. The estimated cost for system improvements to upsize older, undersized mains for Area 1 is $10.8M.

Area 1: "West Modesto" – Wastewater

The City does not provide sanitary sewer services to Area 1 except for the residential area south of Robertson Rd., a portion of Paradise Rd., and a few parcels along the fringe of the City limits. Area 1 is otherwise served by individual septic systems. The City's 54" West Trunk runs along Grimes Ave. and Paradise Rd. The existing City wastewater collection mains are mostly within the City limits and along the boundary of Area 2. Due to the size and existing boundary configuration of Area 1, connections to the sanitary sewer system may require several points of extension to serve properties fronting individual streets. It is estimated that approximately 46,000 lineal feet (LF) of 8" PVC sewer pipe would need to be installed throughout Area 1. The 2007 Wastewater Collection System Master Plan (WWMP) indicates that new 15" diameter sub-trunks are to be extended from the West Trunk to serve the area west of Carpenter Rd., which includes Area 1.

A detailed wastewater system hydraulic capacity analysis has not been specifically prepared for the existing sanitary sewer infrastructure in order to identify wastewater system improvements, beyond the conceptual pipeline assumptions in this preliminary analysis (e.g., lift stations, treatment plant expansion, etc.), that would make up the backbone facilities required to serve Area 1. The estimated cost to construct the 15" subtrunks and 8" mains is $25.8M.

Area 1: "West Modesto" – Storm Drainage

Area 1 does not have an existing storm drainage system other than a few rockwells. Storm water management consists of runoff to parcel frontages from rural roads, as there are typically no curbs & gutters. The Robertson Rd. Neighborhood, south of Robertson Rd, does have several rockwells for drainage of some local street intersections, but this neighborhood would still be considered to have substandard storm drainage infrastructure.

The 2008 Storm Drainage Master Plan (SDMP) locates Area 1 within the large subbasin 41 (east of Carpenter Rd.), subbasin 26 (west of Carpenter Rd.) and a few parcels in subbasin 24 (west of Modesto Irrigation District Lateral 4). Storm water collected in subbasins 41 and 24 will be conveyed in pipelines in these subbasins, through the adjacent subbasin 26, to a detention basin, pump station and outfall to the Tuolumne River. Proposed trunks that would serve Area 1 include 24" to 78" pipes that would also serve limited areas within the City limits. For Area 1 within subbasins 41 and 24, the SDMP identifies approximately 17,000 LF of storm trunk pipeline. For Area 1 within subbasins 26, the SDMP identifies approximately 4,450 LF of storm trunks, including the outfall to Tuolumne River. The estimated costs for master plan storm water infrastructure (trunks, basin, pump station), and curb and gutter street improvements, are:

Estimated Costs – Gravity System	
24" to 78" pipe, basin, pump station:	$30M
Curb & Gutter:	$9.5M

An alternative storm water management approach consisting of installing drywells in specific areas of most need to mitigate any local flooding of streets may be feasible, and would require some curb and gutter installation. The installation and maintenance of full curb and gutter for the entire Area 1 along with approximately 375 drywells may prove economically infeasible. The drywell method of storm water management would be highly-dependent on groundwater levels, since high levels would interfere with drywell efficiency and storm water quality impact requirements. However, to remain consistent with other DUC areas where drywell costs are presented, the estimated costs for drywells and curb and gutter for Area 1 are:

Estimated Costs – Drywell System	
375 Drywells:	$19M
Curb & Gutter:	$9.5M

Area 1: "West Modesto" – Structural Fire Protection

Area 1 is served by the Burbank / Paradise and Woodland Fire Districts, which are staffed largely by volunteers. Upgrading the water system infrastructure in Area 1 as described above, in addition to the installation of fire hydrants as needed, would improve the responsible agencies' ability to provide fire suppression needs. The cost estimate shown above for water system enhancements would also generally apply to fire protection infrastructure needs.

Area 2: "Riverdale Park" – Water

The Riverdale Park Tract Community Services District (CSD) supplies water from a single groundwater well to most of Area 2 (aka Riverdale Park or Riverdale). The majority of the area already has 8" PVC water pipes and a few 6" mains installed in the late 1980s. The parcels on Vivian Rd. are served by private wells. A detailed water system analysis has not been prepared for this area. Such an analysis

would identify water system improvements, beyond the existing pipelines identified above, that would make up the backbone facilities required to serve the community. However, based on the Engineer's Report, the City's Water System Standards, general knowledge of the area's water system, and fairly recent completion of various off-site water system facilities in the vicinity, a sufficient and reliable source of potable water to meet the expected demands of the area could reasonably be made available.

The City has an agreement with the Riverdale CSD to provide water on an emergency temporary basis in the event that the community's groundwater well is compromised in some way. This agreement has been exercised in the past, most notably when severe flooding of the area shut down the well. Since Area 2 is already served by the Riverdale CSD, costs of new water system improvements would be the responsibility of the Riverdale CSD. There are two scenarios, other than annexation, in which the City of Modesto might need to consider providing a permanent water supply: 1) if the Riverdale CSD were to request that the City of Modesto provide a permanent water supply due to a significant failure of the community's well or if groundwater quality issues required expensive and cost–prohibitive treatment of groundwater; and, 2) if the Riverdale CSD were to request that the City take over ownership and maintenance of the water system, including water supply. Both of these scenarios assume no groundwater supply from the existing well since it is unlikely that the City would maintain the well if it were to take over the system. So long as the existing well is operational, the water supply is potable, and the Riverdale CSD continues to serve this community, Modesto is not considering provision of water service to this area, except on an emergency basis as described above. However, the City has planned for the contingency of water service to this area to fulfill its agreement to serve emergency water supply and also under buildout of the Whitmore-Carpenter Comprehensive Planning District (CPD), which includes the Riverdale Park area.

Under Scenario 1, described above, where the Riverdale CSD would retain ownership and maintenance of the water system, a permanent water supply and delivery from the City's system would require an upsizing of the Hatch Rd. pipe connection to 12" from the City to Riverdale, removal of the existing well facility, some hydraulic modeling, and payment of the applicable connection fee. Scenario 2, described above, assumes costs to upsize the supply main to 12", upsize the Hatch Rd. main to 12", abandon the existing well, install additional valves, meters and boxes, possible upsizing of some 6" water mains, connection fees, additional hydraulic modeling, and system testing, flushing and backflow devices. The estimated costs of improvements for both scenarios are: Scenario 1 – $350K; and, Scenario 2 – $1.4M.

The Engineer's Report also identified master plan infrastructure to serve future development of the Carpenter-Whitmore CPD, which includes Area 2, and proposed roughly six miles of new 12" water mains to serve the CPD plus new water supply and system storage capacity. In addition, smaller 8" pipes for individual streets would also be required as part of future subdivision development. However, in order to serve only Area 2, and assuming such service might occur without full development of the Carpenter-Whitmore CPD, it was determined that the estimated costs for infrastructure identified with either Scenario 1 or Scenario 2 would likely be adequate for those existing demands.

Area 2: "Riverdale Park" – Wastewater

The City does not provide sanitary sewer service to Area 2. Area 2 is in the Riverdale CSD and served by individual septic systems. The City does not have existing sewer system infrastructure in the vicinity that could serve Area 2. The City's General Plan and the WWMP presume that future development of the Carpenter-Whitmore CPD which includes Area 2 would largely determine the infrastructure required to serve this community. The WWMP proposes serving this area as part of specific plan development for the Whitmore-Carpenter CPD whereby a new sewer trunk would be extended from Ustick Rd. at Imperial

Dr. to Whitmore Ave., then west on Whitmore Ave. to serve the CPD west of Carpenter Rd. Per the WWMP, about three miles of new sewer trunk and a sewer lift station would be needed.

Serving the Riverdale Park community exclusive of new development in the Carpenter-Whitmore CPD would require a sewer system of less capacity, although it would be challenging considering the distance from existing City facilities, available right of way, and likely other existing obstacles impacting constructability. The following infrastructure at a minimum would be required: at least one sewer lift station and force main, the extension of infrastructure from the existing City system to Carpenter Rd. along Hatch Rd., a sewer collection system of 8" pipes, and the abandonment of individual septic systems as each property connects to the system. The nearest potential existing City infrastructure is on Monticello Ln. at least 2,000 feet east of the Carpenter Rd. / Hatch Rd. intersection. The estimated conceptual cost to extend sewer infrastructure to Area 2 is $7.7M.

A detailed wastewater system hydraulic capacity analysis has not been conducted specifically on the existing sewer infrastructure or exclusively for Area 2 in order to identify additional new wastewater system facilities, beyond the pipelines and lift station identified in this conceptual analysis. Cost estimates for master plan elements as presented in the 2007 WWMP are not being presented here since the extension of large sewer trunks would be functionally inadequate to convey the relatively low flows from only Area 2. These large facilities would also cost several million dollars more than a dedicated system to serve just Area 2.

Area 2: "Riverdale Park" – Storm Drainage

The storm drainage method, if any, in Area 2 is not documented, and is most likely non-existent or perhaps served by a few rockwells. The community does not have curbs and gutters and thus most likely lacks a positive or centralized storm drainage system. The CSD may be responsible for storm drainage, although the County may maintain it as well. The soils in this area drain relatively well, with high infiltration rates and thus providing for reduced runoff issues.

The City plan for providing storm water management is addressed in the SDMP as part of the larger Whitmore-Carpenter CPD area. The SDMP identifies Area 2 to be in the future sub-basin 27. Within sub-basin 27, the SDMP identifies approximately 1,500 lf of 30" pipe, along Hatch Rd. to serve the Riverdale area, which would convey storm water to a future detention basin and pump station with a discharge to the Tuolumne River. Additional smaller collection system pipes (usually 12" to 24") would also be required to convey storm water from Riverdale Park to the future 30" trunk. The estimated costs for master plan infrastructure (trunk, basin, pump station), and curb and gutter street improvements, are:

Estimated Costs – Gravity System	
30" pipe, basin, pump station:	$4.6M
Curb & Gutter:	$1.9M

An alternative storm water management approach for Riverdale Park would consist of installing drywells in areas of most need to mitigate any local flooding of streets or installing full curb and gutter along with approx. 62 drywells. The drywell method of storm water management would be highly dependent on groundwater levels since high levels would interfere with drywell efficiency and storm water quality requirements. The estimated costs for drywells, and curb and gutter street improvements, are:

Estimated Costs – Drywell System	
62 Drywells:	$3M
Curb & Gutter:	$1.9M

Area 2: "Riverdale Park" – Structural Fire Protection

Area 2 is served by the Burbank / Paradise Fire District, which is staffed largely by volunteers. Upgrading the water system infrastructure in Area 2 as described above, in addition to the installation of fire hydrants as needed, would improve the responsible agency's ability to provide fire suppression needs. The cost estimate shown above for water system enhancements would also generally apply to fire protection infrastructure needs.

Area 3: "Rouse-Colorado" – Water

The City currently provides water service to most developed properties within Area 3. Most of the water distribution mains are sized to current City standards for residential and commercial uses. Only one or two streets, Colorado St being the longest, have smaller 4" and 6" mains, which is not unusual for older neighborhoods and/or areas such as this that were formerly served by the Del Este Water Company. Area 3 has few vacant parcels, and any future growth potential would mostly be limited to intensification and sub-parceling of larger underdeveloped lots located primarily north of Figaro Ave. The 4" and 6" mains in Colorado Ave. from Garden Ave. to South Ave., and the 8" steel main in Rouse Ave. from Sutter Ave. to Sunset Ave., are likely to require replacement in the future as leak and repair frequency increases with time. The costs for system improvements to upsize mains likely would be included in the City's annual Pipeline Strengthen and Replacement budget for the entire water system in future years. Because the City already owns, maintains and provides water in Area 3, there are no additional costs to extend water to this DUC. The estimated costs for system improvements to upsize older, undersized mains for Area 3 is $1.6M

Area 3: "Rouse-Colorado" – Wastewater

The City currently provides sanitary sewer service to about 15% of Area 3 with the majority of these services along Garden Ave. The unserved developed parcels have septic systems. The area has relatively few vacant parcels and therefore future growth potential is limited to intensification and sub-parceling of larger underdeveloped lots, located primarily north of Figaro Ave.

Providing full sanitary sewer service to this area has been studied in the WWMP in terms of larger sewer trunk and treatment systems capacity, and the WWMP anticipates this area would be served in the future. The Sutter Sewer Trunk was identified in the WWMP as not having adequate peak wet-weather capacity to serve existing demands or build-out of its tributary area that includes Area 3. System improvement plans have been developed to address these capacity issues. The City is currently analyzing / designing a new large sewer trunk in the area to mitigate existing constraints and future capacity needs of the Sutter Trunk. With this design, capacity would be available for Area 3 once the new trunk is constructed. New mains extended from this new trunk would likely consist of 8" pipelines. The estimated cost of these 8" mains is $4.7M.

Area 3: "Rouse-Colorado" – Storm Drainage

Area 3 does not have an existing storm drainage system and storm water management consists of runoff to parcel frontages from rural roads (no curbs or gutters). The SDMP shows Area 3 within the large subbasin 41. Proposed trunks that would also serve this Area 3 include 48" and 54" pipes to a future Detention Basin and outfall to the Tuolumne River via pump station. The estimated costs for master plan infrastructure components (trunk, basin, pump station), and curb and gutter street improvements, are:

Estimated Costs – Gravity System

48" / 54" pipe, basin, pump station:	$2.9M
Curb & Gutter:	$2M

An alternative storm water management approach for Area 3 would consist of installing drywells in areas of most need to mitigate any local flooding of streets, or installing full curb and gutter along with approximately 75 drywells. The drywell method of storm water management would be highly dependent on groundwater levels, since high levels would interfere with drywell efficiency and storm water quality requirements. The estimated costs for drywells, and curb and gutter street improvements, are:

Estimated Costs – Drywell System

75 Drywells:	$3.6M
Curb & Gutter:	$2M

Area 3: "Rouse-Colorado" – Structural Fire Protection

Area 3 is served by the Burbank / Paradise Fire District, which is staffed largely by volunteers. Upgrading the water system infrastructure in Area 3 as described above, in addition to the installation of fire hydrants as needed, would improve the responsible agency's ability to provide fire suppression needs. The cost estimate shown above for water system enhancements would also generally apply to fire protection infrastructure needs.

Area 4: "Bret Harte" – Water

The City provides water service to all developed lots in Area 4. The area is developed with only a few vacant parcels. Area 4 has a significant number of streets with 6" and some 4" water mains, which have been prone to leaks and breaks with increasing frequency. The City's Pipeline Strengthen and Replacement program has been implementing projects in this area for the last two years to replace these older mains with new, larger pipes. This program results in improved water pressure and significantly reduced maintenance needs and water losses. Because the City already owns, maintains and provides water in Area 4, there are no additional costs to extend water. The estimated cost for system improvements to upsize older, undersized mains for Area 4 is $2.8M.

Area 4: "Bret Harte" – Wastewater

The City currently provides sewer service to all developed lots in Area 4. This DUC is fully-developed with only a few vacant lots remaining. The existing sewer system in Area 4 was installed between 1987 and 1995. Sewer main sizes include a few 6" pipes, but mostly range in size from 8" up to 33". These trunk lines are sufficient to serve the demands of Area 4 under all hydrologic conditions per City Standards. There are no identified wastewater system improvements needed for Area 4.

Area 4: "Bret Harte" – Storm Drainage

Area 4 does not have an existing gravity pipe storm drainage system. Storm water management mostly consists of runoff to parcels from rural roads (no curbs or gutters) or in some instances rockwells that drain the surrounding roadway. The SDMP shows Area 4 in subbasin 9. Proposed trunks that would serve Area 4 include 36" to 72" pipes conveying storm water to a future detention basin and outfall to the Tuolumne River via pump station. The 72" pipe and detention basin would also serve the adjoining subbasins 11 and 43. The estimated cost for master plan infrastructure (trunks, basin, pump station), and curb and gutter street improvements, are:

Estimated Costs – Gravity System	
36" / 72" pipe, basin, pump station:	$10M
Curb & Gutter:	$5.8M

An alternative storm water management approach for Area 4 would consist of installing drywells in areas of most need to mitigate any local flooding of streets or installing full curb and gutter along with approximately 200 drywells. The drywell method of storm water management is highly-dependent on groundwater levels, since high levels would interfere with drywell efficiency and storm water quality requirements. The estimated costs for drywells, and curb and gutter street improvements, are:

Estimated Costs – Drywell System	
Drywells:	$9.9M
Curb & Gutter:	$5.8M

Area 4: "Bret Harte" – Structural Fire Protection

Area 4 is served by the Industrial Fire Protection District, which provides service via a Joint Powers Agency that includes the Cities of Modesto and Ceres. Staff employed by the Modesto and Ceres Fire Departments provide service throughout the Industrial Fire Protection District. Upgrading the water system infrastructure in Area 4 as described above, in addition to the installation of fire hydrants as needed, would improve the responsible agencies' ability to provide fire suppression needs. The cost estimate shown above for water system enhancements would also generally apply to fire protection infrastructure needs.

Area 5: "Olivero / Hatch" – Water

The City provides water to service to nearly all developed parcels within Area 5, which is mostly developed with just a few vacant parcels north of Hatch Rd. Undersized water mains (6" and smaller) exist within the Olivero Rd. and Glacier Ave. rights-of-way. The City's water Engineer's Report indicates that larger mains in Crows Landing Rd. and Hatch Rd. are hydraulically sufficient to serve this area. The estimated cost for system improvements to upsize older, undersized mains for Area 5 is $5.7M.

Area 5: "Olivero / Hatch" - Wastewater

The City provides wastewater service to some portions of Area 5 west of Crows Landing Rd., but does not have sewer system infrastructure along Olivero Rd. Properties that are not served by the City's sewer infrastructure utilize an on-site septic system. The area is mostly developed, with a few undeveloped parcels north of Hatch Rd. Most of the individual properties in Area 5 – developed or not – are relatively large and rural in character.

The 2007 WWMP did not identify any specific project improvements for Area 5 because the pipes needed to serve would be 8", which is generally smaller than master plan-level elements. However, the WWMP does contemplate provision of wastewater service of this area. Specifically, an 8" main connecting to the 30" trunk crossing Hatch Rd. would serve parcels on Olivero Rd. and Hatch Rd. Additional 8" mains would also serve the area north of Hatch Rd. for Glacier Ave. and Crater Ave., with connections to the 30" trunk in Cascade Ave. The estimated cost to install the 8" pipes in this area is $4.6M.

Area 5: "Olivero / Hatch" – Storm Drainage

Area 5 does not have an existing gravity pipe storm drainage system north of Hatch Rd. This area does have some rockwells, generally along Crater Ave. and Glacier Ave. The Olivero Rd. / Jim Wy. and Olivero Rd. / Crows Landing Rd. intersections have catch basins that gravity stormwater flow to local storage basins, but no system along Olivero Rd itself. The 2008 SDMP has identified the Olivero Rd. area as part of sub-basin 11 and the area north of Hatch Rd. as part of Sub-basin 43. Sub-basins 11 and 43 will have gravity pipe systems conveying storm water to a storage Detention Basin with a pump station and discharge to the Tuolumne River.

The estimated costs to construct master planned infrastructure for Area 5 are included in the infrastructure for Area 4, and no additional master planned infrastructure is required. Estimated costs have not been specifically identified for these smaller pipes but since there are only a few streets in this area, conceptually, the estimated cost would likely be approximately $300,000. Such a system would also require the installation of curb and gutter. The estimated cost for master plan infrastructure (trunk, basin, pump station), and curb and gutter street improvements, are:

Estimated Costs – Gravity System	
36" / 72" pipe, basin, pump station:	$0 (See cost estimate for Area 4, above)
Curb & Gutter:	$1.3M
Small storm pipes:	$300,000

An alternative storm water management approach for Area 5 would consist of installing drywells in areas of most need to mitigate any local flooding of streets or installing full curb and gutter along with approx. 43 drywells. The drywell method of storm water management would be highly dependent on groundwater levels, since high levels would interfere with drywell efficiency and storm water quality requirements. The estimated costs for drywells and curb and gutter are:

Estimated Costs – Drywell System	
43 Drywells:	$2.1M
Curb & Gutter:	$1.3M

Area 5: "Olivero / Hatch" – Structural Fire Protection

Area 5 is served by the Industrial Fire Protection District, which provides service via a Joint Powers Agency that includes the Cities of Modesto and Ceres. Staff employed by the Modesto and Ceres Fire Departments provide service throughout the Industrial Fire Protection District. Upgrading the water system infrastructure in Area 5 as described above, in addition to the installation of fire hydrants as needed, would improve the responsible agencies' ability to provide fire suppression needs. The cost estimate shown above for water system enhancements would also generally apply to fire protection infrastructure needs.

Area 6: "Parklawn" - Water

The City currently provides water service to all developed parcels in Area 6, which is fully-developed with residential and limited commercial uses. This area has sufficient existing 10" and 12" mains connecting it to the City's water distribution network and, as such, the City's water system Engineer's Report does not call for backbone distribution infrastructure improvements for this area.

Area 6 does have a large number of 4" mains located in alleys that serve the connections to individual parcels, which is not uncommon for former Del Este areas or older neighborhoods built in the 1940s and 1950s. The leak frequency of these older mains is not particularly high compared to other higher priority areas. However, these mains will likely need to be replaced with larger pipes in the future. The estimated cost for system improvements to upsize older, undersized mains for Area 6 is $1.7M.

Area 6: "Parklawn" - Wastewater

The City of Modesto and County of Stanislaus entered into a formal agreement in 2013 to use County funding to construct a sanitary sewer system for this area. Improvements included 8" and 12" mains and a lift station located on Nelson Way that, via a force main, conveys flows to the existing 15" Oats Ct. gravity subtrunk. This project was completed in 2015, after which the City accepted ownership and maintenance responsibilities. Individual parcels are allowed to connect to City sewer service.

Area 6: "Parklawn" – Storm Drainage

With the exception of a few rockwells, Area 6 does not have an existing storm drainage system. Storm water management consists of runoff to parcel frontages from rural roads that lack no curbs and gutters. The 2008 SDMP identifies this area within the larger subbasin 10 tributary area. Proposed trunk lines that would serve Area 6 would also be sized to serve the subbasin 10 area south of Parklawn, and would consist of 54" to 72" pipes that would convey storm water to the same detention basin proposed for DUC Areas 4 and 5, with an outfall to the Tuolumne River. The estimated cost for master plan infrastructure (trunk, basin, pump station), and curb and gutter street improvements, are:

Estimated Costs – Gravity System	
36" / 72" pipe, basin, pump station:	$6.5M
Curb & Gutter:	$1.2M

An alternative storm water management approach for Area 6 would consist of installing drywells in areas of most need to mitigate any local flooding of streets or installing full curb and gutter along with an estimated 70 drywells. The drywell method of storm water management would be highly dependent on groundwater levels, since groundwater would interfere with drywell efficiency and storm water quality requirements. The estimated costs for drywells, and curb and gutter street improvements, are:

Estimated Costs – Drywell System	
70 Drywells:	$3.5M
Curb & Gutter:	$1.2M

Another potential option for Area 6 in lieu of the proposed larger SDMP master planned storm water system or drywells could be the installation of a smaller gravity system with conveyance to an underground storage and percolation system at the existing park located south of Parklawn Ave. This storm water management method has not yet been reviewed for feasibility in terms of existing groundwater levels and other considerations, nor have costs been calculated. A concept cost estimate may be in the $4M dollar range, including the smaller pipes. Curb and gutter street improvements would also be required.

Area 6: "Parklawn" – Structural Fire Protection

Area 6 is served by the Industrial Fire Protection District, which provides service via a Joint Powers Agency that includes the Cities of Modesto and Ceres. Staff employed by the Modesto and Ceres Fire

Departments provide service throughout the Industrial Fire Protection District. Upgrading the water system infrastructure in Area 6 as described above, in addition to the installation of fire hydrants as needed, would improve the responsible agencies' ability to provide fire suppression needs. The cost estimate shown above for water system enhancements would also generally apply to fire protection infrastructure needs.

Area 7: "South 7Th Street Mobilehome Parks" – Water

Area 7 consists of just two parcels developed with mobile homes and is part of a larger, mostly non-residential, unincorporated area included within the City's water service area. The southernmost of the two parcels, located on S. 7th St., is served with a City water connection from a 10" water main, which is sufficiently sized to serve the existing development. The northern parcel, located at Crows Landing Rd. and S. 7th St., is not currently served by City water, although an existing 12" water main is located nearby along Zeff Rd.

The 10" and 12" mains along and across S. 7th St. are sufficient for the existing mobile homes. A future infrastructure project might consist of extending the existing 10" water main in S. 7th St. to Zeff Rd., though there is no indication this is necessary to serve the northern parcel. At such time as the northern parcel requests water service through the "Will Serve" process, the City will provide information regarding specific water system improvements required to serve this parcel. A lower-cost option might be to extend a dedicated service pipe about 275' from the 12" Zeff Rd. pipeline to serve these mobile homes. No cost estimates are being provided for this area since there appear to be reasonably adequate City facilities in the area from which to extend water service.

Area 7: "South 7Th Street Mobilehome Parks" – Wastewater

Area 7 consists of two parcels described above under "Water." Neither of these parcels is connected to the City's wastewater system. It is assumed that the mobilehome parks are served by septic systems.

The WWMP study included the larger area in which these two parcels are located in terms of downstream trunk and wastewater treatment capacity. There is an existing 24" sewer trunk fronting the southern parcel on S. 7th St. that could serve this parcel. Sewer infrastructure that might provide service to the northern parcel does not exist. A sewer main would need to be extended north along S. 7th St. or north along Crows Landing Rd. from the existing 24" trunk to provide service to this parcel. The estimated cost to extend a small main to serve the northern parcel is $500K.

Area 7: "South 7Th Street Mobilehome Parks" – Storm Drainage

Area 7 consists of two parcels developed with mobile home parks. Since these are privately-developed parcels, the City does not have any plan or expectation to provide storm drainage as these areas that are entirely under private land ownerships with no internal public roadways. Parcels such as these would normally be required to provide their own on-site storm drainage management systems. Typically, this would consist of a series of rockwells or horizontal drain pipes to manage runoff on the property.

If the larger surrounding unincorporated area were to be annexed to Modesto, the City would look at the need for off-site public right-of-way storm drainage needs along S. 7th St., Crows Landing Rd. and Zeff Rd. The SDMP includes this area in subbasin 43. Master planned infrastructure to serve the area north of SR99 to Zeff Rd. includes 36" to 54" pipes that would convey storm water to a detention basin and outfall via pump station to the Tuolumne River. Subbasin 43 is proposed to share the same detention basin and

pump station facility and some large trunks with subbasins 9, 10, and 11. The estimated costs for master plan infrastructure (trunk, basin, pump station), and curb and gutter street improvements, are:

Estimated Costs – Gravity System	
36" / 54" pipe, basin, pump station:	$2.9M
Curb & Gutter:	$800K

An alternative storm water management approach for the unincorporated County area that includes Area 7 could consist of installing drywells in areas of most need to mitigate any local flooding of streets or installing full curb and gutter along with an estimated 105 drywells. The drywell method of storm water management would be highly dependent on groundwater levels, since high groundwater could interfere with drywell efficiency and storm water quality requirements. The estimated costs for drywells, and curb and gutter street improvements, are:

Estimated Costs – Drywell System	
105 Drywells:	$5.2M
Curb & Gutter:	$800K

Area 7: "South 7Th Street Mobilehome Parks" – Structural Fire Protection

Area 4 is served by the Industrial Fire Protection District, which provides service via a Joint Powers Agency that includes the Cities of Modesto and Ceres. Staff employed by the Modesto and Ceres Fire Departments provide service throughout the Industrial Fire Protection District. Upgrading the water system infrastructure in Area 4 as described above, in addition to the installation of fire hydrants as needed, would improve the responsible agencies' ability to provide fire suppression needs. The cost estimate shown above for water system enhancements would also generally apply to fire protection infrastructure needs.

Area 8: "Airport Neighborhood" – Water

The City currently provides water service to all developed parcels in Area 8, which is fully-developed with just a handful of vacant parcels remaining. In the early 2010s, the City installed several new mains in Area 8 to replace the older and smaller deficient pipes. Water main sizes consist of 8" to 12" and are sufficient for the residential development in this area. No cost estimates are provided as the area has adequate existing water system infrastructure and therefore no foreseeable system improvements.

Area 8: "Airport Neighborhood" – Wastewater

There is no City wastewater service provided to Area 8. The WWMP did include this area in its study in terms of downstream trunk and treatment capacity, but did not identify specific infrastructure improvements to serve it because pipe sizes are generally smaller than master plan-level elements. The City has an existing 60" sewer trunk along Oregon Dr. (the "River Trunk") to which this area's parcels located south of Hyde St. would connect utilizing 8" to 12" mains. The few parcels located north of Hyde St. would connect to the existing Yosemite Ave. main, which conveys flows to the 30" Santa Rosa Ave. Trunk and then to the 60" River Trunk.

The City and County entered into agreements whereby City staffing provided sewer system design services and the County provided construction management and funding to construct a full sewer system for this area. Construction of this project is phased as funding becomes available. Phase 1 is to serve about 79 parcels along Kerr Ave. Completion of the full project will depend on availability of

construction funding and is expected to be completed in no more than three (3) phases. The County will pursue construction funding for the remaining phases. The total estimated cost of the project is $9.5M.

Area 8: "Airport Neighborhood" – Storm Drainage

With the exception of a few rockwells, Area 8 does not have a storm water management system. Streets within Area 8 generally lack curb and gutter. The SDMP has identified the majority of this area as within sub-basin 59 (north of MID Lateral 1) and a portion in subbasin 74 (south of MID Lateral 1). In subbasin 59, the SDMP proposes about 4,600 lf of 42" to 54" trunks and a discharge to Dry Creek. In subbasin 74, which includes some of Area 8 but also the developed area south of Oregon Dr, the SDMP proposes about 1,800 lf of 48-in to 60-in trunks to route storm water to the Tuolumne River Regional Park. For a gravity storm drainage system, installation of curb and gutter would typically be necessary. Estimated costs for master planned infrastructure, and curb and gutter street improvements, are:

Estimated Costs – Gravity System	
42" / 60" pipe and pump station:	$4.3M
Curb & Gutter:	$2.9M

An alternative storm water management approach to a gravity pipe system could be the installation of drywells in areas of most need to mitigate any local flooding of streets or installing full curb and gutter along with drywells. For Area 8, approximately 100 drywells would be required to serve the entire area. The drywell method of storm water management would be highly dependent on groundwater levels, since high groundwater interferes with drywell efficiency and storm water quality requirements. The estimated costs for drywells, and curb and gutter street improvements, are:

Estimated Costs – Drywell System	
100 Drywells:	$5M
Curb & Gutter:	$2.9M

Area 8: "Airport Neighborhood" – Structural Fire Protection

Area 8 is served by the Stanislaus Consolidated Fire District, which is staffed largely by volunteers. Upgrading the water system infrastructure in Area 8 as described above, in addition to the installation of fire hydrants as needed, would improve the responsible agency's ability to provide fire suppression needs. The cost estimate shown above for water system enhancements would also generally apply to fire protection infrastructure needs.

Area 9: "Empire" – Water

The City provides water in the unincorporated community of Empire (Area 9) to all but a few of the developed parcels. City water is also provided to Empire Elementary School and Glick Middle School. The community is largely built out within the current community plan and water service area. There are three active City water wells in the vicinity of Area 9 and existing water mains range between 4" and 12" pipes. The water system in Empire is part of the larger City of Modesto water distribution system.

There is no indication of significant hydraulic issues in Empire according to the City's water Engineer's Report, likely due to existence of 12" backbone pipes, local groundwater supply and proximity to surface water transmission mains. The older and smaller steel 4" and 6" distribution mains are prone to increasing frequency of leakage and breaking as they age, which can result in higher impacts to the limited capacity of smaller pipelines. The leak frequency in Empire does not indicate a significant issue

at this time compared to the current higher priority areas of the water system. However, with time, these older and smaller mains would be identified for replacement. Because the City already owns, maintains and provides water to Area 9, there are no additional costs to extend water infrastructure here. The estimated cost to upsize older, undersized mains for Area 9 is 5.2M.

Area 9: "Empire" – Wastewater

The City of Modesto provides wastewater treatment for the unincorporated community of Empire (Area 9) by accepting wastewater from the Empire Sanitary District (ESD) via a 10" sewer main along Yosemite Ave. The City of Modesto owns, operates, and maintains the conveyance system in Empire which consists of 6" to 10" gravity mains and no sewer lift stations.

Area 9 is mostly developed within the current Empire community plan and ESD service area. The existing 10" main is historically deficient for design peak wet weather hydraulic conditions. The City's downstream 10" main on S. McClure Rd. is also capacity deficient. The City's WWMP includes plans for conveyance and treatment capacity to serve Empire, and the City serves as ex-officio governing board for the ESD. The City's 10" mains have been identified as requiring an upsize to meet existing peak wet-weather flows. The estimated cost to upsize the existing main is $3.8M.

Area 9: "Empire" – Storm Drainage

Area 9 has some gravity storm drainage systems managed by the County with a discharge pipe along Santa Fe Ave. to the Tuolumne River. The tributary ("catchment") area for this existing river discharge is the Yosemite Ave. corridor and the older downtown area. The areas on the north end of the community have a gravity system that flows to rockwells. The older part of the community, roughly north of Yosemite Ave. and south of McCoy Ave. do not have curb and gutter. The area generally north of McCoy Ave. has curb and gutter. The County has made improvements to these storm drainage systems over the last decade, though the City does not have any specific information. The County is also presenting a proposal for a low-impact development storm drainage project to the Community that would also include enlarging the existing discharge pipe size from 36" to 66" and which would allow for expanding the existing gravity system to include areas on the north end of the community. The County project has a total estimated cost of about $15M.

The SDMP identifies the Empire area as sub-basin 7 and proposed pipes ranging from 36" to 66" and also the need to increase the storm outfall pipe from 36" to 66". Smaller pipes for streets that may not have a gravity system in place have not been identified or confirmed with the County. The estimated cost for master planned infrastructure is $7.5M.

Area 9: "Empire" – Structural Fire Protection

Area 9 is served by the Stanislaus Consolidated Fire District, which is staffed largely by volunteers. Upgrading the water system infrastructure in Area 9 as described above, in addition to the installation of fire hydrants as needed, would improve the responsible agency's ability to provide fire suppression needs. The cost estimate shown above for water system enhancements would also generally apply to fire protection infrastructure needs.

2. Funding

The nine (9) DUC areas that are the subject of this SB244 analysis were previously developed under the jurisdiction of Stanislaus County with residential and other land uses. Therefore, the County is generally

responsible for identifying the necessary funding for construction of infrastructure systems consistent with City standards, prior to the City's consideration for annexation. All other infrastructure components, such as streets, street lights, curb gutter & sidewalk, etc., are also typically required to be installed by the County. Subject to a formal Infrastructure Improvement Agreement (IIA), the City would inspect all infrastructure improvements installed by the County, prior to acceptance as a condition of annexation. This infrastructure funding and construction model has been effective in several neighborhoods that are located in the general area of the DUCs (south and west Modesto). The Shackelford neighborhood, which is located northeast of Area #5, has been improved by the County and annexed to the City. Other neighborhoods, such as Bret Harte, Robertson Road and Parklawn, have had sewer system improvements designed and constructed by the County, and it is reasonable to expect that other infrastructure improvements will occur in these areas – subject to a formal IIA – as a pre-condition of annexation.

The State of California Office of Planning and Research has published a Technical Advisory for SB244, which describes several potential funding sources and mechanisms. Among these are "…taxes, benefit assessments, bonds and exactions (including impact fees)." In addition, several state funding programs are listed: California Department of Health Safe Drinking Water State Revolving Fund; State Water Resources Control Board Revolving Fund Program; State Water Resources Control Board Small Community Wastewater Grant Program; Department of Water Resources Integrated Regional Water Management Grant Program; Sustainable Communities Planning Grant and Incentive Program; United States Department of Agriculture Rural Development Grants and Loans; and, Community Development Block Grant Funds.

The County of Stanislaus has funded infrastructure improvements within neighborhoods located in areas identified as DUCs via a combination of funding sources, including some referenced above. Specifically, improvements to the Shackelford neighborhood were funded through Redevelopment Agency monies, the County Road Fund, Tobacco Settlement funds, and Congestion Relief. Infrastructure improvements in the Parklawn neighborhood were funded via Community Development Block Grant funds and a State Water Board grant. Redevelopment Agency funds were also used for sanitary sewer system improvements to the Bret Harte and Robertson Road neighborhoods.

Finally, the City's most recent Municipal Services Review (MSR) documentation (2004) describes the various utilities and services needed to support buildout of the Modesto Sphere-of-Influence. The 2004 MSR concludes that sufficient water, wastewater, storm drainage and fire protection services can be made available to accommodate growth and development contemplated by the General Plan. Subsequent to preparation of the 2004 MSR, the City doubled its wastewater processing capacity – from 30 mgd to 60 mgd – which results in further certainty regarding Modesto's ability to ultimately provide sewer service to both: 1. new growth areas; and, 2. exiting developed areas such as DUCs.

3. Disadvantaged Unincorporated Community Policies

The following policies apply to all DUCs, regardless of whether they are classified as an "island community" or "fringe community" as defined within SB244.

Policy III.E.1.
Coordinate with the County of Stanislaus regarding long-term planning for provision of services, including but not limited to: water, wastewater, storm drainage, streets, street lights and public safety. *(Public health, environmental justice)*

Policy III.E.2.

Consistent with General Plan Policy II.C.1., consider UGR analysis in odd-numbered years. When the UGR documentation is prepared, include analyses of the utilities, infrastructure and services, and the associated funding considerations, for all DUCs within the City of Modesto Sphere of Influence. The most recent UGR documentation is incorporated herein in its entirety by this reference.

FINAL

ENVIRONMENTAL IMPACT REPORT

FOR THE

MODESTO URBAN AREA GENERAL PLAN

APRIL 30, 2025

Prepared for:

City of Modesto
1010 10th Street
Modesto, CA 95354
(209) 577-5200

Prepared by:

De Novo Planning Group
1020 Suncast Lane, Suite 106
El Dorado Hills, CA 95762
(916) 812-7927

De Novo Planning Group

A Land Use Planning, Design, and Environmental Firm

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FINAL EIR

Chapter **Page Number**

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INTRODUCTION

The City of Modesto, as lead agency, determined that the density changes from Housing Element Programs A-2 and A-4, which changed the maximum and realistic densities expected to be developed within the existing General Plan land uses, is a "project" within the meaning of CEQA. CEQA requires the preparation of an EIR prior to approving any project that may have a significant impact on the environment. The City certified a Master EIR in 2019, but since that time the City has adopted programs directing increases to residential densities.

CEQA Guidelines section 15162 sets forth the conditions and facts that require a public agency, in considering project changes or changed circumstances relating to a project that was the subject of a previously certified Final Environmental Impact Report (EIR), to prepare a so-called "subsequent EIR." The City determined that the density increases directed by the Housing Element qualify as *new information* that has become available, which was not known and could not have been known at the time that the Master EIR was certified because it did not exist. In the Laurel Heights decision, the California Supreme Court noted that the CEQA Guidelines "*generally define 'new information' as information which shows that the project will have new or more severe 'significant effects' on the environment not disclosed in the prior EIR*." (Laurel Heights Improvement Association v. Regents of the University of California (1993) 6 Cal.4th 1112, citing Guidelines Section 15162(a)(3)). The City has also determined that it would like to update its traffic analysis to conform to new VMT regulations (SB 743). A new Program-level EIR would evaluate the impacts related to the new information (i.e. density changes) that was not known when the 2019 EIR was prepared as well as VMT. The new EIR reuses existing information and data from the Master EIR that remains relevant and unchanged, and supplements the data/analysis where necessary to address the new information that is necessary. The City also examined the proposed changes to the General Plan's land use designations to accommodate the changes contemplated by the City's recently revised Housing Element.

This Final EIR was prepared to address comments received in response to the Draft EIR. The City has prepared a written response to the Draft EIR comments, and made textual changes to the Draft EIR where warranted. The responses to the comments are provided in this Final EIR in Chapter 2.0, and all changes to the text of the Draft EIR are summarized in Chapter 3.0. Responses to comments received during the comment period for the Draft EIR do not involve any new significant impacts or "significant new information" that would require another recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

PROJECT DESCRIPTION

In 2011, the City of Modesto launched its most recent City-initiated General Plan Update, after being awarded a US HUD-DOT-EPA federal planning grant as one of 14 San Joaquin Valley cities known as the Smart Valley Places (SVP) consortium. The comprehensive General Plan update was a multi-year project that ultimately resulted in changes to nearly every chapter, section, and

element of Modesto's General Plan. The City certified a Master EIR on March 6, 2019 and adopted the Modesto Urban Area General Plan (UAGP).

The adopted UAGP is Modesto's long-term, comprehensive guide for development. Its 40,600-acre Planning Area reaches beyond the city limits and sphere of influence. The UAGP Growth Strategy establishes three geographic areas within the plan: (1) the Downtown Area; (2) the Baseline Developed Area; and, (3) the Planned Urbanizing Area. The adopted UAGP includes a comprehensive set of goals, policies and exhibits that establish the direction, scale / magnitude and priorities associated with Modesto's growth and development.

Amendments to the 2019 General Plan and Zoning Code

Since adoption of the UAGP in 2019, the City has approved amendments to the UAGP from time to time, as internal and external factors resulted in a need to update the document or maps. Examples of internal factors may include changing priorities and recognition of new opportunities; external factors may include new state laws and changing physical conditions or property owner requests – both development-related and environmental.

One recent change to the UAGP that is prompting the preparation of this EIR, changes made in the City of Modesto's 2023-2031 6th Cycle Housing Element. This Housing Element sets forth the City's overall housing objectives in the form of goals, policies, and programs. One specific program provided in the Housing Element required amendments to the zoning ordinance to rezone four corridors to mixed-use, and to change zoning densities to allow more residential development. Per Housing Element Program A-2, the City rezoned parcels on McHenry, Sisk, Oakdale, and Yosemite to new Mixed-Use-Pedestrian (MU-P) and Mixed-Use-Highway (MU-H) zones, and modified P-D parcels to allow for 45 du/ac in order to create a net new capacity for 21,014 units within the City. This is an added capacity of almost twice the RHNA of 11,248, and almost three times the remaining RHNA need after factoring in pending projects and ADUs. These zoning amendments were completed in December 2023. Beyond these zoning amendments, the Housing Element also directed the City to increase the maximum density of the R-1 zone from 7.5 to 10.9, the R-2 zone from 14.5 to 22, and the maximum density of the R-3 zone from 29 to 45, as noted in Program A-3. This will also create opportunity for higher density residential development throughout the City. The Housing Element further directed the City to amend the zoning code to allow duplexes to be approved ministerially on all lots in the R-1 zone with a single-family residential use, as noted in Program A-11. The City intends to implement this program by making duplexes a permitted use in the R-1 zone and performing its ministerial review through the existing Building Permit process.

The amendments to the Zoning Code were intended to occur across all opportunity categories, with specific geographic targeting in the higher resource areas. About 45 percent of the rezone area (13,774 units) is in high or higher resource areas, creating substantial new opportunities for housing mobility, new housing choices, affordability, and lower-income housing in eastern and northern neighborhoods. About 33 percent of the land area of the City was in an area of high or highest resource. As about 45 percent of the rezone area is in an area of high or highest resource, the rezone is promoting housing mobility and housing choice in higher resource areas at a disproportionately higher rate than the City's existing state. The City determined that the

amendments to the Zoning Code were significant and meaningful enough to overcome currently identified patterns and trends.

The Housing Element indicated that the increase the densities of the R-1, R-2, and R-3 zones were intended to ensure there is continuity of permitted densities between residential zones and align more closely with recommended densities in the General Plan. Table ES-1 provides the Zoning and Density Guidance as directed in Program A-4.

TABLE ES-1: ZONING AND DENSITY GUIDANCE

GENERAL PLAN LAND USE DESIGNATION	*EXISTING DENSITY*	*PROPOSED DENSITY*
Low Density Residential (R-1)	Up to 7.5 du/ac	Less than 10.9 du/ac
Medium Density Residential (R-2)	10.9 to 14.5 du/ac	10.9 to 22 du/ac
Medium High Density Residential (R-3)	21.8 to 29 du/ac	22 to 45 du/ac
Mixed Use (MU)	Average 14 du/ac	Average 14 du/ac[1]
Mixed-Use-Pedestrian (MU-P)	N/A	22 to 45 du/ac[2]
Mixed-Use-Highway (MU-H)	N/A	22 to 45 du/ac[2]
Downtown (D)	FAR: 1 - 14	FAR: 1 - 14
Village Residential (VR)	6.6 du/ac	6.6 du/ac
Business-Commercial-Residential (BCR)	30% of ac	30% of ac
Open Space (OS)	1 du/10 ac	1 du/10 ac

SOURCE: CITY OF MODESTO, GENERAL PLAN COMMUNITY DEVELOPMENT POLICIES, 2019, AND 2023-2031 6TH CYCLE HOUSING ELEMENT.

[1]The RHNA and zoning is not reliant on the 14 du/ac. This land use designation reflects previously existing uses. The average of 14 du/ac was originally intended to be an average of the whole land use designation area, and is not enforced on a project-by-project basis. The new mixed-use zones will reflect new densities.

[2]The Mixed- Use Zones allow a range of high-density development up to 45 du/ac.

Current Project

The project analyzed in the EIR consists of two parts. First, the City will examine, at a project level, proposed amendments to the General Plan land use designations to ratify and conform the General Plan land use designations with the changes adopted in the General Plan's Housing Element. This would include amendments to UAGP Chapter III Community Development Policies. The amendments to Chapter III include:

- Revisions to Section B. Adopted General Plan Land Use Designations to reflect the updated densities as follows.
    - Table III-1 General Plan Land Use Designations on page III-2will be updated under the Residential Density Guidance and Population Intensity columns to reflect the density and intensity changes.
    - Section B.1.C (Residential-R) on page III-3 will be updated to reflect the density and intensity changes.

- Section B.2.C (Mixed Use-MU) on page III-3 will be updated to reflect the new "Mixed Use-Pedestrian and Mixed Use-Highway" uses, as well as the associated density and intensity changes.
- Section B.6.C (Village Residential -VR) on page III-5 will be updated

- Revisions to Section D. Comprehensive Planning Districts to reflect the updated densities as follows.
  - Exhibit III-1, Page 1 of 2: Comprehensive Planning Districts Summary will be updated under the dwelling units column to reflect the density and intensity changes. (page III-20)
  - Exhibit III-1, Page 2 of 2: Comprehensive Planning Districts Summary will be updated under the dwelling units column to reflect the density and intensity changes. (page III-21)

Approval of these changes will create internal consistency within the General Plan and the density changes approved in the Housing Element Update. Rejection of these changes would mean the City would need to look at new/different changes to the Housing Element in order to comply with the City's housing obligations.

In addition to the above General Plan amendment changes, the City will examine environmental topics in light of legislative directives that have changed since the 2019 EIR was certified. For instance, the traffic analysis in the 2019 EIR is a level of service analysis, whereas the State has more recently directed that CEQA analyze traffic using a Vehicle Miles Traveled analysis.

Other Efforts to Update General Plan

The City of Modesto is currently embarking on a new comprehensive update to the UAGP that will look toward the City's long-term future to reflect the issues, ideas, and aspirations of today, and plan toward the year 2050. That UAGP Update is in the early stages of a multi-year process, and is not anticipated to conclude until 2026 or later. This EIR is not intended to cover the Update to the General Plan.

ALTERNATIVES TO THE PROPOSED PROJECT

Section 15126.6 of the CEQA Guidelines requires an EIR to describe a reasonable range of alternatives to the project or to the location of the project which would reduce or avoid significant impacts, and which could feasibly accomplish the basic objectives of the proposed project. The alternatives analyzed in this EIR are briefly described as follows:

- **No Project (No Build) Alternative**: The No Project Alternative is the continuation of the existing adopted General Plan into the future. Thus, No Project Alternative as envisioned in the existing adopted General Plan, and as analyzed in the 2019 General Plan EIR, would be compared to the impacts that would occur with the proposed amendments to the General Plan and Zoning Ordinance (i.e. residential density changes).

- **Increased Density Concentration Alternative:** The Increased Density Concentration Alternative is like the proposed Project in terms of the proposed amendments to the General Plan and Zoning Ordinance (i.e. residential density changes), however, the focus on density increases would be limited to a few targeted areas (e.g., Downtown Area, Baseline Developed Area) while leaving the other areas (e.g., Planned Urbanizing Area) unchanged.

A comparative analysis of the proposed General Plan and each of the Project alternatives is provided within Section 5.0: Alternatives of the Draft EIR. The comparison shows that the No Project (No Build) Alternative is the environmentally superior alternative. However, as required by CEQA, when the No Project (No Build) Alternative is the environmentally superior alternative, the environmentally superior alternative among the others must be identified. Therefore, the Increased Density Concentration Alternative would be the environmentally superior alternative because all environmental issues would have reduced impacts compared to the proposed Project. It is noted that neither the No Project Alternative nor the Increased Density Concentration Alternative fully meet all the Project objectives.

COMMENTS RECEIVED

The Draft EIR addressed environmental impacts associated with the proposed Project that are known to the City, were raised during the Notice of Preparation (NOP) process, or raised during preparation of the Draft EIR. The Draft EIR discussed potentially significant impacts associated with aesthetics and visual resources, agricultural resources, air quality, biological resources, biological resources, cultural and tribal resources, geology and soils, greenhouse gas emissions and energy hazards and hazardous materials, hydrology and water quality, land use planning, noise, public services, traffic, utilities, and wildfire.

During the NOP process, several comments were received related to the analysis that were included in the Draft EIR. These comments are included as Appendix A of the Draft EIR, and were considered during preparation of the Draft EIR.

The City received two (2) comment letters regarding the Draft EIR. These comment letters on the Draft EIR are identified in Table 2.0-1 of this Final EIR. The comments received during the Draft EIR review processes are addressed within this Final EIR.

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This Final Environmental Impact Report (FEIR) was prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (Section 15132). The City of Modesto is the lead agency for the environmental review of the Modesto Urban Area General Plan (UAGP, General Plan, General Plan Update, or Project) and has the principal responsibility for approving the project. This FEIR assesses the expected environmental impacts resulting from approval and adoption of the proposed Amendments to the General Plan and Zoning Ordinance as described more fully in Section 2.0 of the Draft EIR.

1.1 PURPOSE AND INTENDED USES OF THE EIR

CEQA REQUIREMENTS FOR A FINAL EIR

This FEIR for the General Plan has been prepared in accordance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines. State CEQA Guidelines Section 15132 requires that an FEIR consist of the following:

- the Draft Environmental Impact Report (Draft EIR) or a revision of the draft;
- comments and recommendations received on the Draft EIR, either verbatim or in summary;
- a list of persons, organizations, and public agencies commenting on the Draft EIR;
- the responses of the lead agency to significant environmental concerns raised in the review and consultation process; and
- any other information added by the lead agency.

In accordance with State CEQA Guidelines Section 15132(a), the Draft EIR is incorporated by reference into this Final EIR.

An EIR must disclose the expected environmental impacts, including impacts that cannot be avoided, growth-inducing effects, impacts found not to be significant, and significant cumulative impacts, as well as identify mitigation measures and alternatives to the proposed project that could reduce or avoid its adverse environmental impacts. CEQA requires government agencies to consider and, where feasible, minimize environmental impacts of proposed projects, and obligates them to balance a variety of public objectives, including economic, environmental, and social factors.

PURPOSE AND USE

The City of Modesto, as lead agency, determined that the UAGP is a "project" within the meaning of CEQA. CEQA requires the preparation of an EIR prior to approving any project that may have a significant impact on the environment. The City certified a Master EIR in 2019, but since that time new requirements for environmental analysis have occurred that warrant additional analysis of the UAGP.

CEQA Guidelines section 15162 sets forth the conditions and facts that require a public agency, in considering project changes or changed circumstances relating to a project that was the subject of a previously certified Final Environmental Impact Report (EIR), to prepare a so-called “subsequent

EIR." When an EIR has been certified, a subsequent EIR is required if (PRC Section 21166; CEQA Guidelines Section 15162):

(1) "Substantial changes are proposed in the project which will require major revisions" to the EIR "due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;"

(2) "Substantial changes occur with respect to the circumstances," and those changes will require "major revisions" to the EIR "due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;" or

(3) "New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time" of preparation of the EIR, becomes available. Such information must show either: the project will have one or more significant effects not discussed in the previous EIR; significant effects previously examined will be substantially more severe; mitigation measures or alternatives previously found to be infeasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

As one court explained in 2021, "…a subsequent EIR is necessary '[w]hen the previous EIR must be rewritten from the ground up to make its environmental analysis adequate." (*California Coastkeeper Alliance v. State Lands Commission* (2021) 64 Cal.App.5th 36, 59, quoting 2 Kostka & Zischke, Practice Under the Cal. Environmental Quality Act (Cont.Ed.Bar 2d ed. 2019) § 19.5, p. 19-9 and *City of Irvine v. County of Orange* (2015) 238 Cal.App.4th 526, 539.)

Given that the 2019 Master EIR's five-year certification period has lapsed, combined with multiple previous amendments to the General Plan and currently proposed changes to the General Plan, the City determined that there is there *new information* that has become available, which was not known and could not have been known at the time that the Master EIR was certified because it did not exist. In addition, the City has determined that, due to regulatory changes associated with SB743, which redefined the methodology and thresholds for traffic analyses to a VMT standard, the City would like to update its analysis of traffic impacts to use the VMT standard. In the Laurel Heights decision, the California Supreme Court noted that the CEQA Guidelines "*generally define 'new information' as information which shows that the project will have new or more severe 'significant effects' on the environment not disclosed in the prior EIR*." (Laurel Heights Improvement Association v. Regents of the University of California (1993) 6 Cal.4th 1112, citing Guidelines Section 15162(a)(3)). A new Program-level EIR would evaluate the impacts related to the new information that was not known when the 2019 EIR was prepared. The new EIR reuses existing information and data from the Master EIR that remains relevant and unchanged, and supplements the data/analysis where necessary to address the new information that is necessary.

This EIR will be used as the primary environmental document to evaluate all subsequent planning and permitting actions associated with the General Plan. Subsequent actions that may be associated with the General Plan are identified in Chapter 2.0, Project Description. This EIR may also be used by other agencies within Stanislaus County.

1.2 ENVIRONMENTAL REVIEW PROCESS

The review and certification process for the EIR has involved, or will involve, the following general procedural steps:

NOTICE OF PREPARATION

The City of Modesto circulated a Notice of Preparation (NOP) of an EIR for the proposed project on September 27, 2024 to trustee and responsible agencies, the State Clearinghouse, and the public. A scoping meeting was held on October 11, 2024. No public or agency comments on the NOP related to the EIR analysis were presented or submitted during the scoping meeting. However, during the 30-day public review period for the NOP, which ended on October 27, 2024, three written comment letters were received on the NOP. A summary of the NOP comments is provided later in this chapter. The NOP and all comments received on the NOP are presented in Appendix A.

NOTICE OF AVAILABILITY AND DRAFT EIR

The City published a public Notice of Availability (NOA) for the Draft EIR on February 28, 2025 inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2024091127) and the County Clerk, and was published in the Modesto Bee pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review from February 28, 2025 through April 15, 2025 at 5:00 p.m. The Public Draft General Plan was also available for public review and comment during this period.

The Draft EIR contains a description of the project, description of the environmental setting, identification, and analysis of project impacts, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies issues determined to have no impact or a less than significant impact, and provides detailed analysis of potentially significant and significant impacts

RESPONSE TO COMMENTS/FINAL EIR

The City received two comment letters during the 45-day review period for the Draft EIR. In accordance with CEQA Guidelines Section 15088, this Final EIR responds to the written comments received on the Draft EIR. The Final EIR also contains minor edits to the Draft EIR, which are included in Chapter 3.0 (Revisions and Errata). This document and the Draft EIR, as amended herein, constitutes the Final EIR.

CERTIFICATION OF THE EIR/PROJECT CONSIDERATION

The Modesto City Council will review and consider the Final EIR. If the City Council finds that the Final EIR is "adequate and complete," then it may certify it in accordance with CEQA. The rule of adequacy generally holds that an EIR can be certified if:

1) The EIR shows a good faith effort at full disclosure of environmental information; and

2) The EIR provides sufficient analysis to allow decisions to be made regarding the proposed project in contemplation of environmental considerations.

Upon review and consideration of the Final EIR, the Modesto City Council may take action to approve, revise, or reject the project. A decision to approve the Modesto Urban Area General Plan, for which this EIR identifies significant environmental effects, must be accompanied by written findings in accordance with State CEQA Guidelines Sections 15091 and 15093.

Policies and actions to mitigate potential environmental impacts have been incorporated into the project, to the extent feasible. No additional mitigation is feasible or available, as described in Chapters 3.1 through 4.0 of the Draft EIR. The annual report on general plan status required pursuant to the Government Code will serve as the monitoring and reporting program for the project.

1.3 ORGANIZATION OF THE FINAL EIR

This Final EIR has been prepared consistent with Section 15132 of the State CEQA Guidelines, which identifies the content requirements for Final EIRs. This Final EIR is organized in the following manner:

CHAPTER 1.0 – INTRODUCTION

Chapter 1.0 briefly describes the purpose of the environmental evaluation, identifies the lead agency, summarizes the process associated with preparation and certification of an EIR, and identifies the content requirements and organization of the Final EIR.

CHAPTER 2.0 – COMMENTS ON DRAFT EIR AND RESPONSES

Chapter 2.0 provides a list of commenters, copies of written comments made on the Draft EIR (coded for reference), and responses to those written comments.

CHAPTER 3.0 – REVISIONS AND ERRATA

Chapter 3.0 consists of minor revisions to the Draft EIR in response to comments on the Draft EIR. The revisions to the Draft EIR do not change the intent or content of the analysis or mitigation.

2.1 INTRODUCTION

No new significant environmental impacts or issues, beyond those already covered in the Draft EIR (DEIR) for the proposed Project, were raised during the comment period. Responses to comments received during the comment period do not involve or reveal any new significant impacts or add any "significant new information" that would require recirculation of the DEIR pursuant to CEQA Guidelines Section 15088.5.

CEQA Guidelines Section 15088.5(a) states that: New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that: (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented. (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance. (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it. (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (Mountain Lion Coalition v. Fish and Game Com. (1989) 214 Cal.App.3d 1043)

2.2 LIST OF COMMENTERS

Table 2-1 lists the comments on the Draft EIR that were submitted to the City during the 45-day public review period. The assigned comment letter number, letter date, letter author, and affiliation, if presented in the comment letter or if representing a public agency, are also listed. The City received two comment letters during the 45-day review period for the Draft EIR.

TABLE 2-1: LIST OF COMMENTERS

RESPONSE LETTER	*INDIVIDUAL OR SIGNATORY*	*AFFILIATION*	*DATE*
A	Mark Montelongo	San Joaquin Valley Air Pollution Control District	April 15, 2025
B	Julie Vance	California Department of Fish and Wildlife	April 15, 2025

2.3 COMMENTS AND RESPONSES

REQUIREMENTS FOR RESPONDING TO COMMENTS ON A DEIR

CEQA Guidelines Section 15088 requires that lead agencies evaluate all timely comments on the DEIR and respond in writing to all significant environmental issues raised in such comments. The written response must address the significant environmental issue raised and provide a detailed response,

especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, the written response must reflect a good faith and reasoned analysis. However, lead agencies need only to respond to significant environmental issues associated with the proposed Project and do not need to provide all the information requested by the commenter, if a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Section 15204).

CEQA Guidelines Section 15204 recommends that commenters provide detailed comments that focus on the sufficiency of the DEIR in identifying and analyzing the possible environmental impacts of the proposed Project and ways to avoid or mitigate the significant effects of the proposed Project, and that commenters provide evidence supporting their comments. Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

CEQA Guidelines Section 15088 also recommends that revisions to the DEIR be noted as a revision in the DEIR or as a separate section of the Final EIR. Chapter 3.0 of this Final EIR identifies all revisions to the DEIR.

RESPONSES TO COMMENT LETTERS

Written comments on the DEIR are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the following coding system is used:

- Each letter is lettered or numbered (i.e., Letter A) and each comment within each letter is numbered (i.e., comment A-1, comment A-2).

REVISIONS AND ERRATA

Where changes to the DEIR text result from the response to comments, those changes are included in the response and identified with revision marks (<u>underline</u> for new text, ~~strike-out~~ for deleted text).

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

April 15, 2025

Michael Hren
City of Modesto
Planning Division
1010 10th Street
Modesto, CA 95354

Project: Draft Environmental Impact Report for the Modesto Urban Area General Plan

District CEQA Reference No: 20250256

Dear Mr. Hren:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) from the City of Modesto (City) for the Modesto Urban Area General Plan (Project). Per the DEIR, the Project consists of amendments to the Urban Area General Plan to ratify and conform the land use and zoning designations with the changes adopted in the City's General Plan's Housing Element, by implementing a rezone of parcels on McHenry, Sisk, Oakdale, and Yosemite to new Mixed-Use Pedestrian and Mixed-Use Highway zones, and modify Planned Development parcels related to density. The Project area includes the entire City of Modesto Limits, plus areas in the unincorporated areas proximately to the City limits. A-1

The District offers the following comments at this time regarding the Project:

1) Land Use Planning

Nearly all development projects within the San Joaquin Valley Air Basin, from the Modesto Urban Area General Plan to individual projects have the potential to generate air pollutants, making it more difficult to attain state and federal ambient air quality standards. Land use decisions are critical to improving air quality within the San Joaquin Valley Air Basin because land use patterns greatly influence transportation needs, and motor vehicle emissions are the largest source of air pollution in the Valley. Land use decisions and project design elements such as preventing urban sprawl, encouraging mix-use development, and project design elements that reduce vehicle miles traveled (VMT) have proven to be beneficial for air quality. More specifically, the DEIR concludes Project air quality emissions impacts will exceed District significance thresholds and thus result in significant and unavoidable impacts. As such, the District recommends that the DEIR incorporate A-2

Samir Sheikh
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: (661) 392-5500 FAX: (661) 392-5585

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strategies that reduce VMTs. Design element options for VMT reduction can be found at: https://ww2.valleyair.org/media/ob0pweru/clean-air-measures.pdf

A-2 Cont.

2) Construction Emissions

The District recommends, to reduce impacts from construction-related diesel exhaust emissions, future development projects should utilize the cleanest available off-road construction equipment.

A-3

3) Allowed Uses Not Requiring Project-Specific Discretionary Approval

In the event that the City determines that a project be approved as an allowed use not requiring a project-specific discretionary approval, the District recommends the DEIR include language requiring such projects to prepare a technical assessment, in consultation with the District, to determine if additional analysis and/or mitigation is required.

A-4

4) Health Risk Screening/Assessment

To determine potential health impacts on surrounding receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) a Prioritization and/or a Health Risk Assessment (HRA) should be performed for future development projects that may be approved under implementation of the Project. These health risk determinations should quantify and characterize potential Toxic Air Contaminants (TACs) identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) that pose a present or potential hazard to human health.

Health risk analyses should include all potential air emissions from the project, which include emissions from construction of the project, including multi-year construction, as well as ongoing operational activities of the project. Note, two common sources of TACs can be attributed to diesel exhaust emitted from heavy-duty off-road earth moving equipment during construction, and from ongoing operation of heavy-duty on-road trucks.

A-5

Prioritization (Screening Health Risk Assessment):
A "Prioritization" is the recommended method for a conservative screening-level health risk assessment. The Prioritization should be performed using the California Air Pollution Control Officers Association's (CAPCOA) methodology. Please contact the District for assistance with performing a Prioritization analysis.

The District recommends that a more refined analysis, in the form of an HRA, be performed for any project resulting in a Prioritization score of 10 or greater. This is because the prioritization results are a conservative health risk representation, while the detailed HRA provides a more accurate health risk evaluation.

Health Risk Assessment:
Prior to performing an HRA, it is strongly recommended that land use agencies/ project proponents develop and submit for District review a health risk modeling protocol that outlines the sources and methodologies that will be used to perform the HRA.

A development project would be considered to have a potentially significant health risk if the HRA demonstrates that the health impacts would exceed the District's established risk thresholds, which can be found here: https://ww2.valleyair.org/permitting/ceqa/.

A-5 Cont.

A project with a significant health risk would trigger all feasible mitigation measures. The District strongly recommends that development projects that result in a significant health risk not be approved by the land use agency.

The District is available to review HRA protocols and analyses. For HRA submittals please provide the following information electronically to the District for review:

- HRA (AERMOD) modeling files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodologies.

For assistance, please contact the District's Technical Services Department by:

- E-Mailing inquiries to: hramodeler@valleyair.org
- Calling (559) 230-5900

Recommended Measure: Development projects resulting in TAC emissions should be located an adequate distance from residential areas and other sensitive receptors to prevent the creation of a significant health risk in accordance to CARB's Air Quality and Land Use Handbook: A Community Health Perspective located at https://ww2.arb.ca.gov/our-work/programs/resource-center/strategy-development/land-use-resources.

5) Ambient Air Quality Analysis

An Ambient Air Quality Analysis (AAQA) uses air dispersion modeling to determine if emissions increases from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. The District recommends an AAQA be performed for any future development projects that may be approved under implementation of the Project with emissions that exceed 100 pounds per day of any pollutant.

A-6

An AAQA uses air dispersion modeling to determine if emission increase from a project will cause or contribute to a violation of State or National Ambien Air Quality Standards. An acceptable analysis would include emissions from both project-specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis.

A-6 Cont.

Specific information for assessing significance, including screening tools and modeling guidance, is available online at the District's website: https://ww2.valleyair.org/permitting/ceqa/.

6) Voluntary Emission Reduction Agreement

The District recommends the DEIR include a feasibility discussion on implementing a Voluntary Emission Reduction Agreement (VERA) as a mitigation measure for future development projects that may be approved under implementation of the Project that are determined to exceed the District's CEQA significance thresholds.

A-7

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's incentives programs. The funds are disbursed by the District in the form of grants for projects that achieve emission reductions. Thus, project-related impacts on air quality can be mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of agricultural equipment with the latest generation technologies.

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. After the project is mitigated, the District certifies to the Lead Agency that the mitigation is completed, providing the Lead Agency with an enforceable mitigation measure demonstrating that project-related emissions have been mitigated. To assist the Lead Agency and project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the environmental document includes an assessment of the feasibility of implementing a VERA.

7) Clean Lawn and Garden Equipment in the Community

Since the Project consists of future residential and commercial development, gas-powered residential and commercial lawn and garden equipment have the potential to result in an increase of NOx and PM2.5 emissions. Utilizing electric lawn care equipment can provide residents with immediate economic, environmental, and health benefits. The District recommends the Project proponent consider the District's Clean Green Yard Machines (CGYM) program which provides incentive funding for replacement of existing gas powered lawn and garden equipment. More information on the District CGYM program and funding can be found at: https://ww2.valleyair.org/grants/clean-green-yard-machines-residential/ and https://ww2.valleyair.org/grants/zero-emission-landscaping-equipment-voucher-program/.

A-8

8) On-Site Solar Deployment

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the City consider incorporating solar power systems as an emission reduction strategy for future development projects that may be approved under implementation of the Project.

A-9

9) Electric Infrastructure

The District recommends that the DEIR require all nonresidential buildings be designed to provide electric infrastructure to support the use of on-road zero emissions vehicles, such as Medium-Heavy Duty trucks and HHD trucks associated with a commercial project.

To support and accelerate the installation of electric vehicle charging equipment and development of required infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of the District's Charge Up! Incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District recommends that the City and project proponents install electric vehicle chargers at project sites, and at strategic locations.

Please visit https://ww2.valleyair.org/grants/charge-up for more information.

A-10

10)District Rules and Regulations

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: https://ww2.valleyair.org/rules-and-planning/current-district-rules-and-regulations. To identify other District rules or regulations that apply to future development projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (209) 557-6446.

10a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources A-11

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

Future development projects may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, project proponents shall obtain an ATC permit from the District for equipment/activities subject to District permitting requirements.

Recommended Mitigation Measure: For projects subject to permitting by the San Joaquin Valley Air Pollution Control District, demonstration of compliance with District Rule 2201 (obtain ATC permit from the District) shall be provided to the City before issuance of the first building permit.

For further information or assistance, project proponents may contact the District's SBA Office at (209) 557-6446.

10b) District Rule 9510 - Indirect Source Review (ISR)

The purpose of District Rule 9510 is to reduce the growth in both NOx and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The ISR Rule requires developers to mitigate their NOx and PM emissions by incorporating clean air design elements into their projects. Should the proposed development project clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions.

Accordingly, future development projects within the Project may be subject to District Rule 9510 if upon full buildout, the project would equal or exceed any of the following applicability thresholds, depending on the type of development and public agency approval mechanism:

Table 1: ISR Applicability Thresholds

Development Type	Discretionary Approval Threshold	Ministerial Approval / Allowed Use / By Right Thresholds
Residential	50 dwelling units	250 dwelling units
Commercial	2,000 square feet	10,000 square feet
Light Industrial	25,000 square feet	125,000 square feet
Heavy Industrial	100,000 square feet	500,000 square feet
Medical Office	20,000 square feet	100,000 square feet
General Office	39,000 square feet	195,000 square feet
Educational Office	9,000 square feet	45,000 square feet
Government	10,00 square feet	50,000 square feet
Recreational	20,000 square feet	100,000 square feet
Other	9,000 square feet	45,000 square feet

A-11 Cont.

District Rule 9510 also applies to any transportation or transit development projects where construction exhaust emissions equal or exceed two tons of NOx or two tons of PM.

In the case the individual development project is subject to District Rule 9510, per Section 5.0 of the rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency so that proper mitigation and clean air design under ISR can be incorporated into the public agency's analysis.

Information about how to comply with District Rule 9510 can be found online at: https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview

The AIA application form can be found online at: https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview/forms-and-applications/

District staff is available to provide assistance with determining if future development projects will be subject to Rule 9510, and can be reached by phone at (559) 230-5900 or by email at ISR@valleyair.org.

10c) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)

In the event an existing building will be renovated, partially demolished or removed, future development projects may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at: https://ww2.valleyair.org/compliance/demolition-renovation/

10d) District Rule 4601 (Architectural Coatings)

Future development projects may be subject to District Rule 4601 since it may utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at: https://ww2.valleyair.org/media/tkgjeusd/rule-4601.pdf

A-11 Cont.

10e) District Regulation VIII (Fugitive PM10 Prohibitions)

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities.*

Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction,

Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

The application for both the Construction Notification and Dust Control Plan can be found online at: https://ww2.valleyair.org/media/fm3jrbsq/dcp-form.docx

Information about District Regulation VIII can be found online at: https://ww2.valleyair.org/dustcontrol

10f) District Rule 4901 - Wood Burning Fireplaces and Heaters

The purpose of this rule is to limit emissions of carbon monoxide and particulate matter from wood burning fireplaces, wood burning heaters, and outdoor wood burning devices. This rule establishes limitations on the installation of new wood burning fireplaces and wood burning heaters. Specifically, at elevations below 3,000 feet in areas with natural gas service, no person shall install a wood burning fireplace, low mass fireplace, masonry heater, or wood burning heater.

A-11 Cont.

Information about District Rule 4901 can be found online at: https://ww2.valleyair.org/compliance/residential-wood-smoke-reduction-program/

10g) Other District Rules and Regulations

Future development projects may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

11)Future Projects / Land Use Agency Referral Documents

Future development projects may require an environmental review and air emissions mitigation. A project's referral documents and environmental review documents provided to the District for review should include a project summary, the land use designation, project size, air emissions quantifications and impacts, and proximity to sensitive receptors and existing emission sources, and air emissions mitigation measures. For reference and guidance, more information can be found in the District's Guidance for Assessing and Mitigating Air Quality Impacts at: https://ww2.valleyair.org/media/g4nl3p0g/gamaqi.pdf

A-12

If you have any questions or require further information, please contact Dylan Casares by e-mail at Dylan.Casares@valleyair.org or by phone at (559) 230-6574.

Sincerely,

Mark Montelongo
Director of Policy and Government Affairs

Response to Letter A: Mark Montelongo, San Joaquin Valley Air Pollution Control District

Response A-1: The commenter provides an introductory statement to the comment letter. No response to this comment is warranted.

Response A-2: The commenter states that nearly all development projects within the San Joaquin Valley Air Basin, from the Modesto Urban Area General Plan to individual projects have the potential to generate air pollutants, making it more difficult to attain state and federal ambient air quality standards. Land use decisions are critical to improving air quality within the San Joaquin Valley Air Basin because land use patterns greatly influence transportation needs, and motor vehicle emissions are the largest source of air pollution in the Valley. Land use decisions and project design elements such as preventing urban sprawl, encouraging mix-use development, and project design elements that reduce vehicle miles traveled (VMT) have proven to be beneficial for air quality. More specifically, the DEIR concludes Project air quality emissions impacts will exceed District significance thresholds and thus result in significant and unavoidable impacts. As such, the District recommends that the DEIR incorporate strategies that reduce VMTs. Design element options for VMT reduction can be found at the SJVAPCD's website.

This comment is noted. The VMT results indicate the VMT per capita and the VMT per service population With Project and With Project plus Employment Growth are expected to decrease compared to 2019 and 2046 No Project within both the City and the full Planning Area. This represents an improvement in VMT efficiency compared to the current General Plan. The proposed General Plan would further the fundamental goals of the SJVAPCD in reducing emissions of criteria pollutants associated with vehicle miles traveled, would assist the city in achieving a more balanced jobs to housing ratio, and would increase opportunities for transit ridership in Modesto and the surrounding areas. The list of policies provided in the Regulatory Setting would work to further criteria pollutant emissions, including reviewing projects for conformance with applicable air quality plans and regulations, reducing energy demands, and implementing methods to reduce vehicle miles traveled.

Response A-3: The commenter recommends that future development projects utilize the cleanest available off-road construction equipment to reduce impacts from construction-related diesel exhaust.

This comment is noted. Each individual project will be required to comply with Rule 9510, which provides incentives for individual projects to utilize the cleanest fleets for construction. Many projects will utilize contractors that have construction fleets that are modern can cleanest available. The fleets used will be reflected in the AIA for individual projects.

Response A-4: The commenter states that, in some cases, for future development projects, the City may determine that a project be approved as an allowed use by not requiring a project-specific discretionary approval from the City. The commenter states that the SJVAPCD recommends that the Draft EIR include language supported by policy requiring such projects to prepare a technical assessment in consultation with the SJVAPCD.

This comment is noted. The City will require all future development under the General Plan to comply with all applicable SJVAPCD rules and regulations, including requirements to perform technical analysis and apply mitigation when thresholds are exceeded.

Response A-5: The commenter states that a Prioritization and/or HRA should be performed for individual development projects to determine health impacts. The commenter also states that the HRAs should include all potential air emissions from future development projects, which include emissions from construction of the project, as well as on-going operation activities. The commenter describes two common sources of TACs. The commenter describes the threshold within the SJVAPCD's Prioritization calculator that should be used to determine whether a detailed HRA is required. The commenter also describes that, prior to performing an HRA, the commenter strongly recommends that land use agencies/project proponents develop and submit for SJVAPCD review a health risk modeling protocol that outlines the sources and methodologies that will be used to perform the HRA. The commenter then provides the thresholds of significance for cancer and non-cancer HRA risks. The commenter also provides contact information to send files to the SJVAPCD for review. The commenter also provides a recommended measure that development projects resulting in TAC emissions should be located an adequate distance from residential areas and other sensitive receptors according to the CARB's Air Quality and Land Use Handbook: A Community Health Perspective.

Regarding the commenter's comments regarding potential individual project risks associated with TACs, this comment is noted. Individual projects with the City of Modesto would be required to conduct detailed HRAs, should their Prioritization scores exceed 10, which is the threshold provided by the SJVAPCD. Policy VII.H.2.v states that 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). Also, Policy VII.H.2.w specifies that future development that includes sensitive receptors (such as schools, hospitals, daycare centers, or retirement homes) located within the setback distances from highways, railroads, local roadways, and stationary sources specified below shall require site-specific analysis to determine the level of TAC and PM2.5 exposure. This analysis shall be conducted following methodology and procedures recommended by SJVAPCD and OEHHA. These existing policies are consistent with the recommendation provided by the commenter.

Response A-6: The commenter describes the requirements for an ambient air quality analysis. The commenter states that an ambient air quality analysis is recommended to be performed for any future development projects with emissions that exceed 100 pounds per day of any pollutant.

This comment is noted. An ambient air quality analysis is not required for the General Plan, since it is a programmatic-level of analysis that does not directly result in development. Ambient air quality analyses will be required for individual projects at the project level. No further response to this comment is warranted.

Response A-7: The commenter recommends that the Draft EIR include a feasibility discussion on implementing a VERA as a mitigation measure for future individual development projects.

This comment is noted. Individual development projects would undergo independent CEQA review; therefore, a discussion of the appropriateness of implementing a VERA for individual development projects would make sense during CEQA review for each individual development project. A determination on including site specific mitigation is based, in part, on the specific characteristics of the site, end user, and the building(s) that would be constructed on each individual lot. Those characteristics would help determine the need and applicability of future development requirements, each future project will be reviewed for air quality impacts and opportunities for emission reduction strategies to reduce emissions. Future projects will be reviewed and required to meet relevant General Plan and SJVAPCD standards, and future projects will be referred to the SJVAPCD for review and comment. Various General Plan policies and implementing actions require development, infrastructure, and planning projects be reviewed for consistency with SJVAPCD requirements during the CEQA review process. Project applicants are required to prepare air quality analyses to address SJVAPCD and General Plan requirements, which include analysis and identification of mitigation measures to reduce significant impacts to less than significant or the maximum extent feasible where impacts cannot be mitigated to less than significant.

Given that a VERA is a "Voluntary Agreement," the feasibility of entering into such an agreement cannot be measured broadly at a programmatic level because the terms of the agreement and the party's willingness to "agree" to such terms is not known. A "voluntary agreement" cannot be mandated through CEQA because it cannot be guaranteed that the terms of the agreement would be agreeable to both parties. Nevertheless, the City recognizes that a VERA is one method that can be used to try to reduce emissions. The City can educate applicants on the benefits of a VERA, and recommend consulting with the SJVAPCD to see if such "voluntary agreement" can be reached. No further response to this comment is warranted.

Response A-8: The commenter states that utilizing electric lawn care equipment can provide residents with immediate economic, environmental, and health benefits. The commenter states that the SJVAPCD recommends the Project proponent consider the SJVAPCD's Clean Green Yard Machines (CGYM) program, which provides incentive funding for replacement of existing gas-powered lawn and garden equipment.

This comment is noted. Individual projects would be required to provide their own environmental assessments to determine air quality, greenhouse gas, and/or energy impacts from their projects. If future individual projects may generate air quality, greenhouse gas, and/or energy impacts that would exceed the applicable thresholds, these future projects may consider implementing the recommended measure at the individual project level. Each project will also be subject to any rules and regulations imposed by the SJVAPCD at the time of the project. No further response to this comment is warranted.

Response A-9: The commenter states that it is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100 percent of retail sales of electricity to California and end-use customers by December 31, 2045. The commenter states that the SJVAPCD supports the City's consideration to incorporate solar power systems as an emission reductions strategy for future development projects.

This comment is noted. The City requires solar power systems in accordance with State law. The commenter states their support for the City's consideration to incorporate solar power systems as an emission reductions strategy for future development projects. No response to this comment is warranted.

Response A-10: The commenter recommends that all nonresidential buildings be designed to provide electric infrastructure to support the use of on-road zero emissions vehicles, such as Medium-Heavy Duty trucks and HHD trucks associated with a commercial project. The commenter notes that to support and accelerate the installation of electric vehicle charging equipment and development of required infrastructure, the SJVAPCD offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of the SJVAPCD's Charge Up! Incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The SJVAPCD recommends that the City and project proponents install electric vehicle chargers at project sites, and at strategic locations.

This comment is noted. Individual development projects would undergo independent CEQA review; therefore, a discussion of the appropriateness of installing electric vehicle chargers at individual development projects would make most sense during CEQA review for each individual development project. If future individual projects may generate air quality, greenhouse gas, and/or energy impacts that would exceed the applicable thresholds, these future projects may consider implementing these recommended measures at the individual project level. In addition, it should also be noted that the Omnibus Low-NOx Rule was approved by CARB August 28, 2020, which will require heavy-duty truck engine NOx emissions to be cut to approximately 90 percent below current standards in 2027. The rule also places nine additional regulatory requirements on new heavy-duty trucks and engines. Those additional requirements include a 50 percent reduction in particulate matter emissions, stringent new low-load and idle standards, a new in-use testing protocol, extended deterioration requirements, a new California-only credit program, and extended mandatory warranty requirements. No further response to this comment is warranted.

Response A-11: The commenter provides a list of SJVAPCD rules and regulations that individual projects may be subject to as they develop.

This comment is noted. Individual projects would be required to comply with all applicable SJVAPCD rules and regulations. No further response to this comment is warranted.

Response A-12: The commenter states that future development projects may require environmental review and air emissions mitigation. The commenter states that a project's referral documents and

environmental review documents should be provided to the SJVAPCD for review. The commenter provides a hyperlink to their CEQA Guidance document.

This comment is noted. No response to this comment is warranted.

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

April 15, 2025

Michael Hren, AICP, Principal Planner
City of Modesto, Planning Division
1010 10th Street
Modesto, California 95354
(209) 577-5273
mhren@modestogov.com

Subject: **Modesto Urban Area General Plan and Zoning Ordinance (Plan)**
Draft Environmental Impact Report (DEIR)
SCH: 2024091127

Dear Michael Hren:

The California Department of Fish and Wildlife (CDFW) received a DEIR from the City of Modesto for the Plan pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Plan that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Plan that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

B-1

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802). Similarly for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources. CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Plan and projects tiered from this Plan may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Plan as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Plan proponent may seek related take authorization as provided by the Fish and Game Code.

B-1 Cont.

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines section 15380, CDFW recommends it be fully considered in the environmental analysis for the Plan.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include sections 3503 (regarding unlawful take, possession, or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

PLAN DESCRIPTION SUMMARY

Proponent: City of Modesto

Objective: The Plan proposes amendments to the General Plan and Zoning Ordinance to ratify and conform the land use and zoning designations with the changes adopted in the General Plan's Housing Element.

B-2

Location: The Plan area includes the City of Modesto, Stanislaus County, in the northern San Joaquin Valley, approximately 95 miles east of San Francisco and 80 miles south of Sacramento. The City of Ceres is located to the south, the City of Riverbank is located to the northeast, and the unincorporated town of Salida is located northwest.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Modesto in adequately identifying and/or mitigating the Plan's significant, or potentially

B-3

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significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the DEIR prepared for the Plan. B-3 Cont.

CDFW submitted a Notice of Preparation (NOP) comment letter to the City of Modesto for the Plan on October 28, 2024 (CDFW NOP Letter), with recommended mitigation measures for special-status species that could potentially be impacted by the Plan. The CDFW NOP Letter does not appear to have been acknowledged by the City of Modesto and is not included as an interested agency letter in the Executive Summary for the DEIR. As such, CDFW includes the CDFW NOP Letter as Attachment 1 to this comment letter to provide further background on the comments and recommendations provided below. B-4

The DEIR acknowledges that the Plan area is within the geographic range of special-status species and proposes specific mitigation measures for some species to reduce impacts to less than significant. CDFW has concerns about the ability of some the proposed mitigation measures to reduce potential impacts to less than significant and avoid unauthorized take for special-status species including, but not limited to: the State and federally endangered riparian brush rabbit (*Sylvilagus bachmani riparius*); the State threatened Swainson's hawk (*Buteo swainsoni*) and tricolored blackbird *(Agelaius tricolor);* the State and federally threatened California tiger salamander (*Ambystoma californiense*); the State fully protected white-tailed kite (*Elanus leucurus*); the State candidate western burrowing owl (*Athene cunicularia*) and Crotch's bumble bee (*Bombus crotchii*); the State species of special concern and federally endangered riparian San Joaquin Valley woodrat (*Neotoma fuscipes riparia*); the State species of special concern and federally proposed threatened northwestern pond turtle (*Actinemys marmorata*) and western spadefoot (*Spea hammondii*); the State species of special concern Central Valley fall-run Chinook salmon-Evolutionary Significant Unit (ESU) (*Oncorhynchus tshawytscha*); the State species of special concern and federally threatened green sturgeon-southern Distinct Population Segment (DPS) (*Acipenser medirostris*); the State species of special concern hardhead (*Mylopharodon conocephalus*), Pacific lamprey (*Tospehnus lentatus*), Sacramento hitch (*Lavinia exilicauda exilicauda*), riffle sculpin (*Cottus gulosus*), and Sacramento splittail (*Pogonichthys macrolepidotus)*; the State species of special concern and federally threatened steelhead-Central Valley DPS *(Oncorhynchus mykiss irideus*); the federally threatened vernal pool fairy shrimp *(Branchinecta lynchi)*; and the federally endangered vernal pool tadpole shrimp *(Lepidurus packardi).* B-5

Riparian Brush Rabbit

The Plan area is within the known geographic range of riparian brush rabbit (RBR) and the DEIR notes that the species has no potential to occur within the Plan area. CDFW does not concur that RBR has no potential to occur within the Plan area as there is a B-6

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historical occurrence documented within 3 ½ miles of the Plan area (CDFW 2025) and based on aerial imagery and the information provided in the DEIR, suitable habitat appears to be present along the Stanislaus and Tuolumne riparian corridors. As RBR has the potential to be impacted by projects tiered from the Plan, CDFW recommends that projects tiered from the Plan perform focused habitat assessments and/or focused surveys where appropriate habitat has been identified, immediately prior to the initiation of ground disturbance activities. If RBR presence is detected, consultation with is recommended for guidance on mitigation measures such avoidance, minimization, and mitigation. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

B-6 Cont.

Swainson's Hawk

The Plan area is within the known geographic range of Swainson's hawk (SWHA) and the DEIR notes that the species has a high potential to occur within the Plan area. Additionally, there is a historical occurrence documented within the Plan area (CDFW 2025). SWPH-4 mitigates for potential significant impacts to the species for projects tiered from this Plan, through the implementation of surveys following the methodology developed by the Swainson's Hawk Technical Advisory Committee (2000). SWPH-4 specifically notes that two pre-construction surveys will be conducted between March 15 – July 31, with the second survey performed within 14 days of project initiation. It further states that, if an active nest is observed, a ¼ mile no-disturbance buffer will be implemented until the nest is deemed no longer active by a qualified biologist. CDFW concurs with these measures but recommends increasing the no-disturbance buffer from ¼ mile to a ½ mile to adequately avoid potential unauthorized take.

B-7

Tricolored Blackbird

The Plan area is within the known geographic range of tricolored blackbird (TRBL) and the DEIR notes that the species has a moderate potential to occur within the Plan area. Additionally, there is a historical occurrence documented within 3 miles of the Plan area (CDFW 2025). SWPH-2 and SWPH-3 are provided to mitigate for potential impacts to the species. CDFW would like to note that SWPH-2 and SWPH-3 provide general survey, avoidance, and minimization measures for biological resources, but do not provide species-specific mitigation measures for species such as TRBL. As such, CDFW recommends the following to be incorporated into the DEIR and implemented for projects that are tiered or approved under this Plan.

B-8

Recommended Mitigation Measure 1: TRBL Surveys
CDFW recommends that construction be timed to avoid the normal bird breeding season (February 1 through September 15). However, if construction must take place during the breeding season, CDFW recommends that a qualified biologist

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conduct surveys for nesting TRBL no more than 10 days prior to the start of implementation to evaluate presence/absence of TRBL nesting colonies in proximity to project activities and to evaluate potential project-related impacts.

Recommended Mitigation Measure 2: TRBL Avoidance Buffer
If an active TRBL nesting colony is found during the pre-construction surveys, CDFW recommends implementation of a minimum 300-foot no-disturbance buffer around the colony in accordance with CDFW's "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015" (CDFW 2015). CDFW recommends that this buffer remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged and are no longer reliant upon the colony or parental care for survival. It is important to note that TRBL colonies can expand over time. For this reason, CDFW also recommends conducting pre-construction surveys of an identified nesting colony within 10 days prior to the start of ground or vegetation disturbing activities to reassess the colony's real extent.

B-8 Cont.

Recommended Mitigation Measure 3: TRBL Take Authorization
If a TRBL nesting colony is detected during surveys, consultation with CDFW is warranted to discuss how to implement the project and avoid take, or if avoidance is not feasible, to acquire an ITP, pursuant to Fish and Game Code section 2081 subdivision (b), prior to any ground-disturbing activities.

California Tiger Salamander

The Plan area is within the range of California tiger salamander (CTS) and the DEIR notes that the species has no potential to occur within the Plan area. CDFW does not concur that CTS has no potential to occur within the Plan area (CDFW 2025). Based on aerial imagery, suitable habitat appears present within certain portions of the Plan area such as the storage ponds and canals present throughout the Plan area. As CTS has the potential to be impacted by projects tiered from this Plan, CDFW recommends the following be incorporated into the DEIR and implemented for projects that are tiered or approved under this Plan within areas of suitable CTS habitat.

B-9

Recommended Mitigation Measure 4: CTS Protocol Level Surveys
CDFW recommends that a qualified biologist conduct protocol-level surveys in accordance with the USFWS "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander" (USFWS 2003) at the appropriate time of year to determine the existence and extent of CTS breeding and refugia habitat for projects tiered from this Plan within suitable habitat. The protocol-level surveys for CTS require more than one survey season and are dependent upon sufficient rainfall to complete. As a result, consultation with CDFW and USFWS is recommended well in advance of

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beginning the surveys and prior to any planned vegetation or ground-disturbing activities. CDFW advises that the protocol level survey also include a 100-foot buffer around the project area in all areas that could support CTS. Please be advised that protocol-level survey results are viable for two years after the results are reviewed by CDFW.

Recommended Mitigation Measure 5: CTS Avoidance Buffer
If CTS protocol-level surveys are not conducted, CDFW advises that a minimum 50-foot no-disturbance buffer be delineated around all small mammal burrows in suitable upland refugia habitat within and/or adjacent to potential or known breeding habitat. Further, CDFW recommends potential or known breeding habitat within and/or adjacent to the project area be delineated with a minimum 250-foot no-disturbance buffer. Both upland burrow and wetland breeding no-disturbance buffers are intended to minimize impacts to CTS habitat and avoid take of individuals.

B-9 Cont.

Recommended Mitigation Measure 6: CTS Take Authorization
If through surveys it is determined that CTS are occupying or have the potential to occupy the project area, consultation with CDFW is warranted to determine if the project can avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA. As stated above, in the absence of protocol surveys, the applicant can assume presence of CTS within the project area and obtain an ITP from CDFW.

White-Tailed Kite

The Plan area is within the range of white-tailed kite (WTKI) and the DEIR notes that the species has no potential to occur within the Plan area. CDFW does not concur that WTKI has no potential to occur within the Plan area (CDFW 2025) as suitable foraging and nesting habitat, including valley foothill riparian, riverine, wetland, grassland and cropland habitats were documented in the Plan area within the DEIR. As WTKI has the potential to be impacted by projects tiered from this Plan, CDFW recommends the following to be incorporated in the DEIR and implemented for projects that are tiered or approved under this Plan.

B-10

Recommended Mitigation Measure 7: WTKI Surveys
CDFW recommends a qualified avian biologist conduct surveys for nesting white-tailed kites prior to beginning project-related activities within the Plan area.

Recommended Mitigation Measure 8: WTKI Avoidance Buffer
CDFW recommends a minimum no-disturbance buffer of ½ mile be delineated around active nests of WTKI until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon

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the nest or parental care for survival. CDFW advises project proponents not to allow reductions in no-disturbance buffer size for WTKI or any fully protected bird species absent a compelling biological or ecological reason to do so. Further consultation with CDFW is warranted to discuss project implementation and take avoidance.

B-10 Cont.

Western Burrowing Owl

CDFW would like to note that the California Fish and Game Commission (FGC) approved western burrowing owl (BUOW) as a potential candidate for listing as a protected species under CESA on October 10, 2024, and published these findings in the California Regulatory Notice Register (Notice Register) on October 25, 2024. As such, BUOW is now a candidate under CESA and receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085).

The Plan area is within the known geographic range of BUOW, and the DEIR notes that the species has a moderate potential to occur within the Plan area. Additionally, there is a historical occurrence documented within ¼ mile of the Plan area. SWPH-4 is provided to mitigate for significant impacts to the species through the implementation of a habitat assessment, preconstruction survey, and no-disturbance buffers as outlined in the CDFW 2012 Staff Report on Burrowing Owl Mitigation (2012 Staff Report). CDFW concurs with these measures but doesn't concur with the procedures for passive relocation outlined in SWPH-4, which states that, "Burrowing owls may be passively relocated if the burrowing owls have been determined not to be actively nesting and the burrowing owl exclusion, mitigation, and monitoring plan has been approved by the City and CDFW." CDFW does not support passive relocation without prior take authorization as it can result in unauthorized take of the species. CDFW also recommends the following to be incorporated in the DEIR and implemented for projects that are tiered or approved under this Plan.

B-11

Recommended Mitigation Measure 9: BUOW Take Authorization
If a BUOW or known BUOW den (active or inactive) is detected, and the no-disturbance buffers outlined in the 2012 Staff Report on Burrowing Mitigation are not feasible, consultation with CDFW is warranted to discuss how to implement the project and avoid take. CDFW does not recommend passive relocation as it can result in unauthorized take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Crotch's Bumble Bee

The Plan area is within the known geographic range of Crotch's bumble bee (CBB) and the DEIR notes that the species has a moderate potential to occur within the Plan area. Additionally, there is a historical occurrence documented within the Plan area (CDFW

B-12

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2025). SWPH-2 and SWPH-3 are provided to mitigate for potential impacts to the species. CDFW would like to note that SWPH-2 and SWPH-3 provide general survey, avoidance, and minimization measures for biological resources, but do not provide species-specific mitigation measures for species such as CBB. As such, CDFW recommends the following to be incorporated into the DEIR and implemented for projects that are tiered or approved under this Plan.

B-12 Cont.

Recommended Mitigation Measure 10: CBB Habitat Assessment
CDFW recommends a qualified biologist conduct a habitat assessment to determine if the project area and the immediate surrounding vicinity contain habitat suitable to support CBB. Potential nesting sites, which include all small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, and hollow logs would need to be documented as part of the assessment.

Recommended Mitigation Measure 11: CBB Focused Surveys
If potentially suitable habitat is identified, CDFW recommends that a qualified biologist conduct focused surveys for CBB, and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023).

Recommended Mitigation Measure 12: CBB Avoidance Buffer
If CBB is detected, then CDFW recommends that all small mammal burrows and thatched/bunch grasses be avoided by a minimum of 50 feet to avoid take and potentially significant impacts. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement project activities and avoid take. Any detection of CBB prior to or during project implementation warrants consultation with CDFW to discuss how to avoid take.

Recommended Mitigation Measure 13: CBB Take Authorization
If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

San Joaquin Valley Woodrat

The Plan area is within the known geographic range of San Joaquin Valley woodrat (SJVW) and the DEIR notes that the species has no potential to occur within the Plan area. CDFW does not concur that SJVW has no potential to occur within the Plan area as there is a historical occurrence documented within 3 ½ miles of the Plan area (CDFW 2025) and based on aerial imagery and the information provided in the DEIR, suitable habitat appears present along the Stanislaus and Tuolumne riparian corridors. As SJVW has the potential to be impacted by projects tiered from this Plan, CDFW

B-13

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recommends that projects tiered from this Plan perform focused habitat assessments and/or focused surveys where appropriate habitat has been identified, immediately prior to the initiation of ground disturbance activities. If SJVW presence is detected, consultation with is recommended for guidance on mitigation measures such avoidance, minimization, and mitigation. If take cannot be avoided, CDFW recommends consultation with the USFWS to comply with the Federal Endangered Species Act. B-13 Cont.

Northwestern Pond Turtle

The Plan area is within the known geographic range of northwestern pond turtle (NPT) and the DEIR notes that the species has a moderate potential to occur within the Plan area. Additionally, there is a historical occurrence documented within 8 miles of the Plan area (CDFW 2025) and suitable habitat appears to be present within the Plan area. SWPH-2 and SWPH-3 are provided to mitigate for potential impacts to the species. However, SWPH-2 and SWPH-3 provide general survey, avoidance, and minimization measures for biological resources, but do not provide species-specific mitigation measures for species such as NPT. As such, CDFW recommends the following to be incorporated into the DEIR and implemented for projects that are tiered or approved under this Plan that occur within or adjacent to suitable habitat for the species. B-14

Recommended Mitigation Measure 14: NPT Focused Surveys
CDFW recommends that a qualified biologist conduct focused surveys for NPT within 10 days prior to project activity, and that focused surveys for nests occur during the egg-laying season of March through August.

Recommended Mitigation Measure 15: NPT Avoidance Buffer
CDFW recommends that any NPT nests that are discovered remain undisturbed with a 50-foot no-disturbance buffer maintained around the nest until the eggs have hatched and neonates are no longer in the nest or project areas. If NPT individuals are discovered at the site during surveys or project activities, CDFW recommends that they be allowed to move out of the area of their own volition.

Western Spadefoot

The Plan area is within the known geographic range of western spadefoot (WESP) and the DEIR notes that the species has a low potential to occur within the Plan area. Additionally, there are historical occurrences within 10 miles of the Plan area (CDFW 2025) and suitable habitat appears to be present within the Plan area. SWPH-2 and SWPH-3 are provided to mitigate for potential impacts to the species. However, SWPH-2 and SWPH-3 provide general survey, avoidance, and minimization measures for biological resources, but do not provide species-specific mitigation measures for species such as WESP. As such, CDFW recommends that projects tiered from this Plan perform focused habitat assessments and/or focused surveys where appropriate habitat B-15

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has been identified, immediately prior to the initiation of ground disturbance activities. If WESP presence is detected, consultation with USFWS is recommended for guidance on mitigation measures such avoidance, minimization, and mitigation.

B-15 Cont.

Branchiopods

The Plan area is within the known geographic range of Vernal Pool Fairy Shrimp (VPFS) and Vernal Pool Tadpole Shrimp (VPTS) (collectively, branchiopods) and the DEIR notes that both species have a high potential to occur within the Plan area. Additionally, there are historical occurrences documented within the Plan area (CDFW 2025). SWPH-2 and SWPH-3 are provided to mitigate for potential impacts to the species. However, SWPH-2 and SWPH-3 provide general survey, avoidance, and minimization measures for biological resources, but do not provide species-specific mitigation measures for species such as branchiopods. As such, CDFW recommends the following to be incorporated into the DEIR and implemented for projects that are tiered or approved under this Plan that occur within or adjacent to suitable habitat for the species.

B-16

Recommended Mitigation Measure 16: Branchiopod Protocol Level Surveys and Consultation
CDFW recommends that a qualified biologist conduct protocol level surveys in accordance with the USFWS "Survey Guidelines for the Listed Large Branchiopods" (USFWS 2017) the survey season prior to construction. These surveys would need to be conducted at the appropriate time of year to determine the existence and extent of branchiopods. If through surveys it is determined that branchiopods are occupying or have the potential to occupy the project area, coordination with CDFW is recommended well in advance of any planned vegetation or ground-disturbing activities to determine appropriate avoidance and minimization measures including adequate implementation of no-disturbance buffers. Additionally, consultation with USFWS may be necessary to minimize the potential for federal "take" and/or mitigate for potential impacts.

Editorial comments and/or suggestions

Riparian Habitat Proximity: Riparian natural communities along the Stanislaus River on the northern border and the Tuolumne River and Dry Creek provide many essential benefits to terrestrial, avian and aquatic species, including, but not limited to thermal protection, cool water refugia, cover, large woody debris, foraging areas, breeding and rearing sites, habitat and connectivity corridors, as well as buffers to sedimentation and runoff from adjacent land uses. Direct and indirect impacts into these habitat types can adversely impact sensitive species including but not limited to the RBR, SJVW, Central Valley fall-run Chinook salmon-ESU, green sturgeon southern DPS, hardhead, Pacific lamprey, Sacramento hitch, riffle sculpin, Sacramento splittail, and the steelhead-

B-17

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Central Valley DPS. These impacts can lead to reduction of habitats including cool water and spawning habitat, reduced reproductive success; reduced health and vigor; nest abandonment; loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young); impacts to water quality, and introduction of debris and/or deleterious materials into river habitats. Narrow riparian buffers are considerably less effective in minimizing the effects of adjacent development than wider buffers (Castelle et al. 1992, Brosofske et al. 1998, Kiffney et al. 2003, Moore et al. 2005). CDFW acknowledges that development within the three riparian corridors will follow guidelines in a future Park Master Plan and the current Tuolumne River Regional Park Master Plan. CDFW recommends the DEIR incorporate, and tiered projects establish, sufficient buffer zones between the perimeter of any future projects and the adjacent Stanislaus River, Tuolumne River, and Dry Creek riparian habitat.

B-17 Cont.

Nesting Birds: CDFW recommends that all projects tiered from this Plan occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th), the Plan applicant is responsible for ensuring that implementation of the Plan does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above.

CDFW further recommends that a qualified biologist conduct a pre-construction survey for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the project site to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by the project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once project activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

B-18

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the project area/site would be concealed from a nest site

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by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance. B-18 Cont.

Federally Listed Species: CDFW recommends consulting with USFWS regarding potential impacts to federally listed species including, but not limited to: RBR, SJVW, CTS, NPT, VPFS, VPTS, green sturgeon-southern DPS, and steelhead-Central Valley DPS. The federal Endangered Species Act (ESA) is more broadly defined than CESA; take under the ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with the ESA is advised well in advance of any projects tiered from this Plan. B-19

Lake and Stream Alteration: The Plan area resides immediately adjacent to the Stanislaus River and associated riparian habitat along its northern border for over three miles. The Tuolumne River and associated riparian habitat is positioned along the southern border of the Plan area for five miles, and it continues westward through the Plan area for another four miles. Additionally, Dry Creek and associated riparian habitat branches off the Tuolumne River and travels for six miles in a northwest direction through the Plan area. Additionally, based on aerial imagery, there are other streams located within the Plan area that would be subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. The DEIR states, "Construction and development activities associated with individual future Plans could result in the disturbance or loss of waters of the United States. This includes perennial and intermittent drainages; unnamed drainages; vernal pools; freshwater marshes; and other types of seasonal and perennial wetland communities." The DEIR notes that the City of Modesto General Plan, the Tuolumne River Regional Park (TRRP) Program EIR, and the future Dry Creek Comprehensive Planning District Master Plan would be utilized for the protection of riparian, riverine, and wetland habitats of the Plan area. However, CDFW implementation of all future tiered project activities that substantially change the bed, bank, and channel of any river, stream, or lake are also subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation): (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial and may include those that are highly modified such as canals and retention basins. B-20

CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement (LSAA); therefore, if the CEQA document approved for the Plan does not adequately describe the Plan and its impacts to lakes or streams, a

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subsequent CEQA analysis may be necessary for LSAA issuance. For information on notification requirements, please refer to CDFW's website (https://wildlife.ca.gov/Conservation/LSA) or contact CDFW staff in the Central Region Lake and Streambed Alteration Program at (559) 243-4593.

B-20 Cont.

California Natural Diversity Database: Please note that the California Natural Diversity Database (CNDDB) is populated by voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record, or lack of recent occurrence records, in the CNDDB does not mean that a species is not present. In order to adequately assess any potential Plan-related impacts to biological resources, surveys conducted by a qualified biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special-status species are present.

B-21

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Plan surveys to the CNDDB. The CNDDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

B-22

FILING FEES

The Plan, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying Plan approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

B-23

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CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City of Modesto in identifying and mitigating Plan and tiered project impacts on biological resources. A Mitigation and Monitoring Program (MMRP) (Attachment 2) is included to assist the City of Modesto with incorporating the recommended mitigation measures provided above. Questions regarding this letter or further coordination should be directed to John Riedel, Environmental Scientist, at (559) 807-1453, or john.riedel@wildlife.ca.gov.

B-24

Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A...

Julie A. Vance
Regional Manager

ATTACHMENTS

ec: State Clearinghouse
Governor's Office of Planning and Research
State.Clearinghouse@opr.ca.gov

Maggie Sepulveda
U.S. Fish & Wildlife Service
margaret_sepulveda@fws.gov

Michael Hren
City of Modesto
mhren@modestogov.com

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

October 28, 2024

Michael Hren, AICP, Principal Planner
City of Modesto, Planning Division
1010 10th Street
Modesto, California 95354
(209) 577-5273
planning@modestogov.com

B-25

Subject: Amendments to the Modesto Urban Area General Plan and Zoning Ordinance (Plan)
Notice of Preparation (NOP)
State Clearinghouse No. 2024091127

Dear Michael Hren:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) from the City of Modesto for the Plan pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Plan that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Plan that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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biologically sustainable populations of those species. (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, projects tiered from this Plan may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, if projects tiered from this Plan may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines section 15380, CDFW recommends it be fully considered in the environmental analysis for the Plan.

B-25 Cont.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include sections 3503 (regarding unlawful take, possession, or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

PLAN DESCRIPTION SUMMARY

Proponent: City of Modesto

Objective: The Plan considers amendments to the General Plan and Zoning Ordinance to ratify and conform the land use and zoning designations with the changes adopted in the General Plan's Housing Element.

Location: The Plan Area includes the City of Modesto, in Stanislaus County, in the northern San Joaquin Valley, approximately 95 miles east of San Francisco and 80 miles south of Sacramento. The City of Ceres is located immediately south of the Modesto city limits, the City of Riverbank is located immediately northeast, and the unincorporated town of Salida is located northwest.

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Timeframe: Unknown

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Modesto in adequately identifying and/or mitigating the Plan's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the Environmental Impact Report (EIR) prepared for the Plan.

Aerial imagery of the Plan incorporates the City of Modesto, which consists of urban development covering most the landscape with agriculture lands adjacent to these urban areas, as well as areas in the unincorporated areas proximately to the city limits that the City of Modesto deemed appropriate for development as part of the City Growth Strategy. The Modesto City-County airport and an industrial building complex are in the southeast section of the Plan Area. The Tuolumne River and associated riparian habitat are located adjacent to the Plan Area's southern border and Dry Creek is located to the northeast. The community of Salida resides along the northwestern section of the Plan Area and the Stanislaus River and associated riparian habitat are located along the Plan Area's northern border.

Special-Status Species

Based on aerial imagery and species occurrence records from the California Natural Diversity Database (CNDDB) (CDFW 2024), the proposed Plan Area is known to and/or has the potential to support special-status species, and these resources need to be evaluated and addressed prior to any approvals that would allow ground-disturbing activities. CDFW is concerned regarding potential impacts to special-status species including, but not limited to, the State and federally endangered riparian brush rabbit (*Sylvilagus bachmani riparius*), the State candidate burrowing owl (*Athene cinicularia*), the State threatened Swainson's hawk (*Buteo swainsoni*) and tricolored blackbird *(Agelaius tricolor)*, the State fully protected white-tailed kite (*Elanus leucurus*), the State and federally threatened California tiger salamander (*Ambystoma californiense*), the State candidate Crotch's bumble bee (*Bombus crotchii*), the State species of special concern and federally endangered riparian San Joaquin Valley woodrat (*Neotoma fuscipes riparia*), the State species of special concern and federally proposed threatened northwestern pond turtle (*Actinemys marmorata*), the State species of special concern Central Valley fall-run Chinook salmon-Evolutionary Significant Unit (ESU) (*Oncorhynchus tshawytscha*), the State species of special concern and federally threatened green sturgeon-southern Distinct Population Segment (DPS) (*Acipenser medirostris*), the State species of special concern hardhead (*Mylopharodon conocephalus*), Pacific lamprey (*Tospehnus lentatus*), Sacramento hitch (*Lavinia exilicauda exilicauda*), riffle sculpin (*Cottus gulosus*), Sacramento splittail (*Pogonichthys*

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macrolepidotus), the State species of special concern and federally threatened steelhead-Central Valley DPS (*Oncorhynchus mykiss irideus*), the federally threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) and vernal pool fairy shrimp (*Branchinecta lynchi),* and the federally endangered vernal pool tadpole shrimp (*Lepidurus packardi*).

Riparian Habitat Proximity: Riparian natural communities along the Stanislaus River on the northern border and the Tuolumne River and Dry Creek provide many essential benefits to terrestrial, avian and aquatic species, including, but not limited to thermal protection, cool water refugia, cover, large woody debris, foraging areas, breeding and rearing sites, habitat and connectivity corridors, as well as buffers to sedimentation and runoff from adjacent land uses. Direct and indirect impacts into these habitat types can adversely impact sensitive species including but not limited to the riparian brush rabbit, riparian San Joaquin Valley woodrat, Central Valley fall-run Chinook salmon-ESU, green sturgeon southern DPS, hardhead, Pacific lamprey, Sacramento hitch, riffle sculpin, Sacramento splittail, and the steelhead-Central Valley DPS. These impacts can lead to reduction of habitat, reduced reproductive success; reduced health and vigor; nest abandonment; loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young); and introduction of debris and/or deleterious materials into river habitats. Narrow riparian buffers are considerably less effective in minimizing the effects of adjacent development than wider buffers (Castelle et al. 1992, Brosofske et al. 1998, Kiffney et al. 2003, Moore et al. 2005). CDFW recommends the Plan establish, and tiered projects incorporate, sufficient buffer zones between the Plan Area perimeter and adjacent Stanislaus River, Tuolumne River, and riparian habitat.

B-25 Cont.

Nesting birds: CDFW recommends that all projects tiered from this Plan occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February 15 through September 15), each future project applicant is responsible for ensuring that implementation of their project does not result in a violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

To evaluate future project-related impacts on nesting birds, CDFW recommends that a qualified biologist conduct an assessment of nesting habitat during biological surveys in support of each project's CEQA document, and then conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around each future project site to identify nests and determine their status. A sufficient area means any area potentially affected by a project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction

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begins, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from each future project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction areas would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

Federally Listed Species: CDFW recommends consulting with USFWS regarding potential impacts to federally listed species including, but not limited to: riparian brush rabbit, riparian San Joaquin Valley woodrat, California tiger salamander, northwestern pond turtle, valley elderberry longhorn beetle, vernal pool fairy shrimp, vernal pool tadpole shrimp, green sturgeon-southern DPS, and steelhead-Central Valley DPS. The Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any project activities tiered from this Plan.

B-25 Cont.

Cumulative Impacts: Given that this NOP and subsequent EIR will serve primarily as a planning level analysis and that future project-level CEQA documents are expected to be tiered from it, CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of the Plan. Including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the project, even if those impacts are relatively small (i.e., less than significant). CDFW recommends cumulative impacts be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the project. An appropriate resource study area identified and utilized for this analysis is advised. CDFW staff is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

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Alternatives Analysis: CDFW recommends that the information and results obtained from the cumulative impacts analysis conducted as part of this Plan's EIR be used to develop and modify the Plan's alternatives to avoid and minimize impacts to biological resources to the maximum extent possible. Please note that for all future projects tiered from this Plan, that when efforts to avoid and minimize have been exhausted, remaining impacts to sensitive biological resources may need to be mitigated to reduce impacts to a less than significant level, if feasible.

California Endangered Species Act: Reasonably foreseeable future projects tiered from this Plan may be subject to CDFWs regulatory authority pursuant to the California Endangered Species Act (CESA). In the event that species listed under CESA are detected during surveys, consultation with CDFW is warranted to discuss how to implement the project and avoid "take," or if avoidance is not feasible, to acquire a State Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b), prior to any ground disturbing activities. In addition, CDFW advises that mitigation measures for the CESA listed species be fully addressed in the CEQA document prepared for any future project tiered from this Plan. CDFW therefore recommends that the EIR for this Plan include information related to these requirements and advises that projects tiered from this Plan retain a qualified biologist to determine if potential impacts to CESA listed species may require the need to obtain a 2081 ITP.

Lake and Streambed Alteration: The Plan Area resides immediately adjacent to the Stanislaus River and riparian habitat along its northern border for over three miles. The Tuolumne River and riparian habitat is positioned along the southern border for five miles, and it continues westward through the Plan Area for another four miles. Additionally, Dry Creek branches off the Tuolumne River and travels for six miles in a northwest direction through the Plan Area. Additionally, based on aerial imagery, there are other streams located within the Plan Area that may be subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. For projects tiered from this Plan, activities that substantially change the bed, bank, and channel of any river, stream, or lake are subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation): (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial in nature. For additional information on notification requirements, please contact our staff in the LSA Program at R4LSA@wildlife.ca.gov.

B-25 Cont.

California Natural Diversity Database: Please note that the CNDDB is populated by voluntary submissions of species detections. As a result, species may be present in

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locations not depicted in the CNDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record, or lack of recent occurrence records, in the CNDDB does not mean that a species is not present. In order to adequately assess any potential project-related impacts to biological resources for projects tiered from this Plan, surveys conducted by a qualified biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special-status species are present.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during surveys to the California Natural Diversity Database. The CNDDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

FILING FEES

The Plan, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City of Modesto in identifying and mitigating Plan impacts on biological resources. More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (https://www.wildlife.ca.gov/Conservation/Survey-Protocols). Questions regarding this letter or further coordination should be directed to John Riedel, Environmental Scientist, at (559) 807-1453 or john.riedel@wildlife.ca.gov.

B-25 Cont.

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Sincerely,

DocuSigned by:
FA83F09FE08945A...
Julie A. Vance
Regional Manager

ec: State Clearinghouse
Governor's Office of Planning and Research
State.Clearinghouse@opr.ca.gov

Maggie Sepulveda
U.S. Fish & Wildlife Service
margaret_sepulveda@fws.gov

Michael Hren
City of Modesto
mhren@modestogov.com

B-25 Cont.

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B-25 Cont.

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Attachment 2

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM
(MMRP)

PROJECT: Modesto Urban Area General Plan and Zoning Ordinance

SCH No.: 2024091127

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
Before Disturbing Soil or Vegetation	
Tricolored Blackbird (TRBL)	
Recommended Mitigation Measure 1: TRBL surveys	
Recommended Mitigation Measure 3: TRBL take authorization	
California Tiger Salamander (CTS)	
Recommended Mitigation Measure 4: CTS protocol level surveys	
Recommended Mitigation Measure 6: CTS take authorization	
White-Tailed Kite (WTKI)	
Recommended Mitigation Measure 7: WTKI surveys	
Western Burrowing Owl (BUOW)	
Recommended Mitigation Measure 9: BUOW take authorization	
Crotch's Bumble Bee (CBB)	
Recommended Mitigation Measure 10: CBB habitat assessment	
Recommended Mitigation Measure 11: CBB surveys	
Recommended Mitigation Measure 13: CBB take authorization	
Northwestern Pond Turtle (NPT)	
Recommended Mitigation Measure 14: NPT focused surveys	

B-25 Cont.

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Branchiopods (BRA)	
Recommended Mitigation Measure 16: BRA surveys and consultation	
During Construction	
Tricolored Blackbird (TRBL)	
Recommended Mitigation Measure 2: TRBL avoidance buffer	
California Tiger Salamander (CTS)	
Recommended Mitigation Measure 5: CTS avoidance buffer	
White-Tailed Kite (WTK)	
Recommended Mitigation Measure 8: WTK avoidance buffer	
Crotch's Bumble Bee (CBB)	
Recommended Mitigation Measure 12: CBB avoidance buffer	
Northwestern Pond Turtle (NPT)	
Recommended Mitigation Measure 15: NPT avoidance buffer	

B-25 Cont.

Response to Letter B: Julie Vance, California Department of Fish and Wildlife

Response B-1: The commenter provides an introductory statement to the comment letter. This introduction presents the CDFW role, discusses unlisted species, and nesting birds.

These introductory statements are noted. No response to this comment is warranted.

Response B-2: The commenter provides a summary of the proposed Modesto UAGP, including the proponent, objective, and location.

This summary is noted. No response to this comment is warranted.

Response B-3: The commenter provides an introductory paragraph to comments provided in the letter.

This introductory paragraph is noted. No response to this comment is warranted.

Response B-4: The commenter indicates that CDFW submitted a Notice of Preparation (NOP) comment letter to the City of Modesto for the Plan on October 28, 2024 (CDFW NOP Letter), with recommended mitigation measures for special-status species that could potentially be impacted by the Plan. The commenter notes that the CDFW NOP Letter does not appear to have been acknowledged by the City of Modesto and is not included as an interested agency letter in the Executive Summary for the DEIR. As such, CDFW has included the CDFW NOP Letter as Attachment 1 to this comment letter to provide further background on the comments and recommendations

This comment is noted. Revisions are warranted to address this comment. This includes the addition of the comment letter to Appendix A of the Draft EIR. Additionally, the City of Modesto has reviewed this NOP comment letter and made various revisions throughout the Draft EIR to reflect responses to the comment. This includes revisions to the Executive Summary, Introduction, and Biological Resources sections of the Draft EIR. All revisions are documented in Section 3.0 of this Final EIR.

Response B-5: The commenter notes that the DEIR acknowledges that the Plan area is within the geographic range of special-status species and proposes specific mitigation measures for some species to reduce impacts to less than significant. However, the comment notes that CDFW has concerns about the ability of some the proposed mitigation measures to reduce potential impacts to less than significant and avoid unauthorized take for special-status species including, but not limited to: the State and federally endangered riparian brush rabbit (*Sylvilagus bachmani riparius*); the State threatened Swainson's hawk (*Buteo swainsoni*) and tricolored blackbird *(Agelaius tricolor);* the State and federally threatened California tiger salamander (*Ambystoma californiense*); the State fully protected white-tailed kite (*Elanus leucurus*); the State candidate western burrowing owl (*Athene cunicularia*) and Crotch's bumble bee (*Bombus crotchii*); the State species of special concern and federally endangered riparian San Joaquin Valley woodrat (*Neotoma fuscipes riparia*); the State species of special concern and federally proposed threatened northwestern pond turtle (*Actinemys marmorata*) and western spadefoot (*Spea hammondii*); the State species of special concern Central Valley fall-run Chinook salmon-Evolutionary Significant Unit (ESU) (*Oncorhynchus tshawytscha*); the State species of special concern and federally

threatened green sturgeon-southern Distinct Population Segment (DPS) (*Acipenser medirostris*); the State species of special concern hardhead (*Mylopharodon conocephalus*), Pacific lamprey (*Tospehnus lentatus*), Sacramento hitch (*Lavinia exilicauda exilicauda*), riffle sculpin (*Cottus gulosus*), and Sacramento splittail (*Pogonichthys macrolepidotus)*; the State species of special concern and federally threatened steelhead-Central Valley DPS *(Oncorhynchus mykiss irideus*); the federally threatened vernal pool fairy shrimp *(Branchinecta lynchi)*; and the federally endangered vernal pool tadpole shrimp *(Lepidurus packardi).*

This comment serves as an introduction to the more specific and focused comment and explanation for individual species presented in this comment. More focused comments and responses are provided in Response B-6 through B-18 below. It is noted that there are revisions that have been made to address these comments. All revisions are documented in Section 3.0 of this Final EIR.

Response B-6: This comment is related to the riparian brush rabbit discussion in Section 3.4 Biological Resources. The comment indicates that the Plan area is within the known geographic range of riparian brush rabbit (RBR) and the DEIR notes that the species has no potential to occur within the Plan area. The commenter states that CDFW does not concur that RBR has no potential to occur within the Plan area as there is a historical occurrence documented within 3 ½ miles of the Plan area (CDFW 2025) and based on aerial imagery and the information provided in the DEIR, suitable habitat appears to be present along the Stanislaus and Tuolumne riparian corridors. As RBR has the potential to be impacted by projects tiered from the Plan, CDFW recommends that projects tiered from the Plan perform focused habitat assessments and/or focused surveys where appropriate habitat has been identified, immediately prior to the initiation of ground disturbance activities. If RBR presence is detected, consultation is recommended for guidance on mitigation measures such avoidance, minimization, and mitigation. If take cannot be avoided, take authorization.

This comment is noted. The riparian habitat along the Stanislaus and Tuolumne River is potential habitat for RBR, however, it is documented in the CNDDB that the carrying capacity and potential for establishing a healthy population of RBR along these corridors is questionable. The CNDDB records indicated that the documented RBR occurrences within 3.5 miles mentioned by the commenter are from translocated individuals from 1993 through the early part of the 2000s. The CNDDB records also indicate that the monitoring of these translocated populations shows that the population has declined since the translocation effort. There is even a 2010 prediction noted in the CNDDB that extinction of the translocated RBR population due to habitat conditions being a biological bottleneck. While there appears to still be a small population from the translocated individuals, it can be concluded that there is very limited potential for a sustained population of RBR without human intervention. Regardless, the City has policies regarding riparian habitat that are consistent with state and federal law, and are considered best practices for protecting riparian and wetland habitat. Additionally, SWPH-2, -3, and -4 are General Plan policies that appropriately require surveys, avoidance, and minimization measures for biological resources and special status species, including for RBR. The policy is not intended to provide detailed guidance for each individual species that could possibly be found. Instead, there are existing uniformly applied standards and

regulations embodied in federal and state law that are administered by regulatory agencies (USFWS and CDFW) and applied under consultation and authorization by the regulatory agencies when and if a special status species is found. The mitigation recommendation is applicable when the initial field survey/assessment determines the potential for this species to be present, but is not appropriately applied to all projects throughout the Plan area. Adherence to these policies will protect the riparian habitat along the Stanislaus and Tuolumne Rivers. The RBR is not a species that will inhabit non-riparian habitat, so it is not expected to be impacted by development outside riparian areas. No errata changes are necessary.

Response B-7: This comment is related to the Swainson's hawk discussion in Section 3.4 Biological Resources. The comment reiterates requirements from Policy SWPH-4 ((UAGP Policy VII-E.3[c]) that are intended to mitigate impacts to Swainson's hawk. The commenter indicates that CDFW concurs with the requirements but recommends a no disturbance buffer from ¼ mile to ½ mile.

This comment is noted. Revisions are warranted to address this comment. SWPH-4 is revised to include the following text: "*For some birds, especially raptor species such as white-tailed kites, no-disturbance buffers up to ½ mile are recommended by CDFW. Establishment of buffers should be established in consultation with CDFW*." All revisions are documented in Section 3.0 of this Final EIR.

Response B-8: This comment is related to the tri-colored blackbird discussion in Section 3.4 Biological Resources. The commenter indicates there is a historical occurrence documented within 3 miles of the Plan area (CDFW 2025). The commenter acknowledges that SWPH-2 and SWPH-3 are provided to mitigate for potential impacts to the species, but notes that CDFW recommends the following to be incorporated into the DEIR and implemented for projects that are tiered or approved under this Plan.

Recommended Mitigation Measure 1: TRBL Surveys: CDFW recommends that construction be timed to avoid the normal bird breeding season (February 1 through September 15). However, if construction must take place during the breeding season, CDFW recommends that a qualified biologist conduct surveys for nesting TRBL no more than 10 days prior to the start of implementation to evaluate presence/absence of TRBL nesting colonies in proximity to project activities and to evaluate potential project-related impacts.

Recommended Mitigation Measure 2: TRBL Avoidance Buffer: If an active TRBL nesting colony is found during the pre-construction surveys, CDFW recommends implementation of a minimum 300-foot no-disturbance buffer around the colony in accordance with CDFW's "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015" (CDFW 2015). CDFW recommends that this buffer remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged and are no longer reliant upon the colony or parental care for survival. It is important to note that TRBL colonies can expand over time. For this reason, CDFW also recommends conducting pre-construction surveys of an identified nesting colony within 10 days prior to the start of ground or vegetation disturbing activities to reassess the colony's real extent.

Recommended Mitigation Measure 3: TRBL Take Authorization: If a TRBL nesting colony is detected during surveys, consultation with CDFW is warranted to discuss how to implement the project and avoid take, or if avoidance is not feasible, to acquire an ITP, pursuant to Fish and Game Code section 2081 subdivision (b), prior to any ground-disturbing activities.

This comment is noted. SWPH-2, -3, and -4 are General Plan policies that appropriately require surveys, avoidance, and minimization measures for biological resources and special status species, including for avian species such as tri-colored blackbird. The policy is not intended to provide detailed guidance for each individual species that could possibly be found. Instead, there are existing uniformly applied standards and regulations embodied in federal and state law that are administered by regulatory agencies (USFWS and CDFW) and applied under consultation and authorization by the regulatory agencies when and if a special status species is found. The mitigation recommendation is applicable when the initial field survey/assessment determines the potential for this species to be present, but is not appropriately applied to all projects throughout the Plan area. Revisions are warranted to address some of this comment. All revisions are documented in Section 3.0 of this Final EIR.

Response B-9: This comment is related to the California tiger salamander discussion in Section 3.4 Biological Resources. The commenter indicates that the Plan area is within the range of California tiger salamander (CTS), but that the DEIR notes that the species has no potential to occur within the Plan area. CDFW does not concur that CTS has no potential to occur within the Plan area (CDFW 2025). Based on aerial imagery, suitable habitat appears present within certain portions of the Plan area such as the storage ponds and canals present throughout the Plan area. As CTS has the potential to be impacted by projects tiered from this Plan, CDFW recommends the following be incorporated into the DEIR and implemented for projects that are tiered or approved under this Plan within areas of suitable CTS habitat.

Recommended Mitigation Measure 4: CTS Protocol Level Surveys: CDFW recommends that a qualified biologist conduct protocol-level surveys in accordance with the USFWS "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander" (USFWS 2003) at the appropriate time of year to determine the existence and extent of CTS breeding and refugia habitat for projects tiered from this Plan within suitable habitat. The protocol-level surveys for CTS require more than one survey season and are dependent upon sufficient rainfall to complete. As a result, consultation with CDFW and USFWS is recommended well in advance of beginning the surveys and prior to any planned vegetation or ground-disturbing activities. CDFW advises that the protocol level survey also include a 100-foot buffer around the project area in all areas that could support CTS. Please be advised that protocol-level survey results are viable for two years after the results are reviewed by CDFW.

Recommended Mitigation Measure 5: CTS Avoidance Buffer: If CTS protocol-level surveys are not conducted, CDFW advises that a minimum 50- foot no-disturbance buffer be delineated around all small mammal burrows in suitable upland refugia habitat within and/or adjacent to potential or known breeding habitat. Further, CDFW recommends potential or known breeding

habitat within and/or adjacent to the project area be delineated with a minimum 250-foot no-disturbance buffer. Both upland burrow and wetland breeding no-disturbance buffers are intended to minimize impacts to CTS habitat and avoid take of individuals.

Recommended Mitigation Measure 6: CTS Take Authorization: If through surveys it is determined that CTS are occupying or have the potential to occupy the project area, consultation with CDFW is warranted to determine if the project can avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA. As stated above, in the absence of protocol surveys, the applicant can assume presence of CTS within the project area and obtain an ITP from CDFW.

This comment is noted. The recommendation for CTS protocol level surveys (Recommended Mitigation Measure 4) is appropriate if there is both suitable habitat and potential for presence proximate to a development site, however, it is not appropriate to require such intensive and time-consuming surveys for all projects within the planning area, especially if there is no evidence of suitable habitat on or in the vicinity of the site. For specific projects proposed under the Plan, it is appropriate to perform the assessment-level surveys for this species under the protocol, and based on the results, it can be determined whether the multi-year surveys are appropriate. The City does not agree that the presence of a canal or pond alone is an indication of presence of this species. It is notable that occurrences of this species have not been documented in Modesto by CDFW or biologists with experience in the area for over 50 years. As is noted in the DEIR, this species is believed to be extirpated from Modesto. This is based on much of Modesto being developed/urbanized, and areas that are not urbanized have been intensively ground disturbed from agricultural practices over the last 100 years which eliminates these areas as upland estivation habitat. Additionally, the recommendation for an avoidance buffer (Recommended Mitigation Measure 5) is not appropriate for all small mammal burrows. If this species is present then avoidance buffers would be appropriate, however, ground burrows are common throughout the region while CTS is extremely rare and believed to be extirpated. Protecting all ground burrows is not logical if CTS is not present. The recommendation for take authorization is appropriate if surveys indicate presence. Revisions are warranted to address this comment. Page 3.4-20 of the DEIR, which contains Table 3.4-3 is revised is reflect a Low potential for presence as opposed to No potential. SWPH-4 is revised to include the following text: "*A qualified biologist shall conduct surveys to assess the existence and extent of California tiger salamander breeding and refugia habitat. Habitat assessment surveys should establish whether suitable habitat is present, and whether additional protocol level surveys are necessary to determine presence/absence. If protocol-level surveys for California tiger salamander are deemed necessary based on the habitat assessment, it is anticipated that multi-seasonal surveys will be necessary to meet the protocol…If through surveys it is determined that California tiger salamander is occupying the project area, consultation with CDFW is warranted to determine if the project can avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA. As stated above, in the absence of protocol surveys, the applicant*

can assume presence of California tiger salamander within the project area and obtain an ITP from CDFW."

In addition to this additional text provided in SWPH-4, a species description is provided under the impact discussion on page 3.4-47 as follows: "*California tiger salamander: The California tiger salamander (CTS) is a federally and State-listed Threatened species. CTS is a large terrestrial salamander that occurs in central California from the Sacramento Valley to the south-central San Joaquin Valley, and in the surrounding foothills of both the Coast Ranges and the Sierra Nevada Mountains. CTS are also recorded from the San Francisco Bay region, Sonoma County, the Monterey Bay region, and the valleys and foothills of San Luis Obispo and Santa Barbara counties. CTS breed in temporary wetland pools, such as vernal pools, and other seasonal wetland bodies where ponded water is present for a minimum of three to four months, extending into the early spring. Such ponds and temporary wetlands provide necessary breeding and larval-stage habitat for the species. Adults spend most of the year in aestivation, underground in the burrows of small mammals, such as the California ground squirrel, or within other suitable subterranean retreats. They emerge at night during winter rain events for brief periods to breed. Aquatic juveniles (larvae) are mostly herbivorous. CTS normally begin to reproduce after three to five years. There are no documented occurrences of CTS within the General Plan Area and they have been believed to be extirpated from the vicinity. The CDFW, however, has indicated that canals and storage ponds provide suitable habitat. In addition to the CDFW described aquatic habitat, this species also requires refugia (debris, burrows, crevices, barns, sheds, etc.) that could be used by CTS during their estivation period. It is also theoretically possible that a CTS could be present in isolated areas that have not been surveyed, but it would require appropriate refugia and aquatic habitat with an estimated 1.3 miles of each other. Such areas may include upland habitat along farmland fringe, irrigation ditches, roadside ditch, ponds, canals, farm equipment yards, and farmland residences. The paved roads, dirt roads, and tilled farmland provide limited to no habitat because of the frequency of disturbance in these areas. While the potential for presence is deemed low, surveys of projects that have potential habitat that are tiered or approved under the General Plan shall be conducted as a part of the CEQA process*." All revisions are documented in Section 3.0 of this Final EIR.

Response B-10: This comment is related to the white-tailed kite discussion in Section 3.4 Biological Resources. The commenter indicates the Plan area is within the range of white-tailed kite (WTKI) and CDFW indicates that there is WTKI suitable foraging and nesting habitat, including valley foothill riparian, riverine, wetland, grassland and cropland habitats documented in the Plan area. CDFW recommends the following to be incorporated in the DEIR and implemented for projects that are tiered or approved under this Plan.

> **Recommended Mitigation Measure 7: WTKI Surveys:** CDFW recommends a qualified avian biologist conduct surveys for nesting white-tailed kites prior to beginning project-related activities within the Plan area.
>
> **Recommended Mitigation Measure 8: WTKI Avoidance Buffer:** CDFW recommends a minimum no-disturbance buffer of ½ mile be delineated around active nests of WTKI until the breeding

season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. CDFW advises project proponents not to allow reductions in no-disturbance buffer size for WTKI or any fully protected bird species absent a compelling biological or ecological reason to do so. Further consultation with CDFW is warranted to discuss project implementation and take avoidance.

This comment is noted. The DEIR does not conclude the white-tailed kite is not present in the region, rather, it identifies that it is found in several different habitats. Nevertheless, SWPH-2, -3, and -4 are General Plan policies that appropriately require surveys, avoidance, and minimization measures for biological resources and special status species, including for avian species such as white-tailed kite. Revisions are warranted to address some of this comment. SWPH-4 is revised to include the following text: "*For some birds, especially raptor species such as white-tailed kites, no-disturbance buffers up to ½ mile are recommended by CDFW. Establishment of buffers should be established in consultation with CDFW*." All revisions are documented in Section 3.0 of this Final EIR. All revisions are documented in Section 3.0 of this Final EIR.

Response B-11: This comment is related to the western burrowing owl discussion in Section 3.4 Biological Resources. The commenter indicates that the California Fish and Game Commission (FGC) approved western burrowing owl (BUOW) as a potential candidate for listing as a protected species under CESA on October 10, 2024, and published these findings in the California Regulatory Notice Register (Notice Register) on October 25, 2024. As such, BUOW is now a candidate under CESA and receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085). The commenter indicates CDFW does not concur with the procedures for passive relocation outlined in SWPH-4, which states that, "Burrowing owls may be passively relocated if the burrowing owls have been determined not to be actively nesting and the burrowing owl exclusion, mitigation, and monitoring plan has been approved by the City and CDFW." CDFW does not support passive relocation without prior take authorization as it can result in unauthorized take of the species. CDFW also recommends the following to be incorporated in the DEIR and implemented for projects that are tiered or approved under this Plan.

Mitigation Measure 9: BUOW Take Authorization: If a BUOW or known BUOW den (active or inactive) is detected, and the no- disturbance buffers outlined in the 2012 Staff Report on Burrowing Mitigation are not feasible, consultation with CDFW is warranted to discuss how to implement the project and avoid take. CDFW does not recommend passive relocation as it can result in unauthorized take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

This comment is noted. SWPH-2, -3, and -4 are General Plan policies that appropriately require surveys, avoidance, and minimization measures for biological resources and special status species, including for avian species such as burrowing owl. SWPH-4 provides some more species-specific guidance for burrowing owl. It is noted that there are existing uniformly applied standards and regulations embodied in federal and state law that are administered by regulatory agencies (USFWS and CDFW) and applied under consultation and authorization by the regulatory agencies when and

if a special status species is found. Specific requirements will be issued by the regulatory agency if the species is deemed present. Revisions are warranted to address some of this comment. Page 3.4-24 of the DEIR, which contains Table 3.4-3 is revised is reflect a status of Candidate for listing. SWPH-4 is revised to include the following text: "*If burrowing owl habitat is confirmed present within a maximum of 500 feet of the project site, no visual barriers are present between the project site and the burrowing owl habitat, and no owls were observed to occupy the habitat at the time of the assessment, then one preconstruction site survey (take avoidance survey) shall be conducted no more than 14 days prior to the onset of any ground-disturbing activities. Further, if the preconstruction survey determines that burrowing owls occupy the site and impacts to occupied burrows cannot be avoided, then passive relocation shall be conducted only after authorization by CDFW. CDFW does not recommend passive relocation as it can result in unauthorized take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA. Prior to passive relocation, a burrowing owl exclusion, mitigation, and monitoring plan will be prepared in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (CDFG 2012) and submitted to the City and CDFW for approval before any constructive activities can proceed that may impact the species*." All revisions are documented in Section 3.0 of this Final EIR.

Response B-12: This comment is related to the Crotch's bumble bee discussion in Section 3.4 Biological Resources. The commenter notes that SWPH-2 and SWPH-3 provide general survey, avoidance, and minimization measures for biological resources, but do not provide species-specific mitigation measures for species such as CBB. As such, CDFW recommends the following to be incorporated into the DEIR and implemented for projects that are tiered or approved under this Plan.

> **Mitigation Measure 10: CBB Habitat Assessment:** CDFW recommends a qualified biologist conduct a habitat assessment to determine if the project area and the immediate surrounding vicinity contain habitat suitable to support CBB. Potential nesting sites, which include all small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, and hollow logs would need to be documented as part of the assessment.
>
> **Mitigation Measure 11: CBB Focused Surveys:** If potentially suitable habitat is identified, CDFW recommends that a qualified biologist conduct focused surveys for CBB, and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023).
>
> **Mitigation Measure 12: CBB Avoidance Buffer:** If CBB is detected, then CDFW recommends that all small mammal burrows and thatched/bunch grasses be avoided by a minimum of 50 feet to avoid take and potentially significant impacts. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement project activities and avoid take. Any detection of CBB prior to or during project implementation warrants consultation with CDFW to discuss how to avoid take.

Mitigation Measure 13: CBB Take Authorization: If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

This comment is noted. SWPH-2 and -3 are General Plan policies that appropriately require surveys, avoidance, and minimization measures for biological resources and special status species, including for protected bumble bee species. The policy is not intended to provide detailed guidance for each individual species that could possibly be found. Instead, there are existing uniformly applied standards and regulations embodied in federal and state law that are administered by regulatory agencies (USFWS and CDFW) and applied under consultation and authorization by the regulatory agencies when and if a special status species is found. The mitigation recommendation is applicable when the initial field survey/assessment determines the potential for CBB to be present, but is not appropriately applied to all projects throughout the Plan area. SWPH-4 has been updated to more specifically address CBB. Revisions are warranted to address some of this comment. SWPH-4 is revised to include the following text: "*Where the habitat assessment identifies the potential for Crotch's bumble bee, a qualified biologist shall conduct a habitat assessment to determine if the project area and the immediate surrounding vicinity contain habitat suitable to support Crotch's bumble bee. Potential nesting sites, which include all small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, and hollow logs would need to be documented as part of the assessment…f potentially suitable habitat is identified, a qualified biologist shall conduct focused surveys for Crotch's bumble bee, and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023)…If Crotch's bumble bee is detected, all small mammal burrows and thatched/bunch grasses shall be avoided by a minimum of 50 feet to avoid take and potentially significant impacts. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement project activities and avoid take. Any detection of Crotch's bumble bee prior to or during project implementation warrants consultation with CDFW to discuss how to avoid take…If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA*."

In addition to this additional text provided in SWPH-4, a species description is provided under the impact discussion on page 3.4-47 as follows: "Crotch's bumble bee: The Crotch's bumble bee is a State-listed Endangered species. The crotch bumble bee occurs primarily in California, including the Mediterranean region, Pacific Coast, Western Desert, Great Valley, and adjacent foothills through most of southwestern California. It also occurs in Mexico (Baja California and Baja California Sur) and has been documented in southwest Nevada, near the California border. Their natural habitat is grassland and scrub areas, requiring a hotter and drier environment than other bumblebee species. This species can only tolerate a very narrow range of climatic conditions. This is a non-migratory species of bumble bee that nests underground, often in abandoned rodent dens." All revisions are documented in Section 3.0 of this Final EIR.

Response B-13: This comment is related to the San Joaquin Valley woodrat discussion in Section 3.4 Biological Resources. The commenter indicates that the CDFW does not concur that SJVW has no potential to occur within the Plan area as there is a historical occurrence documented within 3 ½ miles of the Plan area (CDFW 2025) and based on aerial imagery and the information provided in the DEIR, suitable habitat appears present along the Stanislaus and Tuolumne riparian corridors. As SJVW has the potential to be impacted by projects tiered from this Plan, CDFW recommends that projects tiered from this Plan perform focused habitat assessments and/or focused surveys where appropriate habitat has been identified, immediately prior to the initiation of ground disturbance activities. If SJVW presence is detected, consultation with USFWS is recommended for guidance on mitigation measures such avoidance, minimization, and mitigation. If take cannot be avoided, CDFW recommends consultation with the USFWS to comply with the Federal Endangered Species Act.

> **Mitigation Measure 13: San Joaquin Valley Woodrat Habitat Assessment:** Perform focused habitat assessments and/or focused surveys where appropriate habitat has been identified for San Joaquin Valley woodrat, immediately prior to the initiation of ground disturbance activities. If San Joaquin Valley woodrat presence is detected, consultation with is recommended for guidance on mitigation measures such avoidance, minimization, and mitigation. If take cannot be avoided, CDFW recommends consultation with the USFWS to comply with the Federal Endangered Species Act.

This comment is noted. SWPH-2 and -3 are General Plan policies that appropriately require surveys, avoidance, and minimization measures for biological resources and special status species, including for SJVW. The policy is not intended to provide detailed guidance for each individual species that could possibly be found. Instead, there are existing uniformly applied standards and regulations embodied in federal and state law that are administered by regulatory agencies (USFWS and CDFW) and applied under consultation and authorization by the regulatory agencies when and if a special status species is found. The mitigation recommendation is applicable when the initial field survey/assessment determines the potential for SJVW to be present, but is not appropriately applied to all projects throughout the Plan area. Revisions are warranted to address some of this comment. Page 3.4-25 of the DEIR, which contains Table 3.4-3 is revised is reflect a Low potential for presence as opposed to No potential. A species description is provided under the impact discussion on page 3.4-47 as follows: "*San Joaquin Valley Woodrat: The San Joaquin Valley woodrat is a federal-listed Endangered and a State species of special concerns. This species requires wide, dense riparian forests with a thick understory of willows for nesting, while sites with a dominant cottonwood overstory are preferred for foraging. Suitable habitat is present along the Stanislaus and Tuolumne Rivers*." All revisions are documented in Section 3.0 of this Final EIR.

Response B-14: This comment is related to the northwestern pond turtle discussion in Section 3.4 Biological Resources. The commenter notes that the Plan area is within the known geographic range of northwestern pond turtle (NPT) and the DEIR notes that the species has a moderate potential to occur within the Plan area. Additionally, there is a historical occurrence documented within 8 miles of the Plan area (CDFW 2025) and suitable habitat appears to be present within the Plan area. The commenter

indicates that SWPH-2 and SWPH-3 are provided to mitigate for potential impacts to the species, however, they provide general survey, avoidance, and minimization measures for biological resources, but do not provide species-specific mitigation measures for species such as NPT. As such, CDFW recommends the following to be incorporated into the DEIR and implemented for projects that are tiered or approved under this Plan that occur within or adjacent to suitable habitat for the species.

> **Mitigation Measure 14: NPT Focused Surveys:** CDFW recommends that a qualified biologist conduct focused surveys for NPT within 10 days prior to project activity, and that focused surveys for nests occur during the egg-laying season of March through August.
>
> **Mitigation Measure 15: NPT Avoidance Buffer:** CDFW recommends that any NPT nests that are discovered remain undisturbed with a 50-foot no-disturbance buffer maintained around the nest until the eggs have hatched and neonates are no longer in the nest or project areas. If NPT individuals are discovered at the site during surveys or project activities, CDFW recommends that they be allowed to move out of the area of their own volition.

This comment is noted. SWPH-2 and -3 are General Plan policies that appropriately require surveys, avoidance, and minimization measures for biological resources and special status species, including for NPT. The policy is not intended to provide detailed guidance for each individual species that could possibly be found. Instead, there are existing uniformly applied standards and regulations embodied in federal and state law that are administered by regulatory agencies (USFWS and CDFW) and applied under consultation and authorization by the regulatory agencies when and if a special status species is found. The mitigation recommendation is applicable when the initial field survey/assessment determines the potential for NPT to be present, but is not appropriately applied to all projects throughout the Plan area. SWPH-4 has been updated to more specifically address NPT. Revisions are warranted to address some of this comment. SWPH-4 is revised to include the following text: "*Where the habitat assessment identifies the potential for northwestern pond turtle, a qualified biologist shall conduct focused surveys for northwestern pond turtle within 10 days prior to project activity, and that focused surveys for nests occur during the egg-laying season of March through August…Any NPT nests that are discovered shall remain undisturbed with a 50-foot no-disturbance buffer maintained around the nest until the eggs have hatched and neonates are no longer in the nest or project areas. If NPT individuals are discovered at the site during surveys or project activities, they shall be allowed to move out of the area of their own volition*." All revisions are documented in Section 3.0 of this Final EIR.

Response B-15: This comment is related to the western spadefoot discussion in Section 3.4 Biological Resources. The commenter notes there are historical occurrences within 10 miles of the Plan area and suitable habitat appears to be present within the Plan area. The commenter notes that SWPH-2 and SWPH-3 are provided to mitigate for potential impacts to the species, however they only provide general survey, avoidance, and minimization measures for biological resources, but do not provide species-specific mitigation measures for species such as western spadefoot. The commenter recommends that projects tiered from this Plan perform focused habitat assessments and/or focused surveys where appropriate habitat has been identified, immediately prior to the initiation of ground disturbance

activities. If WESP presence is detected, consultation with USFWS is recommended for guidance on mitigation measures such avoidance, minimization, and mitigation.

This comment is noted. SWPH-2 and -3 are General Plan policies that appropriately require surveys, avoidance, and minimization measures for biological resources and special status species, including for western spadefoot. The policy is not intended to provide detailed guidance for each individual species that could possibly be found. Instead, there are existing uniformly applied standards and regulations embodied in federal and state law that are administered by regulatory agencies (USFWS and CDFW) and applied under consultation and authorization by the regulatory agencies when and if a special status species is found. Revisions are warranted to address some of this comment. SWPH-2 is revised to include the following text: "*For all lands within the Planned Urbanizing Area, site-specific surveys shall be conducted by a qualified biologist to determine whether any sensitive natural communities or species are present within the proposed development area. The site-specific surveys should include a habitat assessment that evaluates the suitability and potential for presence of special status species, including avian, terrestrial, and aquatic species. These studies shall particularly focus on proposed development within any lands included within a potential biological resource study area as delineated on Figure V-7-1 in the Final Program Environmental Impact Report (Riparian Corridor Diagram). Prior to considering development applications, the City shall coordinate with the USFWS and CDFW regarding listed species and potential for impacts. The City shall employ the measures recommended by the USFWS and/or CDFW to avoid an incidental take…Conduct surveys at the appropriate season to best determine the likelihood of occurrence and should employ accepted methodologies as determined by CDFW and the USFWS. The results of such surveys should be recorded in the California Natural Diversity Database and onto the City's existing biological resources map for future planning purposes. (UAGP Policy VII-E.3[a])"* All revisions are documented in Section 3.0 of this Final EIR.

Response B-16: This comment is related to the branchiopods discussion in Section 3.4 Biological Resources. The commenter notes that the Plan area is within the known geographic range of Vernal Pool Fairy Shrimp (VPFS) and Vernal Pool Tadpole Shrimp (VPTS) (collectively, branchiopods) and the DEIR notes that both species have a high potential to occur within the Plan area. The commenter also notes that there are historical occurrences documented within the Plan area. SWPH-2 and SWPH-3 are provided to mitigate for potential impacts to the species. However, SWPH-2 and SWPH-3 provide general survey, avoidance, and minimization measures for biological resources, but do not provide species-specific mitigation measures for species such as branchiopods. As such, CDFW recommends the following to be incorporated into the DEIR and implemented for projects that are tiered or approved under this Plan that occur within or adjacent to suitable habitat for the species.

Mitigation Measure 16: Branchiopod Protocol Level Surveys and Consultation: CDFW recommends that a qualified biologist conduct protocol level surveys in accordance with the USFWS "Survey Guidelines for the Listed Large Branchiopods" (USFWS 2017) the survey season prior to construction. These surveys would need to be conducted at the appropriate time of year to determine the existence and extent of branchiopods. If through surveys it is determined that

branchiopods are occupying or have the potential to occupy the project area, coordination with CDFW is recommended well in advance of any planned vegetation or ground-disturbing activities to determine appropriate avoidance and minimization measures including adequate implementation of no-disturbance buffers. Additionally, consultation with USFWS may be necessary to minimize the potential for federal "take" and/or mitigate for potential impacts.

This comment is noted. SWPH-4 has been updated to more specifically address branchiopods as follows: "*Where the habitat assessment identifies the potential for branchiopods, qualified biologist shall conduct protocol level surveys in accordance with the USFWS "Survey Guidelines for the Listed Large Branchiopods" (USFWS 2017) during the survey season prior to construction. These surveys would need to be conducted at the appropriate time of year to determine the existence and extent of branchiopods. If through surveys it is determined that branchiopods are occupying or have the potential to occupy the project area, coordination with CDFW and USFW is required to determine appropriate avoidance and minimization measures and to obtain the necessary take authorizations."* Revisions are warranted to address this comment. All revisions are documented in Section 3.0 of this Final EIR.

Response B-17: This comment is related to the riparian habitat discussion in Section 3.4 Biological Resources. The commenter notes riparian natural communities along the Stanislaus River on the northern border and the Tuolumne River and Dry Creek provide many essential benefits to terrestrial, avian, and aquatic species, including, but not limited to thermal protection, cool water refugia, cover, large woody debris, foraging areas, breeding and rearing sites, habitat, and connectivity corridors, as well as buffers to sedimentation and runoff from adjacent land uses. Direct and indirect impacts into these habitat types can adversely impact sensitive species including but not limited to the RBR, SJVW, Central Valley fall-run Chinook salmon-ESU, green sturgeon southern DPS, hardhead, Pacific lamprey, Sacramento hitch, riffle sculpin, Sacramento splittail, and the steelhead- Central Valley DPS. These impacts can lead to reduction of habitats including cool water and spawning habitat, reduced reproductive success; reduced health and vigor; nest abandonment; loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young); impacts to water quality, and introduction of debris and/or deleterious materials into river habitats. Narrow riparian buffers are considerably less effective in minimizing the effects of adjacent development than wider buffers. CDFW acknowledges that development within the three riparian corridors will follow guidelines in a future Park Master Plan and the current Tuolumne River Regional Park Master Plan. CDFW recommends the DEIR incorporate, and tiered projects establish, sufficient buffer zones between the perimeter of any future projects and the adjacent Stanislaus River, Tuolumne River, and Dry Creek riparian habitat.

This comment is noted. SWPH-4 presents the City's policies regarding riparian habitat. These policies are consistent with state and federal law, and are considered best practices for protecting riparian and wetland habitat. No errata changes are necessary.

Response B-18: This comment is related to the nesting birds discussion in Section 3.4 Biological Resources. The commenter recommends that all projects tiered from this Plan occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the

nesting season (February 1st through September 15th), the Plan applicant is responsible for ensuring that implementation of the Plan does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections. The comment also recommends that a qualified biologist conduct a pre-construction survey for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the project site to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by the project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once project activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures. The commenter also indicates that if continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non- listed bird species and a 500-foot no-disturbance buffer around active nests of non- listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the project area/site would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

> This comment is noted. SWPH-4 presents the City's policies regarding nesting birds and compliance with MBTA and CFGC as it relates to nesting birds. These policies are consistent with state and federal law, and are considered best practices for protecting nesting birds. No errata changes are necessary.

Response B-19: The commenter recommends consulting with USFWS regarding potential impacts to federally listed species including, but not limited to: RBR, SJVW, CTS, NPT, VPFS, VPTS, green sturgeon-southern DPS, and steelhead-Central Valley DPS. The federal Endangered Species Act (ESA) is more broadly defined than CESA; take under the ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS to comply with the ESA is advised well in advance of any projects tiered from this Plan.

> This comment is noted. Compliance with the federal ESA is a regulatory requirement of all projects. Where there is potential for take, the City requires the appropriate consultation with USFWS.

Response B-20: The commenter indicates that the Plan area resides immediately adjacent to the Stanislaus River and associated riparian habitat along its northern border for over three miles. The commenter also notes that the Tuolumne River and associated riparian habitat is positioned along the southern border of the Plan area for five miles, and it continues westward through the Plan area for

another four miles. Additionally, the commenter notes that Dry Creek and associated riparian habitat branches off the Tuolumne River and travels for six miles in a northwest direction through the Plan area. The commenter indicates that based on aerial imagery, there are other streams located within the Plan area that would be subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. The DEIR states, "Construction and development activities associated with future plans could result in the disturbance or loss of waters of the United States. This includes perennial and intermittent drainages; unnamed drainages; vernal pools; freshwater marshes; and other types of seasonal and perennial wetland communities." The DEIR notes that the City of Modesto General Plan, the Tuolumne River Regional Park (TRRP) Program EIR, and the future Dry Creek Comprehensive Planning District Master Plan would be utilized for the protection of riparian, riverine, and wetland habitats of the Plan area. The commenter states that CDFW implementation of all future tiered project activities that substantially change the bed, bank, and channel of any river, stream, or lake are also subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation): (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial and may include those that are highly modified such as canals and retention basins. CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement (LSAA); therefore, if the CEQA document approved for the Plan does not adequately describe the Plan and its impacts to lakes or streams, a subsequent CEQA analysis may be necessary for LSAA issuance.

This comment is noted. Compliance with the lake and stream alteration is a regulatory requirement of all projects. Where there is potential for impacts to these aquatic facilities, the City requires the appropriate authorization from CDFW. No changes to the DEIR are necessary in response to this comment.

Response B-21: The commenter indicates that the California Natural Diversity Database (CNDDB) is populated by voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record, or lack of recent occurrence records, in the CNDDB does not mean that a species is not present. To adequately assess any potential Plan- related impacts to biological resources, surveys conducted by a qualified biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted to determine whether any special-status species are present.

This comment is noted. The City requires records searches, and field surveys/assessments by qualified biologists prior to development. Any occurrence is reported to the CNDDB by the biologist. No changes to the DEIR are necessary in response to this comment.

Response B-22: The commenter indicates that CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be

used to make subsequent or supplemental environmental determinations. The commenter requests any special-status species and natural communities detected during Plan surveys to be reported to the CNDDB.

This comment is noted. The City requires records searches, and field surveys/assessments by qualified biologists prior to development. Any occurrence is reported to the CNDDB by the biologist. No changes to the DEIR are necessary in response to this comment.

Response B-23: The commenter indicates that the Plan, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required for the underlying Plan approval to be operative, vested, and final.

This comment is noted. This is an existing regulation. No response is necessary.

Response B-24: The commenter provides a conclusion statement to the comment letter.

This comment is noted. No response to this comment is warranted.

Response B-25: The commenter provides a copy of a letter submitted to the City regarding the Notice of Preparation.

This is noted. Comment and Response B-4 addresses this letter.

This chapter includes minor edits to the EIR. These modifications resulted from responses to comments received during the Draft EIR public review period.

Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, and do not alter the conclusions of the environmental analysis that would warrant recirculation of the Draft EIR pursuant to State CEQA Guidelines Section 15088.5. Changes are provided in revision marks with underline for new text and ~~strike out for deleted text~~.

3.1 REVISIONS TO THE DRAFT EIR

EXECUTIVE SUMMARY

Page ES-1 of the DEIR is revised as follows:

AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

This Draft EIR addresses environmental impacts associated with the project that are known to the City, raised during the Notice of Preparation (NOP) scoping process, or were raised during preparation of the Draft EIR. This Draft EIR addresses the potentially significant impacts associated with aesthetics, agriculture and forest resources, air quality, biological resources, cultural and tribal cultural resources, geology, greenhouse gas emissions and energy, hazards and hazardous materials, hydrology and water quality, land use planning and population/housing, mineral resources, noise, public services and recreation, transportation, utilities and service systems, and cumulative impacts.

During the NOP process, ~~3~~ 4 comment letters were received from interested agencies and organizations. The comments are summarized in Chapter 1.0 (Introduction), and are also provided in Appendix A. The following are topics of public concern or potential controversy that have become known to the City staff based on public input, known regional issues, and staff observations:

- Impacts of traffic and congestion on local, regional, and state transportation facilities as a result of the General Plan Update.
- Impacts associated with air quality.
- Impacts to biological resources.
- Impacts associated with public services.
- Effects of noise, vibrations, emissions and safety impacts to sensitive receptors as a result of the General Plan.
- Impacts on regional stormwater, drainage, groundwater, and water quality.

1.0 INTRODUCTION

Page 1.0-10 of the DEIR is revised as follows:

NOTICE OF PREPARATION

The City of Modesto circulated a Notice of Preparation (NOP) of an EIR for the proposed project on September 27, 2024 to trustee and responsible agencies, the State Clearinghouse, and the public. A scoping meeting was held on October 11, 2024. No public

or agency comments on the NOP related to the EIR analysis were presented or submitted during the scoping meeting. However, during the 30-day public review period for the NOP, which ended on October 27, 2024, ~~three~~ four written comment letters were received on the NOP. A summary of the NOP comments is provided later in this chapter. The NOP and all comments received on the NOP are presented in Appendix A.

Page 1.0-14 of the DEIR is revised as follows:

1.8 COMMENTS RECEIVED ON THE NOTICE OF PREPARATION

The City received ~~three~~ four comment letters on the NOP. Copies of these letters are provided in Appendix A of this Draft EIR and the comments are summarized in the Executive Summary chapter. The City received the following comment letters.

- San Joaquin Air Pollution Control District (October 25, 2024)
- Salida Fire Protection District (October 28, 2024)
- Central Valley Regional Water Quality Control Board (October 28, 2024)
- California Department of Fish and Wildlife (October 28, 2024)

2.0 PROJECT DESCRIPTION

No changes were made to Chapter 2.0 of the DEIR.

3.1 AESTHETICS AND VISUAL RESOURCES

No changes were made to Chapter 3.1 of the DEIR.

3.2 AGRICULTURAL AND FOREST RESOURCES

No changes were made to Section 3.2 of the Draft EIR.

3.3 AIR QUALITY

No changes were made to Chapter 3.3 of the DEIR.

3.4 BIOLOGICAL RESOURCES

Page 3.4-1 of the DEIR is revised as follows:

This section describes how development associated with the City of Modesto Urban Area General Plan (UAGP) would affect sensitive biological resources, wildlife, and plant habitat.

~~No comments~~ One comment on this environmental topic was~~ere~~ received from the California Department of Fish and Wildlife during the NOP comment period.

Page 3.4-20 of the DEIR, which contains Table 3.4-3 is revised as follows:

California tiger salamander *Ambystoma*	T/T	Central Valley, including Sierra Nevada foothills, up to approximately 1,000 feet, from Yolo County south to Tulare County. Also in the coastal valleys and	Inhabits grassland, oak woodland, ruderal, and seasonal pool	~~None~~Low. Considered extirpated in the vicinity of the General Plan Area, and extremely limited suitable habitat is present within

californiense		foothills, from Sonoma County south to Santa Barbara County; Sonoma and Santa Barbara populations are listed as Federal Endangered.	habitats. Seasonal ponds and vernal pools are crucial to breeding. Adults utilize mammal burrows as estivation habitat.	the General Plan Area. CDFW has indicated that there is some suitable habitat in some areas such as storage ponds and canals.

Page 3.4-24 of the DEIR, which contains Table 3.4-3 is revised as follows:

Burrowing owl *Athene cunicularia*	--/C and SSC	Lowlands throughout California, including the Central Valley, northeastern plateau, southeastern deserts, and coastal areas. Rare along south coast	Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	Moderate. May nest and winter in suitable grassland and agricultural habitats within the General Plan Area.

Page 3.4-25 of the DEIR, which contains Table 3.4-3 is revised as follows:

Riparian (San Joaquin Valley) woodrat *Neotoma fuscipes riparia*	E/SSC	Historical distribution along the San Joaquin, Stanislaus, and Tuolumne Rivers. Current distribution limited to Caswell State Park and the confluence area of the San Joaquin and Stanislaus Rivers in San Joaquin, Stanislaus, and Merced Counties.	Riparian habitats with multi-storied riparian habitat including dense shrub cover, willow thickets, and an oak overstory. Need areas with mix of brush and trees, and suitable nesting sites in trees, snags, or logs.	~~None~~Low. Known to occur in riparian habitat along the Stanislaus River west of the General Plan Area. Suitable habitat is also present along the Tuolumne River. ~~However, riparian habitat within the General Plan Area is not typical of occupied habitat, and there are large spaces of unsuitable habitat between occupied habitat and the General Plan Area.~~

Page 3.4-26 of the DEIR, which contains Table 3.4-3 is revised as follows:

Riparian brush rabbit *Sylvilagus bachmani riparius*	E/E	Limited to San Joaquin County at Caswell State Park near the confluence of the Stanislaus and San Joaquin Rivers and Paradise Cut area on Union Pacific right-of-way lands	Native valley riparian habitats with large clumps of dense shrubs, low-growing vines, and some tall shrubs and trees including willows, wild rose, and blackberry.	~~None~~Low. Known to occur in riparian habitat along the Stanislaus River west of the General Plan Area. Suitable habitat is also present along the Tuolumne River. ~~However, riparian habitat within the General Plan Area is not typical of occupied habitat, and there are large spaces of unsuitable habitat between occupied habitat and the General Plan Area.~~

Page 3.4-33 of the DEIR is revised as follows:

SWPH-2: For all lands within the Planned Urbanizing Area, site-specific surveys shall be conducted by a qualified biologist to determine whether any sensitive natural communities or species are present within the proposed development area. The site-specific surveys should include a habitat assessment that evaluates the suitability and potential for presence of special status species, including avian, terrestrial, and aquatic species. These studies shall

particularly focus on proposed development within any lands included within a potential biological resource study area as delineated on Figure V-7-1 in the Final Program Environmental Impact Report (Riparian Corridor Diagram). Prior to considering development applications, the City shall coordinate with the USFWS and CDFW regarding listed species and potential for impacts. The City shall employ the measures recommended by the USFWS and/or CDFW to avoid an incidental take.

Conduct surveys at the appropriate season to best determine the likelihood of occurrence and should employ accepted methodologies as determined by CDFW and the USFWS. The results of such surveys should be recorded in the California Natural Diversity Database and onto the City's existing biological resources map for future planning purposes. (UAGP Policy VII-E.3[a])

Page 3.4-34 of the DEIR is revised as follows:

SWPH-4: Additional measures to protect sensitive habitats may be implemented. Potential measures to be implemented may include measures listed in Table 3.4-4. (UAGP Policy VII-E.3[c])

Page 3.4-35 of the DEIR, which contains specific policy requirements in a table format for SWPH-4 is revised as follows:

h. In accordance with the MBTA and CFGC and to avoid disturbance to active bird nests, any tree or shrub removal shall occur during the nonbreeding season for birds (September through January). If construction activities or tree removal must occur during the breeding season (February through August), surveys for active nests shall be conducted by a qualified biologist no more than 30 days prior to the start of construction. A no- disturbance buffer determined by a qualified biologist and dependent upon species and nest location of up to 250 feet shall be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. For some birds, especially raptor species such as white-tailed kites, no-disturbance buffers up to ½ mile are recommended by CDFW. Establishment of buffers should be established in consultation with CDFW.

Page 3.4-36 of the DEIR, which contains specific policy requirements in a table format for SWPH-4 is revised as follows:

j. Burrowing owls are known to occur near the General Plan Area in agricultural and grassland habitats and vacant lots within developed habitats. Impacts to burrowing owls and their nest burrows must be avoided to comply with the Federal Migratory Bird Treaty Act (MBTA) and Department of Fish and Game Code Sections 3503, 3503.5, and 3513. Per CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2012), if any ground- disturbing activities occur in potential burrowing owl habitat during the nesting (February 1 through August 31) or non-nesting season (September 1 through January 31), implementation of avoidance measures is required. A burrowing owl habitat assessment is recommended for areas containing potentially suitable habitat: agricultural, grassland, and vacant parcels if at least 2.5 acres in size or contiguous with undeveloped habitat of at least 2.5 acres in size. Agricultural habitat determined to be suitable includes pastureland, non-irrigated cropland, and ruderal or fallow fields; orchards, vineyards, and other active croplands with vegetation greater than 15 inches in height are not considered suitable habitat. Vacant or ruderal parcels are considered potentially suitable habitat if ground squirrels, debris piles, and/or pipes are present to provide burrows or burrow surrogates for burrowing owl to occupy.

If burrowing owl habitat is confirmed present within a maximum of 500 feet of the project site, no visual barriers are present between the project site and the burrowing owl habitat, and no owls were observed to occupy the habitat at the time of the assessment, then one preconstruction site survey (take avoidance survey) shall be conducted no more than 14 days prior to the onset of any ground-disturbing activities. Further, if the preconstruction survey determines that burrowing owls occupy the site and impacts to occupied burrows cannot be avoided, then passive relocation shall be conducted ~~as described below during the non-nesting season or if the burrowing owl(s) are determined to not be actively nesting~~only after authorization by CDFW. CDFW does not recommend passive relocation as it can result in unauthorized take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA. Prior to passive relocation, a burrowing owl exclusion, mitigation, and monitoring plan will be prepared in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (CDFG 2012) and submitted to the City and CDFW for approval before any constructive activities can proceed that may impact the species.

The Staff Report on Burrowing Owl Mitigation (CDFG 2012) recommends that impacts to occupied burrows during the nesting season be avoided by implementation of a no-disturbance buffer zone of a minimum of 250 feet, unless a qualified biologist verifies through noninvasive methods that either: 1) the burrowing owls have not begun egg laying and incubation; or 2) that juveniles from the occupied nest are foraging independently and are capable of independent survival. Failure to implement this buffer zone could cause adult burrowing owls to abandon nests, cause eggs or young to be directly impacted (crushed), and/or result in reproductive failure.

Burrowing owls may be passively relocated if the burrowing owls have been determined not to be actively nesting and the burrowing owl exclusion, mitigation, and monitoring plan has been approved by the City and CDFW.

Page 3.4-36 of the DEIR, which contains specific policy requirements in a table format for SWPH-4 is revised as follows:

k. The State-threatened Swainson's hawk is known to nest within the General Plan Area in grassland, riparian, and agricultural habitats. Because of the loss of suitable foraging habitat and existing nesting habitat that may occur during area development, mitigation measures compensating for these potential losses of habitat shall be included. The CDFW considers the removal of known raptor nest trees, even outside of the nesting season, to be a significant impact under CEQA and, in the case of Swainson's hawk, could also result in "take" under the CESA. This is especially true in species such as Swainson's hawk, which exhibit high site fidelity to nest trees and nesting area year after year (CDFG 1994).

   To avoid such impacts, surveys for nesting Swainson's hawk shall be conducted for projects within riparian, grassland, and agricultural habitats as mapped by Figures 3.4-2a through 3.4-2d or for projects within 0.25 mile of such habitats (see Figure V-7-2) and containing potential nest trees (trees greater than 20 feet in height). Surveys shall follow the methodology developed by the Swainson's Hawk Technical Advisory Committee (2000) and survey potential nest trees within 0.25 mile of disturbance activities.

   If ground disturbance is initiated during the nesting season (March 15 – July 31), two pre-construction surveys shall be conducted with surveys not recommended between April 20 and June 10 because of difficulty in detecting active Swainson's hawk nests during the egg incubation period. The first survey may be conducted up to two months prior to initial activities. The second survey shall occur within 14 days of project initiation.

   If an active nest is observed, a no-disturbance buffer zone shall be established in coordination with

CDFW. No-disturbance buffers for new and intensive disturbances are typically 0.25 mile to 0.5 mile surrounding the nest location until the nest has been determined to no longer be active by a qualified biologist; however, the buffer may be reduced in consultation with CDFW and is dependent upon nest location, existing disturbance barriers, and baseline disturbance levels.

No surveys are required if ground disturbance is initiated outside of the nesting season; however, impacts to known nest trees should be avoided at all times of year. If avoidance of a known nest tree (documented nest site within the previous five years) is not feasible, consultation with the CDFW is warranted prior to taking any action, and a determination of "take" potential under CESA or under Fish and Game Code Sections 3503.5 and 3513 will be made. Project-related "take" (as defined in Section 86 of the Fish and Game Code) of Swainson's hawk must be completely avoided or a State Incidental Take Permit, pursuant to Section 2081 of the Fish and Game Code, would be warranted.

In addition, the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California (CDFG 1994) recommends that for projects impacting foraging habitat within one mile of an active nest tree, habitat be protected in perpetuity at a 1:1 ratio for each acre of Swainson's hawk foraging habitat impacted; for projects greater than one mile but within five miles of an active nest tree, 0.75 acre of habitat should be protected in perpetuity for every acre of foraging habitat impacted (0.75:1); and for projects greater than 5 miles but within ten miles of an active nest tree, 0.5 acre of habitat should be protected in perpetuity for every acre of foraging habitat impacted (0.5:1). Per the Staff Report (CDFG 1994), suitable foraging habitat includes annual grasslands, pasturelands, alfalfa and cereal cropland, fallow fields, and beet, tomato, and other low-growing row or field crops. Vineyards, orchards, and cotton fields are considered unsuitable foraging habitat because of vegetation height and/or density (CDFG 1994). The project sponsor should provide funding of a sufficient long-term endowment for the management of the protected properties.

j. Where the habitat assessment identifies the potential for northwestern pond turtle, a qualified biologist shall conduct focused surveys for northwestern pond turtle within 10 days prior to project activity, and that focused surveys for nests occur during the egg-laying season of March through August.

   Any NPT nests that are discovered shall remain undisturbed with a 50-foot no-disturbance buffer maintained around the nest until the eggs have hatched and neonates are no longer in the nest or project areas. If NPT individuals are discovered at the site during surveys or project activities, they shall be allowed to move out of the area of their own volition.

k. Where the habitat assessment identifies the potential for branchiopods, qualified biologist shall conduct protocol level surveys in accordance with the USFWS "Survey Guidelines for the Listed Large Branchiopods" (USFWS 2017) during the survey season prior to construction. These surveys would need to be conducted at the appropriate time of year to determine the existence and extent of branchiopods. If through surveys it is determined that branchiopods are occupying or have the potential to occupy the project area, coordination with CDFW and USFW is required to determine appropriate avoidance and minimization measures and to obtain the necessary take authorizations.

l. Where the habitat assessment identifies the potential for Crotch's bumble bee, a qualified biologist shall conduct a habitat assessment to determine if the project area and the immediate surrounding vicinity contain habitat suitable to support Crotch's bumble bee. Potential nesting sites, which include all small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, and hollow logs would need to be documented as part of the assessment.

   If potentially suitable habitat is identified, a qualified biologist shall conduct focused surveys for Crotch's bumble bee, and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023).

If Crotch's bumble bee is detected, all small mammal burrows and thatched/bunch grasses shall be avoided by a minimum of 50 feet to avoid take and potentially significant impacts. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement project activities and avoid take. Any detection of Crotch's bumble bee prior to or during project implementation warrants consultation with CDFW to discuss how to avoid take.

If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

m. A qualified biologist shall conduct surveys to assess the existence and extent of California tiger salamander breeding and refugia habitat. Habitat assessment surveys should establish whether suitable habitat is present, and whether additional protocol level surveys are necessary to determine presence/absence. If protocol-level surveys for California tiger salamander are deemed necessary based on the habitat assessment, it is anticipated that multi-seasonal surveys will be necessary to meet the protocol.

If through surveys it is determined that California tiger salamander is occupying the project area, consultation with CDFW is warranted to determine if the project can avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA. As stated above, in the absence of protocol surveys, the applicant can assume presence of California tiger salamander within the project area and obtain an ITP from CDFW.

Page 3.4-47 of the DEIR is revised as follows to provide specific discussion of several species:

27. California tiger salamander: The California tiger salamander (CTS) is a federally and State-listed Threatened species. CTS is a large terrestrial salamander that occurs in central California from the Sacramento Valley to the south-central San Joaquin Valley, and in the surrounding foothills of both the Coast Ranges and the Sierra Nevada Mountains. CTS are also recorded from the San Francisco Bay region, Sonoma County, the Monterey Bay region, and the valleys and foothills of San Luis Obispo and Santa Barbara counties. CTS breed in temporary wetland pools, such as vernal pools, and other seasonal wetland bodies where ponded water is present for a minimum of three to four months, extending into the early spring. Such ponds and temporary wetlands provide necessary breeding and larval-stage habitat for the species. Adults spend most of the year in aestivation, underground in the burrows of small mammals, such as the California ground squirrel, or within other suitable subterranean retreats. They emerge at night during winter rain events for brief periods to breed. Aquatic juveniles (larvae) are mostly herbivorous. CTS normally begin to reproduce after three to five years. There are no documented occurrences of CTS within the General Plan Area and they have been believed to be extirpated from the vicinity. The CDFW, however, has indicated that canals and storage ponds provide suitable habitat. In addition to the CDFW described aquatic habitat, this species also requires refugia (debris, burrows, crevices, barns, sheds, etc.) that could be used by CTS during their estivation period. It is also theoretically possible that a CTS could be present in isolated areas that have not been surveyed, but it would require appropriate refugia and aquatic habitat with an estimated 1.3 miles of each other. Such areas may include upland habitat along farmland fringe, irrigation ditches, roadside ditch, ponds, canals, farm equipment yards, and farmland residences. The paved roads, dirt roads, and tilled farmland provide limited to no habitat

because of the frequency of disturbance in these areas. While the potential for presence is deemed low, surveys of projects that have potential habitat that are tiered or approved under the General Plan shall be conducted as a part of the CEQA process.

28. Crotch's bumble bee: The Crotch's bumble bee is a State-listed Endangered species. The crotch bumble bee occurs primarily in California, including the Mediterranean region, Pacific Coast, Western Desert, Great Valley, and adjacent foothills through most of southwestern California. It also occurs in Mexico (Baja California and Baja California Sur) and has been documented in southwest Nevada, near the California border. Their natural habitat is grassland and scrub areas, requiring a hotter and drier environment than other bumblebee species. This species can only tolerate a very narrow range of climatic conditions. This is a non-migratory species of bumble bee that nests underground, often in abandoned rodent dens.

29. San Joaquin Valley Woodrat: The San Joaquin Valley woodrat is a federal-listed Endangered and a State species of special concerns. This species requires wide, dense riparian forests with a thick understory of willows for nesting, while sites with a dominant cottonwood overstory are preferred for foraging. Suitable habitat is present along the Stanislaus and Tuolumne Rivers.

30. Riparian Brush Rabbit: The riparian brush rabbit is a federal and state listed Endangered species. This species requires native valley riparian habitats with large clumps of dense shrubs, low-growing vines, and some tall shrubs and trees. Suitable habitat is present along the Stanislaus and Tuolumne Rivers.

Page 3.4-49 of the DEIR is revised as follows to provide specific discussion of several species:

Special status animal species receive protection from various Federal and State laws and regulations, including FESA and CESA. These regulations generally prohibit the taking of a species or direct impact to foraging and breeding habitat without a special permit. Adherence to the following policies included in the Urban Area General Plan, as amended herein, and compliance with federal and state regulations, would ensure that any future direct or indirect impacts to candidate, sensitive or special-status species would be reduced to a less than significant level as development is proposed and implemented in the Modesto Planning area pursuant to the General Plan:

- SWPH-2: requires site-specific surveys for sensitive natural communities or species prior to development. (Note: this policy is proposed to be amended to clarify and strengthen the requirements of the policy in accordance with recommendations provided by CDFW)
- SWPH-3: Avoid and preserve areas occupied by special-status species where feasible. Where avoidance is not feasible, protect these areas with fencing, signs and or buffer zones.
- SWPH-4: Include additional protection measures for sensitive habitats. (Note: this policy is proposed to be amended to clarify and strengthen the requirements of the policy in accordance with recommendations provided by CDFW. This includes requirements for specific species including northwestern pond turtle, branchiopods, Crotch's bumble bee, and California tiger salamander.)
- SWPH-5: Table 3.4-4 presents additional environmental protections.

3.5 CULTURAL AND TRIBAL RESOURCES

Page 3.5-29 of the DEIR is revised as follows to correct the Impact Statement:

Impact 3.5-2: The Project would not~~Potential to~~ lead to the disturbance of any human remains (Less than Significant)

Page 3.5-30 of the DEIR is revised as follows to correct the Impact Statement:

Impact 3.5-3: The Project would not~~Potential to~~ cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074, and that is: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or a resource determined by the lead agency (Less than Significant)

3.6 GEOLOGY AND SOILS

Page 3.6-13 of the DEIR is revised as follows to correct the Impact Statement:

Impact 3.6-1: The Project would not ~~Potential to~~ expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides (Less than Significant)

Page 3.6-15 of the DEIR is revised as follows to correct the Impact Statement:

Impact 3.6-2: The Project would not ~~Potential to~~ result in substantial soil erosion or the loss of topsoil (Less than Significant)

Page 3.6-16 of the DEIR is revised as follows to correct the Impact Statement:

Impact 3.6-3: The Project would not ~~Potential to~~ result in development located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse (Less than Significant)

Page 3.6-17 of the DEIR is revised as follows to correct the Impact Statement:

Impact 3.6-4: The Project would not ~~Potential to~~ result in development on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property (Less than Significant)

Page 3.6-18 of the DEIR is revised as follows to correct the Impact Statement:

Impact 3.6-6: The Project would not ~~Potential to~~ directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (Less than Significant)

3.7 GREENHOUSE GAS EMISSIONS , CLIMATE CHANGE, AND ENERGY

No changes were made to Chapter 3.7 of the DEIR.

3.8 HAZARDS AND HAZARDOUS MATERIALS

Page 3.8-43 of the DEIR is revised as follows to correct the Impact Statement:

> **Impact 3.8-4: The Project would not ~~Potential to~~ be located within an airport land use plan, two miles of a public airport or public use airport, and would not result in a safety hazard for people residing or working in the project area (Less than Significant)**

Page 3.8-43 of the DEIR is revised as follows to correct the Impact Statement:

> **Impact 3.8-5: The Project would not ~~Potential to~~ impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (Less than Significant)**

Page 3.8-44 of the DEIR is revised as follows to correct the Impact Statement:

> **Impact 3.8-6: The Project would not ~~Potential to~~ expose people or structures to a significant risk of loss, injury or death involving wildland fires (Less than Significant)**

3.9 HYDROLOGY AND WATER QUALITY

No changes were made to Chapter 3.9 of the DEIR.

3.10 LAND USE AND PLANNING

No changes were made to Chapter 3.10 of the DEIR.

3.11 NOISE

No changes were made to Section 3.11 of the Draft EIR.

3.12 PUBLIC SERVICES AND RECREATION

No changes were made to Chapter 3.12 of the DEIR.

3.13 TRANSPORTATION AND CIRCULATION

No changes were made to Chapter 3.13 of the DEIR.

3.14 UTILITIES AND SERVICE SYSTEMS

No changes were made to Section 3.14 of the Draft EIR.

4.0 OTHER CEQA-REQUIRED TOPICS

No changes were made to Chapter 4.0 of the DEIR.

5.0 ALTERNATIVES

No changes were made to Chapter 5.0 of the DEIR.

6.0 REPORT PREPARERS

No changes were made to Chapter 6.0 of the DEIR.

7.0 REFERENCES

No changes were made to Chapter 7.0 of the DEIR.

APPENDICES

The following changes are made to Appendix A. This includes the addition of an NOP comment letter provided by the California Department of Fish and Wildlife dated October 28, 2024.

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

October 28, 2024

Michael Hren, AICP, Principal Planner
City of Modesto, Planning Division
1010 10th Street
Modesto, California 95354
(209) 577-5273
planning@modestogov.com

Subject: Amendments to the Modesto Urban Area General Plan and Zoning Ordinance (Plan)
Notice of Preparation (NOP)
State Clearinghouse No. 2024091127

Dear Michael Hren:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) from the City of Modesto for the Plan pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Plan that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Plan that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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biologically sustainable populations of those species. (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, projects tiered from this Plan may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, if projects tiered from this Plan may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines section 15380, CDFW recommends it be fully considered in the environmental analysis for the Plan.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include sections 3503 (regarding unlawful take, possession, or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

PLAN DESCRIPTION SUMMARY

Proponent: City of Modesto

Objective: The Plan considers amendments to the General Plan and Zoning Ordinance to ratify and conform the land use and zoning designations with the changes adopted in the General Plan's Housing Element.

Location: The Plan Area includes the City of Modesto, in Stanislaus County, in the northern San Joaquin Valley, approximately 95 miles east of San Francisco and 80 miles south of Sacramento. The City of Ceres is located immediately south of the Modesto city limits, the City of Riverbank is located immediately northeast, and the unincorporated town of Salida is located northwest.

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Timeframe: Unknown

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Modesto in adequately identifying and/or mitigating the Plan's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the Environmental Impact Report (EIR) prepared for the Plan.

Aerial imagery of the Plan incorporates the City of Modesto, which consists of urban development covering most the landscape with agriculture lands adjacent to these urban areas, as well as areas in the unincorporated areas proximately to the city limits that the City of Modesto deemed appropriate for development as part of the City Growth Strategy. The Modesto City-County airport and an industrial building complex are in the southeast section of the Plan Area. The Tuolumne River and associated riparian habitat are located adjacent to the Plan Area's southern border and Dry Creek is located to the northeast. The community of Salida resides along the northwestern section of the Plan Area and the Stanislaus River and associated riparian habitat are located along the Plan Area's northern border.

Special-Status Species

Based on aerial imagery and species occurrence records from the California Natural Diversity Database (CNDDB) (CDFW 2024), the proposed Plan Area is known to and/or has the potential to support special-status species, and these resources need to be evaluated and addressed prior to any approvals that would allow ground-disturbing activities. CDFW is concerned regarding potential impacts to special-status species including, but not limited to, the State and federally endangered riparian brush rabbit (*Sylvilagus bachmani riparius*), the State candidate burrowing owl (*Athene cinicularia*), the State threatened Swainson's hawk (*Buteo swainsoni*) and tricolored blackbird *(Agelaius tricolor)*, the State fully protected white-tailed kite (*Elanus leucurus*), the State and federally threatened California tiger salamander (*Ambystoma californiense*), the State candidate Crotch's bumble bee (*Bombus crotchii*), the State species of special concern and federally endangered riparian San Joaquin Valley woodrat (*Neotoma fuscipes riparia*), the State species of special concern and federally proposed threatened northwestern pond turtle (*Actinemys marmorata*), the State species of special concern Central Valley fall-run Chinook salmon-Evolutionary Significant Unit (ESU) (*Oncorhynchus tshawytscha*), the State species of special concern and federally threatened green sturgeon-southern Distinct Population Segment (DPS) (*Acipenser medirostris*), the State species of special concern hardhead (*Mylopharodon conocephalus*), Pacific lamprey (*Tospehnus lentatus*), Sacramento hitch (*Lavinia exilicauda exilicauda*), riffle sculpin (*Cottus gulosus*), Sacramento splittail (*Pogonichthys*

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macrolepidotus), the State species of special concern and federally threatened steelhead-Central Valley DPS (*Oncorhynchus mykiss irideus*), the federally threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) and vernal pool fairy shrimp (*Branchinecta lynchi),* and the federally endangered vernal pool tadpole shrimp (*Lepidurus packardi*).

Riparian Habitat Proximity: Riparian natural communities along the Stanislaus River on the northern border and the Tuolumne River and Dry Creek provide many essential benefits to terrestrial, avian and aquatic species, including, but not limited to thermal protection, cool water refugia, cover, large woody debris, foraging areas, breeding and rearing sites, habitat and connectivity corridors, as well as buffers to sedimentation and runoff from adjacent land uses. Direct and indirect impacts into these habitat types can adversely impact sensitive species including but not limited to the riparian brush rabbit, riparian San Joaquin Valley woodrat, Central Valley fall-run Chinook salmon-ESU, green sturgeon southern DPS, hardhead, Pacific lamprey, Sacramento hitch, riffle sculpin, Sacramento splittail, and the steelhead-Central Valley DPS. These impacts can lead to reduction of habitat, reduced reproductive success; reduced health and vigor; nest abandonment; loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young); and introduction of debris and/or deleterious materials into river habitats. Narrow riparian buffers are considerably less effective in minimizing the effects of adjacent development than wider buffers (Castelle et al. 1992, Brosofske et al. 1998, Kiffney et al. 2003, Moore et al. 2005). CDFW recommends the Plan establish, and tiered projects incorporate, sufficient buffer zones between the Plan Area perimeter and adjacent Stanislaus River, Tuolumne River, and riparian habitat.

Nesting birds: CDFW recommends that all projects tiered from this Plan occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February 15 through September 15), each future project applicant is responsible for ensuring that implementation of their project does not result in a violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

To evaluate future project-related impacts on nesting birds, CDFW recommends that a qualified biologist conduct an assessment of nesting habitat during biological surveys in support of each project's CEQA document, and then conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around each future project site to identify nests and determine their status. A sufficient area means any area potentially affected by a project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction

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begins, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from each future project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction areas would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

Federally Listed Species: CDFW recommends consulting with USFWS regarding potential impacts to federally listed species including, but not limited to: riparian brush rabbit, riparian San Joaquin Valley woodrat, California tiger salamander, northwestern pond turtle, valley elderberry longhorn beetle, vernal pool fairy shrimp, vernal pool tadpole shrimp, green sturgeon-southern DPS, and steelhead-Central Valley DPS. The Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any project activities tiered from this Plan.

Cumulative Impacts: Given that this NOP and subsequent EIR will serve primarily as a planning level analysis and that future project-level CEQA documents are expected to be tiered from it, CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of the Plan. Including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the project, even if those impacts are relatively small (i.e., less than significant). CDFW recommends cumulative impacts be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the project. An appropriate resource study area identified and utilized for this analysis is advised. CDFW staff is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

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Alternatives Analysis: CDFW recommends that the information and results obtained from the cumulative impacts analysis conducted as part of this Plan's EIR be used to develop and modify the Plan's alternatives to avoid and minimize impacts to biological resources to the maximum extent possible. Please note that for all future projects tiered from this Plan, that when efforts to avoid and minimize have been exhausted, remaining impacts to sensitive biological resources may need to be mitigated to reduce impacts to a less than significant level, if feasible.

California Endangered Species Act: Reasonably foreseeable future projects tiered from this Plan may be subject to CDFWs regulatory authority pursuant to the California Endangered Species Act (CESA). In the event that species listed under CESA are detected during surveys, consultation with CDFW is warranted to discuss how to implement the project and avoid "take," or if avoidance is not feasible, to acquire a State Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b), prior to any ground disturbing activities. In addition, CDFW advises that mitigation measures for the CESA listed species be fully addressed in the CEQA document prepared for any future project tiered from this Plan. CDFW therefore recommends that the EIR for this Plan include information related to these requirements and advises that projects tiered from this Plan retain a qualified biologist to determine if potential impacts to CESA listed species may require the need to obtain a 2081 ITP.

Lake and Streambed Alteration: The Plan Area resides immediately adjacent to the Stanislaus River and riparian habitat along its northern border for over three miles. The Tuolumne River and riparian habitat is positioned along the southern border for five miles, and it continues westward through the Plan Area for another four miles. Additionally, Dry Creek branches off the Tuolumne River and travels for six miles in a northwest direction through the Plan Area. Additionally, based on aerial imagery, there are other streams located within the Plan Area that may be subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. For projects tiered from this Plan, activities that substantially change the bed, bank, and channel of any river, stream, or lake are subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation): (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial in nature. For additional information on notification requirements, please contact our staff in the LSA Program at R4LSA@wildlife.ca.gov.

California Natural Diversity Database: Please note that the CNDDB is populated by voluntary submissions of species detections. As a result, species may be present in

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locations not depicted in the CNDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record, or lack of recent occurrence records, in the CNDDB does not mean that a species is not present. In order to adequately assess any potential project-related impacts to biological resources for projects tiered from this Plan, surveys conducted by a qualified biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special-status species are present.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during surveys to the California Natural Diversity Database. The CNDDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

FILING FEES

The Plan, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City of Modesto in identifying and mitigating Plan impacts on biological resources. More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (https://www.wildlife.ca.gov/Conservation/Survey-Protocols). Questions regarding this letter or further coordination should be directed to John Riedel, Environmental Scientist, at (559) 807-1453 or john.riedel@wildlife.ca.gov.

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Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A...

Julie A. Vance
Regional Manager

ec: State Clearinghouse
Governor's Office of Planning and Research
State.Clearinghouse@opr.ca.gov

Maggie Sepulveda
U.S. Fish & Wildlife Service
margaret_sepulveda@fws.gov

Michael Hren
City of Modesto
mhren@modestogov.com

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Attachment 2

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM
(MMRP)

PROJECT: Modesto Urban Area General Plan and Zoning Ordinance

SCH No.: 2024091127

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
Before Disturbing Soil or Vegetation	
Tricolored Blackbird (TRBL)	
Recommended Mitigation Measure 1: TRBL surveys	
Recommended Mitigation Measure 3: TRBL take authorization	
California Tiger Salamander (CTS)	
Recommended Mitigation Measure 4: CTS protocol level surveys	
Recommended Mitigation Measure 6: CTS take authorization	
White-Tailed Kite (WTKI)	
Recommended Mitigation Measure 7: WTKI surveys	
Western Burrowing Owl (BUOW)	
Recommended Mitigation Measure 9: BUOW take authorization	
Crotch's Bumble Bee (CBB)	
Recommended Mitigation Measure 10: CBB habitat assessment	
Recommended Mitigation Measure 11: CBB surveys	
Recommended Mitigation Measure 13: CBB take authorization	
Northwestern Pond Turtle (NPT)	
Recommended Mitigation Measure 14: NPT focused surveys	

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Branchiopods (BRA)	
Recommended Mitigation Measure 16: BRA surveys and consultation	
During Construction	
Tricolored Blackbird (TRBL)	
Recommended Mitigation Measure 2: TRBL avoidance buffer	
California Tiger Salamander (CTS)	
Recommended Mitigation Measure 5: CTS avoidance buffer	
White-Tailed Kite (WTK)	
Recommended Mitigation Measure 8: WTK avoidance buffer	
Crotch's Bumble Bee (CBB)	
Recommended Mitigation Measure 12: CBB avoidance buffer	
Northwestern Pond Turtle (NPT)	
Recommended Mitigation Measure 15: NPT avoidance buffer	

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

MODESTO URBAN AREA GENERAL PLAN

REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(Public Resources Code, Section 21000 et seq)

I. INTRODUCTION

The California Environmental Quality Act (CEQA) requires the City of Modesto (City), as the CEQA lead agency to: 1) make written findings when it approves a project for which an environmental impact report (EIR) was certified, and 2) identify overriding considerations for significant and unavoidable impacts identified in the EIR.

These findings explain how the City, as the lead agency, approached the significant and potentially significant impacts identified in the environmental impact report (EIR) prepared for the General Plan Update (General Plan, or Project). The statement of overriding considerations identifies economic, social, technological, and other benefits of the Project that override any significant environmental impacts that would result from the Project.

As required under CEQA, the Final EIR describes the Project, adverse environmental impacts of the project, and mitigation measures and alternatives that would substantially reduce or avoid those impacts. The information and conclusions contained in the EIR reflect the City's independent judgment regarding the potential adverse environmental impacts of the Project.

The Final EIR (which includes the Draft EIR, comments on the Draft EIR, responses to comments on the Draft EIR, and any revisions to the Draft EIR) for the Project, examined two alternatives to the Project that were not chosen as part of the approved project (the No Project [No Build] Alternative and the Increased Density Concentration Alternative).

The Findings of Fact and Statement of Overriding Considerations set forth below ("Findings") are presented for adoption by the City Council (Council) as the City's findings under the California Environmental Quality Act ("CEQA") (Public Resources Code, §21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, § 15000 et seq.) relating to the Project. The Findings provide the written analysis and conclusions of this Council regarding the Project's environmental impacts, mitigation measures, alternatives to the Project, and the overriding considerations, which in this Council's view, justify approval of the Modesto General Plan, despite its environmental effects.

II. General Findings and Overview

A. Project Background

The City of Modesto is currently embarking on a new comprehensive update to the Urban Area General Plan (UAGP) that will look toward the City's long-term future to reflect the issues, ideas, and aspirations of today, and plan toward the year 2050. That UAGP Update is in the early stages of a multi-year process, and is not anticipated to conclude until 2026 or later.

The project analyzed in the EIR consists of two parts. First, the City will examine, at a project level, proposed amendments to the General Plan land use designations to ratify and conform the General Plan land use designations with the changes adopted in the General Plan's Housing Element. This would include amendments to UAGP Chapter III Community Development Policies. The amendments to Chapter III include:

- Revisions to Section B. Adopted General Plan Land Use Designations to reflect the updated densities as follows.
    - Table III-1 General Plan Land Use Designations on page III-2 will be updated under the Residential Density Guidance and Population Intensity columns to reflect the density and intensity changes.
    - Section B.1.C (Residential-R) on page III-3 will be updated to reflect the density and intensity changes.
    - Section B.2.C (Mixed Use-MU) on page III-3 will be updated to reflect the new "Mixed Use-Pedestrian and Mixed Use-Highway" uses, as well as the associated density and intensity changes.
    - Section B.6.C (Village Residential -VR) on page III-5 will be updated.
- Revisions to Section D. Comprehensive Planning Districts to reflect the updated densities as follows.
    - Exhibit III-1, Page 1 of 2: Comprehensive Planning Districts Summary will be updated under the dwelling units column to reflect the density and intensity changes. (page III-20)
    - Exhibit III-1, Page 2 of 2: Comprehensive Planning Districts Summary will be updated under the dwelling units column to reflect the density and intensity changes. (page III-21)

Approval of these changes will create internal consistency within the General Plan and the density changes approved in the Housing Element Update. Rejection of these changes would mean the City would need to look at new/different changes to the Housing Element in order to comply with the City's housing obligations.

In addition to the above General Plan amendment changes, the City will examine environmental topics in light of legislative directives that have changed since the 2019 EIR was certified. For instance, in the 2019 EIR, traffic analysis was conducted under a level of service analysis, whereas the State has since revised the required rubric and directed that CEQA impacts to traffic perform a Vehicle Miles Traveled analysis.

The updated Modesto General Plan includes a framework of goals, policies, and actions that will guide the community toward its common vision. The General Plan is supported with a variety of maps, including a Land Use Map and Circulation Diagram.

B. Procedural Background

The City of Modesto circulated a Notice of Preparation (NOP) of an EIR for the proposed project on September 27, 2024 to trustee and responsible agencies, the State Clearinghouse, and the public. A scoping meeting was held on October 11, 2024. No public or agency comments on the NOP related to the EIR analysis were presented or submitted during the scoping meeting. However, during the 30-day public review period for the NOP, which ended on October 27, 2024, three written comment letters were received on the NOP. The NOP and all comments received on the NOP are presented in Appendix A of the Draft EIR.

The City published a public Notice of Availability (NOA) for the Draft EIR on February 28, 2025 inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2024091127) and the County Clerk, and was published in the *The Modesto Bee* pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review from February 28, 2025 through April 15, 2025 at 5:00 p.m. The Public Draft General Plan was also available for public review and comment during this time period.

The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts, and mitigation/minimization measures, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies issues determined to have no impact or a less than significant impact, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR.

The City received two (2) comment letters regarding the General Plan and Draft EIR from public agencies, organizations, and members of the public during the public comment period. In accordance with CEQA Guidelines Section 15088, a Final EIR was prepared that responded to the written comments received, as required by CEQA. The Final EIR document and the Draft EIR, as amended by the Final EIR, constitute the Final EIR.

C. Record of Proceedings and Custodian of Record

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City's findings and determinations consists of the following documents and testimony, at a minimum:

- The NOP, comments received on the NOP, Notice of Availability, and all other public notices issued by the City in relation to the Modesto Urban Area General Plan EIR.
- The Modesto Urban Area General Plan Final EIR, including comment letters and technical materials cited in the document.
- All non-draft and/or non-confidential reports and memoranda prepared by the City of Modesto and consultants in relation to the EIR.
- Minutes of the discussions regarding the Project and/or Project components at public hearings held by the City.
- Staff reports associated with Planning Commission and City Council meetings on the Project.
- Those categories of materials identified in Public Resources Code Section 21167.6.

The City Clerk is the custodian of the administrative record. The documents and materials that constitute the administrative record are available for review at the City of Modesto Office of the City Clerk at 1010 10th Street, Modesto, CA 95354.

D. Consideration of the Environmental Impact Report

In adopting these Findings, this Council finds that the Final EIR was presented to this Council, the decision-making body of the lead agency, which reviewed and considered the information in the Final EIR prior to approving the Modesto Urban Area General Plan. By these findings, this City Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Final EIR. The City Council finds that the Final EIR was completed in compliance with the California Environmental Quality Act. The Final EIR represents the independent judgment and analysis of the City.

E. Severability

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Modesto General Plan, shall continue in full force and effect unless amended or modified by the City.

III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

A. Agricultural and Forest Resources

1. The proposed Project would result in the conversion of Farmlands, including Prime Farmland and Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses (EIR Impact 3.2-1)

(a) **Potential Impact**. The potential for the Project to result in the conversion of farmlands, including important farmlands, to non-agricultural uses is discussed at pages 3.2-15 through 3.2-17 of the Draft EIR.

(b) **Mitigation Measures**. Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.

(c) **Findings**. Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Remaining Impacts.** As described on pages 3.2-15 through 3.2-17 of the Draft EIR, through 2040, development under the UAGP could convert approximately 9,000 acres of Prime Farmland, approximately 1,100 acres of Unique Farmland, approximately 100 acres of Farmland of Statewide Importance and approximately 400 acres of Farmland of Local Importance to urban uses within the Planned Urbanizing Area.

The UAGP would place urban uses in proximity to existing agricultural activities. These urban uses would be subject to noise, dust, and potential chemical overspray from agricultural uses, which could result in complaints, especially from residential areas. The UAGP results in an approximately 26-mile-long boundary between these uses. Therefore, approximately 1,100 acres of urban uses (within a 350-foot zone from the boundary) could be affected adversely. If agricultural activities are not conducted within a 350-foot zone of those uses, the efficiency of up to 1,100 acres of agricultural lands would be reduced.

LAFCo (AL-1, AL-2) and City (AL-13 through AL-21) policies would result in the orderly conversion of agricultural land as available developable land within the City is improved. To reduce the conversion of agricultural land for non-agricultural uses, the City allows development of detached single-family residences on lots smaller than the R-1 minimum standard of 5,000 square feet for

interior lots and 5,500 square feet for corner lots in the Planned Urbanizing Area. Single-family residences have been built on lots of approximately 2,100 square feet, resulting in houses consuming less than half the typical land area, resulting in further reduction of agricultural land conversion to urban uses. General Plan amendment policies AL-13 through AL-21 listed above would further reduce (but not eliminate) the impact. These policies would reduce the severity of the impact through requiring thoughtful and deliberate planning processes prior to conversion of agricultural land, and by promoting continued agricultural activities on developable land. General Plan policies would also promote higher-density infill development within the existing City, further reducing development pressure on greenfield areas. However, because areas of Farmland as described under Thresholds of Significance, above, would be converted to non-agricultural uses, the resulting impact(s) was previously found to be significant and unavoidable.

(2) **Overriding Considerations.** The environmental, economic, social, and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with conversion of farmlands.

2. The proposed Project would conflict with existing zoning for agricultural use, or Williamson Act Contracts (EIR Impact 3.2-2)

(a) **Potential Impact**. The potential for the Project to result in conflicts with Williamson Act Contracts is discussed at page 3.2-17 of the Draft EIR.

(b) **Mitigation Measures**. Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.

(c) **Findings**. Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Remaining Impacts.** As described on page 3.2-17 of the Draft EIR, there are a small single-digit number of Williamson Act contracts (contracts) within the Dry Creek CPD, toward the east side of the UAGP planning area. However, the applicable Open Space land use designation results in any potential impact(s) related to these contracts being less than significant. Nevertheless, separately, there are approximately 60 Williamson Act contracts in the Planned Urbanizing Area. The properties that are subject to these

contracts are designated for future conversion to non- agricultural uses, which results in a conflict with the contracts.

UAGP policies AL-12 through AL-21 serve to minimize direct impacts to agricultural resources by promoting continued agricultural activities on developable parcels, thoughtful and deliberate annexation, and development processes & requirements, promoting new development at increased densities to occur within the existing City, and by supporting LAFCo's policy to require that annexation projects preserve agricultural land that is of equal or better quality elsewhere in the County.

Based on the applicable threshold of significance, the resulting impact(s) would be significant and unavoidable.

(2) **Overriding Considerations.** The environmental, economic, social, and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with Williamson Act Contract conflicts.

B. Air Quality

1. General Plan implementation would expose sensitive receptors to substantial pollutant concentrations (EIR Impact 3.3-2)

(a) **Potential Impact**. The potential for the Project to expose sensitive receptors to substantial pollutant concentrations is discussed at pages 3.3-44 through 3.3-49 of the Draft EIR.

(b) **Mitigation Measures**. Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.

(c) **Findings**. Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Remaining Impacts.** As described on pages 3.3-44 through 3.3-49 of the Draft EIR, the maximum cancer risks from both the Union Pacific Railroad (UPRR) and Burlington Northern Santa Fe Railway (BNSF) rail lines occurred 50 feet from the railroad track centerline and decrease with distance from the rail lines. Trains on the BNSF rail line would have a significant cancer risk (above 20 in one million excess cancer risk) within approximately 500 feet for exposures starting in 2025. For the UPRR rail line, trains would have a significant cancer risk within about 100 feet east of, and 200 feet west of, the rail line. Potentially significant setback

distances for acute and chronic Hazard Index would be greater than those identified above for excess cancer risk.

Since it is unlikely that this impact could feasibly be reduced to a less than significant level, the impact would remain significant and unavoidable.

Additionally, while it is possible that the proposed density changes to the residential General Plan land uses, as well as the R-1, R-2, and R-3 zones, would have the potential to place additional residences within the identified significant cancer risk zones, these areas are isolated to the UPRR and BNSP rail corridors. It is anticipated that a buffer of between 100 and 500 feet of the rail line would setback residents far away enough that they would be located outside the elevated risk zone. UAGP policies listed above (AQ-1 through AQ117) would also reduce impacts associated with air quality, including Toxic Air Contaminants (TACs). Nevertheless, the proposed density changes would not change the previous impact determination of significant and unavoidable.

(2) **Overriding Considerations.** The environmental, economic, social, and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with exposure of sensitive receptors to substantial pollutant concentrations.

C. Cultural and Tribal Resources

1. The Project would cause a substantial adverse change in the significance of a historical or archaeological resource pursuant to Section 15064.5 (EIR Impact 3.5-1)

(a) **Potential Impact**. The potential for the Project to cause a substantial adverse change in the significance of a historical or archaeological resource pursuant to Section 15064.5 is discussed at pages 3.5-28 and 3.5-29 of the Draft EIR.

(b) **Mitigation Measures**. Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.

(c) **Findings**. Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Remaining Impacts.** As described on pages 3.5-28 and 3.5-29 of the Draft EIR, the City Zoning Ordinance requires that when

substantial changes to a structure are proposed, the development will be required to comply with other Zoning Ordinance provisions such as parking or landscaping requirements. This could result in modifications to the structure which substantially reduce its historical significance. This would be a less-than-significant impact with the application of UAGP Policies AH-1 through AH-4, because the standards of care and preservation processes defined therein would serve to protect and maintain the characteristics that are the basis of the identified historical significance. Demolition of a significant building cannot be mitigated to a less than significant level, and, even with implementation of mitigation measures, the impact would be significant and unavoidable.

(2) **Overriding Considerations.** The environmental, economic, social, and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with historical or archaeological resources.

D. Greenhouse Gases, Climate Change and Energy

1. General Plan implementation would generate GHG emissions that could have a significant impact on the environment and/or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases (EIR Impact 3.7-1)

(a) **Potential Impact**. The potential for the Project to generate GHG emissions that could have a significant impact on the environment and/or conflict with an applicable plan, policy, or regulation is discussed at pages 3.7-35 through 3.7-39 of the Draft EIR.

(b) **Mitigation Measures**. Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.

(c) **Findings**. Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Remaining Impacts** As described on pages 3.7-35 through 3.7-39 of the Draft EIR, General Plan policies and implementing actions would minimize potential impacts associated with GHG emissions in the Planning Area through the promotion of VMT reduction strategies, multimodal support and transportation improvements, and the support of green building practices, among other policies and actions, and would support requirements under AB 32, SB 375, and SB 32.

Subsequent development projects would be required to comply with the General Plan and adopted federal, state, and local regulations for the reduction of GHG emissions. The City has prepared the General Plan to include numerous goals and policies intended to reduce GHG emissions associated with future development and improvement projects. However, even with implementation of the goals, policies, and actions contained in the proposed General Plan, there is no guarantee that the General Plan alone would be sufficient to limit GHGs to the extent required by AB 32, SB 375, and SB 32 and other federal and state regulations, and a quantitative GHG analysis at the program level is not feasible. Therefore, General Plan implementation is considered to have the potential to generate GHG emissions that could have a significant impact on the environment and/or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. This impact is considered significant and unavoidable.

(2) **Overriding Considerations.** The environmental, economic, social, and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with GHG emissions and impacts.

E. Noise

1. The Project would generate exposure to significant traffic noise sources (EIR Impact 3.11-1)

(a) **Potential Impact**. The potential for the Project to result in exposure to significant traffic noise sources is discussed at pages 3.11-17 through 3.11-23 of the Draft EIR.

(b) **Mitigation Measures**. Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.

(c) **Findings**. Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Remaining Impacts** As described on pages 3.11-17 through 3.11-23 of the Draft EIR, Existing and Buildout noise levels along many roadways in the City of Modesto are calculated to exceed those considered compatible for noise-sensitive land uses (65 dBA Ldn for single family residential uses). As such, noise levels at the locations of proposed residential developments and other noise-

sensitive land uses allowed for under the Project would exceed the City's noise thresholds of acceptability. Site planning alternatives and noise barriers may be necessary and should be considered during a project's design phase to reduce exterior noise levels to acceptable levels. Where exterior transportation noise levels would exceed 60 dBA Ldn in new residential development, interior levels may exceed 45 dBA Ldn assuming that windows and doors are open for ventilation. Interior noise levels within residential units are 20 to 25 decibels lower than exterior noise levels with the windows closed, assuming typical California Building Code construction methods.

Where exterior noise levels are 60 to 70 dBA Ldn, interior noise levels can typically be maintained below 45 dBA Ldn with the incorporation of an adequate forced-air mechanical ventilation system in the residential units to allow residents the option of controlling noise by keeping the windows closed. In areas exceeding 70 dBA Ldn, the inclusion of windows and doors with high Sound Transmission Class (STC) ratings, and the incorporation of forced-air mechanical ventilation systems, may be necessary to meet 45 dBA Ldn.

The applicable UAGP policies would assist in reducing traffic noise of future individual projects. However, such impacts could remain significant and unavoidable if the project-specific circumstances render application of mitigating policies infeasible. Therefore, the Project would have a significant and unavoidable impact relative to traffic noise.

(2) **Overriding Considerations.** The environmental, economic, social, and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with transportation noise sources.

2. The Project would result in exposure to excessive railroad noise sources (EIR Impact 3.11-2)

(a) **Potential Impact**. The potential for the Project to result in exposure to excessive railroad noise sources is discussed at pages 3.11-23 and 3.11-24 of the Draft EIR.

(b) **Mitigation Measures**. Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.

(c) **Findings**. Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Remaining Impacts.** As described on pages 3.11-23 and 3.11-24 of the Draft EIR, based on the noise monitoring survey, train operations generated a noise level of up to 88 dBA Ldn at 75 feet from the center of the UPRR main line running along 8th Street, up to 79 dBA Ldn at 75 feet from the center of the M&ET line running along Yosemite Boulevard, and up to 82 dBA Ldn at 75 feet from the center of the BNSF tracks running along Santa Fe Avenue. Maximum instantaneous noise levels (Lmax) from train warning whistles typically ranged from approximately 90 to 110 dBA Lmax at 75 feet from the tracks.

The UAGP includes policies and actions that are intended to minimize exposure to excessive noise, including noise associated with railroad operations. Implementation of these UAGP policies and actions would ensure that development allowed under the UAGP is not exposed to noise levels associated with railroad operations more than the City's established standards. However, such impacts could remain significant and unavoidable if the project-specific circumstances render application of mitigating policies infeasible. Therefore, the Project would have a significant and unavoidable impact relative to traffic noise.

(2) **Overriding Considerations.** The environmental, economic, social, and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with railroad noise sources.

3. The Project would result in the generation of excessive stationary noise sources (EIR Impact 3.11-3)

(a) **Potential Impact**. The potential for the Project to result in exposure to excessive stationary noise sources is discussed at page 3.11-24 of the Draft EIR.

(b) **Mitigation Measures**. Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.

(c) **Findings**. Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Remaining Impacts.** As described on page 3.11-24 of the Draft EIR, placement of residential uses within proximity to industrial

uses would also have the potential to expose residents to increased noise levels in exceedance of City noise standards. Conversely, the industrial uses could be subject to new noise standards to ensure noise level compatibility with nearby residential and mixed-use neighborhoods. Industrial uses could be subject to new limitations for noise intensive activities to keep noise levels at nearby residential and mixed-use neighborhoods within City noise level standards. The UAGP includes policies and actions that are intended to reduce noise associated with stationary sources. However, such impacts could remain significant and unavoidable if the project-specific circumstances render application of mitigating policies infeasible. Therefore, the Project would have a significant and unavoidable impact relative to stationary noise sources.

(2) **Overriding Considerations.** The environmental, economic, social, and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with stationary noise sources.

4. The Project would result in an increase in construction noise sources (EIR Impact 3.11-4)

(a) **Potential Impact**. The potential for the Project to result in an increase in construction noise sources is discussed at pages 3.11-25 and 3.11-26 of the Draft EIR.

(b) **Mitigation Measures**. Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.

(c) **Findings**. Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Remaining Impacts.** As described on pages 3.11-25 and 3.11-26 of the Draft EIR, Construction activities would occur as new development occurs. Activities involved in construction would typically generate maximum noise levels ranging from 85 to 90 dB at 50 feet. Construction could result in periods of significant ambient noise level increases and the potential for annoyance. However, construction noise would be temporary, intermittent, and would vary depending on the nature of the construction activities being performed. Buildout of the UAGP would also occur over a period of many years. The UAGP includes policies and actions that are intended to reduce noise associated with

construction noise. The applicable UAGP policies, would assist in reducing noise and vibration levels during construction of future individual projects. These policies would serve to reduce noise levels resulting from construction activities and to reduce interior residential noise levels. These policies would minimize both direct impacts. However, such impacts could remain significant and unavoidable if the project-specific circumstances render application of mitigating policies infeasible. Therefore, the Project would have a significant and unavoidable impact relative to construction noise.

(2) **Overriding Considerations.** The environmental, economic, social, and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with construction noise.

5. The Project would result in construction vibration (EIR Impact 3.11-5)

(a) **Potential Impact**. The potential for the Project to result in construction vibration is discussed at pages 3.11-26 and 3.11-27 of the Draft EIR.

(b) **Mitigation Measures**. Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.

(c) **Findings**. Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Remaining Impacts.** As described on pages 3.11-26 and 3.11-27 of the Draft EIR, depending on the proximity of existing structures to each construction site, the structural soundness of the existing buildings, and the methods of construction used, vibration levels may be high enough to damage existing structures. Given the scope of the UAGP and the proximity of many existing structures, groundborne vibration impacts would be potentially significant.

As with any type of construction, vibration levels may at times be perceptible. However, construction phases that have the highest potential of producing vibration (pile driving and use of jackhammers and other high-power tools) would be intermittent and would only occur for short periods of time for any individual project site.

The applicable UAGP policies would assist in reducing vibration levels during construction of future individual projects. Specifically, Noise-13 and Noise-14 would reduce potential

impacts from sources of vibration. These policies would minimize both direct and cumulative impacts. However, such impacts could remain significant and unavoidable if the project-specific circumstances render application of mitigating policies infeasible. Therefore, the Project would have a significant and unavoidable impact relative to traffic noise.

(2) **Overriding Considerations.** The environmental, economic, social, and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with construction vibration.

6. The Project would result in exposure to groundborne vibration (EIR Impact 3.11-6)

(a) **Potential Impact**. The potential for the Project to result in exposure to groundborne vibration is discussed at pages 3.11-27 and 3.11-28 of the Draft EIR.

(b) **Mitigation Measures**. Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.

(c) **Findings**. Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Remaining Impacts.** As described on pages 3.11-27 and 3.11-28 of the Draft EIR, development facilitated by the Project could expose persons to excessive Ground-borne vibration levels attributable to train operations. The proposed locations of buildings and their specific sensitivity to vibration are not known at this time; however, such uses located near the tracks could be exposed to ground vibration levels exceeding FTA guidelines.

Rail traffic along the line is not anticipated to increase to 30 trains or more per day and future train activity would be considered "infrequent" with respect to the FTA vibration impact criteria. Since many of these trains pass during evening and nighttime hours when people are normally at rest, the 80 VdB limit is used to characterize the vibration compatibility. Ground-borne vibration levels from train passbys along this rail line are anticipated to range from 79 to 80 VdB at 50 feet from the center of a main railroad track, 73 to 74 VdB at 100 feet from the center of main railroad track, and 68 VdB at 200 feet from the center of main railroad track during freight and passenger train pass-by events. Residences proposed within 45 feet of the center of a

main rail line could be exposed to vibration levels exceeding 80 VdB.

The applicable UAGP policies are aimed at reducing vibration impacts. Future building development would also be subject to the California Building Code requirements, which contain standards related to instability and groundborne vibrations from earthquake risk. However, such impacts could remain significant and unavoidable if the project-specific circumstances render application of mitigating policies infeasible. Therefore, the Project would have a significant and unavoidable impact relative to groundborne vibration.

(2) **Overriding Considerations.** The environmental, economic, social, and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with groundborne vibration.

F. Transportation and Circulation

1. General Plan implementation may result in VMT per employee that are greater than 85 percent of Baseline conditions (EIR Impact 3.13-1)

(a) **Potential Impact**. The potential for the Project to result in VMT impacts is discussed at pages 3.13-32 through 3.13-34 of the Draft EIR.

(b) **Mitigation Measures**. Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.

(c) **Findings**. Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Remaining Impacts.** As described on pages 3.13-32 through 3.13-34 of the Draft EIR, the data shows that General Plan implementation with the proposed amendments to the General Plan and zoning ordinance would result in VMT that would be greater than 85% of baseline conditions, which would exceed the OPR's SB 743 Memorandum criteria. Moreover, it is anticipated that there will be some individual projects developed that may individually have VMT increases that are greater than 85% of baseline conditions. Furthermore, General Plan implementation with the proposed amendments to the General Plan and zoning ordinance would not screen out under the OPR's screening criteria, nor is total VMT in the model area expected to decrease.

For these reasons, the impact would not change from the previous impact determination of significant and unavoidable.

(2) **Overriding Considerations.** The environmental, economic, social, and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with transportation VMT impacts.

G. Cumulative Impacts

1. Cumulative impact to agricultural lands and resources. (EIR Impact 4.2)

(a) **Potential Impact**. The potential for the Project to result in a considerable contribution to the cumulative loss of agricultural land and resources, including important farmlands, significant farmlands, land under the Williamson Act, and other farmlands, is discussed on pages 4.0-5 and 4.0-6 of the Draft EIR.

(b) **Mitigation Measures**. Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.

(c) **Findings**. Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Remaining Impacts**. As described on pages 4.0-6 and 4.0-7 of the Draft EIR, development in Stanislaus County, including that within both unincorporated areas and cities, and some of the development envisioned in the UAGP, would result in cumulative impacts related to the conversion of agricultural land. Modesto, as the largest city in the county, is expected to and planned to accommodate a substantial share of Stanislaus County's projected population growth. Although policies in the UAGP and the County General Plan encourage efficient land use and minimize agricultural conversion (as described under Direct Impacts, above), the loss of agricultural land from projected regional population growth is inevitable. Accordingly, growth within Modesto's planning area would contribute considerably to this loss. This impact(s) is considered significant and unavoidable.

(2) **Overriding Considerations.** The environmental, economic, social, and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with cumulative impacts to agricultural lands and resources.

2. Cumulative impact on the region's air quality (EIR Impact 4.3)

(a) **Potential Impact**. The potential for the Project to result in a considerable contribution to the cumulative impact on the region's air quality is discussed at pages 4.0-6 through 4.0-8 of the Draft EIR.

(b) **Mitigation Measures**. Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.

(c) **Findings**. Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Remaining Impacts**. As described on pages 4.0-6 through 4.0-8 of the Draft EIR, Rule 9510 would not be considered mitigation under CEQA. However, it would require that construction exhaust emissions be reduced by 20 percent for NOx and 45 percent for PM10. Additionally, implementation of the proposed Project could result in cumulatively considerable long-term area and mobile source emissions, resulting from operation and use of subsequent development. Overall, since the full nature of the impacts of proposed Project-generated TAC impacts is not fully known currently, this is considered a cumulatively considerable and significant and unavoidable impact.

(2) **Overriding Considerations.** The environmental, economic, social, and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with cumulative impacts on the region's air quality.

3. Cumulative impact on known and undiscovered cultural resources (EIR Impact 4.5)

(a) **Potential Impact**. The potential for the Project to result in a considerable contribution to the cumulative impact on known and undiscovered cultural resources is discussed at page 4.0-10 of the Draft EIR.

(b) **Mitigation Measures**. Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.

(c) **Findings**. Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Remaining Impacts**. As described on page 4.0-10 of the Draft EIR, each project would require specific surveys for potential resources and the evaluation of any resources discovered during

construction activities. Other policies and actions designed to reduce impacts on cultural and tribal cultural resources within the Planning Area and the region are also provided in Section 3.5 (Cultural and Tribal Cultural Resources). Adherence to these policies, actions, and regulations will avoid and/or minimize a cumulative loss of these important resources if they are found during project-specific surveys or construction. However, demolition of significant buildings cannot be mitigated to a less than significant level, and, even with implementation of mitigation measures, the impact would be considered a cumulatively considerable and significant and unavoidable impact.

(2) **Overriding Considerations.** The environmental, economic, social, and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with cumulative impacts on known and undiscovered cultural resources.

4. Cumulative impacts related to greenhouse gases, climate change, and energy (EIR Impact 4.7)

(a) **Potential Impact**. The potential for the Project to result in a considerable contribution to the cumulative impact related to greenhouse gases, climate change, and energy is discussed at pages 4.0-11 through 4.0-13 of the Draft EIR.

(b) **Mitigation Measures**. Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.

(c) **Findings**. Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Remaining Impacts**. As described on pages 4.0-11 through 4.0-13 of the Draft EIR, subsequent development projects would be required to comply with the General Plan and adopted federal, state, and local regulations for the reduction of GHG emissions. The City has prepared the General Plan to include numerous goals and policies intended to reduce GHG emissions associated with future development and improvement projects. However, even with implementation of the goals, policies, and actions contained in the proposed General Plan, there is no guarantee that the General Plan alone would be sufficient to limit GHGs to the extent required by AB 32, SB 375, and SB 32 and other federal and state regulations, and a quantitative GHG at the program levels is not

feasible. Therefore, General Plan implementation is considered to have the potential to generate GHG emissions that could have a significant impact on the environment and/or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Overall, however, the proposed UAGP amendment's incremental contribution to cumulative greenhouse gas, climate change, and energy impacts would be considered a cumulatively considerable and significant and unavoidable impact.

(2) **Overriding Considerations.** The environmental, economic, social, and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with cumulative impacts to greenhouse gases, climate change, and energy.

5. Cumulative impacts related to noise (EIR Impact 4.12)

(a) **Potential Impact**. The potential for the Project to result in a considerable contribution to the cumulative noise impacts is discussed at pages 4.0-16 and 4.0-17 of the Draft EIR.

(b) **Mitigation Measures**. Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.

(c) **Findings**. Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Remaining Impacts**. As described on pages 4.0-16 and 4.0-17 of the Draft EIR, noise projections based on the traffic levels anticipated in the UAGP indicate that noise levels would exceed the UAGP and noise ordinance standards. Noise may also exceed noise ordinance standards for railroad noise, stationary noise sources, construction vibration, and groundborne vibration. This is a significant cumulative effect. The development allowable under the proposed General Plan amendment would make a considerable contribution to that effect. The impact(s) is significant and unavoidable. Therefore, this is considered a cumulatively considerable and significant and unavoidable impact.

(2) **Overriding Considerations.** The environmental, economic, social, and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any

remaining significant adverse impact of the Project associated with cumulative increases in noise levels.

6. Cumulative impacts on the transportation network (EIR Impact 4.14)

(a) **Potential Impact**. The potential for the Project to result in a considerable contribution to the cumulative impacts on the transportation network is discussed at pages 4.0-18 through 4.0-20 of the Draft EIR.

(b) **Mitigation Measures**. Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.

(c) **Findings**. Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Mitigation and Remaining Impacts**. As described on pages 4.0-18 through 4.0-20 of the Draft EIR, General Plan implementation would result in VMT that would be greater than 85% of baseline conditions; additionally, General Plan implementation would not cause the total VMT in the model area to decrease. Therefore, this impact is considered significant and unavoidable and cumulatively considerable.

(2) **Overriding Considerations.** The environmental, economic, social, and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with cumulative impacts on the transportation network.

H. Significant Irreversible Effects

1. Irreversible and adverse effects (EIR Impact 4.16)

(a) **Potential Impact**. The potential for the Project to result in irreversible and adverse effects is discussed at page 4.0-33 of the Draft EIR.

(b) **Mitigation Measures**. Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.

(c) **Findings**. Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Remaining Impacts**. As described on pages 4.0-26 and 4.0-31 of the Draft EIR, the UAGP includes an extensive policy framework that is designed to address land use and environmental issues to the greatest extent feasible, while allowing growth and economic prosperity for the City. However, even with the policies and

actions that will serve to reduce potential significant impacts, the proposed UAGP amendment will result in significant irreversible changes and has the potential to result in adverse effects as described above. This impact is considered a significant and unavoidable impact under CEQA.

(2) **Overriding Considerations.** The environmental, economic, social, and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with irreversible effects.

IV. Findings and Recommendations Regarding Those Impacts Which are Less Than Significant, Less Than Cumulatively Considerable, or have No Impact

A. Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the Draft EIR.

1. **Aesthetics and Visual Resources:** The following specific impacts were found to be less than significant:

- **a.** Impact 3.1-1: The Project would not result in substantial adverse effects on scenic vistas and resources or substantial degradation of visual character
- **b.** Impact 3.1-2: The Project would not substantially damage scenic resources within a State Scenic Highway
- **c.** Impact 3.1-3: The Project would not result in light and glare impacts

2. **Agricultural and Forest Resources:** The following specific impact was found to be less than significant:

- **a.** Impact 3.2-3: Project implementation would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use

3. **Air Quality:** The following specific impacts were found to be less than significant:

- **a.** Impact 3.3-1: General Plan implementation would not conflict with or obstruct implementation of the applicable air quality plan, or result in a cumulatively considerable net increase of criteria pollutants

b. Impact 3.3-3: General Plan implementation would not result in other emissions (such as those leading to odors) adversely affecting substantial numbers of people

4. Biological Resources: The following specific impacts were found to be less than significant:

a. Impact 3.4-1: The Project would not generate substantial adverse effects, either directly or indirectly through habitat modification 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

b. Impact 3.4-2: The Project would not result in 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 or 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.

c. Impact 3.4-3: The Project would not 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 native wildlife nursery sites

d. Impact 3.4-4: The Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance

e. Impact 3.4-5: The Project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan

5. Cultural and Tribal Resources: The following specific impacts were found to be less than significant:

a. Impact 3.5-2: The Project would not lead to the disturbance of any human remains

b. Impact 3.5-3: The Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074, and that is: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources

Code Section 5020.1(k), or a resource determined by the lead agency

6. **Geology and Soils:** The following specific impacts were found to be less than significant:

   a. Impact 3.6-1: The Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides

   b. Impact 3.6-2: The Project would not result in substantial soil erosion or the loss of topsoil

   c. Impact 3.6-3: The Project would not result in development located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse

   d. Impact 3.6-4: The Project would not result in development on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property

   e. Impact 3.6-5: General Plan implementation does not have the potential to have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater

   f. Impact 3.6-6: The Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature

   g. Impact 3.6-7: General Plan implementation would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state, or result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan

7. **Greenhouse Gases and Climate Change:** The following specific impact was found to be less than significant:

   a. Impact 3.7-2: General Plan implementation would not result in a significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, or conflict with or obstruct a state or local plan for renewable energy or energy efficiency

8. **Hazards and Hazardous Materials:** The following specific impacts were found to be less than significant:

   a. Impact 3.8.1: The Project would not 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

   b. Impact 3.8-2: The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school

   c. Impact 3.8-3: General Plan implementation would not have projects located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5

   d. Impact 3.8-4: The Project would not be located within an airport land use plan, two miles of a public airport or public use airport, and would not result in a safety hazard for people residing or working in the project area

   e. Impact 3.8-5: The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan

   f. Impact 3.8-6: The Project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires

9. **Hydrology and Water Quality:** The following specific impacts were found to be less than significant:

   a. Impact 3.9-1: General Plan implementation would not violate water quality standards or waste discharge requirements or otherwise substantially degrade water quality or obstruct implementation of a water quality control plan

   b. Impact 3.9-2: General Plan implementation would not result in the depletion of groundwater supplies or interfere substantially with groundwater recharge or conflict with a groundwater management plan

   c. Impact 3.9-3: General Plan implementation could alter the existing drainage pattern in a manner which would result in substantial erosion, siltation, flooding, impeded flows, or polluted runoff

   d. Impact 3.9-4: General Plan implementation would not release pollutants due to project inundation by flood hazard, tsunami, or seiche

10. **Land Use, Population and Housing:** The following specific impacts were found to be less than significant:

    a. Impact 3.10-1: Project implementation would not physically divide an established community

    b. Impact 3.10-2: The Project would not conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted to avoid or mitigate an environmental effect

    c. Impact 3.10-3: The Project would not induce substantial population growth in an area

    d. Impact 3.10-4: The Project would not displace substantial numbers of people or existing housing

11. **Public Services and Recreation:** The following specific impacts were found to be less than significant:

    a. Impact 3.12-1: The proposed Project would not result in result in adverse physical impacts on the environment associated with the need for new governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts

    b. Impact 3.12-2: The Project would not result in adverse physical impacts associated with the deterioration of existing parks and recreation facilities or the construction of new parks and recreation facilities

12. **Transportation and Circulation:** The following specific impacts were found to be less than significant:

    a. Impact 3.13-2: General Plan implementation would not conflict with a program, plan, policy or ordinance addressing the circulation system, including transit, bicycle, and pedestrian facilities

    b. Impact 3.13-3: General Plan implementation would not increase hazards due to a design feature, incompatible uses, or inadequate emergency access

13. **Utilities and Service Systems:** The following specific impact was found to be less than significant:

    a. Impact 3.14-1: General Plan implementation would not result in insufficient water supplies available to serve the City and reasonably foreseeable future development during normal, dry, and multiple dry years

b. Impact 3.14-2: General Plan implementation would not 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

c. Impact 3.14-3: General Plan implementation would not have the potential to result in a determination by the wastewater treatment provider which serves or may serve the Project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments

d. Impact 3.14-4: General Plan implementation would not require or result in the relocation or construction of new or expanded wastewater facilities, the construction or relocation of which could cause significant environmental effects

e. Impact 3.14-5: General Plan implementation would not require or result in the relocation or construction of new or expanded storm water drainage facilities, the construction or relocation of which could cause significant environmental effects

f. Impact 3.14-6: General Plan implementation would comply with federal, state, and local management and reduction statutes and regulations related to solid waste, would not generate solid waste in excess of State or local standards or otherwise impair the attainment of solid waste reduction goals, and would not exceed of the capacity of local infrastructure

B. The project was found to have a less than cumulatively considerable contribution to specific impacts within the following categories of environmental effects as set forth in more detail in the Draft EIR.

1. **Impact 4.1:** Cumulative degradation of the existing visual character of the region
2. **Impact 4.4:** Cumulative loss of biological resources, including habitats and special status species
3. **Impact 4.6:** Cumulative impacts related to geology and soils
4. **Impact 4.8:** Cumulative impacts related to hazardous materials and human health risks
5. **Impact 4.9:** Cumulative impacts related to hydrology and water quality
6. **Impact 4.10:** Cumulative impacts related to local land use, population, and housing
7. **Impact 4.13:** Cumulative impacts to public services and recreation
8. **Impact 4.16:** Cumulative impact related to utilities

C. The above impacts are less than significant or less than cumulatively considerable for one of the following reasons:

1. The EIR determined that the impact is less than significant for the Project.

2. The EIR determined that the impact is less than significant for the Project with the implementation of General Plan policies, or uniformly applied development standards and regulations.

3. The EIR determined that the Project would have a less than cumulatively considerable contribution to the cumulative impact.

V. PROJECT ALTERNATIVES

A. Identification of Project Objectives

An EIR is required to identify a "range of potential alternatives to the project [which] shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one of more of the significant effects." Chapter 2.0 of the Draft EIR identifies the Project's goals and objectives. The Project objectives include:

- Amend the land use and zoning densities, including the R-1 duplex allowance, in accordance with the adopted Modesto Housing Element;
- Comply with new State and Federal laws;
- Provide improved transportation alternatives, including transit, bicycle & pedestrian facilities;
- Facilitate an improved mix of land uses to reduce vehicle miles traveled by locating residential land uses close to employment, retail and services;
- Promote infill development;
- Provide framework for intensified development in Modesto's downtown area;
- Align Modesto's land use and transportation goals and policies;
- Establish a realistic set of assumptions for infrastructure needs and funding;
- Facilitate complete, safe, and walkable neighborhoods;
- Provide for a variety of transportation options;
- Promote equitable, affordable housing;
- Support existing neighborhoods / communities; and,
- Maintain the General Plan and Sphere-of-Influence boundaries (for purposes of defining the proposed project to be analyzed under CEQA).

B. Alternatives Analysis in EIR

1. Alternative 1: No Project (No Build) Alternative

The No Project (No Build) Alternative is discussed on pages 5.0-3 through 5.0-10 of the Draft EIR. Under

Under Alternative 1, the City would not adopt the General Plan Update. The No Project (No Build) Alternative is the continuation of the existing adopted UAGP into the future. Thus, the impacts of the proposed UAGP amendment would be compared with the impacts that would occur with buildout of Modesto as envisioned in the existing adopted General Plan. The No Project (No Build) Alternative would not change the allowed density within the MU-P, MU-H, P-D, R-1, R-2, and R-3 zones to allow additional capacity within the city limits, as well as in the UAGP Planning Area (outside the city limits). The impacts of the existing adopted UAGP are described in the 2019 Program EIR prepared for the existing UAGP.

Under Alternative 1, the existing General Plan policy framework would still be in effect, which would constitute a status quo approach to land use regulation in the City. The policy framework proposed by the General Plan Update encourages and aims to achieve a community with a compatible land use pattern that meets the City's long-term housing, employment, and civic needs while reducing impacts created by growth through a self-mitigating approach to the policy framework. Land uses allowed under the proposed General Plan provide opportunities for additional multifamily residential and jobs-generating growth at in-fill locations within existing urbanized areas of the city, as well as new growth adjacent to existing urbanized areas inside the City limits. Additionally, the proposed General Plan was prepared in conformance with State laws and regulations associated with the preparation of general plans, including requirements for environmental protection.

a. **Findings:** The No Project (No Build) Alternative is rejected as an alternative because it would not achieve the Project's objectives.

b. **Explanation:** This alternative would not realize the benefits of the Project and fails to achieve some of the Project objectives. Alternative 1 would not include updated policies, particularly those related to greenhouse gases, community health, equity/environmental justice, and complete streets policies to address safety, access, and mobility for all roadway users, as required by State law. This alternative would not include various policies proposed in the General Plan update to ensure protection of environmental resources, both at a project level and under cumulative conditions, consistent with the objectives of CEQA.

Alternative 1 fails to meet several of the basic project objectives, including addressing new requirements of new State and Federal laws; and amending the land use and zoning densities, including the R-1 duplex allowance, in accordance with the adopted Modesto Housing Element. Therefore, Alternative 1 (No Project) is rejected from further consideration.

2. Alternative 2: Increased Density Concentration Alternative

The Increased Density Concentration Alternative is discussed on pages 5.0-3, 5.0-4, and 5.0-10 through 5.0-18 of the Draft EIR.

Under Alternative 2, the proposed Project would be developed with the same components as described in the Project Description, but residential density would be concentrated in a few targeted areas, such as the Downtown Area and Baseline Developed Area, while leaving other areas, such as the Planned Urbanizing Area, with the existing densities. The Increased Density Concentration Alternative would maintain the same total number of existing residential units in the Baseline Developed Area and Planned Urbanizing Area (39,406) but would only incorporate proposed density changes in the Baseline Developed Area and Downtown Area. This would result in a reduction of total proposed units to 42,039 units, a reduction from the 61,243 units associated with the proposed Project.

a. Findings: The Increased Density Concentration Alternative is rejected as an alternative because it would not achieve the Project's objectives.

b. Explanation: This alternative would achieve the basic Project objectives. Like the proposed Project, Alternative 2 would adopt the updated policy document as well amend the land use and zoning densities, including the R-1 duplex allowance, in accordance with the adopted Modesto Housing Element. This alternative would concentrate residential density in a few targeted areas, such as the Downtown Area and Baseline Developed Area, while leaving other areas, such as the Planned Urbanizing Area, with the existing densities. This would allow greater residential densities in some areas, but not throughout the entire Planning Area. This would result in less capacity for residential growth compared to the proposed Project. This alternative is only partially consistent with the project objective that is aimed as promoting more affordable housing given that the housing supply and housing demand directly affect housing prices, and a reduced supply as a result of this alternative is anticipated to place more upward pressure on housing prices. This alternative is also only partially consistent with the project objective aimed at improving the mix

of land uses to reduce vehicle miles traveled by located residential land uses close to employment, retail, and services. The reduced density and housing supply from this alternative is anticipated to result in an increased VMT per capita. Lastly, this alternative is only partially consistent with the project objective that amends the land use and zoning densities, given that the density changes would not apply to the entire planning area.

CEQA requires that an environmentally superior alternative be identified among the alternatives that are analyzed in the EIR. If the No Project Alternative is the environmentally superior alternative, an EIR must also identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)). The environmentally superior alternative is that alternative with the least adverse environmental impacts when compared to the proposed project.

As discussed in Chapter 5.0 of the Draft EIR and summarized in Table 5.0-1 of the Draft EIR, Alternative 2 (Increased Density Concentration Alternative) is the environmentally superior alternative because Alternative 2 because all environmental issues would have reduced impacts compared to the proposed Project. Overall, Alternative 2 is the most effective in terms of reducing one or more of the significant impacts of the proposed project (although it would not reduce any significant impacts to less than significant). Additionally, when compared to the proposed General Plan, Alternative 2 would increase the severity of impacts related to Greenhouse Gases, Climate Change and Energy and Transportation and Circulation.

As previously discussed, Alternative 2 fails to reduce any significant impacts to a less than significant level. Additionally, this alternative would increase the severity of impacts related to Greenhouse Gases, Climate Change and Energy and Transportation and Circulation and would provide fewer housing opportunities throughout the community compared to the proposed General Plan. Furthermore, the General Plan was crafted to account for market conditions in relation to density and intensity. Although Alternative 2 allows additional maximum residential densities, the resulting development in a few targeted areas, such as the Downtown Area and Baseline Developed Area, while leaving other areas, such as the Planned Urbanizing Area, with the existing densities.

For these economic, social, market conditions, and other reasons, the Project is considered superior to Alternative 2.

VI. STATEMENTS OF OVERRIDING CONSIDERATIONS

Pursuant to CEQA Section 21081(b) and the CEQA Guidelines Section 15093, the City of Modesto has balanced the benefits of the proposed General Plan against the following unavoidable adverse impacts associated with the proposed General Plan and has included all feasible mitigation measures as policies and action items within the General Plan. Modesto has also examined alternatives to the proposed project, and has determined that adoption and implementation of the proposed General Plan is the most desirable, feasible, and appropriate action. The other alternatives are rejected as infeasible, failed to meet project objectives, were not able to reduce any significant impacts to a less than significant levels, or increased the severity on significant impacts based on consideration of the relevant factors discussed in Chapter 5.0 of the Draft EIR.

A. Significant Unavoidable Impacts

Based on the information and analysis set forth in the EIR and reiterated in Section III of these Findings, implementation of the proposed General Plan would result in the following project-specific significant impacts related to: agricultural resources, air quality, GHG, mineral resources, noise, transportation and circulation, utilities, and irreversible effects. These impacts are identified below:

- **Impact 3.2-1:** The proposed Project would result in the conversion of Farmlands, including Prime Farmland and Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses;
- **Impact 3.2-2:** The proposed Project would conflict with existing zoning for agricultural use, or Williamson Act Contracts;
- **Impact 3.3-2:** General Plan implementation would expose sensitive receptors to substantial pollutant concentrations;
- **Impact 3.5-1:** The Project would cause a substantial adverse change in the significance of a historical or archaeological resource pursuant to Section 15064.5;
- **Impact 3.7-1:** General Plan implementation would generate GHG emissions that could have a significant impact on the environment and/or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases;
- **Impact 3.11-1:** The Project would exposure to significant traffic noise sources;
- **Impact 3.11-2:** The Project would result in exposure to excessive railroad noise sources;
- **Impact 3.11-3:** The Project would result in the generation of excessive stationary noise sources;
- **Impact 3.11-4:** The Project would result in an increase in construction noise sources;
- **Impact 3.11-5:** The Project would result in construction vibration;
- **Impact 3.11-6:** The Project would result in exposure to groundborne vibration;
- **Impact 3.13-1:** General Plan implementation would result in VMT increases that are greater than 85 percent of Baseline conditions**;**

- **Impact 4.2:** Cumulative impact to agricultural lands and resources;
- **Impact 4.3:** Cumulative impact on the region's air quality;
- **Impact 4.5:** Cumulative impacts on known and undiscovered cultural resources;
- **Impact 4.7:** Cumulative impacts related to greenhouse gases, climate change, and energy;
- **Impact 4.12:** Cumulative impacts related to noise;
- **Impact 4.14:** Cumulative impacts on the transportation network;
- **Impact 4.16:** Irreversible and adverse effects.

B. Benefits of the Proposed General Plan/Overriding Considerations

The City of Modesto has (i) independently reviewed the information in the EIR and the record of proceedings; (ii) made a reasonable and good faith effort to eliminate or substantially lessen the impacts resulting from the proposed General Plan to the extent feasible by including policies and actions in the General Plan that effectively minimize or reduce potential environmental impacts to the greatest extent feasible; and (iii) balanced the project's benefits against the project's significant unavoidable impacts.

Adoption and implementation of the Modesto General Plan would provide the following economic, social, legal, and other considerable benefits:

1. The General Plan promotes compact and environmentally-sustainable development through goals and policies that balance the need for adequate infrastructure, housing, and economic vitality with the need for resource management, environmental protection, and preservation of quality of life for Modesto residents.

2. The General Plan provides a land use map and policy document that accounts for existing development, physical constraints, economic development, flood and other hazards, and incompatible uses and assigns densities and use types accordingly to enhance the safety, livability, and economic vitality of Modesto.

3. The General Plan improves mobility options through the development of a multi-modal transportation network that enhances connectivity, supports community development patterns, limits traffic congestion, promotes public and alternative transportation methods, and supports the goals of adopted regional transportation plans.

4. The General Plan aids the City in implementing their latest Housing Element by proposing amendments to the General Plan land use designations to ratify and conform the General Plan land use designations with the changes adopted in the General Plan's Housing Element.

5. The General Plan directs the preservation and environmental stewardship of the vast array of natural, cultural, and historic resources that uniquely define the character and ecological importance of the City and greater region.

6. The General Plan addresses adverse environmental effects associated with climate change by facilitating sustainable development, promoting energy efficiency, and promoting development that reduces greenhouse gas emissions.

7. The General Plan enhances the local economy and provides opportunities for future jobs and business development growth by planning for commercial and industrial development near existing urbanized areas and transportation corridors.

VII. CONCLUSION

After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the Council finds that the unavoidable adverse environmental impacts identified may be considered "acceptable" due to the specific considerations listed above which outweigh the unavoidable, adverse environmental impacts of the proposed project.

The Modesto City Council has considered information contained in the EIR prepared for the proposed General Plan as well as the public testimony and record of proceedings in which the project was considered. Recognizing that significant unavoidable agricultural resources, air quality, cultural resources, GHG, noise, transportation and circulation, and irreversible effects impacts may result from implementation of the proposed General Plan, the Council finds that the benefits of the General Plan and overriding considerations outweigh the adverse effects of the Project. Having included all feasible mitigation measures as policies and actions in the General Plan, and recognized all unavoidable significant impacts, the Council hereby finds that each of the separate benefits of the proposed General Plan, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants adoption of the proposed General Plan and outweighs and overrides its unavoidable significant effects, and thereby justifies the adoption of the proposed General Plan.

Based on the foregoing findings and the information contained in the record, the Council hereby determines that:

1. All significant effects on the environment due to implementation of the proposed General Plan have been eliminated or substantially lessened where feasible;

2. There are no feasible alternatives to the proposed General Plan which would fully mitigate or substantially lessen the impacts to a less than significant level; and

3. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations above.

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-212

RESOLUTION ACCEPTING THE RESIGNATION OF DIANE KROEZE FROM THE CITIZENS' TRANSPORTATION SALES TAX COMMISSION

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions with the recommendation of the City's Appointments Committee; and

WHEREAS, the Measure L Citizens' Transportation Sales Tax Commission was created on November 11, 2016 by Ordinance No. 3656-C.S. The purpose of the Measure L Citizens' Transportation Sales Tax Commission is to provide oversight of the collection and spending of tax revenue generated by Measure L; and

WHEREAS, on October 8, 2024, by Resolution No. 2024-363, Diane Kroeze was appointed to serve as a member of the Citizens' Transportation Sales Tax Commission; and

WHEREAS, Diane Kroeze has tendered his resignation from the Citizens' Transportation Sales Tax Commission effective June 2, 2025.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby accepts the resignation of Diane Kroeze from the Citizens' Transportation Sales Tax Commission with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-213

RESOLUTION APPROVING THE APPOINTMENT OF MELINDA MARTIN AS THE CITY OF MODESTO REPRESENTATIVE TO THE STANISLAUS ANIMAL SERVICES AGENCY ADVISORY COMMITTEE FOR A TWO-YEAR TERM BEGINNING JULY 1, 2025, THROUGH JUNE 30, 2027

WHEREAS, the authority for the formation and operation of this Committee is set forth in the Joint Powers Agreement Establishing the Stanislaus Animal Services Agency ("SASA") dated October 27, 2009, paragraph 3.3 (j) and Government Code section 6500; and

WHEREAS, the SASA Board approved formation of an Advisory Committee at its meeting on September 15, 2011 and the bylaws were subsequently amended by the SASA Board on November 20, 2014; and

WHEREAS, the Committee is established to protect and enhance the quality of life for animals and residents of Stanislaus County, and the Committee responsibilities include educating the community on animal care, public relations, and serving as a resource; and

WHEREAS, the purpose of the Stanislaus Animal Services Agency Advisory Committee members includes serving as an advisor to the SASA Board and Executive Director, promoting public awareness of the Stanislaus Animal Services Agency, developing methods to promote the adoption of animals at the shelter, developing methods to decrease the number of animals entering the shelter, and continuing efforts to increase and encourage volunteer participation at the shelter; and

WHEREAS, the composition of this Committee shall be comprised of seven (7)

members: six (6) members shall be appointed one-each by the respective Stanislaus Animal Services Agency partners; and

WHEREAS, there is currently a single City of Modesto vacancy on the SASA Advisory Committee, and staff recommends appointment of a member to represent the City of Modesto for a period of two (2) years; and

WHEREAS, the Appointments Committee recommended Melinda Martin as the candidate to represent the City on the SASA Advisory Committee; and

WHEREAS, Ms. Martin is recognized for her experience working in city animal shelters and veterinary hospitals as an animal shelter Emergency Room (ER) technician, as the founder of a 501(c)3, one who has attended various Council meetings in the interest in changing laws, involvement with spay neuter initiatives, and experience as an advisory member of a marine agency; and

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 appointment of this vacancy was presented to the Appointments Committee on June 4, 2025, and the Committee recommended forwarding the recommendation to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointment of Melinda Martin as the City of Modesto representative to the Stanislaus Animal Services Agency Advisory Committee for a two-year term beginning July 1, 2025, through June 30, 2027.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 2025, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Alvaerz, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-214

RESOLUTION APPROVING THE APPOINTMENT OF THOMAS OROSCO FOR THE CITY OF MODESTO PUBLIC MEMBER OF THE AUDIT COMMITTEE FOR A PARTIAL UNEXPIRED TERM ENDING JUNE 30, 2027

WHEREAS, as part of the November 2022 voters' ballot, the Modesto voters approved "Measure G" which included amendments to the City Charter; and

WHEREAS, one of the amendments included adding the Standing Audit Committee into the City Charter Section IX under Section 902.2 and under this Charter amendment the Committee is now comprised of the Mayor, two (2) members of the City Council and the addition of two (2) members of the public to the Committee for a total of five Committee members; and

WHEREAS, on January 17, 2025, the City formally received the resignation from one of the public members, Jennifer Barillas and on February 4, 2025, under Resolution 2025-050, Council accepted the resignation for Jennifer Barillas from the Audit Committee leaving a vacant Public Member for the Audit Committee; and

WHEREAS, the Appointments Committee reviewed the four applications received for this Committee and selected Thomas Orosco at the June 4, 2025 Committee meeting to move forward as the recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints Thomas Orosco for the City of Modesto Public Member of the Audit Committee for a partial unexpired term ending June 30, 2027.

BE IT FURTHER RESOLVED, the City Clerk is hereby directed to transmit a copy of this Resolution to the appointed member of the Audit Committee and thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 2025, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSÉ M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-215

RESOLUTION APPROVING THE ECONOMIC DEVELOPMENT STRATEGIC PLAN (2025)

WHEREAS, the City's last Economic Development Strategic Plan, approved in 2003; and

WHEREAS, on August 21, 2023, Modesto issued Request for Proposal INF23-04 for Economic Development Strategic Planning Services; and

WHEREAS, on January 9, 2024, the City Council approved Resolution 2024-02, authorizing an agreement with the Natelson Dale Group for an amount not exceeding $144,875; and

WHEREAS, the new Plan draws on Modesto's 2020-2025 Strategic Plan, which prioritized economic vitality alongside quality of life and governance; and

WHEREAS, economic vitality goals focus on fostering a sustainable business climate, creating a recognizable city identity, and transforming downtown Modesto into a regional destination; and

WHEREAS, the Economic Development Strategic Plan (2025) provides a five-year strategic framework to advance the city's economic future through intentional, inclusive, and data-informed action; and

WHEREAS, it outlines 12 key focus areas, each with specific strategies designed to improve quality of life, grow jobs, and attract investment; and

WHEREAS, by integrating these plans, the new Economic Development Strategic Plan ensured a coordinated and comprehensive approach to economic development,

maximizing the impact of each initiative and fostering a resilient and prosperous community.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto approving the Economic Development Strategic Plan (2025).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-216

RESOLUTION APPROVING THE RENEWAL OF CR & D INC'S COMMERCIAL CANNABIS RETAIL PERMIT FOR A TWO-YEAR PERIOD ENDING JUNE 30, 2027

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 a maximum of ten (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 eight (8) commercial cannabis permits for businesses that are currently operating at the following approved locations:

- CR & D, Inc. — 439 Maze Blvd. (relocation pending)
- Authentic 209 — 426 McHenry Ave.
- Cookies — 1944 W. Orangeburg Ave.
- Herbology McHenry — 2308 McHenry Ave.
- Herbology South — 500 E. Glenn Ave. (relocation pending)
- Doctor's Choice — 121 Phoenix Ave.
- Phenos Cooperative — 1234 McHenry Ave.

- Paradise West 408 Paradise Rd.; 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 were set to expire on December 19, 2020, unless renewed; and

WHEREAS, City Council by Resolution 2020-485 through 2020-489 approved the permit renewals for the above listed dispensaries for an additional permit period ending December 19, 2022; and

WHEREAS, on November 1, 2022, by Resolution No. 2022-442 Council approved an extension of the commercial cannabis retail permit period to June 30, 2023, to better align the permit period with the annual inspections, financial audits, as well as the City's fiscal year which runs from July 1st through June 30th; and

WHEREAS, on June 27, 2023, by Resolution No. 2023-297 Council approved the renewal of the eight (8) commercial cannabis retail permits for a period ending on June 30, 2025; and

WHEREAS, City Staff prepared and issued renewal application packages to the cannabis retail businesses on February 20, 2025 requesting updated signed conditions of approval and community benefit contribution agreements, proof of a valid State license, updated lease agreement or proof of property ownership, business organization documents, community benefit values, employee lists, general liability policy, proof of a zero (0) balance due to the City for cannabis permit fees, excise, and sales tax, and an ownership confirmation form; and

WHEREAS, all renewal packages were reviewed by City Staff for completeness and it was determined that all dispensaries were in compliance with permit renewal submittal requirements; and

WHEREAS, the renewal of the commercial cannabis retail permits was presented to the Cannabis Program and Permit Review Committee on April 28, 2025 where a motion was made to forward the renewals to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it herby approves the renewal of CR & D Inc's commercial cannabis retail permit for a two-year period ending June 30, 2027.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-217

RESOLUTION APPROVING THE RENEWAL OF CV WELLNESS LLC'S COMMERCIAL CANNABIS RETAIL PERMIT FOR A TWO-YEAR PERIOD ENDING JUNE 30, 2027

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 a maximum of ten (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 eight (8) commercial cannabis permits for businesses that are currently operating at the following approved locations:

- CR & D, Inc. — 439 Maze Blvd. (relocation pending)
- Authentic 209 — 426 McHenry Ave.
- Cookies — 1944 W. Orangeburg Ave.
- Herbology McHenry — 2308 McHenry Ave.
- Herbology South — 500 E. Glenn Ave. (relocation pending)
- Doctor's Choice — 121 Phoenix Ave.
- Phenos Cooperative — 1234 McHenry Ave.

- Paradise West 408 Paradise Rd.; 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 were set to expire on December 19, 2020, unless renewed; and

WHEREAS, City Council by Resolution 2020-485 through 2020-489 approved the permit renewals for the above listed dispensaries for an additional permit period ending December 19, 2022; and

WHEREAS, on November 1, 2022, by Resolution No. 2022-442 Council approved an extension of the commercial cannabis retail permit period to June 30, 2023, to better align the permit period with the annual inspections, financial audits, as well as the City's fiscal year which runs from July 1st through June 30th; and

WHEREAS, on June 27, 2023, by Resolution No. 2023-297 Council approved the renewal of the eight (8) commercial cannabis retail permits for a period ending on June 30, 2025; and

WHEREAS, City Staff prepared and issued renewal application packages to the cannabis retail businesses on February 20, 2025 requesting updated signed conditions of approval and community benefit contribution agreements, proof of a valid State license, updated lease agreement or proof of property ownership, business organization documents, community benefit values, employee lists, general liability policy, proof of a zero (0) balance due to the City for cannabis permit fees, excise, and sales tax, and an ownership confirmation form; and

WHEREAS, all renewal packages were reviewed by City Staff for completeness and it was determined that all dispensaries were in compliance with permit renewal submittal requirements; and

WHEREAS, the renewal of the commercial cannabis retail permits was presented to the Cannabis Program and Permit Review Committee on April 28, 2025 where a motion was made to forward the renewals to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it herby approves the renewal of CV Wellness LLC's commercial cannabis retail permit for a two-year period ending June 30, 2027.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-218

RESOLUTION APPROVING THE RENEWAL OF JONESA LLC'S COMMERCIAL CANNABIS RETAIL PERMIT FOR A TWO-YEAR PERIOD ENDING JUNE 30, 2027

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 a maximum of ten (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 eight (8) commercial cannabis permits for businesses that are currently operating at the following approved locations:

- CR & D, Inc. — 439 Maze Blvd. (relocation pending)
- Authentic 209 — 426 McHenry Ave.
- Cookies — 1944 W. Orangeburg Ave.
- Herbology McHenry — 2308 McHenry Ave.
- Herbology South — 500 E. Glenn Ave. (relocation pending)
- Doctor's Choice — 121 Phoenix Ave.
- Phenos Cooperative — 1234 McHenry Ave.

- Paradise West 408 Paradise Rd.; 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 were set to expire on December 19, 2020, unless renewed; and

WHEREAS, City Council by Resolution 2020-485 through 2020-489 approved the permit renewals for the above listed dispensaries for an additional permit period ending December 19, 2022; and

WHEREAS, on November 1, 2022, by Resolution No. 2022-442 Council approved an extension of the commercial cannabis retail permit period to June 30, 2023, to better align the permit period with the annual inspections, financial audits, as well as the City's fiscal year which runs from July 1st through June 30th; and

WHEREAS, on June 27, 2023, by Resolution No. 2023-297 Council approved the renewal of the eight (8) commercial cannabis retail permits for a period ending on June 30, 2025; and

WHEREAS, City Staff prepared and issued renewal application packages to the cannabis retail businesses on February 20, 2025 requesting updated signed conditions of approval and community benefit contribution agreements, proof of a valid State license, updated lease agreement or proof of property ownership, business organization documents, community benefit values, employee lists, general liability policy, proof of a zero (0) balance due to the City for cannabis permit fees, excise, and sales tax, and an ownership confirmation form; and

WHEREAS, all renewal packages were reviewed by City Staff for completeness and it was determined that all dispensaries were in compliance with permit renewal submittal requirements; and

WHEREAS, the renewal of the commercial cannabis retail permits was presented to the Cannabis Program and Permit Review Committee on April 28, 2025 where a motion was made to forward the renewals to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it herby approves the renewal of Jonesa LLC's commercial cannabis retail permit for a two-year period ending June 30, 2027.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-219

RESOLUTION APPROVING THE RENEWAL OF MCHENRY BUSINESS SERVICES LLC'S COMMERCIAL CANNABIS MICROBUSINESS PERMIT FOR A TWO-YEAR PERIOD ENDING JUNE 30, 2027

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 a maximum of ten (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 eight (8) commercial cannabis permits for businesses that are currently operating at the following approved locations:

- CR & D, Inc. — 439 Maze Blvd. (relocation pending)
- Authentic 209 — 426 McHenry Ave.
- Cookies — 1944 W. Orangeburg Ave.
- Herbology McHenry — 2308 McHenry Ave.
- Herbology South — 500 E. Glenn Ave. (relocation pending)
- Doctor's Choice — 121 Phoenix Ave.
- Phenos Cooperative — 1234 McHenry Ave.

- Paradise West 408 Paradise Rd.; 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 were set to expire on December 19, 2020, unless renewed; and

WHEREAS, City Council by Resolution 2020-485 through 2020-489 approved the permit renewals for the above listed dispensaries for an additional permit period ending December 19, 2022; and

WHEREAS, on November 1, 2022, by Resolution No. 2022-442 Council approved an extension of the commercial cannabis retail permit period to June 30, 2023, to better align the permit period with the annual inspections, financial audits, as well as the City's fiscal year which runs from July 1st through June 30th; and

WHEREAS, on June 27, 2023, by Resolution No. 2023-297 Council approved the renewal of the eight (8) commercial cannabis retail permits for a period ending on June 30, 2025; and

WHEREAS, City Staff prepared and issued renewal application packages to the cannabis retail businesses on February 20, 2025 requesting updated signed conditions of approval and community benefit contribution agreements, proof of a valid State license, updated lease agreement or proof of property ownership, business organization documents, community benefit values, employee lists, general liability policy, proof of a zero (0) balance due to the City for cannabis permit fees, excise, and sales tax, and an ownership confirmation form; and

WHEREAS, all renewal packages were reviewed by City Staff for completeness and it was determined that all dispensaries were in compliance with permit renewal submittal requirements; and

WHEREAS, the renewal of the commercial cannabis retail permits was presented to the Cannabis Program and Permit Review Committee on April 28, 2025 where a motion was made to forward the renewals to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it herby approves the renewal McHenry Business Services LLC's commercial cannabis microbusiness permit for a two-year period ending June 30, 2027.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSÉ M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-220

RESOLUTION APPROVING THE RENEWAL OF DC MODESTO LLC'S COMMERCIAL CANNABIS RETAIL PERMIT FOR A TWO-YEAR PERIOD ENDING JUNE 30, 2027

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 a maximum of ten (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 eight (8) commercial cannabis permits for businesses that are currently operating at the following approved locations:

- CR & D, Inc. — 439 Maze Blvd. (relocation pending)
- Authentic 209 — 426 McHenry Ave.
- Cookies — 1944 W. Orangeburg Ave.
- Herbology McHenry — 2308 McHenry Ave.
- Herbology South — 500 E. Glenn Ave. (relocation pending)
- Doctor's Choice — 121 Phoenix Ave.
- Phenos Cooperative — 1234 McHenry Ave.

- Paradise West 408 Paradise Rd.; 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 were set to expire on December 19, 2020, unless renewed; and

WHEREAS, City Council by Resolution 2020-485 through 2020-489 approved the permit renewals for the above listed dispensaries for an additional permit period ending December 19, 2022; and

WHEREAS, on November 1, 2022, by Resolution No. 2022-442 Council approved an extension of the commercial cannabis retail permit period to June 30, 2023, to better align the permit period with the annual inspections, financial audits, as well as the City's fiscal year which runs from July 1st through June 30th; and

WHEREAS, on June 27, 2023, by Resolution No. 2023-297 Council approved the renewal of the eight (8) commercial cannabis retail permits for a period ending on June 30, 2025; and

WHEREAS, City Staff prepared and issued renewal application packages to the cannabis retail businesses on February 20, 2025 requesting updated signed conditions of approval and community benefit contribution agreements, proof of a valid State license, updated lease agreement or proof of property ownership, business organization documents, community benefit values, employee lists, general liability policy, proof of a zero (0) balance due to the City for cannabis permit fees, excise, and sales tax, and an ownership confirmation form; and

WHEREAS, all renewal packages were reviewed by City Staff for completeness and it was determined that all dispensaries were in compliance with permit renewal submittal requirements; and

WHEREAS, the renewal of the commercial cannabis retail permits was presented to the Cannabis Program and Permit Review Committee on April 28, 2025 where a motion was made to forward the renewals to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it herby approves the renewal of DC Modesto LLC's commercial cannabis retail permit for a two-year period ending June 30, 2027.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-221

RESOLUTION APPROVING THE RENEWAL OF MCHENRY COMIC MANAGEMENT LLC'S COMMERCIAL CANNABIS RETAIL PERMIT FOR A TWO-YEAR PERIOD ENDING JUNE 30, 2027

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 a maximum of ten (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 eight (8) commercial cannabis permits for businesses that are currently operating at the following approved locations:

- CR & D, Inc. — 439 Maze Blvd. (relocation pending)
- Authentic 209 — 426 McHenry Ave.
- Cookies — 1944 W. Orangeburg Ave.
- Herbology McHenry — 2308 McHenry Ave.
- Herbology South — 500 E. Glenn Ave. (relocation pending)
- Doctor's Choice — 121 Phoenix Ave.
- Phenos Cooperative — 1234 McHenry Ave.

- Paradise West 408 Paradise Rd.; 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 were set to expire on December 19, 2020, unless renewed; and

WHEREAS, City Council by Resolution 2020-485 through 2020-489 approved the permit renewals for the above listed dispensaries for an additional permit period ending December 19, 2022; and

WHEREAS, on November 1, 2022, by Resolution No. 2022-442 Council approved an extension of the commercial cannabis retail permit period to June 30, 2023, to better align the permit period with the annual inspections, financial audits, as well as the City's fiscal year which runs from July 1st through June 30th; and

WHEREAS, on June 27, 2023, by Resolution No. 2023-297 Council approved the renewal of the eight (8) commercial cannabis retail permits for a period ending on June 30, 2025; and

WHEREAS, City Staff prepared and issued renewal application packages to the cannabis retail businesses on February 20, 2025 requesting updated signed conditions of approval and community benefit contribution agreements, proof of a valid State license, updated lease agreement or proof of property ownership, business organization documents, community benefit values, employee lists, general liability policy, proof of a zero (0) balance due to the City for cannabis permit fees, excise, and sales tax, and an ownership confirmation form; and

WHEREAS, all renewal packages were reviewed by City Staff for completeness and it was determined that all dispensaries were in compliance with permit renewal submittal requirements; and

WHEREAS, the renewal of the commercial cannabis retail permits was presented to the Cannabis Program and Permit Review Committee on April 28, 2025 where a motion was made to forward the renewals to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it herby approves the renewal of McHenry Comic Management LLC's commercial cannabis retail permit for a two-year period ending June 30, 2027.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
RECUSED:	Councilmembers:	Wright
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-222

RESOLUTION APPROVING THE RENEWAL OF PHENOS COLLECTIVE INC'S COMMERCIAL CANNABIS RETAIL PERMIT FOR A TWO-YEAR PERIOD ENDING JUNE 30, 2027

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 a maximum of ten (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 eight (8) commercial cannabis permits for businesses that are currently operating at the following approved locations:

- CR & D, Inc. — 439 Maze Blvd. (relocation pending)
- Authentic 209 — 426 McHenry Ave.
- Cookies — 1944 W. Orangeburg Ave.
- Herbology McHenry — 2308 McHenry Ave.
- Herbology South — 500 E. Glenn Ave. (relocation pending)
- Doctor's Choice — 121 Phoenix Ave.
- Phenos Cooperative — 1234 McHenry Ave.

- Paradise West 408 Paradise Rd.; 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 were set to expire on December 19, 2020, unless renewed; and

WHEREAS, City Council by Resolution 2020-485 through 2020-489 approved the permit renewals for the above listed dispensaries for an additional permit period ending December 19, 2022; and

WHEREAS, on November 1, 2022, by Resolution No. 2022-442 Council approved an extension of the commercial cannabis retail permit period to June 30, 2023, to better align the permit period with the annual inspections, financial audits, as well as the City's fiscal year which runs from July 1st through June 30th; and

WHEREAS, on June 27, 2023, by Resolution No. 2023-297 Council approved the renewal of the eight (8) commercial cannabis retail permits for a period ending on June 30, 2025; and

WHEREAS, City Staff prepared and issued renewal application packages to the cannabis retail businesses on February 20, 2025 requesting updated signed conditions of approval and community benefit contribution agreements, proof of a valid State license, updated lease agreement or proof of property ownership, business organization documents, community benefit values, employee lists, general liability policy, proof of a zero (0) balance due to the City for cannabis permit fees, excise, and sales tax, and an ownership confirmation form; and

WHEREAS, all renewal packages were reviewed by City Staff for completeness and it was determined that all dispensaries were in compliance with permit renewal submittal requirements; and

WHEREAS, the renewal of the commercial cannabis retail permits was presented to the Cannabis Program and Permit Review Committee on April 28, 2025 where a motion was made to forward the renewals to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it herby approves the renewal of Phenos Collective Inc's commercial cannabis retail permit for a two-year period ending June 30, 2027.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 2025, by Councilmember Ricci, 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:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
RECUSED:	Councilmembers:	Bavaro
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-223

RESOLUTION APPROVING THE RENEWAL OF PARADISE WEST INC'S COMMERCIAL CANNABIS RETAIL PERMIT FOR A TWO-YEAR PERIOD ENDING JUNE 30, 2027

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 a maximum of ten (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 eight (8) commercial cannabis permits for businesses that are currently operating at the following approved locations:

- CR & D, Inc. — 439 Maze Blvd. (relocation pending)
- Authentic 209 — 426 McHenry Ave.
- Cookies — 1944 W. Orangeburg Ave.
- Herbology McHenry — 2308 McHenry Ave.
- Herbology South — 500 E. Glenn Ave. (relocation pending)
- Doctor's Choice — 121 Phoenix Ave.
- Phenos Cooperative — 1234 McHenry Ave.

- Paradise West 408 Paradise Rd.; 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 were set to expire on December 19, 2020, unless renewed; and

WHEREAS, City Council by Resolution 2020-485 through 2020-489 approved the permit renewals for the above listed dispensaries for an additional permit period ending December 19, 2022; and

WHEREAS, on November 1, 2022, by Resolution No. 2022-442 Council approved an extension of the commercial cannabis retail permit period to June 30, 2023, to better align the permit period with the annual inspections, financial audits, as well as the City's fiscal year which runs from July 1st through June 30th; and

WHEREAS, on June 27, 2023, by Resolution No. 2023-297 Council approved the renewal of the eight (8) commercial cannabis retail permits for a period ending on June 30, 2025; and

WHEREAS, City Staff prepared and issued renewal application packages to the cannabis retail businesses on February 20, 2025 requesting updated signed conditions of approval and community benefit contribution agreements, proof of a valid State license, updated lease agreement or proof of property ownership, business organization documents, community benefit values, employee lists, general liability policy, proof of a zero (0) balance due to the City for cannabis permit fees, excise, and sales tax, and an ownership confirmation form; and

WHEREAS, all renewal packages were reviewed by City Staff for completeness and it was determined that all dispensaries were in compliance with permit renewal submittal requirements; and

WHEREAS, the renewal of the commercial cannabis retail permits was presented to the Cannabis Program and Permit Review Committee on April 28, 2025 where a motion was made to forward the renewals to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it herby approves the renewal of Paradise West Inc's commercial cannabis retail permit for a two-year period ending June 30, 2027.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 2025, by Councilmember Ricci, 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:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
RECUSED:	Councilmembers:	Bavaro
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-224

RESOLUTION APPROVING A COST SHARING AGREEMENT WITH THE COUNTY OF STANISLAUS FOR THE CONSTRUCTION OF THE URBAN PAVEMENT PRESERVATION PHASE G AND PHASE H PROJECTS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, over the past several years, Stanislaus County has prioritized addressing longstanding infrastructure challenges in unincorporated, developed neighborhoods; and

WHEREAS, the County is utilizing Measure L funding to address pavement maintenance in several neighborhoods; and

WHEREAS, two (2) Stanislaus County projects are providing roadway maintenance on roadways that have shared ownership between the City and the County; and

WHEREAS, the County has entered two (2) separate, competitively bid contracts with VSS International, Inc. for pavement rehabilitation, including striping and monumentation, and curb ramp improvements; and

WHEREAS, the Projects are referred to as Project G and Project H, and

WHEREAS, project G is generally located west of State Route 99 and south of Woodland Avenue; and

WHEREAS, Project H is generally located west of Crows Landing Road and south of Glenn Avenue; and

WHEREAS, the work for both projects on these segments of roadway include road prep (pothole repair, digouts, and crack sealing), slurry seal, micro grind, asphalt

rubber cape seal (asphalt rubber chip seal followed by a slurry seal), microsurfacing, reconstructed curb ramps, and striping; and

WHEREAS, Project G has completed construction; and

WHEREAS, Project H will begin construction in Summer 2025; and

WHEREAS, in addition to the actual construction costs, the City will compensate the County for Construction Management services at a rate of 10 percent of construction costs associated with the City's portion of the work.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it herby approves a Cost Sharing Agreement with County of Stanislaus for the construction of the Urban Pavement Preservation Phase G and Phase H Projects.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute a Cost Sharing Agreement with County of Stanislaus, 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 24th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-225

RESOLUTION AMENDING THE FISCAL YEAR 2024-25 MULTI-YEAR NON-CAPITAL PROJECT FUND BUDGETS FOR PROJECT #101628 IN THE AMOUNT OF $290,000 TO APPROPRIATE THE FUNDS FOR THE URBAN PAVEMENT PRESERVATION PHASE G AND H PROJECTS AND AUTHORIZING THE CITY MANAGER, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, Stanislaus County is providing roadway maintenance on roadways that have a shared ownership between the City and the County; and

WHEREAS, the County has entered into two separate bid contracts for Project G and Project H which have shared ownership between the City and County; and

WHEREAS, Project G is generally located west of State Route 99 and south of Woodland Avenue and Project H is generally located west of Crows Landing Road and south of Gleen Avenue; and

WHEREAS, the City will be responsible for the actual construction costs and construction management services at a rate of ten percent for the shared roadway within Project G and Project H with an estimated amount of $540,000; and

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Mult-Year Non-Capital Project Fund Budgets for Project #101628 – Urban Pavement Preservation in the amount of $290,000 to fully fund the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2024-25 Multi-Year Non-Capital Project budgets to appropriate the funds for the Urban Pavement Preservation Phase G and H projects.

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 24th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-226

RESOLUTION ACCEPTING THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY – PHASE I PROJECT AS COMPLETE, RELEASING SECURITIES, RELEASING PAYMENTS TOTALING $100,285,151 TO BAY CITIES PAVING & GRANDING, INC., OF CONCORD, CA, AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, State Route (SR) 132 is an east-west highway that extends from I-580 in the Central Valley, south of the City of Tracy, to SR49 in the foothills of the Sierra Mountains, terminating in the town of Coulterville; and

WHEREAS, SR132 is a vital link through the Central Valley, serving local traffic from these communities and providing for regional traffic between the Bay Area and the mountains for the movement of traffic and goods and services and provides access to the recreational areas east of Modesto via SR49; and

WHEREAS, the project was advertised for bids on July 2, 2019; and

WHEREAS, bids were publicly opened on August 20, 2019, and Bay Cities Paving & Grading, Inc., of Concord, CA, was the lowest responsible bidder at 11.32% below the engineers estimate; and

WHEREAS, on September 24, 2019, by Resolution 2019-439, Council awarded a contract to Bay Cities Paving & Grading, Inc., in the amount of $92,054,078; and

WHEREAS, the Contractor received the Notice to Proceed dated October 23, 2019. All contract work was completed on December 30, 2023; and

WHEREAS, the total construction costs were $100,285,151; and

WHEREAS, due to delays in final quantity and As-built approval, change order processing, and monument preservation the administrative closure of this project was

delayed. As such, the Construction Administration and the City Manager's Office authorized the release of retention on June 14, 2024; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, updated by Resolution No. 2019-326 on July 9, 2019, and revised a second time September 12, 2023 by Resolution 2023-405 established a contract change order authority of 10% ($9,205,408) for construction contracts of this dollar value; and

WHEREAS, there are fourteen 156 change orders resulting in an overall increase of $8,231,073 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 City Council of the City of Modesto that the State Route 132 West Freeway/Expressway – Phase 1 Project as complete, releasing securities, releasing payments totaling $100,285,151 to Bay Cities Paving & Grading, Inc., of Concord, CA, and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-227

RESOLUTION APPROVING THE MEASURE L MASTER FUNDING AGREEMENT WITH THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG) FOR FISCAL YEARS 2025-2030 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, on November 8, 2016 the voters of Stanislaus County approved Measure L thereby authorizing the Stanislaus Council of Governments (StanCOG), acting as the Stanislaus County Transportation Authority, to administer the proceeds from the one-half cent transaction and use tax ("Measure L"); and

WHEREAS, the duration of the Measure L sales tax will be 25 years from the initial year of collection, which began April 1, 2017, with the tax to expire on March 31, 2042; and

WHEREAS, City of Modesto, is a recipient of Measure L funds; and

WHEREAS, the Measure L Master Funding Agreement delineates the requirements of the Measure L funds that are allocated to the jurisdictions within Stanislaus County for local streets and roads, traffic management and bike and pedestrian improvements, (collectively referred to as "Local Control Funds") as authorized by the Measure L Expenditure Plan; and

WHEREAS, each of the member agencies of StanCOG (Stanislaus County and the cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock and Waterford) are required to enter into the Measure L Master Funding Agreement prior to receiving Measure L fund disbursements; and

WHEREAS, the original agreement was approved by the StanCOG Policy Board on November 15, 2017. On December 12, 2017, by Resolution 2017-505, Council

approved the Measure L Master Funding Agreement. This agreement had an expiration date of June 30, 2020. On May 26, 2020, a new agreement was approved by City Council Resolution 2020-228, for the period of July 1, 2020 through June 30, 2025; and

WHEREAS, in order to continue receiving the locally controlled Measure L funds, the City must enter into a new agreement which will become effective on July 1, 2025 and expire on June 30, 2030.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Measure L Master Funding Agreement with the Stanislaus Council of Governments (StanCOG) for Fiscal Years 2025-2030.

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 24th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-228

RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT WITH CLR PROPERTIES LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, TO CONNECT TO THE CITY OF MODESTO'S EXISTING SEWER SYSTEM FOR THE PROPERTY LOCATED AT 2204 CROWS LANDING ROAD (APN: 086-012-033), AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO THE SIGN THE WILL SERVE LETTER AND EXECUTE THE OUTSIDE SERVICE AGREEMENT

WHEREAS, CLR Properties LLC owns a commercial property located at 2204 Crows Landing Road which is located outside of Modesto City Limits and within the City's Sphere of Influence; and

WHEREAS, the property located at 2204 Crows Landing Road, 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 2204 Crows Landing Road 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, pursuant to Government Code Section 56133, a city may provide extended services outside its jurisdictional boundaries only if it first requests and receives written approval from the Stanislaus Local Agency Formation Commission (LAFCO); 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 signed 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 for sewer service for the property located at 2204 Crows Landing Road (APN: 086-012-033) in Modesto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign the Will Serve letter and execute the Outside Service Agreement for sewer service.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-229

RESOLUTION APPROVING THE SUBMITTAL OF UP TO EIGHT (8) FEDERAL GRANT APPLICATIONS FOR CONGESTION MIGITATION AND AIR QUALITY (CMAQ) AND SURFACE TRANSPORTATION BLOCK GRANT (STBG) FUNDS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE ALL NECESSARY GRANT DOCUMENTS

WHEREAS, the Congestion Mitigation and Air Quality (CMAQ) program was implemented to support surface transportation projects and other related efforts contributing to the improvement of air quality and providing congestion relief; and

WHEREAS, the Bipartisan Infrastructure Bill (BIL) continues the CMAQ program to provide a flexible funding source to State and Local governments for transportation projects and programs to help meet the requirements of the Clean Air Act; and

WHEREAS, the Federal Government apportions funds as a lump sum to each State and Stanislaus Council of Governments (StanCOG) manages the CMAQ funds apportioned to the Stanislaus Region; and

WHEREAS, the Surface Transportation Block Grant Program (STBG) provides flexible funding for a variety of transportation projects; and

WHEREAS, funds are provided by the Federal government to each state through the STBG program for road, transit, active transportation, and other transportation needs; and

WHEREAS, in the State of California, these funds are administered by Caltrans, who distributes these funds to regional agencies, like StanCOG; and

WHEREAS, the StanCOG Policy Board approved the Funding Round Guidelines on April 16, 2025; and

WHEREAS, on April 17, 2025, StanCOG announced the call for CMAQ and STBG projects for a four (4) fiscal year cycle for a total of approximately $41 million in competitive CMAQ funds and $49.7 million in competitive STBG funds available for Local Agencies and Transit Agencies for the 2027 through 2030 Federal Fiscal Years; and

WHEREAS, the application deadline for the current Call for Projects for both the CMAQ and STBG programs is September 19, 2025; and

WHEREAS, based on the distribution methodology adopted by the StanCOG Policy Board, the CMAQ program is geared towards providing a balanced program of transportation projects that will improve air quality in the region with a major emphasis placed on projects that support alternative modes of transportation, provide congestion relief measures, provide low-polluting transit vehicles and equipment, and provide new technologies/improvements geared towards providing a more efficient and safer transportation system; and

WHEREAS, the StanCOG Policy Board directs the programming of STBG funds through a formal project selection process; and

WHEREAS, with increasing construction costs and the four-year timeframe for the current Call for Projects, available program funds have been divided into two (2) project categories: one for small projects with cap of $2 million in grant funds and one for large projects with a cap of $5 million in grant funds; and

WHEREAS, each local agency or transit agency can submit up to five (5) project applications in the small project category and up to three (3) applications in the large project category for a total maximum of eight (8) applications per agency; and

WHEREAS, these eight (8) applications can be submitted as either CMAQ applications or STBG applications depending on the project type; and

WHEREAS, projects awarded CMAQ and STBG funds require an 11.47% match of non-federal funds for all project phases; and

WHEREAS, the minimum 11.47% local match required for any of the CMAQ and STBG application and any additional local match to make the application more competitive will come from the appropriate transportation fund; and

WHEREAS, the local match funding source will be dependent on the project, but historically the match has come from Surface Transportation Funds which include the Gas Tax fund and the Measure L Local Control funds which includes categories for Local Streets & Roads, Traffic Management and Bike and Pedestrian; and

WHEREAS, if successful in securing CMAQ and/or STBG grant funding, The City of Modesto is committed to obligating funds and delivering the project(s) within the required timelines for the program funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submittal of up to eight (8) Federal Grant applications for Congestion Mitigation and Air Quality (CMAQ) and Surface Transportation Block Grant (STBG) funds.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-230

RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT, GRANT DEED, AND CERTIFICATE OF ACCEPTANCE WITH THE CENTRAL CALIFORNIA CONFERENCE ASSOCIATION OF SEVENTH DAY ADVENTIST CHURCH, A CALIFORNIA NONPROFIT RELIGIOUS CORPORATION, FOR PARTIAL ACQUISITION OF AN 11,005 SQUARE FOOT PORTION OF REAL PROPERTY, ALL OF THE GRANTOR'S INTERESTS AND RIGHTS IN A 2,803 SQUARE FOOT PORTION OF LAND IN HETCH HETCHY RIGHT OF WAY, 7,085 SQUARE FEET FOR A TEMPORARY CONSTRUCTION EASEMENT (TCE), AND SEVERANCE DAMAGES (CONSISTING OF REMOVAL OF A 1,370 SQUARE FOOT SINGLE FAMILY RESIDENCE) LOCATED AT 301 CLARATINA AVENUE (APN 082-009-003), IN THE AMOUNT OF $260,000 PLUS CLOSING COSTS, FOR THE HETCH HETCHY AND CLARATINA AVENUE STRUCTURAL CROSSING PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE PURCHASE AND SALE AGREEMENT, ACCEPT THE GRANT DEED AND SIGN THE CERTIFICATE OF ACCEPTANCE OF THE PARTIAL ACQUISISTION OF REAL PROPERTY, SIGN THE GRANT OF TEMPORARY CONSTRUCTION EASEMENT (TCE) AGREEMENT AND CERTIFICATE OF ACCEPTANCE FOR THE TEMPORARY CONSTRUCTION EASEMENT (TCE), ACCEPT THE QUIT CLAIM DEED AND SIGN THE CERTIFICATE OF ACCEPTANCE OF THE QUIT CLAIM DEED, AND SIGN ALL RELATED DOCUMENTS REQUIRED TO COMPLETE THE SALE AND CLOSE ESCROW

WHEREAS, Hetch Hetchy and Claratina Avenue Structural Crossing Project intends to build a structural crossing as part of the widening of Claratina Avenue between McHenry Avenue and Coffee Road; and

WHEREAS, to construct the project, the City is required to acquire property, and Temporary Construction Easements (TCE's) from property owners along Claratina Avenue; and

WHEREAS, on May 31, 2017, the City Manager approved an agreement with Associated Right of Way Services (ARWS) to provide negotiation and acquisition services for partial fee acquisitions and temporary construction easements for the project; and

WHEREAS, as the project progressed, ARWS identified the Central California Conference Association of Seventh Day Adventist Church located at 301 Claratina Avenue as one of the properties where right of way would need to be acquired; and

WHEREAS, to accommodate the design of this project, the existing residence at APN 082-009-003 needs to be acquired in its entirety along with a small portion of the property and a TCE; and

WHEREAS, the residence was originally occupied by tenants and required relocation planning and assistance services as part of the property acquisition; and

WHEREAS, in May 2018, Valbridge Property Advisors as a sub-consultant of ARWS completed an appraisal report for this parcel for the proposed acquisition; and

WHEREAS, based on the appraisal, an initial offer was presented to the Central California Conference Association of Seventh Day Adventist Church; and

WHEREAS, at that time, negotiations with the tenant of the single-family resident on the parcel moved favorably, relocation services were provided, and the tenant vacated the property; and

WHEREAS, however, negotiations with the Church did not move as quickly and although an agreement on the dollar value was reached, the purchase did not move forward at that time; and

WHEREAS, in 2023 the Church requested a new appraisal to adjust for current fair market value; and

WHEREAS, the new appraisal was conducted in late 2023 by Valbridge Property Advisors and adjustments were made to the valuations based on current market value; and

WHEREAS, on November 18, 2024, the first written offer was sent to the Church in the amount of $260,000 for the property acquisition of fee simple right of way, the land in Hetch Hetchy right of way, the TCE, and site improvements of the single-family residence; and

WHEREAS, on January 28, 2025 the Church accepted the acquisition offer of $260,000 based on the appraised value; and

WHEREAS, the preliminary estimated closing costs of $3,227 for the acquisition will be in addition to the compensation to the Church; and

WHEREAS, City staff is recommending acquisition of real property; and

WHEREAS, an agreement is needed for the acquisition of the real property, and City staff recommends approving the Purchase and Sale Agreement for acquisition of the property; and

WHEREAS, a Grant Deed is required for the acquisition of real property and City Staff recommends approving the Grant Deed for acquisition of the property; and

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property; and

WHEREAS, the City of Modesto desires to accept an 11,005 square foot portion of real property owned by the Central California Conference Association of Seventh Day Adventist Church, for the partial acquisition of property interests located at 301 Claratina Avenue (APN 082-009-003); and

WHEREAS, a Temporary Construction Easement (TCE) is needed for the construction of this project, and City staff recommends approving the grant of Temporary Construction Easement Agreement; and

WHEREAS, the City of Modesto desires to accept a 7,085 square foot Temporary Construction Easement (TCE); and

WHEREAS, a Quit Claim Deed is required for the acquisition of the grantor's surface rights associated with a 2,803 square foot portion of property within Hetch Hetchy right of way; and

WHEREAS, City staff recommends approving the Quit Claim Deed and accepting the grantor's surface rights within a 2,803 square foot portion of real property within Hetch Hetchy right of way for the Hetch Hetchy and Claratina Avenue Structural Crossing Project.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves a Purchase and Sale Agreement, Grant Deed and Certificate of Acceptance with Central California Conference Association of Seventh Day Adventist Church for partial acquisition of an 11,005 square foot portion of real property, all of the Grantor's interests and rights in a 2,803 square foot portion of land in Hetch Hetchy right of way, 7,085 square feet for a Temporary Construction Easement (TCE), and Severance Damages (consisting of removal of a 1,370 square foot single family residence) located at 301 Claratina Avenue (APN 082-009-003), in the amount of $260,000 plus closing costs for the Hetch Hetchy and Claratina Avenue Structural Crossing project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Purchase and Sale Agreement, accept the Grant Deed and sign

the Certificate of Acceptance for the partial acquisition of real property, sign the Grant of Temporary Construction Easement (TCE) Agreement and the Certificate of Acceptance for the Temporary Construction Easement (TCE), accept the Quit Claim Deed and sign the Certificate of Acceptance of the Quit Claim Deed, and sign all related documents required to complete the sale and close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 2025, by Councilmember Escutia-Braaton, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-231

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE PARK TURF REDUCTION, PHASE 2 PROJECT, AND AWARDING A CONSTRUCTION CONTRACT TO MARINA LANDSCAPE, INC., OF ORANGE, CA, IN THE AMOUNT OF $935,669 PLUS $93,567 IN CONTINGENCY (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED $1,029,236 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, in June of 2022, the California State Legislature amended the Budget Act of 2021 allocating $545 million in additional funding to the Department of Water Resources (DWR) for the purpose of awarding drought relief grants to secure the future of California's water supply and to protect fish and wildlife resources; and

WHEREAS, on February 14, 2023, by Resolution 2023-60, Council authorized staff to apply for the 2022 Urban Community Drought Relief Program through the Department of Water Resources (DWR); and

WHEREAS, the City was notified in June of 2023 that the grant application was successful and that funding of $3,359,922 would be awarded to the City; $800,000 for the Turf Replacement Customer Rebate Program and $2,559,922 for the Park Turf Replacement Project; and

WHEREAS, Phase 1 of the Park Turf Reduction Project, awarded by Council on December 5, 2023, by Resolution 2023-521, removed approximately 3.25 acres of turf at four parks: Orchard Park, Moran Estates Park, East La Loma Park, and Chrysler Park; and

WHEREAS, Phase 2 of the Park Turf Reduction Project will continue the momentum of Phase 1 and will remove an additional 8.3 acres of turf at nine parks: Brewers Rose Park, Charles M. Sharp Park, Creekwood Park, James Marshall Park, Mark

Twain Park, Muncy Park, Robertson Road Park, Stockard Coffee Park, and Woodrow Park; and

WHEREAS, the Phase 2 project was advertised for bids on May 1, 2025; and

WHEREAS, bids were publicly opened on May 20, 2025, pursuant to City Charter Section 1307, and one bid was received; and

WHEREAS, Marina Landscape, Inc., of Orange, CA, was determined to be the responsible bidder with the lowest responsive bid; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, the award of contract for the construction of the Park Turf Reduction, Phase 1 Project, to Marina Landscape, Inc., of Orange, CA, conforms to Modesto Municipal Code, 8-3.203; and

WHEREAS, staff recommends awarding the contract to Marina Landscape, Inc. of Orange, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Park Turf Reduction, Phase 2 Project, and awards a construction contract to Marina Landscape, Inc., of Orange, CA, in the amount of $935,669 plus $93,567 in contingency (if needed), for a total amount not to exceed $1,029,236.

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 24th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-232

RESOLUTION APPROVING THE FIRST AMENDMENT WITH PEREGRINE TECHNOLOGIES, SAN FRANCISCO, CA, FOR ANALYTICS AND DATA INTEGRATION PLATFORM INCREASING THE AGREEMENT AMOUNT BY $60,000, TO A NEW ANNUAL ESTIMATED AMOUNT OF $204,500, AND A NEW TOTAL AMOUNT OF $613,500 THROUGH THE TERM OF THE AGREEMENT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, on January 23, 2024, by Resolution No. 2024-017, the City Council approved a Purchase Agreement for a single-point analytics and investigative data integration solution with Peregrine Technologies, Inc., San Francisco, CA, and

WHEREAS, since implementing Peregrine Technologies in January 2024, the Modesto Police Department has seen significant benefits. All data sources have been successfully integrated into the platform, and the system is operating seamlessly, and

WHEREAS, since implementation, two additional data sources have been identified that would further expand Peregrine's capabilities and, in turn, enhance the department's operational effectiveness, and

WHEREAS, Justice Partners Court Software would allow for the integration of data from the Stanislaus County Court system, including case dispositions and adjudication outcomes -providing greater visibility into the judicial process and supporting more informed decision-making, and

WHEREAS, Crossroads would integrate citation and traffic collision data, significantly strengthening our ability to analyze crash trends, evaluate enforcement outcomes, and strategically direct our traffic safety efforts. By incorporating these systems, the department can further leverage data to improve public safety, ensure accountability, and deploy resources more efficiently, and

WHEREAS, secondly, as the City and Police Department prepare to launch the new Central Square Computer-Aided Dispatch (CAD) system in the fall of 2025, additional integration work will be required by Peregrine Technologies. Incorporating this new CAD system as a data source will be critical to maintaining the full functionality and effectiveness of the Peregrine platform, and

WHEREAS, Peregrine will also continue to support and retain access to legacy data from previous CAD system, ensuring historical dispatch information remains available within the platform. This seamless integration of both current and legacy systems will preserve data continuity and allow for comprehensive analysis across all timeframes, and

WHEREAS, the department seeks to increase the agreement by $60,000 for a revised total amount not to exceed $613,500, and

WHEREAS, the Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services, to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “Where the Purchasing Manager, in her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services.” Here, the amendment to add three additional integrations with Peregrine will increase the department’s access to and analysis of critical data sources to aid in the efficient and effective deployment of resources.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment with Peregrine Technologies, San Francisco, CA, for Analytics and Data Integration platform increasing the Agreement amount by $60,000, to a new annual estimated amount of $204,500, and a new total amount of $613,500 through the term of the agreement.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the First 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 24th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-233

RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION FOR THE CALIFORNIA VIOLENCE INTERVENTION AND PREVENTION (CALVIP) GRANT PROGRAM TO THE BOARD OF STATE AND COMMUNITY CORRECTIONS FOR UP TO $2 MILLION IN GRANT FUNDS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, AS AGENT TO EXECUTE AND SUBMIT ALL DOCUMENTS WHICH MAY BE NECESSARY FOR THE COMPLETION OF THE GRANT APPLICATION

WHEREAS, in 2019, the California Violence Intervention and Prevention (CalVIP) Grant Program was codified as the Break the Cycle of Violence Act (Chapter 735, Statues of 2019) and established the authority and duties of the Board of State and Community Corrections to administer CalVIP, and

WHEREAS, eligible applicants are cities that are "disproportionately impacted by community gun violence" and community-based organizations that serve the residents of those cities, and

WHEREAS, Modesto qualifies under the third criterion of the grant in that it otherwise demonstrated a unique and compelling need for additional resources to address the impact of community gun violence in the applicant's community, and

WHEREAS, a "unique and compelling need," as defined by the CalVIP Executive Steering Committee, includes cities that: "Are ranked in the top 25 percent statewide for assault with a firearm rate, and experienced at least 25 assaults with a firearm incidents during two (2) or more of the three (3) years immediately preceding the grant application", and

WHEREAS, the Police Department is seeking approval to apply for the CalVIP grant Cohort 5 program to improve public health and safety in Modesto by supporting effective violence reduction initiatives, and

WHEREAS, in adherence with the purpose of the CalVIP grant program and in conjunction with community-based organizations and other public agencies, the Police Department will work to support, expand and replicate evidence-based violence reduction initiates that shall be primarily focused on providing violence intervention services to a small segment of the population that has been identified as having the highest risk of perpetrating or being victimized by violence in the near future, and

WHEREAS, the Police Department has begun to narrow down its partners for Community Based Organization, and

WHEREAS, if awarded funding by the Board of State and Community Corrections, City staff will return to Council to accept the terms of the grant and the plan for how the terms will be met.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submission of a grant application for the California Violence Intervention and Prevention Grant Program to the Board of State and Community Corrections for up to $2 million in grant funds.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized as an agent to execute and submit all documents which may be necessary for the completion of the grant application.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-234

RESOLUTION APPROVING THE SUBMITTAL OF GRANT APPLICATIONS, GRANT AWARDS, AND AMENDING THE ANNUAL BUDGETS FOR ALL BEVERAGE CONTAINER RECYCLING CITY/COUNTY PAYMENT PROGRAMS TO THE CALIFORNIA DEPARTMENT OF RESOURCES, RECYCLING AND RECOVERY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL RELATED DOCUMENTS

WHEREAS, the State of California collects fees which provide funding to cities and counties to establish and maintain solid waste and various recycling programs through the California Department of Resources, Recycling and Recovery (CalRecycle); and

WHEREAS, CalRecycle now has the responsibility for the administration of the solid waste, used oil, hazardous waste and various recycling program grants; and

WHEREAS, the goal of CalRecycle's Beverage Container Payment Program (Program) is to assist cities and counties in reaching and maintaining an 80 percent recycling rate for all California Refund Value (CRV) beverage containers –aluminum, glass, plastic and bi-metal and help fund litter cleanup activities; and

WHEREAS, projects implemented as a result of funding from CalRecycle will assist in reaching and maintaining this goal; and

WHEREAS, on January 14, 2020, by Resolution No. 2020-018, Council approved applications and acceptance of the CalRecycle City/County Payment Program that expires in 2025; and

WHEREAS, CalRecycle grants require a signed and dated resolution from the Agency that is applying for the grant to be completed every five years authorizing the City Manager, or his designee, to sign grant applications and any related forms, accept

grant awards, and amend the grant budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of grant applications, acceptance of grant awards, and amendments to the annual budgets for all Beverage Container Payment Program Grants to CalRecycle.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to sign grant applications and related forms.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSÉ M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-235

RESOLUTION APPROVING SUBMITTAL OF GRANT APPLICATIONS, AND GRANT AWARDS TO THE CALIFORNIA DEPARTMENT OF RESOURCES, RECYCLING AND RECOVERY (CALRECYCLE) FOR ALL USED OIL PAYMENT PROGRAMS, ACCEPTING PAYMENT, AMENDING THE ANNUAL BUDGET AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL RELATED DOCUMENTS

WHEREAS, the State of California collects fees which provide funding to cities and counties to establish and maintain solid waste and various recycling programs through the California Department of Resources, Recycling and Recovery (CalRecycle). CalRecycle now has the responsibility for the administration of the solid waste, used oil, hazardous waste, and various recycling program grants; and

WHEREAS, on August 4, 2010, Council approved by Resolution No. 2010-322 applications to CalRecycle for all Used Oil Payment Programs, accepting payment, amending the budget and authorizing City Manager, or designee to execute all related documents; and

WHEREAS, the City of Modesto's Solid Waste Division uses grant funds to implement many of the waste reduction and recycling programs offered to City residents and businesses; and

WHEREAS, the CalRecycle Used Oil Payment Program (UOPP) is a state program that provides payments to local governments and other eligible entities to support their used oil and used oil filter collection and recycling efforts. It aims to encourage and incentivize the proper disposal and recycling of used oil, preventing environmental damage and promoting resource recovery; and

WHEREAS, each year, the City receives approximately $30,000 in grant funds

for this program, an annual average of $37,472.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of grant applications, acceptance of grant awards, and amendments to the annual budgets for all Used Oil Payment Program Grants to CalRecycle.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-236

RESOLUTION APPROVING THE LIST OF PROJECTS TO BE FUNDED WITH ROAD REPAIR AND ACCOUNTABILITY ACT TAX PROCEEDS IN FISCAL YEAR 2025-2026 IN AN AMOUNT UP TO $5,753,385, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPROVE THE PROJECTS

WHEREAS, on April 28, 2017, Senate Bill 1 (SB1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statues of 2017) was passed by the Legislature and Signed into law by the Governor to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB1 includes accountability and transparency provisions that will ensure the residents of Modesto are aware of the projects proposed for funding in the community and which projects have been completed each fiscal year; and

WHEREAS, prior to receiving an apportionment of Road Maintenance and Rehabilitation Account (RMRA) funds from the Controller in a fiscal year, the City must submit to the California Transportation Commission (CTC) a list of proposed projects (Attachment A); and

WHEREAS, the City must also adopt, by resolution, a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB1, which must include description and the location of each proposed project, a proposed schedule for projects completion, and the estimated useful life of the improvement; and

WHEREAS, this is the ninth year in which the City is receiving SB1 funding which will enable the City to continue essential road maintenance, safety improvements

in traffic signal and street light maintenance, and traffic sign and striping maintenance that would not have otherwise been possible without SB1; and

WHEREAS, the City has undergone a robust public process to ensure public input regarding the community's transportation priorities are incorporated into the project list; and

WHEREAS, the City used a Pavement Management System to develop the SB1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community priorities for transportation investment; and

WHEREAS, the funding from SB1 will help the City maintain and rehabilitate over one-hundred lane miles of residential streets throughout the City this year and multiple similar projects in the future; and

WHEREAS, the 2023 California Statewide Local Streets and Roads Needs Assessment found that the City streets and roads are in a "poor" condition, and this revenue will help the City increase the overall quality of its road system and over the next decade will bring its streets and roads into a "good" condition; and

WHEREAS, the SB1 project list and overall investment in the City's local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide; and

WHEREAS, the projects listed in Attachment A include the following: The slurry seal project (program) that includes crack seal and asphalt repairs to existing pavement (Attachment – Street SB1 Maps FY 25-26); the traffic signal and street light

maintenance; and the traffic sign and striping maintenance (Attachment – Elec SB1 Maps FY 25-26); and

WHEREAS, the City will receive funding in an estimated amount of $5,742,708 in RMRA funding in Fiscal Year 2025-26 from SB1. Estimated total costs for SB1 funded Streets and Traffic Engineering & Operations projects for FY 2025-2026 amount to approximately $5,753,385 (total includes 5% increases in CPI, fuel index and labor & material costs).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby approve the list of projects, attached hereto as Attachment A, to be funded with Road Repair and Accountability Act Tax proceeds in an amount up to $5,753,385.

BE IT FURTHER RESOLVED, that the City Manager, or his designee is authorized to approve the projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

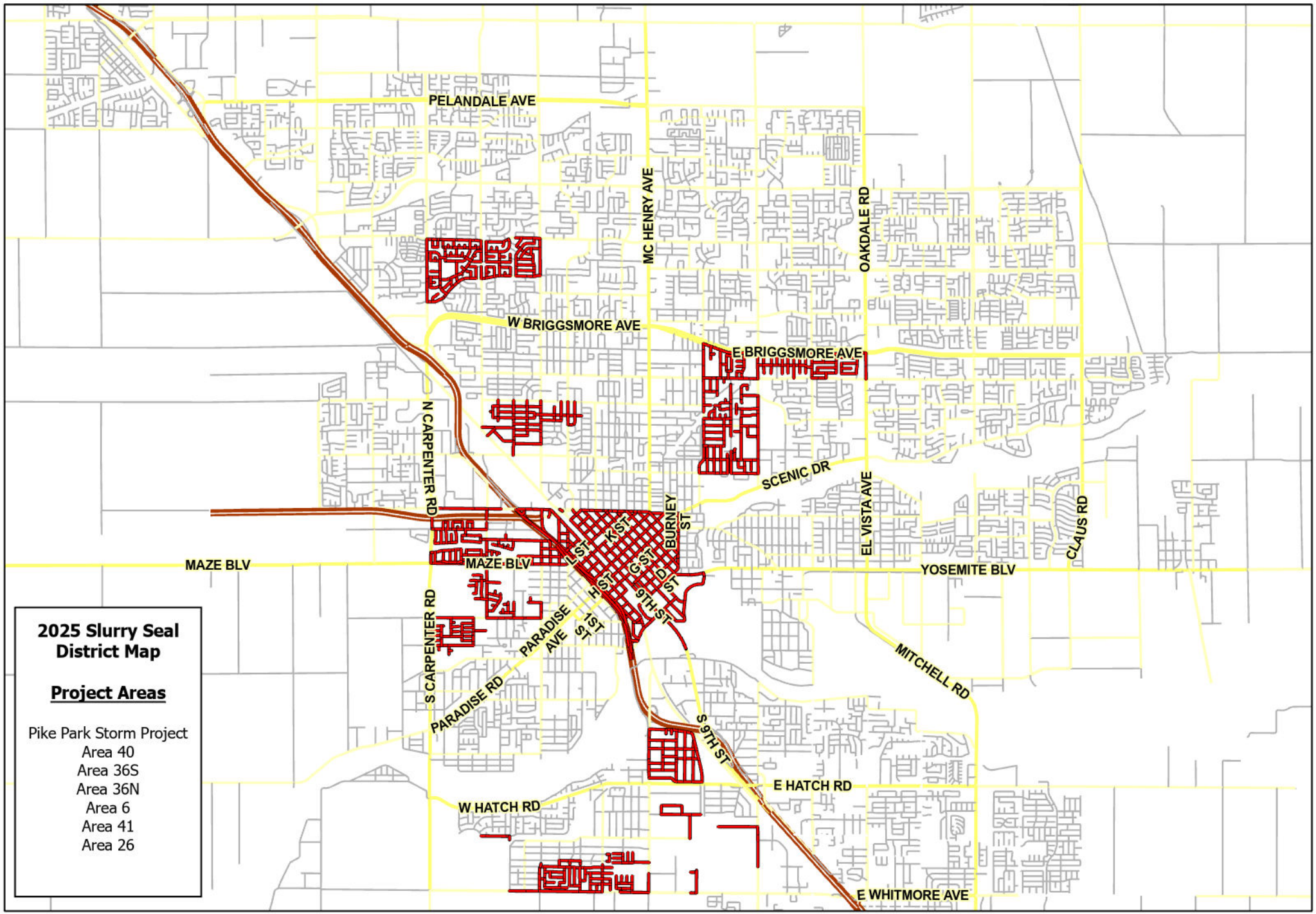
BY: _____
for JOSE M. SANCHEZ, City Attorney

City of Modesto
FY25/26 SB1 Project List

Project Type	Project Name	Total Project Cost	Estimated Project Start Date	Estimated Project Completion Date	Useful Life	Locations	Community Benefit Summary
Slurry Seal (Crack Seal, Asphalt repairs)	Slurry Seal	$2,571,250	July 1, 2025	June 30, 2026	5-7 years	Various (map provided)	This project will include: Pavement improvement (existing), Striping Installation (existing safety)
Street Rehabilitation	Road Maintenance and Rehabilitation	$1,202,135	July 1, 2025	June 30, 2026	10-20 years	Various (map provided)	This project will include: Pavement improvement (Existing), Sidewalk and/or Crosswalk Rehab/Repair (Existing), Paving and ADA Curb Ramp Rehab/Repair (Existing)
Traffic Signal & Street Lighting Maintenance	Traffic Signal & Street Lighting Maintenance	$1,120,000	July 1, 2025	June 30, 2026	10 Years	Various Locations (map provided)	Public Safety; Signal and Street lighting maintenance within City limits
Traffic Sign & Striping Maintenance	Traffic Sign & Striping Maintenance	$860,000	July 1, 2025	June 30, 2026	5 to 7 Years	Various Locations (map provided)	Public Safety; Striping and Sign maintenance within City limits
	Total FY 25/26	$5,753,385					

NOTES:

2025 SLURRY SEAL PROJECT AREAS



City of Modesto, Streets Division Slurry Seal Program 2025/26 Street Segment List		
Pike Park Strom Project		
Street Name	**From**	**To**
Tully Rd/ Southbound Lane	Coldwell	Pearl
Coldwell Ave	Woodland	Tully Rd
Kearney Ave	Coldwell	Roseburg
Louise Ave	End of Street	Del Rey Ave
Princeton Ave	Kearney Ave	Tully Rd
Fordham Ave	Kearney Ave	Tully Rd
Del Rey Ave	Ashwood	Louise ave
Del Vista Ave	Cecil Wy	Del verde Ave
Del Monte ave	Del Verde Ave	Tully Rd
Del Mar Ave	End of Street	Del verde Ave
Del Verde Ave	Del Vista Ave	Del Monte Ave
Princeton Ave	Carver Rd	Tully Rd
Haney Ave	Carver Rd	Princeton Ave
Leonard Ave	Tully Rd	Haney Ave
W. Roseburg Ave	College Ave	Carver Rd
Amherst Ave	Cecil Wy	W. Roseburg Ave
Wellesley Ave	Stanford Ave	W. Roseburg Ave
Exeter Ave	Wellesley Ave	College Ave
Mills Ave	Stanford Ave	W. Roseburg Ave
Cecil Wy	Mills Ave	Del Mar Ave
Area 26	**From**	**To**
Ford Ave	Dead End	E. Briggsmore Ave
Ford Ct	End of Court	Ford Ave
Brannon Ave	E. Orangeburg Ave	E. Briggsmore Ave
E. Coolidge Ave	Kingfield Dr	Brannon Ave
Kingfield Dr.	Gorham Ave	Bringham Dr
Gorham Ave	Citrus Dr	Kingfield Dr.
Bingham Dr	Maplehill Rd	Kingfield Dr.
Maplehill Rd	Bingham Dr	Gorham Ave
Yarmouth Dr	Bingham Dr	E. Orangeburg Ave
Citrus Dr	E. Orangeburg Ave	Gorham Ave
Valencia Ct	End of Court	Citrus Dr
Mandarin Ct	End of Court	Citrus Dr
Citrus Ct	End of Court	Citrus Dr
Long Ct	End of Court	E. Orangeburg Ave
Ford Ave	Dawn Dr.	E. Orangeburg Ave
Dawn Dr	Sarah Ave	Sunrise Ave
Badgley Dr	El Vecino Ave	Sunrise Ave
El Vecino Ave	E. Morris Ave	E. Orangeburg Ave
Allen Dr.	E. Orangeburg Ave	El Vecino Ave
Allen Ct.	End of Court	Allen Dr.

Kurt Ave	Dead End	Allen Dr.
Betty Ln	Kurt Ave	El Vecino Ave
Gloria Wy	Coffee Rd	Kurt Ave
Roseburg Ave	Dead End	Sunrise Ave
Dundee Ln	Dead End	Edinburgh Dr
Edinburgh Dr	El Vecino Ave	El Vecino Ave
Cardiff Ct	End of Court	Edinburgh Dr
Multnomah Dr	Coffee Rd	El Vecino Ave
Cambridge Ct	End of Court	End of Court
El Terino Ave	Lucern Ave	Multnomah Dr
Chehalem Dr	Coffee Rd	El Terino Ave
Edison Ave	Sunrise Ave	El Terino Ave
Half Moon Dr	Bel Air Ct	Edison Ave
Bel Air Ct	End of Court	Edison Ave
Delzer Ct	End of Court	Edison Ave
Naomi Ct	End of Court	Edison Ave
E. Fairmont Ave	Coffee Rd	Sunrise Ave
Annabelle Ave	Ramona Ave	Sunrise Ave
Ramona Ave	E. Morris Ave	Edison Ave
Crismon Ct	End of Court	El Terino Ave
Chadwick Ct	Coffee Rd	E. Fairmont Ave
Burke Ave	Ramona Ave	Sunrise Ave
Helen Ave	Ramona Ave	Sunrise Ave
Auburn St	E. Morris Ave	Helen Ave
Castle St	E. Morris Ave	Helen Ave
Blair Ave	Dead End	El Camino Ave
El Camino Ave	End of Court	Lucern Ave
Lucern Ave	Coffee Rd	Sunrise Ave
El Cajon Ave	Dead End	E. Morris Ave
Esgar Ave	Hunter Ave	Lucern Ave
Hunter Ave	E. Morris Ave	Lucern Ave
Milo St	Dead End	Lucern Ave
E. Morris	Coffee Rd	Sunrise Ave
John Muir Ct	E. Morris Ave	E. Morris Ave
Grantland Ct	E. Morris Ave	E. Morris Ave
E. Coolidge Ave	Rose Ave	Coffee Rd
Water St	End of Court	Dead End
Overholitzer Dr	End of Court	Dead End
Gary Ln	E. Orangeburg Ave	Dead End
Kent Wy	End of Court	Dead End
Morene Wy	End of Court	E. Orangeburg Ave
Paulette Ave	End of Court	End of Court
Queess Ave	End of Court	End of Court
Rose Ave	E. Orangeburg Ave	E. Briggsmore
Pulaski Wy	Lafayette Ave	Kienitz Ave
Kienitz Ave	Duportal Ave	Rose Ave
Lafayette Ave	Duportal Ave	Pulaski Wy

Steuben Wy	E. Orangeburg Ave	Kienitz Ave
Rockford Ave	Duportal Ave	Rose Ave
Gladwn Ave	Kendall Ave	Rockford Ave
Kendall Ave	Santa Paula Dr	Gladwin Ave
Duportail Ave	Kienitz Ave	Kendall Ave
El Pueblo Dr	El Toro Wy	San Marco Dr
Casa Grande Ct	End of Court	El Pueble Dr
San Marco Dr	Santa Paula Dr	El Pueble Dr
Santa Paula Dr	E. Orangeburg Ave	Kendall Ave
El Toro Wy	Santa Paula Dr	El Pueblo Dr
Lorry Ave	E. Coolidge Ave	End of Court
Area 41	**From**	**To**
Bodem St	Downey Ave	Scenic Dr
Downey Ave	N. Morton	Mc Herny Ave
N. Morton Blv	Jennie St	Downey Ave
Newgate St	Rue De Yoe	Downey Ave
Rue De Yoe	N. Morton Blv	Burney St
James St	Jennie St	Downey Ave
Morton Wy	N. Morton Blv	La Loma Ave
State St	N. Morton Blv	James st
Howard St	James St	Burney St
Lane St	N. Morton Blv	Burney St
Walden St	Loma Vista Wy	Burney St
Kelley St	Loma Vista Wy	Burney St
Jennie St	N. Morton Blv	Burney St
Pleasant St	Dead End	Jennie St
Fairview Ave	Dead End	Jennie St
Loma Vista Wy	N. Morton Blv	Kelley St
Brooks	N. Morton Blv	N. Morton Blv
La Loma Ave	Round About	H St
19th	Downey Ave	Burney St
G St	6th	La Loma Ave
Burney St	Scenic Dr	D St
18 St	G St	H St
17th St	Burney St	Mc Herny Ave
16th St	Burney St	Needham St
15th St	Burney St	Needham St
14th St	D St	Needham St
13th	D St	Needham St
12th	D St	Needham St
11th	D St	Needham St
10th	D St	Needham St
8th	F St	Kansas Ave
7th	B St	N Washington St
N. Jefferson St	Laurel St	Elm St
Elm St	N. Washington St	N. Jefferson St
Laurel St	N. Washington St	N. Jefferson St

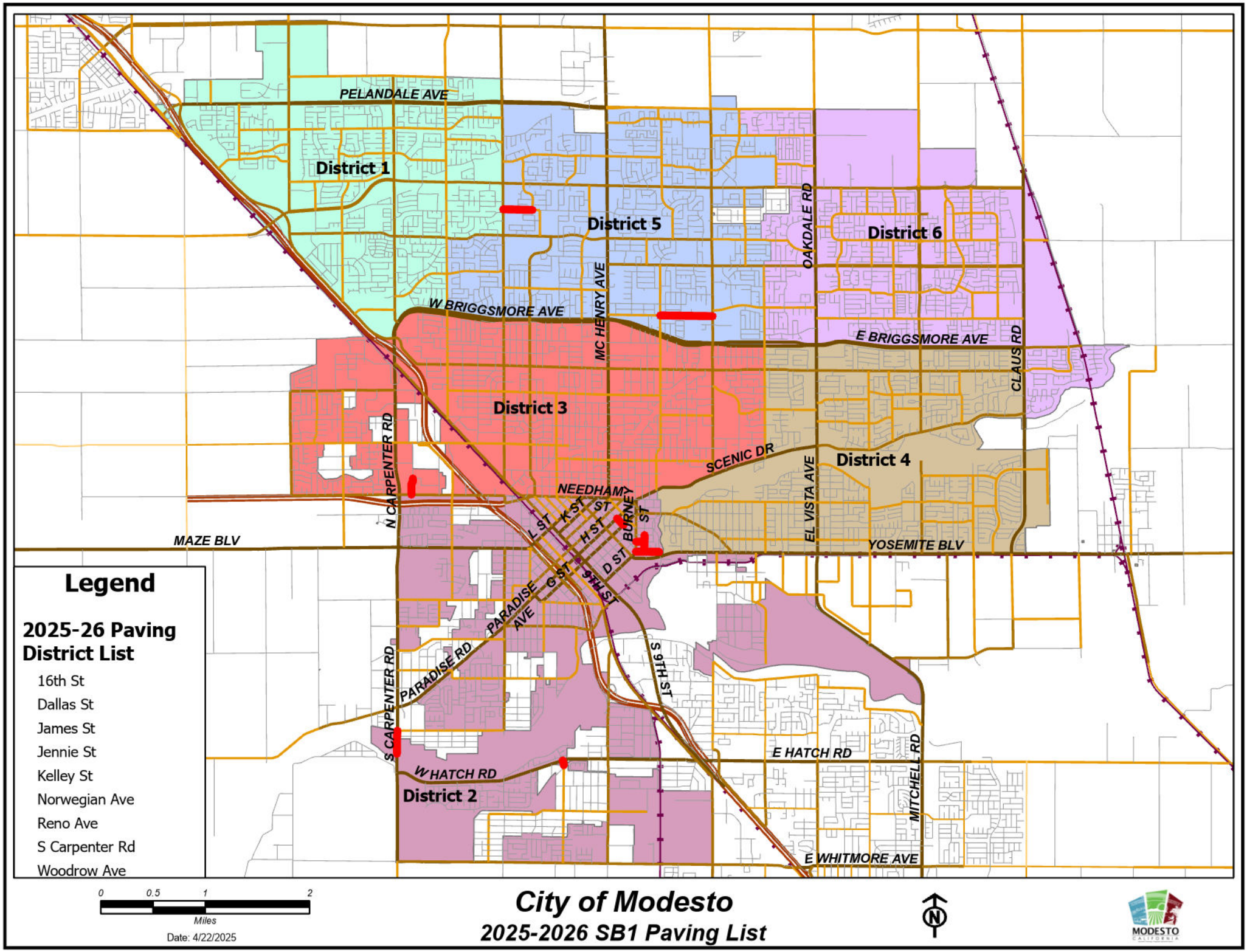
N. Washington St	M St	8th
M St	8th	N. Washington St
K St	9th	6th
J St	8th	6th
I St	Downey Ave	5th
F St	8th	6th
E St	7th	6th
D St	Dead End	7th
C St	7th	Sierra Dr
6th	E St	Sierra Dr
Sierra Dr	7th	5th
Calaveras Ave	Tuolumne Blv	Seirra Dr
E St	Burney St	9th
D St	9th	Beard St
Beard St	B St	D St
B St	9th	7th
F St	Burney St	9th
M St	Needham St	9th
N St	Needham St	9th
O St	Needham St	9th
H St	6th	Scenic Dr
Area 36s	**From**	**To**
S. Emerald Ave	California Ave	Maze Blvd
Merton Ave	End of Street	LongFellow Ave
Sanburg Ave	End of Street	Emerald Ave
Whitman Wy	End of Street	Tennyson Dr.
Longfellow Ave	Muriel Ave	Marton Ave
Byron Ln	End of Court	S. Emerald Ave
Beryl Wy	Lenore Dr.	S. Emerald Ave
Onyx Wy	End of Court	Beryl Wy
Muriel Ave	End of Street	Lenore Dr.
Lenore Ct	End of Court	Lenore Dr.
Lenore Dr	End of Court	S. Emerald Ave
Niles Ct	End of Court	Parviz Ln
Parviz Ln	End of Street	Marni Wy
Marni Wy	End of Court	Spencer Ave
Spencer Ave	California Ave	511 Spencer Ave
California Ave	Carpenter Rd	Spencer Ave
Panama Dr.	Houser Ln.	California Ave
Florence Ave	End of Street	Panama Dr.
Ione Wy	Inez Dr.	Panama Dr.
Inez Dr	Ione Wy	Vallecito Wy
Comanche Ct	End of Court	Panama Dr.
Los Ninos Ct.	End of Court	Inez Dr
Diamond Springes Ct	End of Court	Panama Dr.
Vallecito Wy	Panama Dr.	Inez Dr
Houser Ln	Carpenter Rd	Panama Dr.

Champagne Ln	Ricardo Ave	California Ave
Claret Ct	End of Court	Champane Ln
Bleu Chapelle Ct	End of Court	Champane Ln
Champagne Ct	End of Court	Champane Ln
Ricardo Wy	End of Court	Inez Dr
Tupper Ln	End of Court	Wilma Dr.
Dustin Ct	End of Court	Wilma Dr.
Millie Pl	End of Court	Wilma Dr.
Wilma Dr	Houser Ln.	Tupper Ln
Davy Ct	End of Court	Houser Ln
Memory Ln	End of Court	Houser Ln
Raymond Dr	End of Court	Houser Ln
Levi Dr.	End of Court	Raymond Dr.
Maze Ct.	Locust St	Maze Blvd
MLK	Maze Blvd	Laurel Ave
Linden St	MLK	N. Jefferson St
Locust St	End of Street	Maze Ct
Sherman Ave	Locust St	Maze Blvd
N. Madison St	Maze Blvd	Laurel Ave
Area 40	**From**	**To**
Pacos Ave	Main St	Crows Landing Rd
Rita Ct	End of Court	Pacos Ave
Lita Ct	End of Court	Pacos Ave
Pueblo Ave	Santa Fe Ave	Crows Landing Rd
El Paso Ave	Main St	Crows Landing Rd
Crockett Ave	Santa Fe Ave	Bowie Ave
School Ave	Santa Fe Ave	Crows Landing Rd
Barozzi Ave	Santa Fe Ave	Crows Landing Rd
Rio Grande Ave	Main St	Crows Landing Rd
Bowie Ave	Pueblo Ave	Barozzi Ave
Santa Fe Ave	Pacos Ave	Rio Grande Ave
Alamo Ave	Pacos Ave	Rio Grande Ave
Boulder Ave	Main St	Rio Grande Ave
Broadway Ave	Main St	Santa Fe ave
Gobel Wy	Primo Wy	Winmoore Wy
Angelo Wy	Primo Wy	Winmoore Wy
Primo Wy	Angelo Wy	Gobel Wy
Jim Wy	Olivero Rd	Winmoore Wy
Reliance St	Winmoore Wy	E. Glenn Ave
E. Glenn Ave	Reliance St	Crows Landing Rd
Marin Ave	Dallas St	Ustick Rd
Ustick Rd	Lassen Ave	W. Whitmore Ave
W. WhitMore Ave	Crows Landing	Carpenter Rd
Placer Ave	Inglenook Dr	Ustick Rd
Inglenook Dr	Cribari Dr	Marin Ave
Beringer Ct	End of Court	Inglenook Dr
Vintner Ln	San Martin Dr	Inglenook Dr

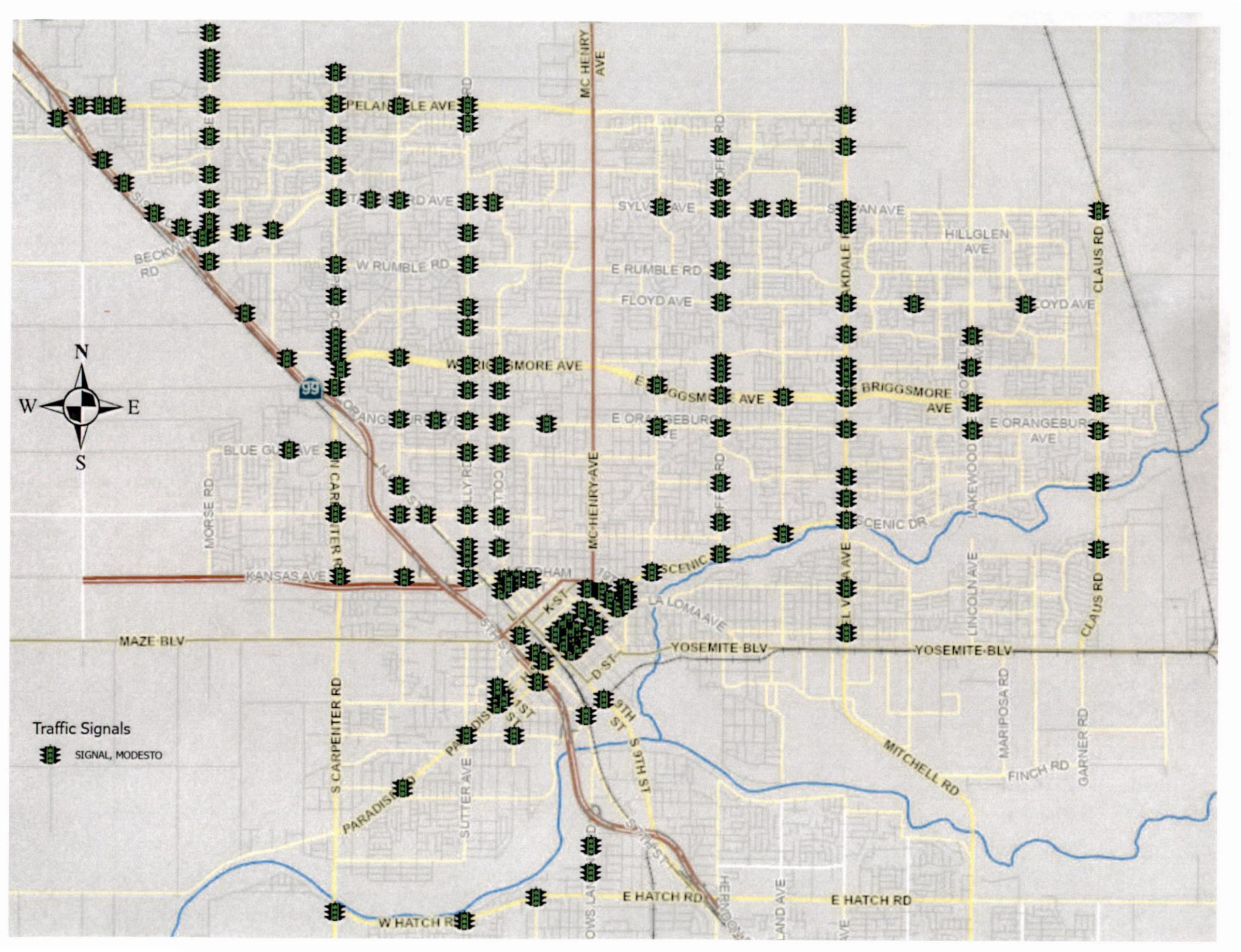
Bernardo Wy	Almaden Wy	Vintner Ln
Almaden Wy	Bernard Wy	San Martin Dr
Cribari Dr	Dead End	Inglenook Dr
Parducci Dr	Montavenia Dr	Cribari Dr
Montavenia Dr	San Martin Dr	Parducci Dr
Lieselle Ln	Marin Ave	Rhythms Dr
Manhattan Wy	Marin Ave	Rhythms Dr
Gutherie St	Marin Ave	W. Whitmore Ave
Rhythms Dr	Gutherie St	Lieselle Ln
Blue Ridge Ln	Park Faith Ln	Gutherie St
Park Faith Ln	Marin Ave	Blue Ridge Ln
Park Brake Wy	End of Court	Park Hurst Wy
Park Hurst Wy	End of Court	Park Faith Ln
Glen Arbor Wy	Park Grove Wy	Park Brake Wy
Park Meadow Dr	Park Grove Wy	Park Brake Wy
Echo Ct	End of Court	Park Meadow Dr
Dallas St	Marin Ave	W. Whitmore Ave
Park Grove Wy	End of Court	Glen Arbor Wy
Trevose Dr	Kirbys Mill Dr	W. Whitmore Ave
Kirbys Mill Dr	End of Court	Havertown Pl
Shaker Heights Wy	Cyrus Hall Dr	Havertown Pl
Havertown Pl	End of Court	Kirbys mill Dr
Cyrus Hall Dr	End of Court	W. Whitmore Ave
Gladwyne Ct	End of Court	Shaker Heights Wy
Wyndmoor Ct	End of Court	Shaker Heights Wy
Inyo Ave	Dallas St	Mt Oso Wy
Mt Oso Wy	Lassen Ave	Inyo Ave
Lassen Ave	Mt Oso Wy	Dallas St
Mt Everest Ct	End of Court	Seattle St
Mt Hood Ct	End of Court	Seattle St
Algen Ct	End of Court	Seattle St
Seattle St	Imperial Ave	Algen Ave
Algen Ave	Crows Landing	Seattle St
Mt Whitney Ct	End of Court	Algen Ave
Mt McKinley Ct	End of Court	Algen Ave
Area 6	**From**	**To**
Hillrey Dr	Hida Way	W. Rumble Rd
Hida Way	Prince Albert Dr	Hillrey Dr
Prince Albert Dr	W. Rumble Rd	Hida Way
Santa Teresa Dr	Applegate Dr	W. Rumble Rd
Monrova Ct	End of Court	Applegate Dr
Paso Robles Dr	Applegate Dr	W. Rumble Rd
Applegate Dr	Carver Rd	Santa Teresa Dr
Montebella Ct	End of Court	Applegate Dr
Tera Bella Ct	End of Court	Applegate Dr
Santa Lucia Ct	End of Court	Applegate Dr
Hunt Ave	Jennifer Dr	W. Rumble Rd

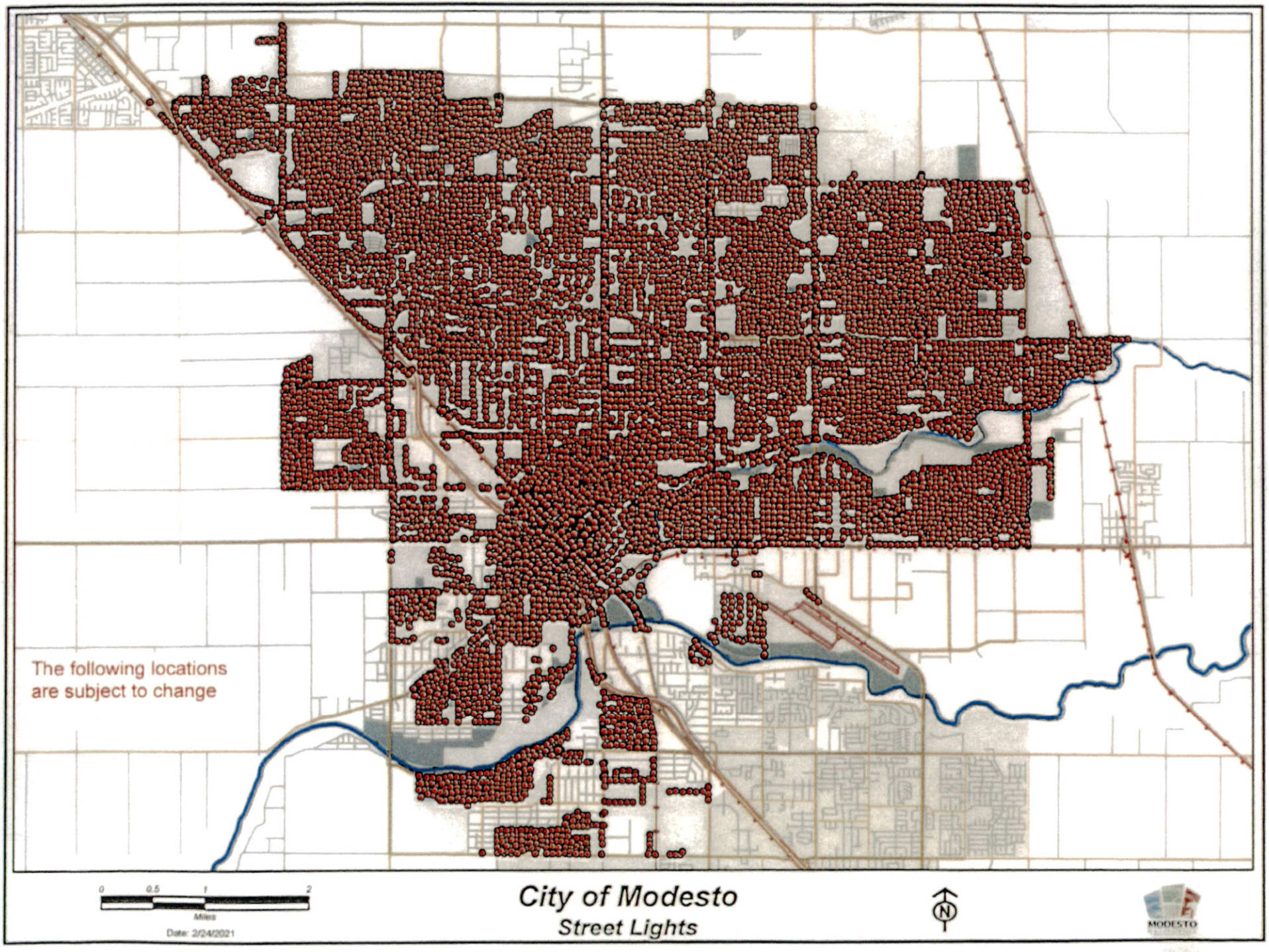
Jennifer Dr	Hunt Ave	Applegate Dr
Blanche St	Jennifer Dr	Janna Ave
Robbie Ave	Rockwood Pl	Jennifer Dr
Robbie Ct	End of Court	Robbie Ave
Marjorie Dr	Applegate Dr	Robbie Ave
Charline Ct	End of Court	Robbie Ave
Silvaire Dr	Janna Ave	Carver Rd
Anita Ct	End of Court	Silvaire Dr
Bonanza Wy	Carver Rd	Silvaire Dr
Apache Ct	End of Court	Silvaire Dr
Apache Ln	Mount Vernon Dr	Silvaire Dr
Silvaire Ct	End of Court	Silvaire Dr
Irvin Ave	Mount Vernon Dr	Silvaire Dr
Renchler Ln	Janna Ave	Irvin Ave
Debonaire Dr	Mount Vernon Dr	Hunt Ave
Janna Ave	Mount Vernon Dr	Prescott Rd
Chester Dr	Esther Dr	Janna Ave
Esther Dr	Janna Ave	Chester Dr
Natalie Ct	End of Court	Esther Dr
Juanita Ct	End of Court	Janna Ave
Peach Dr	Janna Ave	Prescott Rd
Coston Ave	Trent Dr	Peach Dr
Wally Ct	End of Court	Coston Ave
Trent Dr	Janna Ave	Coston Ave
Dickens Dr	End of Court	Mount Vernon Dr
Carver Rd	Mount Vernon Dr	W. Rumble Rd
Mount Vernon Dr	Tully Rd	Prescott Rd
Campbell Ln	Robbie Ave	W. Rumble Rd
Dwight Ln	W. Rumble Rd	Campbell Ln
Richmond Ct	End of Court	Dwight Ln
Newhall Ct	End of Court	Dwight Ln
Thorton Ct	End of Court	W. Rumble Rd
Brentwood Ct	End of Court	Campbell Ln
Sharondell Dr	Dwight Ln	Robbie Ave
Tiburon Ct	End of Court	Sharondell Dr
Rockwood Pl	End of Court	Robbie Ave
Hamilton Ave	Hemminger Wy	Dwight Ln
Dalton Way	Uhlig Ave	Dwight Ln
Debbie Ln	W. Rumble Rd	Dalton Wy
Hemminger Wy	Mount Vernon Dr	W. Rumble Rd
Levon Ave	Schulenberg Ave	Tully Rd
Uhlig Ave	Mount Vernon Dr	Levon Ave
Schulenburg Ave	Uhlig Ave	Rockwood Pl
Theo Ave	Uhlig Ave	Hemminger Wy
Kingsbury Ave	Uhlig Ave	Hemminger Wy
Cheryl Ln	Hazel Ln	Mount Vernon Dr
Hazel Ln	Sharondell Dr	Cheryl Ln

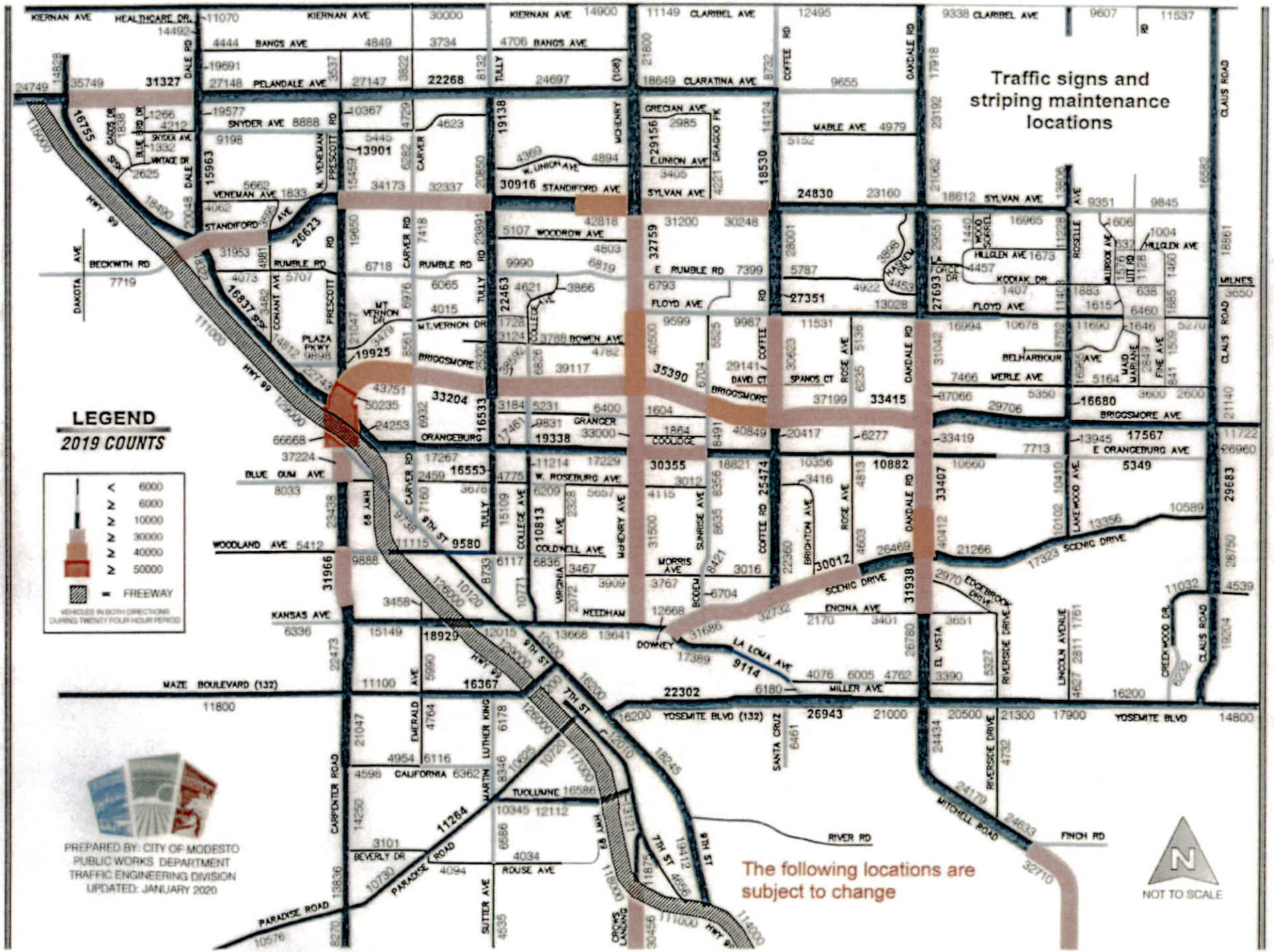
Stanley Ct	End of Court	Mount Vernon Dr
Derek Wy	Teri Ln	Mount Vernon Dr
Teri Ln	Mount Vernon Dr	Derek Wy
Evona Ct	End of Court	Teri Ln
Queenaire Ln	Mount Vernon Dr	Bonanza Wy


PELANDALE AVE
District 1
District 5
District 6
OAKDALE RD
W BRIGGSMORE AVE
MC HENRY AVE
E BRIGGSMORE AVE
CLAUS RD
District 3
N CARPENTER RD
SCENIC DR
District 4
NEEDHAM ST
L ST
K ST
H ST
D ST
BURNEY ST
EL VISTA AVE
MAZE BLV
YOSEMITE BLV
G ST
9TH ST
PARADISE AVE
PARADISE RD
S CARPENTER RD
S 9TH ST
E HATCH RD
W HATCH RD
District 2
MITCHELL RD
E WHITMORE AVE
Legend
2025-26 Paving District List
16th St
Dallas St
James St
Jennie St
Kelley St
Norwegian Ave
Reno Ave
S Carpenter Rd
Woodrow Ave
0
0.5
1
2
Miles
Date: 4/22/2025
City of Modesto
2025-2026 SB1 Paving List
N
MODESTO
CALIFORNIA

2024-2025 SB1Paving List					2025/2026	
PCI	**Street Name**	**Begin Location**	**End Location**	**SQFT**	**Cost**	**Completed**
26	12th	Lst	70feet south of L st	3,055	$12,203.93	2024
26	Coralwood	McHerny	Towery Ave	47027	$234,000.00	2024
10	Houser	Raymond	Panama	33208	$166,040.00	2024
18	13th	I street	H Street	19,680	$56,484.56	2025
30	H street	16th	Intersection	5,640	$13,693.67	2025
20	Calaveras	Sierra Dr	Tuolumne Bl	31,820	$123,469.31	2025
19	Gary Ln	E. Orangeburg	E. Coolidge Ave	21,312	$91,716.39	2025
	Total	**For streets**	**Completed 2024/2025**		**$697,607.86**	
		#REF!				
14	Reno	Kansas	Doker	31,080	$102,264.98	
13	16th	H Street	G Street	20,539	$67,322.51	
5	Kelly	Burney	James	8,585	$38,584.48	
12	Woodrow Av	Tully	Colonial	54,094	$222,029.70	
20	Jennie St	Burney	N morton	39,886	$144,994.06	
26	James	Jennie St	Walden St	22,005	$98,498.91	
19	Dallas	Dallas Ct	W. Hatch	9,870	$57,032.99	
35	Norwegian	Coffee	Sunrise	96,940	$193,186.99	
14	Carpenter	Bridge deck	Robertson Rd	46,800	$177,221.11	
Total	**For**	**Incompleted streets**			**$1,101,135.70**	


N
W
E
S
MC HENRY AVE
MCHENRY AVE
W RUMBLE RD
E RUMBLE RD
FLOYD AVE
W BRIGGSMORE AVE
BRIGGSMORE AVE
E ORANGEBURG AVE
BLUE GUM AVE
KANSAS AVE
SCENIC DR
LA LOMA AVE
MAZE BLV
YOSEMITE BLV
HILLGLEN AVE
CLAUS RD
LINCOLN AVE
LAKEWOOD DR
MORSE RD
S CARPENTER RD
SUTTER AVE
PARADISE RD
MITCHELL RD
FINCH RD
MARIPOSA RD
GARNER RD
E HATCH RD
W HATCH RD
X ST
L ST
D ST
9TH ST
99
Traffic Signals
SIGNAL, MODESTO


The following locations
are subject to change
0
0.5
1
2
Miles
Date: 2/24/2021
City of Modesto
Street Lights
N
MODESTO


Traffic signs and striping maintenance locations
LEGEND
2019 COUNTS
< 6000
6000 > 10000
10000 > 30000
30000 > 40000
40000 > 50000
= FREEWAY
VEHICLES IN BOTH DIRECTIONS DURING TWENTY FOUR HOUR PERIOD
PREPARED BY: CITY OF MODESTO
PUBLIC WORKS DEPARTMENT
TRAFFIC ENGINEERING DIVISION
UPDATED: JANUARY 2020
The following locations are subject to change
NOT TO SCALE
N
KIERNAN AVE
HEALTHCARE DR.
BANGS AVE
PELANDALE AVE
SNYDER AVE
VENEMAN AVE
STANDIFORD AVE
BECKWITH RD
RUMBLE RD
PLAZA PKWY
BLUE GUM AVE
WOODLAND AVE
KANSAS AVE
MAZE BOULEVARD (132)
CARPENTER ROAD
PARADISE ROAD
BEVERLY DR
ROUSE AVE
SUTTER AVE
CALIFORNIA
TUOLUMNE
WOODROW AVE
E. RUMBLE RD
FLOYD AVE
MT. VERNON DR
BRIGGSMORE
GRANGER
ORANGEBURG
W. ROSEBURG AVE
COLDWELL AVE
NEEDHAM
MORRIS AVE
DOWNEY
LA LOMA AVE
MILLER AVE
YOSEMITE BLVD (132)
SANTA CRUZ
CLARIBEL AVE
CLARATINA AVE
GRECIAN AVE
E. UNION AVE
W. UNION AVE
MABLE AVE
SYLVAN AVE
DAVID CT
SPANOS CT
ROSE AVE
BRIGHTON AVE
COFFEE RD
OAKDALE RD
MCHENRY
TULLY
CARVER
COLLEGE AVE
PRESCOTT
DRAGOO PK
MILLER AVE
MILLOLEN AVE
KODIAK DR
FLOYD AVE
MERLE AVE
BELHARBOUR
BRIGGSMORE AVE
E ORANGEBURG AVE
SCENIC DRIVE
ENCINA AVE
EDGEBROOK DRIVE
RIVERSIDE DRIVE
LINCOLN AVENUE
CREEKWOOD DR.
CLAUS ROAD
MILNES
MITCHELL ROAD
FINCH RD
RIVER RD
CROWS LANDING
HWY 99
9TH ST
7TH ST
CONANT AVE
DAKOTA AVE
DALE RD
LAKEWOOD AVE
ROSELLE AVE
WILLBROOK AVE
WOODSCHEL
MAID MARIANE
FINE AVE
LUTT RD
EL VISTA
LA CRESTA DR
HAMPTON CT
GAGOS DR
BLUE GUM DR
SNYDER AVE
VINTAGE DR
PRESCOTT RD
MARTIN LUTHER KING
EMERALD
CARVER RD
TULLY RD
COLLEGE AVE
MCHENRY AVE
SUNRISE AVE
BOOEM
VIRGINIA
COFFEE RD
OAKDALE RD
ROSE AVE
BRIGHTON AVE
LAKEWOOD AVE
SCENIC

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-237

RESOLUTION APPROVING THE EXTENSION OF THE COMPOST FACILITY FLEXIBLE SALES PRICING PILOT PROGRAM FOR A FIVE-YEAR EXTENSION EFFECTIVE AUGUST 1, 2025, THROUGH JULY 31, 2030

WHEREAS, the Compost Facility's primary and state-mandated purpose is to process the City's diverted yard waste, paper waste, and food waste materials into a reusable soil amendment, thus keeping materials from the landfill and lowering our disposal; and

WHEREAS, annually the Facility receives approximately 50,000 tons of raw compostable waste materials and processes it into about 25,000 tons of compost; and

WHEREAS, on April 2, 2019, by Resolution No. 2019-140, Council approved a Flexible Pricing Pilot Program for one year to help with the oversupply of product and to determine its effectiveness in moving product, and on June 2, 2020, by Resolution No. 2020- 248, Council approved a Flexible Pricing Pilot Program for two years to determine the effectiveness of the program regarding the oversupply of product by making it more financially enticing to move product; and

WHEREAS, on July 12, 2022, by Resolution No. 2022-311, Council approved a one-year extension of the Flexible Pricing Pilot Program effective August 1, 2022, through July 31, 2023, with the option to extend for two additional years at the discretion of the City Manager, or his designee; and

WHEREAS, on December 6, 2022, by Resolution No. 2022-466, Council approved an agreement with HDR Engineering, Inc. to conduct a Feasibility Study for the City's Compost Facility. On October 24, 2023, by Resolution No. 2023-472, Council

approved the proposed plan and recommendations from HDR Engineering to expand and improve the existing City of Modesto Compost Facility; and

WHEREAS, since the Flexible Sales Pricing Pilot Program was approved in 2019, the Compost Facility recorded approximately 18 bulk-sale customers (purchases over 100 tons) receiving as much as 50% off the lowest posted rates, resulting in annual average bulk purchases (tons) increasing over 100% each year from 2019 through 2024 compared to 2018 sales; and

WHEREAS, the ability to move product is a critical component of the City's composting operations and permit regulations. It is evident that having the ability to negotiate pricing and offer competitive rates has been a benefit to the Compost Facility and its operations during this pilot program; and

WHEREAS, due to SB 1383 compost procurement and purchasing requirements, the lower bulk pricing will attract cities and jurisdictions to contract with the Compost Facility to purchase more compost to satisfy their compost procurement requirements. Pricing is adjusted annually using the Consumer Price Index (CPI).

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the extension of the Compost Facility Flexible Sales Pricing Pilot Program for a five-year extension effective August 1, 2025, through July 31, 2030.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-238

RESOLUTION APPROVING THE FIRST AMENDMENT WITH HDR ENGINEERING, INC TO COMPLETE ASSIGNED WORK AND TO GAIN REGULATORY COMPLIANCE FOR THE CARPENTER ROAD LANDFILL, MODESTO CALIFORNIA, INCREASING THE AGREEMENT AMOUNT BY $47,800 TO A NEW TOTAL AMOUNT OF $351,450 THROUGH THE TERM OF THE AGREEMENT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, the City of Modesto owned and operated the Carpenter Rd Landfill from 1956-1968. It was a pre-Subtitle D landfill which means there was never a liner put in, or gas and leachate control systems; and

WHEREAS, the landfill size is thirty-nine acres and is split into two areas, east and west, bordering Carpenter Road. The City has ensured post closure monitoring of water and gas wells, as well as general maintenance as required under State law; and

WHEREAS, in the mid-2000's there was a spike in one methane gas well, as well as a release of VOC (Volatile Organic Compound). The Regional Water Quality Control Board (Water Board) asked the City to provide a Mitigation and Monitoring Plan, as well as a Corrective Action Plan; and

WHEREAS, in 2015 the Water Board issued a Cleanup and Abatement Order (CAO) to the City based on their approval of the Correction Action Plan. The City agreed to clean close the east fill and move all the waste to the west fill; and

WHEREAS, the City then went out to bid in 2018 and on August 14, 2018, by Resolution No. 2018-345 Council awarded the contract. Construction began in 2018 and by August 2020, observable waste, and impacted soil from the Eastern Waste Management Unit (WMU) was removed and consolidated into the Western WMU, and a new soil cover was installed atop the Western WMU; and

WHEREAS, a stormwater retention basin was constructed in the former Eastern WMU location, and documents were submitted to the Water Board regarding closure. The Water Board contends that the documents are not complete, and subsequent submittal of additional information did not completely satisfy the requirements of the CAO; and

WHEREAS, on September 12, 2023, by Resolution No. 2023-412, the City entered into an agreement with HDR Engineering, Inc., of Folsom, CA to complete assigned work and to gain regulatory compliance for the Carpenter Road Landfill, Modesto California for an amount not to exceed $271,700 over a five-year period, plus $27,170 for additional services authorized by the City Manager, for a total amount not to exceed $298,870; and

WHEREAS, HDR Engineering, Inc is currently working on all the tasks mentioned in Phase 1. The request to amend the Agreement is regarding Task 500: Residual Waste Removal Work Plan. The plan is to remove the waste materials that are located at the banks of the Tuolumne River. In order to conduct any work at the location, the City needed to obtain a permit from the California Department of Fish and Wildlife (CDFW); and

WHEREAS, the CDFW permit indicated that the City is responsible for complying with certain biological monitoring requirements such as Fish and Game Code sections 2080, 1908, 3511, 4700, 5050, and 5515, and other sections mentioned in the notice. Also, the Water Board indicated that the City is required to excavate additional trenches by the riverbank. With the above request, the City is requesting an amendment to the current Agreement with HDR Engineering, Inc; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “Where the Purchasing Manager in her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services.”

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment with HDR Engineering, Inc to complete assigned work and to gain Regulatory Compliance for the Carpenter Road Landfill, Modesto California, increasing the Agreement amount by $47,800 to a new total amount of $351,450 through the term of the Agreement.

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 24th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-239

RESOLUTION APPROVING THE SECOND AMENDMENT WITH HDR ENGINEERING, INC. FOR THE FEASIBILITY STUDY FOR COMPOST, INCREASING THE AGREEMENT AMOUNT BY $94,658, TO A REVISED TOTAL AMOUNT NOT TO EXCEED $287,775 OVER THE TERM OF THE AGREEMENT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City of Modesto Compost Facility was created and began operation in January 1997 to comply with Assembly Bill (AB) 939's 50% waste diversion requirement; and

WHEREAS, in September 2016, Governor Brown signed the Short-Lived Climate Pollution Reduction Act Senate Bill (SB 1383)[1] into law, establishing emission reduction targets statewide to reduce organic waste to landfill by 75% and recovering 20% of edible food waste for human consumption by 2025; and

WHEREAS, the Compost Facility's primary and state mandated purpose is to process the City's diverted yard waste, paper waste and food waste materials into a reusable soil amendment product (compost), thus keeping these materials from entering the landfill and lowering the City's disposal rate. A secondary purpose of the facility is to then market and sell the finished compost to farmers, landscapers, and backyard gardeners, which in turn helps keep the facility sustainable. Compost is also donated to community gardens and landscape projects, parks, schools, churches, and has been used in City projects; and

[1] https://www.calrecycle.ca.gov/organics/slcp

WHEREAS, annually, the Facility receives approximately 50,000 tons of raw compostable waste materials and processes it into about 25,000 tons of compost; and

WHEREAS, on June 14, 2022, by Resolution No. 2022-276, Council approved new solid waste rates. The new rates took effect on July 1, 2022. A compost facility improvement fee was added to both residential rates and commercial rates. These fees will be solely utilized for facility improvements; and

WHEREAS, on December 6, 2022, by Resolution No. 2022-466, Council approved an agreement with HDR Engineering, Inc. to conduct a Feasibility Study for the City's Compost Facility. On October 24, 2023, by Resolution No. 2023-472, Council approved the proposed plan and recommendations from HDR Engineering to expand and improve the existing City of Modesto Compost Facility. On May 7, 2024, by Resolution No. 2024-140, Council approved the First Amendment with HDR Engineering, Inc. for the Feasibility Study for the City of Modesto's Compost Facility, increasing the Agreement amount by $96,062 to create surface improvements plans; and

WHEREAS, the purpose of the Compost Facility Feasibility Study is to explore the viability of an improved and expanded Compost Facility that will help the City achieve SB 1383's mandated organic waste diversion goals; and

WHEREAS, both the regional air district (San Joaquin Valley Air Pollution Control District Rule (SJVAPCD) 4566) and the regional water board (General Waste Discharge Requirements for Composting Operations, Order WQ 2020-0012—DWQ) require improvements to the heavy equipment operations, working surfaces, and material processing operation to protect the air and groundwater quality, respectively; and

WHEREAS, these two regulatory permitting agencies and SB 1383 require the City to undertake substantial infrastructure, site electrifications, labor, and heavy

equipment improvements to maintain the Compost Facility; and

WHEREAS, HDR Engineering, Inc. evaluated the facility's ability to comply with California Department of Resources Recycling and Recovery (CalRecycle), SB 1383, San Joaquin Valley Air Pollution Control District, and the Regional Water Board requirements and met with City staff to evaluate key considerations in the future of the facility; and

WHEREAS, upon completing the compost feasibility study, HDR Engineering, Inc. developed a list of recommended improvements. The first project on the list is a Compost Surface Improvement project which will prevent water settlement and ponding, promote drainage to the pad's valley gutter and drains, and will provide a permanent solution to the site's compromised working surface. This project is currently in progress; and

WHEREAS, the second recommendation includes an analysis of the Facility's electrification capacity and identify the need to increase power supply to the Facility to provide additional processing capabilities to process additional feedstock and to purchase new electric equipment to replace the diesel operated ones; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) "When the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services."

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment with HDR Engineering, Inc. for the Feasibility Study for Compost, increasing the Agreement amount by $94,658 to a revised total amount not to exceed $287,775 over the term of the Agreement.

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 24th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-240

RESOLUTION CONFIRMING DETACHMENT OF NON-CONTIGUOUS CITY OF MODESTO PROPERTIES DEEDED TO RECLAMATION DISTRICT 2091, REVERTING THE PROPERTY BACK TO UNINCORPORATED STATUS WITHIN THE COUNTY OF STANISLAUS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS REQUIRED FOR CITY DETACHMENT

WHEREAS, the City of Modesto annexed non-contiguous acreage known as the Jennings Road No. 2 Change of Organization, approved by the Stanislaus Local Agency Formation Commission Resolution 2010-18, effective January 10, 2011; and

WHEREAS, the City subsequently granted approximately 19.63 acres to Reclamation District 2091, including Assessor Parcel Numbers: 002-001-011, 022-004-025, 058-001-020, 058-001-020, 058-001-020, 058-001-020 (collectively, the "Property"); and

WHEREAS, pursuant to Government Code section 56742(e), non-contiguous territory annexed pursuant to section 56742 but no longer owned by a city shall cease to be part of that city; and

WHEREAS, Government Code section 56742(g) requires the City of Modesto to adopt a resolution confirming the detachment of the non-contiguous property; and

WHEREAS, the detachment of territory from the City is a mandatory requirement of Government Code section 56742 and as a result, such action is exempt from the requirements of the California Environmental Quality Act ("CEQA") because such action is ministerial pursuant to section 15268(a) of the CEQA Guidelines (14 California Code of Regulations 15258).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes and confirms the detachment of non-contiguous City of Modesto properties deeded to Reclamation District 2091, reverting the property back to unincorporated status within the County of Stanislaus.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute any and all necessary documents required for City detachment 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 24th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-241

RESOLUTION APPROVING AN ARCHITECTURAL SERVICES AGREEMENT WITH RED INC ARCHITECTS, OF MODESTO, CA FOR THE FIRE STATION 1 REHABILITATION AND TENANT IMPROVEMENTS PROJECT IN THE AMOUNT OF $429,490, PLUS $42,949 IN ADDITIONAL SERVICES, IF NEEDED, FOR AN AGREEMENT TOTAL NOT TO EXCEED $472,439, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Fire Station 1, located at 610 11th Street was originally constructed in 1939 and is currently the City's busiest, serving the Downtown, La Loma, Graceada and College neighborhoods housing both an Engine and Truck Company along with Brush 1; and

WHEREAS, due to the age of the building, it needs various interior and exterior improvements; and

WHEREAS, in September of 2024 an On-Call Architectural Services Task Order was issued to RED INC Architects to prepare a Rehabilitation and Tenant Improvement Study to summarize what a potential renovation would entail along with the associated cost estimates; and

WHEREAS, along with addressing the needs and preserving the look of the historical art deco building, this Project will also provide Modesto Fire Department personnel with the necessary amenities to carry out their daily tasks for many years to come; and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants who Provide Architectural and Engineering Services for Capital Projects, a Request for Proposals (RFP) to provide Architectural Services was initiated on February 18, 2025, through OpenGov; and

WHEREAS, on March 25, 2025, Staff received and distributed five (5) proposals to a Selection Committee consisting of Utilities and Engineering Services Department Staff; and

WHEREAS, the proposals were evaluated, and the top two firms were invited to interview; and

WHEREAS, following the interviews, Staff selected RED INC Architects, of Modesto, CA to provide Architectural Services for the Fire Station 1 Rehabilitation and Tenant Improvement Project.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Architectural Services Agreement with RED INC Architects, of Modesto, CA for the Fire Station 1 Rehabilitation and Tenant Improvements Project in the amount of $429,490, plus $42,949 in additional services, if needed, for an Agreement total not to exceed $472,439.

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 24th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-242

RESOLUTION ORDERING THE LEVY AND COLLECTION OF SUCH CHARGES AS SHOWN WITHIN THE ENGINEER'S ANNUAL REPORT WITHIN THE CITY OF MODESTO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR THE DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6 FOR FISCAL YEAR 2025-26

WHEREAS, on May 06, 2025, by Resolution No. 2025-137, Council declared its intent to levy charges or assessment 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 Engineer's Annual Report; and

WHEREAS, the amount of the assessment for Fiscal Year 2025-26 will not increase over the amount imposed for Fiscal Year 2024-25, it will remain at $19,474; and

WHEREAS, the assessment will be $26.00 per parcel for Fiscal Year 2025-26;

WHEREAS, a public hearing was held on June 24, 2025; 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 the laws pertaining to the levy of such charges.

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

Engineer's Annual Report within the City of Modesto Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6 for Fiscal Year 2025-26.

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 2025-26 County Tax Roll.

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 24th day of June, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
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)

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-243

RESOLUTION ORDERING THE LEVY AND COLLECTION OF SUCH CHARGES AS SHOWN WITHIN THE ENGINEER'S ANNUAL REPORT WITHIN THE CITY OF MODESTO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION, AND YOSEMITE MEADOWS SUBDIVISION UNITS 1 AND 2 FOR FISCAL YEAR 2025-26

WHEREAS, on May 06, 2025, by Resolution No. 2025-138, Council declared its intent to levy charges or assessment for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision Units 1 and 2 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 Engineer's Annual Report; and

WHEREAS, the annual assessment is to adjust annually according to the BCI for the San Francisco Bay Area as reported in the Engineering News Record the second week of February; and

WHEREAS, the increase in the annual assessment is less than or equal to the annual inflator previously approved by the property owners within the District; and

WHEREAS, the annual adjustment for Fiscal Year 2025-26 is -1.13072%; and

WHEREAS, the inflationary adjustment is applied when the district has minimal or negative fund reserves to offset the total cost estimates for the upcoming fiscal year; and

WHEREAS, due to the decrease in BCI, the annual assessment will remain flat for the upcoming fiscal year; and

WHEREAS, the annual assessment for Fiscal Year 2025-26 is $34,202.90, while its projected expenses are $26,342; and

WHEREAS, the levy for Fiscal Year 2024-25 was $34,202.90 and the projected expenses are $26,169; and

WHEREAS, the annual assessment per acre for Fiscal Year 2025-26 will be $254.92 per acre with residential properties assessed $50.16 per unit with all other property being assessed based on actual acreage; and

WHEREAS, any additional revenue stays within the LMAD No. 2 Fund balance and will cover any unanticipated expense that occur for LMAD No. 2; and

WHEREAS, a public hearing was held on June 24, 2025; 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, City of Modesto has further determined the charges are in compliance with all the 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 as shown within the Engineer's Annual Report within the City of Modesto Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision Units 1 and 2 for Fiscal Year 2025-26.

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 2025-26 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 24th day of June, 2025, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MECHALYS WY
N MC CLURE RD
CLAUS RD
YOSEMITE MEADOWS DR
YOSEMITE BLV
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)
250 125 0 250
Feet
Date: 1/6/2025
MODESTO
CALIFORNIA
Document Path: G:\Projects\Maintenance\Aprx\LandscapeMaintenanceNo2\LandscapeMaintenanceNo2\LandscapeMaintenanceNo2.aprx

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-244

RESOLUTION ORDERING THE LEVY AND COLLECTION OF SUCH CHARGES AS SHOWN WITHIN THE ENGINEER'S ANNUAL REPORT WITHIN THE CITY OF MODESTO SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT FOR FISCAL YEAR 2025-26

WHEREAS, on May 06, 2025, by Resolution No. 2025-139, Council declared its intent to levy charges or assessment for the purpose of administering the maintenance of seventy-seven 200-watt high pressure sodium streetlights in the Shackelford Landscape and Lighting District under the provisions of California Streets and Highways Code Sections 22500 through 22679, more commonly known as Landscape and Lighting Act of 1972; and

WHEREAS, each year the annual assessment uses a standard formula to calculate its fees: estimated operation and maintenance costs for the current year minus the fund balance from the previous year and estimated property tax revenue for current year plus number of benefitting parcels in the district and $1.50 parcel administrative charge; and

WHEREAS, the annual assessment for Fiscal Year 2024-25 is $31,153.95, the levy will decrease to $17,792.20 in Fiscal Year 2025-26, based on the previously mentioned standard formula with variances in projected expenditures covered by the current fund balance; and

WHEREAS, the annual assessment will be $36.53 per parcel for Fiscal Year 2025-26; and

WHEREAS a public hearing was held on June 24, 2025.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that is hereby orders the levy and collection of such charges as shown within the Engineer's Annual Report within the City of Modesto Shackelford Landscape and

Lighting District for Fiscal Year 2025-26.

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 2025-26 County Tax Roll.

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 24th day of June, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PECOS AVE
CROWS LANDING RD
MAIN ST
BOWLE AVE
SCHOOL AVE
RIO GRANDE AVE
TID LATERAL NO 1
Assessment District Diagram
Shackelford Landscape and Lighting District
250 125 0 250
Feet
Date: 1/6/2025
MODESTO
CALIFORNIA
Document Path: G:\Projects\Maintenance\Aprx\LandscapeMaintenanceShackelford\ShackelfordMaintenance.aprx

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-245

RESOLUTION APPROVING THE 2025-2030 CONSOLIDATED PLAN, ACCEPTING HUD PROGRAM FUNDS AWARDED THROUGH THE PROGRAM YEAR 2025-2026 ANNUAL ACTION PLAN AS REQUIRED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT DEPARTMENT (HUD) AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO NEGOTIATE AND EXECUTE ANY RELATED PROGRAM AGREEMENTS, CONTRACTS OR OTHER DOCUMENTATION REQUIRED FOR THE IMPLEMENTATION OF THE 2025-2030 CONSOLIDATED PLAN AND PROGRAM YEAR 2025-2026 ANNUAL ACTION PLAN AND AUTHORIZATION TO SUBMIT APPLICABLE DOCUMENTATION AND PROVIDE TECHNICAL ALTERATIONS, AS REQUIRED BY HUD, INCORPORATE COMMENTS RECEIVED PRIOR TO THE CLOSE OF PUBLIC COMMENT PERIOD, AND TO MAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISION OF THIS RESOLUTION

WHEREAS, the City of Modesto is an entitlement grantee under the U.S. Department of Housing and Urban Development (HUD) Office of Community Planning and Development (CPD) which allocates the following program funds to the City of Modesto through a formula based allocation: Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG); and

WHEREAS, as an entitlement community, HUD requires entitlement grantees adopt a comprehensive, long-term plan known as the Five-Year Consolidated Plan for the use of HUD funds allocated to the City; and

WHEREAS, the Consolidated Plan, analyzes the City's housing and community development needs, with a priority focus on low and moderate-income individuals, households, and neighborhoods, and describes five-year strategies for meeting those needs; and

WHEREAS, HUD funds must be used to revitalize low-income neighborhoods and to assist disadvantaged populations by providing adequate public facilities and services, generating affordable housing opportunities, and implementing effective strategies to reduce homelessness; and

WHEREAS, as part of the consolidated planning process, HUD requires entitlement grantees to adopt an Annual Action Plan (AAP) for every fiscal year within the five-year Consolidated Plan period; and

WHEREAS, this document describes the how funds will be used in a particular fiscal year to address the needs and priorities established through the Consolidated Plan and as designated by HUD, the first fiscal year's Annual Action Plan is developed as part of the five-year Consolidated Plan document; every fiscal year thereafter, the Annual Action Plan is developed as a stand-alone document; and

WHEREAS, the City coordinates efforts to provide a balanced approach to community needs using our available resources and qualifies as a CDBG entitlement community based and is awarded from HUD based on the entitlement formula utilizes population information, poverty, and overcrowded housing data to establish funding allocations; and

WHEREAS, the City conducted a robust citizen participation marketing process consisting of multiple posts on social media, newspaper publications, notification on the Stanislaus County Continuum of Care (CoC) and other local special interest group list servs, distribution of marketing materials to targeted neighborhood groups, online surveys, and in person presentations and announcements to active neighborhood collaborative groups; and

WHEREAS, on April 13, 2024, by Resolution No. 2024-281, the City partnered with LeSar Development Consultants to assist with the preparation of the Consolidated Plan by analyzing key data requirements, seek local stakeholder feedback, and analyze the City's outreach to the community this helped provide the recommended priorities for the community; and

WHEREAS, the City held seven (7) public community meetings, with at least one (1) meeting being in each Council district and held in a public space where Spanish translation was made available; and

WHEREAS, the meetings consisted of a Consolidated Plan overview and community feedback regarding needs, priorities within the community, that may be addressed through HUD-funded programs; and

WHEREAS, the City facilitated several stakeholder meetings gathering input from the Continuum of Care (CoC) as well as the Stanislaus Homeless Alliance (SHA); and

WHEREAS, these meetings consisted of a Consolidated Plan overview and then also set aside time to discuss needs in the service delivery system, potential gaps, and strategies to address the goal of ending homelessness; and

WHEREAS, targeted outreach was conducted to organizations that are involved in housing, service delivery, organizations addressing special needs, infrastructure, and public works; and

WHEREAS, this targeted outreach resulted in email and phone communication gathering input on needs and priorities within the respective organization; and

WHEREAS, a community survey was made available, asking for input on priorities within the community, the survey was designed specifically for Consolidated Plan input and reflects the needs of the community from the citizens' perspective and a total of approximately 545 responses were received from the public; and

WHEREAS, the Consolidated Plan's Needs Assessment, Market Analysis, and the community engagement process served to inform the prioritization of projects outlined in the 2025-2026 Annual Action Plan as well as the goals and priority needs that will guide the City's use of HUD funds over the next five (5) years; and

WHEREAS, according to the proposed Consolidated Plan, the primary areas that the City will address with HUD funds are the increase supply of affordable housing, addressing and preventing homelessness, enhancing infrastructure and public facilities, working toward ending homelessness, and increase access to jobs, education, and other services; and

WHEREAS, it is important to note that the Consolidated Plan complements the City's Vision, Mission, Goals and Strategies document known as the City's 2025-2026 Strategic Plan adopted by City Council on June 3, 2025; and

WHEREAS, the Program Year (PY) 2025-2026 Annual Action Plan (AAP) represents the first year of the City's 2025-2030 Consolidated Plan and identifies the expected resources to be available and projects to be undertaken, to address the community priority needs as identified in the 2025-2030 Consolidated Plan; and

WHEREAS, the PY 2025-2026 allocations are $1,898,921 in Community Development Block Grant (CDBG), $157,694 in Emergency Solutions Grant (ESG), and $800,216 in HOME investment partnership (HOME) funds; and

WHEREAS, CDBG funds support a range of eligible activities to benefit low and moderate-income individuals, families, and neighborhoods; these eligible activities include, but are not limited to public services, affordable housing, housing rehabilitation, property acquisition, acquisition or rehabilitation of public facilities, special economic development activities, and program administration in support of the implementation eligible activities; and

WHEREAS, CDBG funds must be allocated to eligible activities to support the goals and objectives identified within the Consolidated Plan to address community needs; and

WHEREAS, the CDBG projects proposed in the AAP are Program Planning and Administration, Housing Rehabilitation Administration Activity Delivery, Economic Development, Public Facilities, Affordable Housing – Acquisition, Rehabilitation, homelessness, Public Services, Affordable Housing – Owner Occupied Rehab; and

WHEREAS, up to 15% of the City's CDBG annual allocation may be used for public service activities; and

WHEREAS, ESG funds supports essential services to homeless individuals and families through street outreach and engagement, rapid re-housing assistance, homeless prevention, and provision of vital services in emergency shelters and the City competitively awards ESG grants to eligible organizations that aid individuals and families experiencing homelessness and those at risk of experiencing homelessness; and

WHEREAS, HOME funds supports projects that purchase, construct, and/or rehabilitate affordable housing for rent or homeownership to low-income individuals; and

WHEREAS, CDBG, ESG, and HOME funds must be allocated to eligible activities to support the goals and objectives identified within the Consolidated Plan to address community needs; and

WHEREAS, the draft documents are posted for a 30-day public comment period in the Modesto Bee and the documents are available on the City's website and community notifications are sent through the Community Development, Community System of Care, and Stanislaus Homeless Alliance e-mail listservs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the 2025-2030 Consolidated Plan and accepts HUD program funds awarded through the Program Year 2025-2026 Annual Action Plan as required by the U.S. Department of Housing and Urban Development Department (HUD).

BE IT FURTHER RESOLVED, the City Manager, or his designee, to negotiate and execute any related program agreements, contracts, or other documentation required for implementation of the 2025-2030 Consolidated Plan and Program Year 2025-2026 Annual Action Plan and authorizes the submission of applicable documentation and technical alterations, as required by HUD, incorporate comments received prior to the close of the public comment period, and to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 2025, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-246

RESOLUTION AMENDING SECTION 1 POLICY – CITIZEN PARTICIPATION PLAN FOR HUD PROGRAMS OF THE HOUSING AND URBAN DEVELOPMENT POLICIES AND PROCEDURES MANUAL AS REQUIRED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT DEPARTMENT (HUD)

WHEREAS, the City is an entitlement grantee under the U.S. Department of Housing and Urban Development (HUD) Office of Community Planning and Development (CPD) which allocates the following program funds to the City through a formula based allocation Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG); and

WHEREAS, on October 2016, by Resolution No. 2016-425, Council adopted Housing & Urban Development Policies & Procedures Manual (HUD Manual); this document consolidated all HUD-related Policies & Procedures into one document; and

WHEREAS, the HUD Manual was updated on September 8, 2020, and Amended on June 1, 2021, through Resolution No. 2021-195; and subsequently amended on November 14, 2023; and

WHEREAS, under HUD's Code of Federal Regulations for the Consolidated Plan (24 CFR Part 91 Sec.91.105), the City must adopt a Citizen Participation Plan that sets forth the City's policies and procedures for citizen participation in the planning, execution, and evaluation of the Consolidated Plan, Annual Action Plan, and Consolidated Annual Performance Evaluation Report (CAPER); and

WHEREAS, the Citizen Participation Plan (CPP) is to establish the standards to promote citizen participation in the development of the above-mentioned plans and

related documents; grantees report the results of their citizen participation and consultation efforts in their five-year Consolidated Plans and Annual Action Plans; and

WHEREAS, HUD encourages entitlement grantees to update its CPP every five years in alignment with the Consolidated Plan update; and

WHEREAS, the Citizen Participation Plan outlines the outreach and participation by low- and moderate-income persons, particularly those living in blighted areas, in areas where HUD funds are proposed to be used and by residents of predominantly low- and moderate-income neighborhoods and encourages participation in all stages of the Consolidated Planning process by all residents, including minorities and non-English speaking persons, as well as persons with mobility, visual, or hearing impairments, and residents of assisted housing developments and recipients of tenant-based assistance; and

WHEREAS, in compliance with the HUD's Citizen Participation Plan requirements, The City has updated its Citizen Participation Plan and is included for public review; and

WHEREAS, City staff recommends a change to Section 6.3.1 which provides clarity to requirement of the City to conduct a public hearing when plan changes meet the definition of a substantial amendment Section 6.3.1 defines a "substantial change" to an Annual Action Plan is defined as any new project not previously identified in the Annual Action Plan with an appropriation exceeding 25% of the total anticipated resources outlined in the approved Annual Action Plan; and

WHEREAS, draft documents will be published in the Modesto Bee for public review and are posted for a 30-day public comment period in the Modesto Bee and made available on the City's website and community notifications are sent through the

Community Development, Community System of Care, and Stanislaus Homeless Alliance e-mail listservs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amending to the Section 1 Policy – "Citizen Participation Plan" of the Housing and Urban Development Policies and Procedures manual as required by the U.S. Department of Housing and Urban Development Department (HUD).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 2025, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-247

RESOLUTION APPROVING AN AMENDMENT TO THE LAND USE ELEMENT OF THE MODESTO URBAN AREA GENERAL PLAN TO CHANGE THE LAND USE OF APPROXIMATELY 70 ACRES FROM BUSINESS PARK (BP) TO RESIDENTIAL (R) USES (FITZPATRICK LAND DEVELOPMENT, LLC)

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, 2019-109, 2022-100, 2022-193, 2022-449, 2024-022, and 2025-164, copies of which are on file in the office of the City Clerk, and

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

WHEREAS, Fitzpatrick Land Development LLC has applied for an amendment to the General Plan to change the land use designation of approximately 70 acres from Business Park (BP) to Residential (R), properties located north of Pelandale Avenue, south of Bangs Avenue, between Tully Road to the west and the former Tidewater Railroad /future Virginia Trail Corridor to the east, within the Kiernan-McHenry Comprehensive Planning District (CPD), and

WHEREAS, said application was made concurrently with a proposed new Specific Plan document “Founders Point East” to allow for the development of the 70 acres together with 150 acres located between Bangs Avenue to the south, Kiernan Avenue, Tully Road to the west and the former Tidewater Railroad alignment/future Virginia Trail Corridor to the east, 220 acres total within the Kiernan-McHenry Comprehensive Planning District (CPD) (Project ID SPL-24-001), and

WHEREAS, the application was made concurrently with the proposed annexation of the properties of the Founders Point East Specific Plan, located between Pelandale Avenue to the south, Kiernan Avenue to the north, Tully Road to the west and the former Tidewater Railroad alignment/future Virginia Trail Corridor to the east, a total annexation area of 220 acres (Project ID ANX-24-001), and

WHEREAS, the Community & Economic Development Department has analyzed the proposed amendment and concluded that the amendment to the Land Use Diagram would allow for the development of new residential uses consistent with the Residential land use designation, and

WHEREAS, an Initial Study has been prepared by staff, as required by CEQA, and

WHEREAS, the Initial Study concluded that while the project may have a potentially significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent, and a Mitigated Negative Declaration, Environmental Assessment No. EA/C&ED No. 2024-14, was prepared, and

WHEREAS, a 30-day public review period for the proposed Initial Study/Mitigated Negative Declaration began on March 30, 2025 and concluded on April 28, 2025, and

WHEREAS, the City received public comments on the draft Initial Study/Mitigated Negative Declaration and no significant changes to the document were necessary as a result, and

WHEREAS, the Mitigation Monitoring Plan (MMP) is included and described within the Initial Study/Mitigated Negative Declaration, and

WHEREAS, on May 5, 2025, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, relating to this proposed amendment to the Modesto Urban Area General Plan to change the land use designation of 70 acres from Business Park (BP) to Residential (R), properties located north of Pelandale Avenue, south of Bangs Avenue, between Tully Road to the west and the former Tidewater Railroad /future Virginia Trail Corridor to the east, within the Kiernan-McHenry Comprehensive Planning District (CPD), and

WHEREAS, after said public hearing, the Planning Commission adopted Resolution No. 2025-24 recommending to the City Council an amendment to the Modesto Urban Area General Plan to change the land use designation of 70 acres from Business Park (BP) to Residential (R), and

WHEREAS, said matter was set for a public hearing of the City Council to be held on June 24, 2025, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing of the

Council was held for the purpose of receiving public comment on the proposed amendment to the Modesto Urban Area General Plan Land Use Diagram.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed amendment to the Modesto Urban General Plan to as described in **Exhibit "A", attached** hereto and incorporated herein by reference, is required for the public health, safety, and welfare of the citizens of Modesto.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby adopts the proposed amendment to the Urban Area General Plan as described in **Exhibit "A", attached** hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community and Economic Development Department Director is hereby authorized and directed to forward certified copies of this resolution and said amendment to the Urban Area General Plan to the Board of Supervisors, and file a Notice of Determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

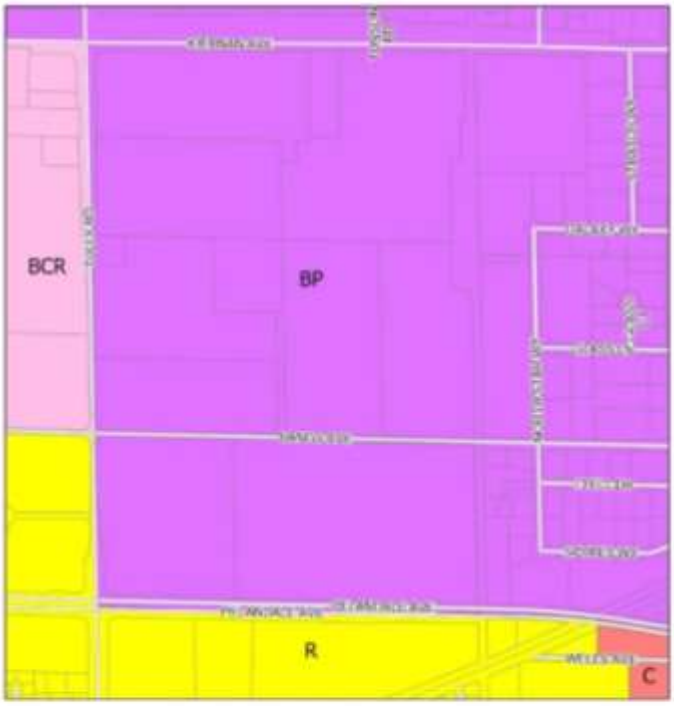
ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

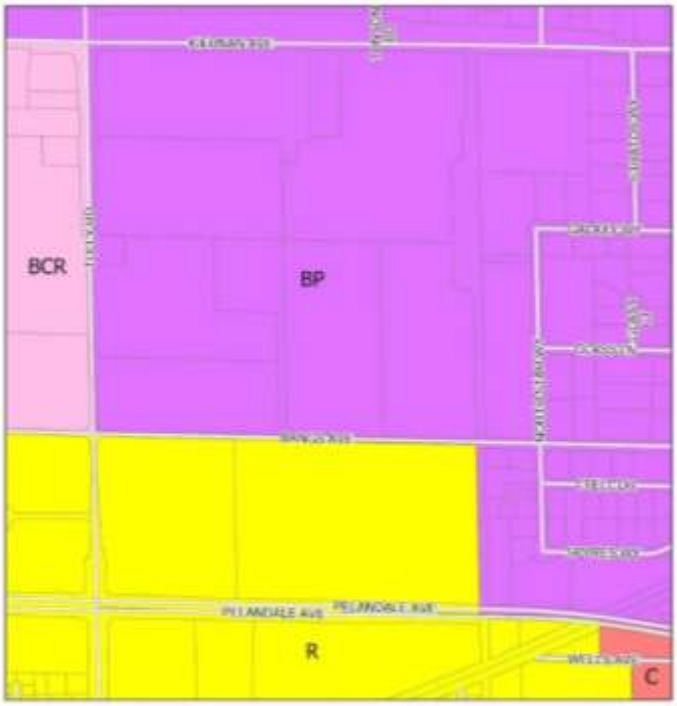
BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A



Existing General Plan Land Use

N



Proposed General Plan Land Use

N

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-248

RESOLUTION APPROVING THE FOUNDERS POINT EAST SPECIFIC PLAN FOR THE DEVELOPMENT OF APPROXIMATELY 220 ACRES LOCATED NORTH OF PELANDALE AVENUE, SOUTH OF KIERNAN AVENUE, EAST OF TULLY ROAD AND WEST OF THE FORMER TIDEWATER RAILROAD/FUTURE VIRGINIA TRAIL CORRIDOR (FITZPATRICK LAND DEVELOPMENT LLC)

WHEREAS, Government Code Section 65450 et. seq. permits cities and counties to adopt Specific Plans for the systematic implementation of the General Plan and to provide for greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, the Modesto Urban Area General Plan includes a policy that requires the preparation of a comprehensive plan for all Comprehensive Planning Districts, and

WHEREAS, the Modesto Urban Area General Plan allows the implementation of a comprehensive plan through specific plans, as defined by Government Code Section 65450 et. seq., and

WHEREAS, the Kiernan-McHenry Comprehensive Planning District (CPD) of the General Plan is bordered by Kiernan Avenue to the north, Pelandale Avenue to the south, Tully Road to the west and McHenry Avenue to the east, said CPD consisting of 100 acres designated for Regional Commercial (RC) land uses and 370 acres for Business Park (BP) land uses, a total of 470 acres, and

WHEREAS, on April 11, 2024, Fitzpatrick Land Development LLC ("Applicant") filed an application to propose the new Founders Point Specific Plan for two parcels totaling 70 acres located at the southwest corner of the Kiernan-McHenry CPD, said properties bordered by Bangs Avenue to the north and Pelandale Avenue to

the south, Tully Road to the west and the former Tidewater Railroad/future Virginia Trail Corridor to the east, and

WHEREAS, the application was made concurrently with an application for an amendment to the Land Use Element of the City of Modesto Urban Area General Plan to amend the Land Use designation of the two parcels from Business Park (BP) to Residential (R), (Project ID GPA-24-002), and the annexation of the two parcels totaling 70 acres bordered by Bangs Avenue to the north and Pelandale Avenue to the south, Tully Road to the west, and the former Tidewater Railroad/future Virginia Trail Corridor to the east (Project ID ANX-24-001), and

WHEREAS the application was amended to include properties to the north of the site into the proposed Specific Plan and annexation area, 150 acres bordered by Bangs Avenue to the south and Kiernan Avenue to the north, Tully Road to the west, and the former Tidewater Railroad/future Virginia Trail Corridor to the east, with development policies for the future development of business park uses within the 150 acres in accordance to the General Plan, and

WHEREAS, together with the inclusion of the 150 acres, the Specific Plan and annexation area is to be a combined area of 220 acres, all bordered by Pelandale Avenue to the south, Kiernan Avenue to the north, Tully Road to the west, and the former Tidewater Railroad/future Virginia Trail Corridor to the east, and the Specific Plan document composed to allow for business park uses on the 150 acres north of Bangs Avenue and residential uses on the 70 acres south of Bangs Avenue, and

WHEREAS, an Initial Study for the Project has been prepared by staff, as required by CEQA, and

WHEREAS, the Initial Study concluded that while the project may have a potentially significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent, and a Mitigated Negative Declaration, Environmental Assessment No. EA/C&ED No. 2024-14, was prepared, and

WHEREAS, a 30-day public review period for the proposed Initial Study/Mitigated Negative Declaration began on March 30, 2025 and concluded on April 28, 2025, and

WHEREAS, the City received public comments on the draft Initial Study/Mitigated Negative Declaration and no significant changes to the document were necessary as a result, and

WHEREAS, the Mitigation Monitoring Plan (MMP) is included and described within the Initial Study/Mitigated Negative Declaration, and

WHEREAS, a public hearing was held by the Planning Commission on May 5, 2025, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 2025-25, recommending to the City Council an approval of the Founders Point East Specific Plan, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on June 24, 2025, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the

Council was held for the purpose of receiving public comment on the proposed Founders Point East Specific Plan.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that it hereby finds as follows:

1. The proposed Founders Point East Specific Plan is consistent with the Modesto Urban Area General Plan, because:

    a. The proposed Specific Plan complies with the requirement to prepare a comprehensive plan for Comprehensive Planning Districts; and

    b. The proposed development of the properties within the Founders Point East Specific Plan is consistent with Business Park and Residential land use designations of the General Plan (as amended); and

    c. The location of the properties within the proposed Specific Plan is immediately adjacent to the existing City incorporated area and is within the Sphere of Influence, and is consistent with General Plan Growth Goals II.B.1 which states "Keep urban development as contiguous as possible in order to minimize urbanization of valuable farmland, foster resident convenience, improve air quality, reduce automobile vehicle miles traveled, improve public health and safety, and provide for economy in City services", II.F.1 which states "Facilitate the creation and expansion of business parks to achieve a more equitable jobs-housing balance", and II.F.5 to "pursue a diverse supply of housing types and costs, as well as diverse supply of jobs with varying income potential, to balance local job and housing opportunities."

2. An Initial Study/Mitigated Negative Declaration, Environmental Assessment No. EA/C&ED No. 2024-14, has been prepared by the City of Modesto that analyzed the proposed project, and the Planning Commission has determined that while the project may have a potentially significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent, and that the Mitigated Negative Declaration should be adopted by the City Council.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Founders Point East Specific Plan, on file in the office of the Community and Economic

Development Department and incorporated herein **Attachment A** by reference, is hereby adopted.

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 Founders Point East Specific Plan to the Board of Supervisors of the County of Stanislaus.

BE IT FURTHER RESOLVED that the project applicant shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning the specific plan (File No. SPL-24-001). The City of Modesto shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the applicant shall not thereafter be responsible to defend, indemnify, or hold City harmless.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

ATTACHMENT A
Founders Point East Specific Plan

FOUNDERS POINT EAST SPECIFIC PLAN

MARCH 2025

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1 SUMMARY

Under California Law (Government Code Section 65450 et seq.), cities and counties may use Specific Plans to develop policies, programs, and regulations to implement the jurisdiction's adopted General Plan for specified areas. This document explains how the Founders Point East Specific Plan contributes to the implementation of the Modesto Urban Area General Plan.

1.1 Location

The Founders Point East plan area is located adjacent to the northern city limits of the City of Modesto, within Stanislaus County, in the San Joaquin Valley of California. The plan area is located within Modesto's Sphere of Influence, and within the Kiernan/McHenry Comprehensive Planning District (CPD), as designated in the Modesto Urban Area General Plan. The plan area is bounded by Pelandale Avenue on the south, Tully Road on the west, Kiernan Avenue on the north, and the City of Modesto future bike path (the abandoned U.P.R.R.) on the east.

1.2 Proposed Land Uses

Founders Point East is a comprehensively planned residential development on approximately 220 gross acres in the Kiernan/McHenry CPD. The Urban Area General Plan provides for an overall density of up to 6.6 units per acre within the Kiernan/McHenry CPD. The Founders Point East will provide for 70 gross acres within the Kiernan/McHenry CPD designated as Low-Density Residential (LDR), with approximately 63.6 net acres available for development before any additional right-of-way dedication. The residential component of Founders Point East, shown as Subarea A, is projected to develop at an average density of about 6.6 du/acre, resulting in about 420 single-family units on lots ranging from 3,000 to 6,000 square feet, and provides for a range of household income levels and lifestyles. The plan will include approximately 150 acres within the Kiernan/McHenry CPD for Business Park (BP) uses, allowing for office, commercial-industrial and light-industrial uses (shown as Subarea B). The 70-acre Subarea A also includes a robust open space program, including an enhanced entry, and a linear park/basin adjacent to the City's future bike path providing both passive and active recreational opportunities for its residents. (See Figure 3-1: Land Use Diagram)

1.2.1 Residential Density and Pattern

The 70-acre single-family or Low-density Residential (LDR) land use area will develop consistent with Chapter 4 Development Standards in this Specific Plan. Within this area, 63.6 net acres is projected to develop at an average density of about 6.6 dus/acre, resulting in approximately 420 single-family units, and includes a variety of lot sizes ranging from 3,000 sf to 6,000 sf. Lotting pattern and density will be finalized by the Tentative Subdivision Map process.

1.2.2 Open Space

The open space program consists of 2.5 net acres of dual use park/storm basin adjacent to the approximately 1.5 acre future City Bike Path (abandoned U.P.R.R. right-of-way). In addition, a generous landscape corridor at the primary entry on Tully Road will be provided.

1.3 Streets

The plan area is bounded by three public rights-of-way, Pelandale Avenue, Tully Road, and Kiernan Avenue/State Highway CA-219. The 70-acre Subarea A is bounded by Bangs Avenue, Pelandale Avenue and Tully Road. Access to Tully Road and Bangs Avenue is provided. Local residential streets will access these two roads.

1.4 Infrastructure

Water, sewer, and police services will be provided by the City of Modesto, and fire services will be provided by the City of Modesto and the Salida Fire Protection District under the provisions of the September 13, 2022 Agreement between the City of Modesto and the Salida Fire Protection District. All plan area storm water drainage will be accommodated on the site with no routine discharges.

1.5 Implementation

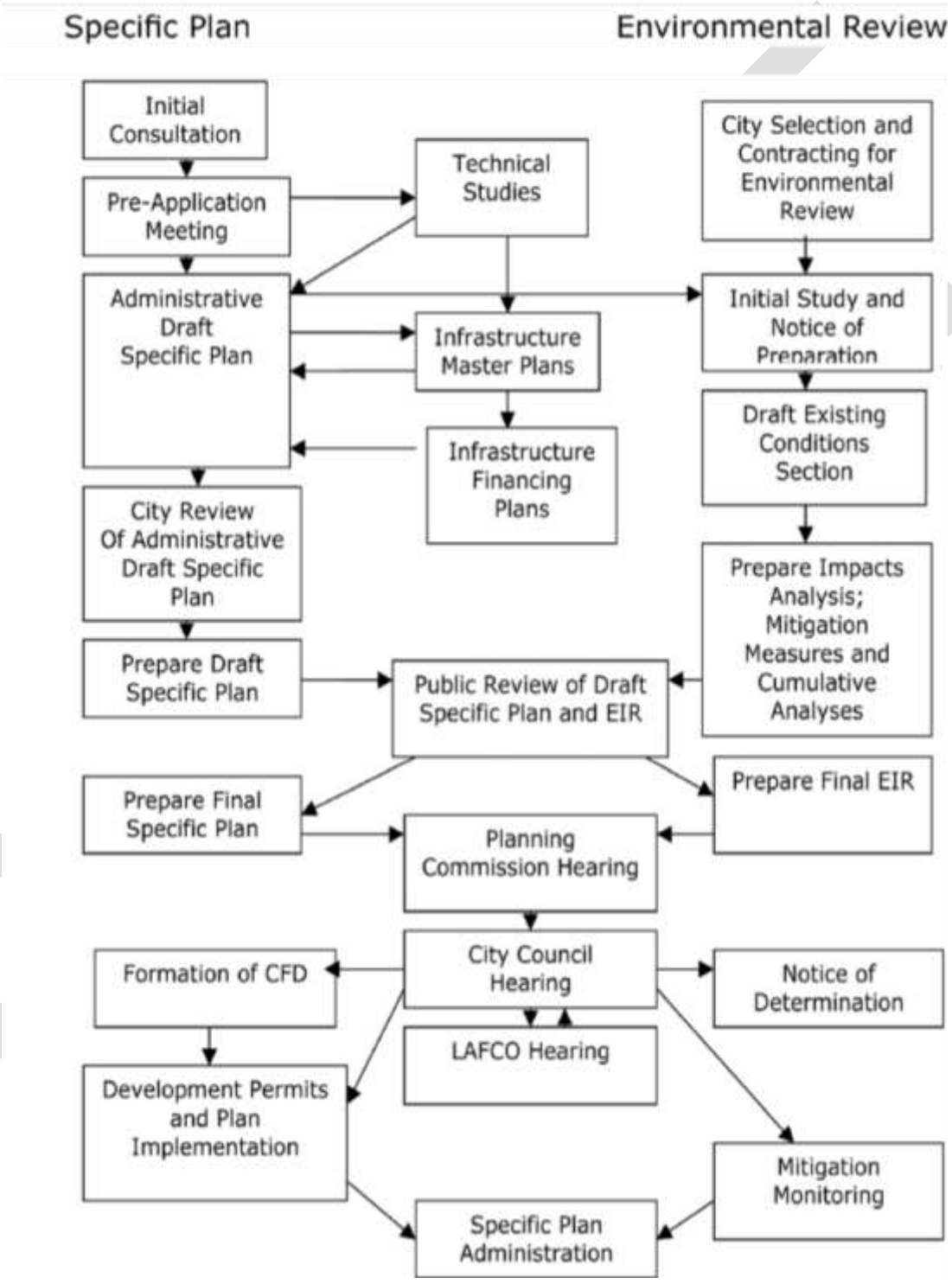
Phasing of the 70-acre Subarea A is currently expected to proceed in three phases, each with two distinct villages, although modifications to this projected schedule may occur. Each phase could include sub-phases to complete build out of infrastructure and roadway improvements (see Figure 9-1: Phasing).

The 150-acre Subarea B is already partially built-out with existing industrial and warehouse uses, a church and a recreational vehicle storage facility. Further development is expected with developer demand, with new local streets accessed from Bangs Avenue and Tully Road, and infrastructure and roadway improvements extended into Subarea B as development is proposed.

1.6 Summary of Plan Preparation Process

Figure 1-1: Entitlement Process is a chart showing the steps undertaken to prepare this Specific Plan. The process mirrors the 22-step process outlined in Modesto's Specific Plan Procedures and Preparation Guide (October 2004). It illustrates a workflow regarding the preparation of the Specific Plan and a related workflow regarding the preparation of the environmental review document. This process culminates with recommendations from the Modesto Planning Commission to the City Council regarding its certification of project's environmental document and adoption of the Specific Plan. After approval, the City will initiate the annexation that the Local Area Formation Commission will act upon.

Figure 1-1 Entitlement Process



2 INTRODUCTION

2.1 Purpose of this Specific Plan

The Founders Point East plan area is within Modesto's Planned Urbanizing Area as defined by the Modesto Urban Area General Plan. It is part of the Kiernan/McHenry Comprehensive Planning District (CPD), where Business Park, Commercial and Residential land uses are planned. The development of this plan area as Residential is consistent with the General Plan. This Specific Plan document describes the features of the land use plan and associated infrastructure and provides development standards and an implementation strategy for the proposed Founders Point East development.

2.2 Specific Plan as a Regulatory Document

California Government Code (Section 65450 et seq.) requires that a Specific Plan include text and diagrams explaining the following information, all of which is provided in this Specific Plan, as noted.

- The distribution, location and extent of land uses, including open space, within the area covered by the plan (Chapter 3);
- The proposed distribution, location, extent and intensity of major components of public and private transportation, water, wastewater, drainage, solid waste disposal, energy and other essential facilities proposed to be located within the area covered by the plan (Chapters 3, 6, and 7);
- Standards and criteria by which development will proceed, and standards for the conservation, development and utilization of natural resources, where applicable (Chapters 4 and 5);
- A program of implementation measures including regulation, programs, public works projects, and financing measures necessary to carry out the above (Chapter 9); and
- A statement of the relationship of the Specific Plan to the adopted General Plan (Chapter 2).

2.3 Project Description

The Founders Point East Project is a comprehensively planned residential development on approximately 70 gross acres in the southwest corner of the Kiernan/McHenry Comprehensive Planning District (CPD) of Modesto, California. The 70-acre Subarea A is bounded generally by Bangs Avenue to the north, Pelandale Avenue to the south and Tully Avenue to the east. The land use program provides for approximately 420 single-family residential units adjacent to a park/basin that will act as the project's storm water infiltration basin and recreational area.

The project area also includes approximately 150 gross acres located within the

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Kiernan-McHenry CPD, north of the 70-acre residential component and bounded generally by Kiernan Avenue/State Highway CA-219 to the north, Tully Avenue to the west and Bangs Avenue to the south. The land uses of the 150-acre portion, identified as Subarea B, will provide for Business Park uses as described in the General Plan of the City of Modesto.

The Specific Plan area will be annexed to the City of Modesto and the zoning will change from the Stanislaus County Agricultural (A-2-10) Zone to the City of Modesto's Specific Plan (SP) Zone. The underlying uses of the SP Zone will be described in Chapter 3, Specific Plan Elements, below.

2.4 General Plan Consistency & Relationship to Other Plans

The Founders Point East Specific Plan is consistent with the Modesto Urban Area General Plan, as amended, and the Modesto Housing Element. Pursuant to the City of Modesto Specific Plan Procedures and Preparation Guide (October 2004), this section addresses applicable Land Use and Housing policies.

In the General Plan, the community development policies noted below shape citywide development and guide development within the Kiernan/McHenry CPD. Development of land adjacent to existing development and existing city services, such as this site, is encouraged. The project contributes housing with open space and recreation areas. Convenient commercial uses and workplaces are located within other areas of the CPD.

2.4.1 Land Use Policies

The project is consistent with the applicable Overall Land Use Policies in Section III-C.2 of the General Plan, that promote and facilitate a fabric of complete, cohesive, pedestrian-friendly, and family-oriented neighborhoods across the entire City.

2.4.2 Kiernan/McHenry Comprehensive Planning District

The proposed project is consistent with the applicable Kiernan/McHenry Comprehensive Planning District Policies in Section III-D of the General Plan (as amended), as follows:

Exhibit III-1 Land Use Types
- Approximately 70 acres designated "Residential"
- Approximately 300 acres designated "Business Park"
- Approximately 100 acres designated "Regional Commercial"
- Approximately 10,200 jobs
- Approximately 420 dwelling units

The Founders Point East Specific Plan comprises all of the approximately 210 gross acres of designated Residential within the Kiernan/McHenry Comprehensive Planning District (CPD).

2.4.3 Housing Policies

The project is consistent with the following relevant Housing Policies in Chapter 6 of the City of Modesto Housing Element, 01/10/17, as follows:

- Policy 2.1 Promote equal opportunity for all residents to live in the housing of their choice by continuing to make a strong commitment to the issue of fair housing practices, as well as ensure that fair housing opportunities prevail for all City residents regardless of age, sex, religion, ancestry, marital status, family status, income or source of income, race, creed, national origin, sexual orientation, or disabilities.

  Fair housing practices shall be implemented in the sale and lease of all residential units within Founders Point East, in accordance with all federal, state, and local laws.

- Policy 2.2 Facilitate the development of accessory units as an affordable housing alternative.

  Founders Point East permits and encourages the development of secondary or accessory dwelling units (ADU).

- Policy 2.3 Facilitate the development of entry level housing as well as "step-up" housing and encourage a range of housing types to be constructed in subdivisions and large developments.

  The Founders Point East Specific Plan provides a wide range of housing types that are attainable to a wide range of lifestyles and income levels. Accessory dwelling units provide opportunities for inexpensive, entry-level housing. Smaller lot homes provide an opportunity for low to moderate cost housing, while larger lot homes allow for step-up housing opportunities.

- Policy 6.1 Promote coordination between infrastructure master plans, service area boundaries, and housing plans to ensure that adequate services are available to serve expected housing growth. Direct housing to areas where infrastructure and utilities can be provided commensurate with housing production.

- The Founders Point East Specific Plan is consistent with all infrastructure master plans, service area boundaries, and housing plans, ensuring adequate services are available to serve the project.

- Policy 7.1 Encourage the development of workforce housing.

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The Founders Point East Specific Plan provides a wide range of housing types that are attainable to a wide range of lifestyles and income levels. Accessory dwelling units provide opportunities for inexpensive, entry-level housing. Smaller lot homes provide an opportunity for low to moderate cost housing, while larger lot homes allow for step-up housing opportunities conveniently located adjacent to an existing public transit line, providing easy access to multiple employment centers throughout the City.

2.4.4 Urban Growth Policy Review Report & Measure M

On November 4, 1997, the voters enacted Measure M, the "Modesto Citizens' Advisory Growth Management Act of 1995." The purpose of Measure M is to extend the advisory votes required by Measure A to all sewer improvements and to bring the public's voice into decisions concerning whether or not to allow urban expansion. The Founders Point East Specific Plan project site received a Measure M vote in November 1997.

The City of Modesto Urban Area General Plan provides for a periodic review of the City's Urban Area Growth Policy (Review). The primary purpose of the Review is to assure that there is an adequate inventory of vacant and agricultural land served with urban infrastructure to accommodate anticipated economic development during the next five years. If there is not sufficient inventory, there is a deficit in needed land and additional land should be added to the Current Inventory.

2.5 Existing Site Conditions

As shown in Figure 2-1: Plan Area and Setting, the Founders Point East plan area is comprised of twelve adjoining parcels bounded by Kiernan Avenue/CA-219 Avenue (north), Tully Road (west), Pelandale Avenue (south), and the abandoned U.P.R.R. right-of-way (east). The southerly two parcels (Subarea A) are to be utilized for residential development. Of the two parcels, the western parcel (Spanel) is 22.63 gross acres and the eastern parcel (Bangs Property LLC) is 40.93 gross acres. Thus, the plan area contains approximately 63.6 net acres of developable land for Residential uses, and the 150 acres to the north (Subarea B) are developable for Business Park uses. Both of the Subarea A parcels will be granting (with Final Maps) easements to the City of Modesto for the expansion of the surrounding rights-of way. All other easements for rights-of-way and utility easements within Subarea B will be reserved as further development requires.

The plan area is actively cultivated agricultural land and agricultural fields lie to the north of the site. Across the City's future bike path to the east is the Summit Corporate Center business park. The plan area and the adjoining Stanislaus County lands are zoned Agriculture (A-2-10) or Planned Industrial (PI) for the Summit Corporate Center.

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The Founders Point single-family residential subdivision lies to the west. Big Valley Grace Community Church lies to the south of the Plan area.

2.5.1 Existing Circulation

The plan area is approximately four and a half (4.5) miles from downtown Modesto and approximately three (3) miles east of Highway 99. Kiernan Avenue (State Route 219) is approximately one-half mile to the north. The plan area is bounded by four public rights-of-way. Kiernan Avenue/CA-219, on the north, is designated as a State Highway and is a six-lane expressway with center median. Tully Road, on the west, is partially improved as a principal arterial, currently consisting of 2 lanes. Pelandale Avenue, on the south, is a 135-foot wide, six-lane Class B Expressway. Planned landscaping and other amenities along Pelandale Avenue are not completed at this time. This high-capacity travel corridor is currently constructed as a six-lane road as far east as the intersection of Pelandale Avenue and McHenry Avenue. To the east, the site abuts the abandoned
U.P.R.R. right-of-way which is now owned by the City of Modesto and planned for a future bike path.

One bus route (#31) along Pelandale Avenue and Tully Road connects this area with downtown Modesto. Except for the completed bus turnout at the northeast corner of the Tully Road and Pelandale Avenue intersection, there are no sidewalks along the perimeter of the plan area.

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FIGURE 2-1-a
SUBAREA A
PLAN AREA AND SETTING

FIGURE 2-1-b
SUBAREA B
PLAN AREA AND SETTING

2.5.2 Existing Utilities

2.5.2.1 Water

Alongside the plan area are three City of Modesto water mains: a 16-inch and 24-inch water main within the Bangs Avenue right-of-way; a 12-inch main in the Tully Road right-of-way; and a 16-inch water main in the future City Bike Path (abandoned U.P.R.R. right-of-way). The nearest City wells are City Well No. 43 about 0.6 miles south of the site and City Well No. 48 about 0.8 miles east of the site. See Figure 2-2: Existing Wet Utilities

2.5.2.2 Sewer

The 27-inch Modesto North Sewer Trunk Line currently ends at the intersection of Tully Road and Bangs Avenue. A 10-inch sublateral sewer line extends south down Tully Road from this point to Pelandale Avenue, then continues east on Pelandale Avenue along the entire frontage of the plan area. See Figure 2-2: Existing Wet Utilities

2.5.2.3 Irrigation

Several existing irrigation lines cross the plan area. These irrigation lines are 21-inch and 30-inch in size and are private irrigation lines used to irrigate the properties within the plan area. See Figure 2-3: Existing Irrigation System

2.5.2.4 Electrical, Gas and Cable

There are existing 12kV electrical lines on three sides of the plan area, within the Bangs Avenue and Tully Road rights-of-way, and within the future City bike path (abandoned U.P.R.R. right-of-way). Gas facilities are located on two sides of the plan area. In Bangs Avenue, there is a 12-inch transmission main and an 8-inch service main, and in Tully Road there is a 4-inch service line. Cable and telephone facilities have conjunctive use with the existing 12kV power poles. See Figure 2-4: Existing Dry Utilities

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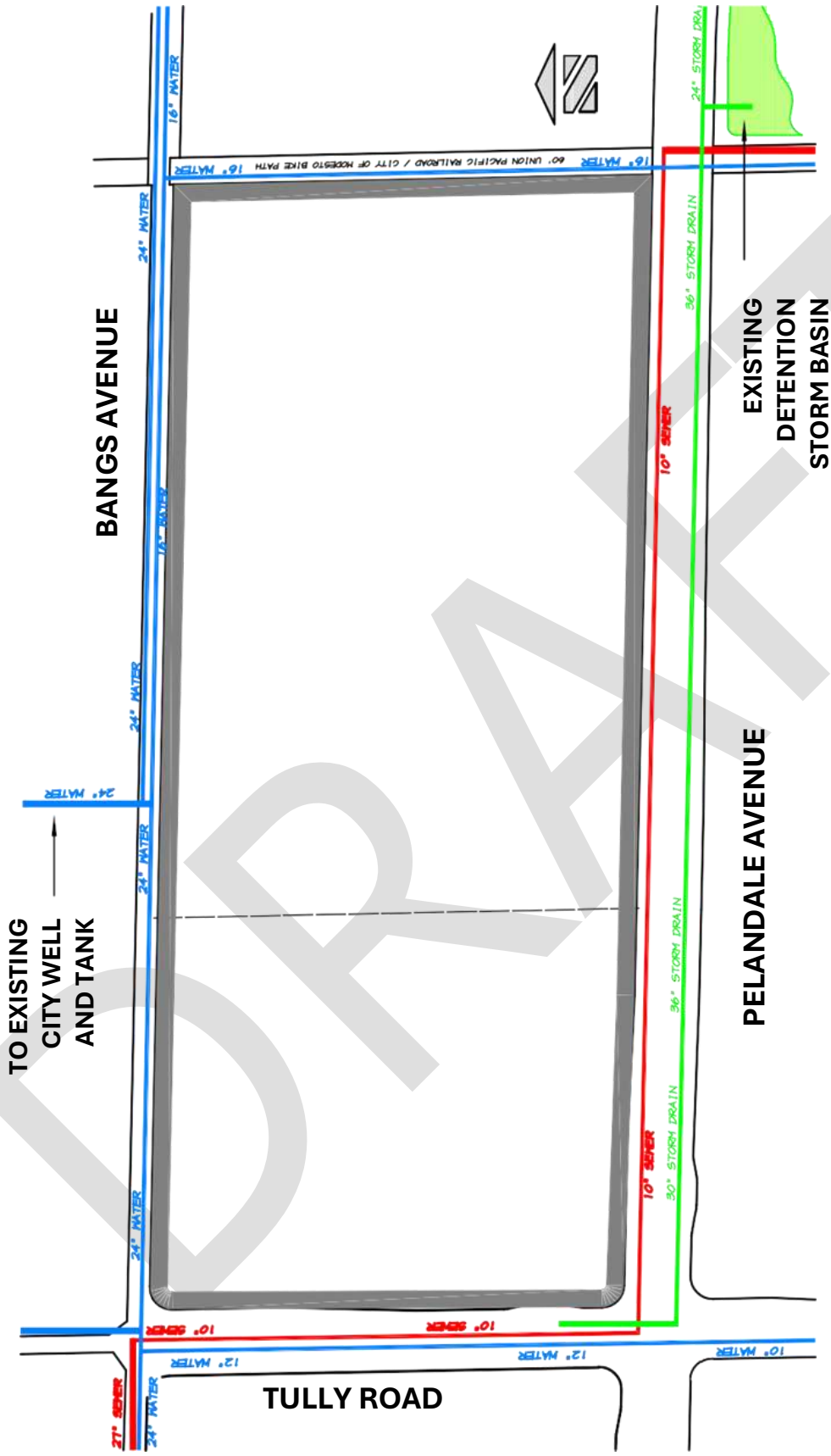

FIGURE 2-2
SUBAREA A
EXISTING WET UTILITIES

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BANGS AVENUE

PELANDALE AVENUE

FIGURE 2-3
SUBAREA A
EXISTING IRRIGATION SYSTEM

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TULLY ROAD

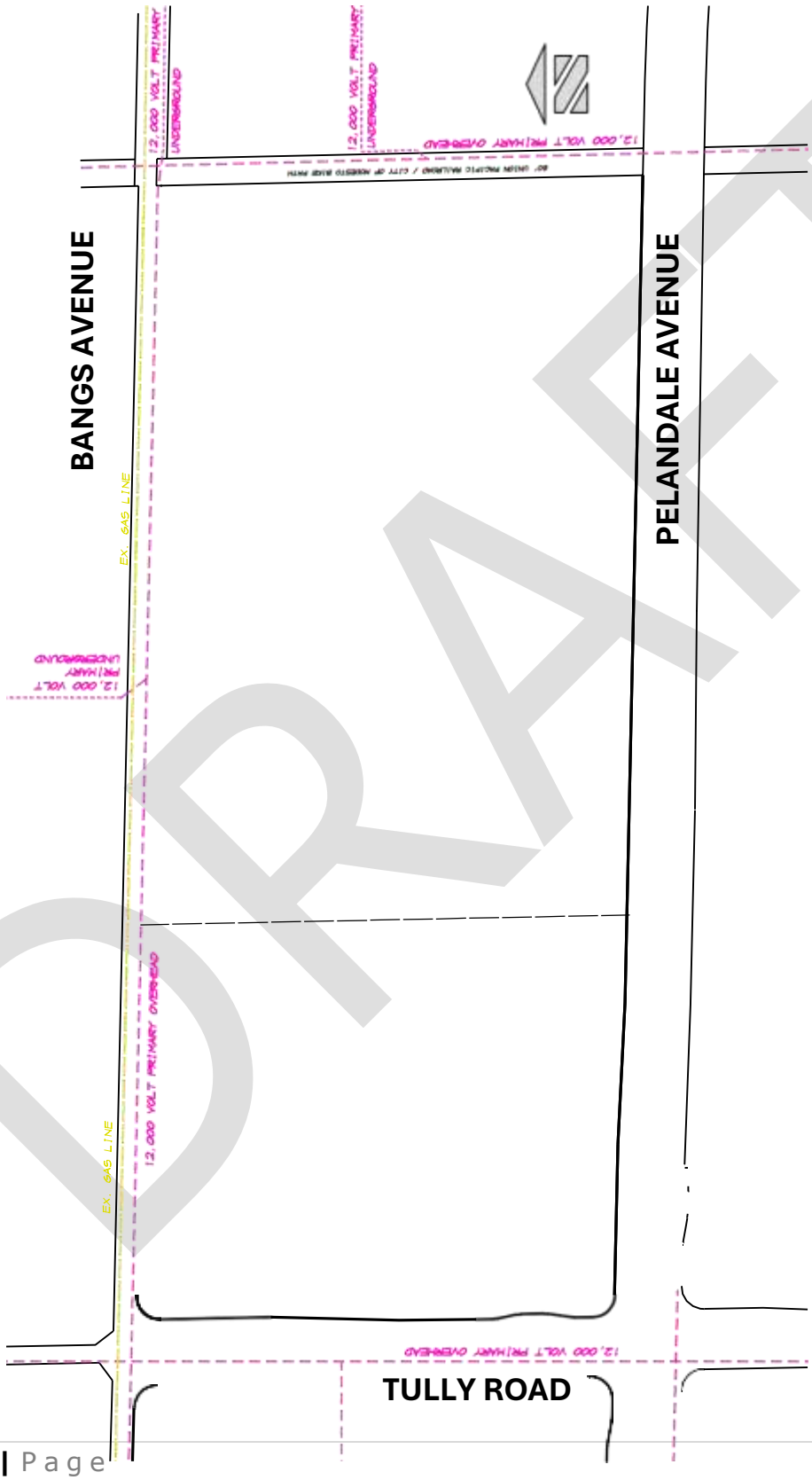

FIGURE 2-4
SUBAREA A
EXISTING DRY UTILITY SYSTEM

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2.5.3 Existing Environmental Conditions

Almond orchards exist on both parcels.

2.5.3.1 Topography

The properties are relatively flat. Both properties of Subarea A have been contoured for agricultural use. See Figure 2-5: Existing Topography

2.5.3.2 Geology and Soils

The plan area subsurface soils consist predominantly of very loose to loose silty and relatively clean sands. Generally, these very loose to loose sandy soils are underlain by alternating layers of more dense sandy silt, silty sand and sandy clay that extended to the maximum depths explored.

2.5.3.3 Seismicity

The plan area is in Seismic Zone 3. The nearest seismic source (a Type B Fault) is located farther than 10 kilometers from the site. No seismic risks are projected for the plan area.

2.5.3.4 Drainage and Flooding

Groundwater depths are estimated at approximately 20 feet or more below the existing ground surface and is not projected to rise near the surface. No known flooding has occurred across the plan area.

The plan area properties have underground irrigation systems that manage drainage for agricultural use. Existing irrigation lines and easements shall be abandoned or relocated in conformance with Modesto Irrigation District requirements.

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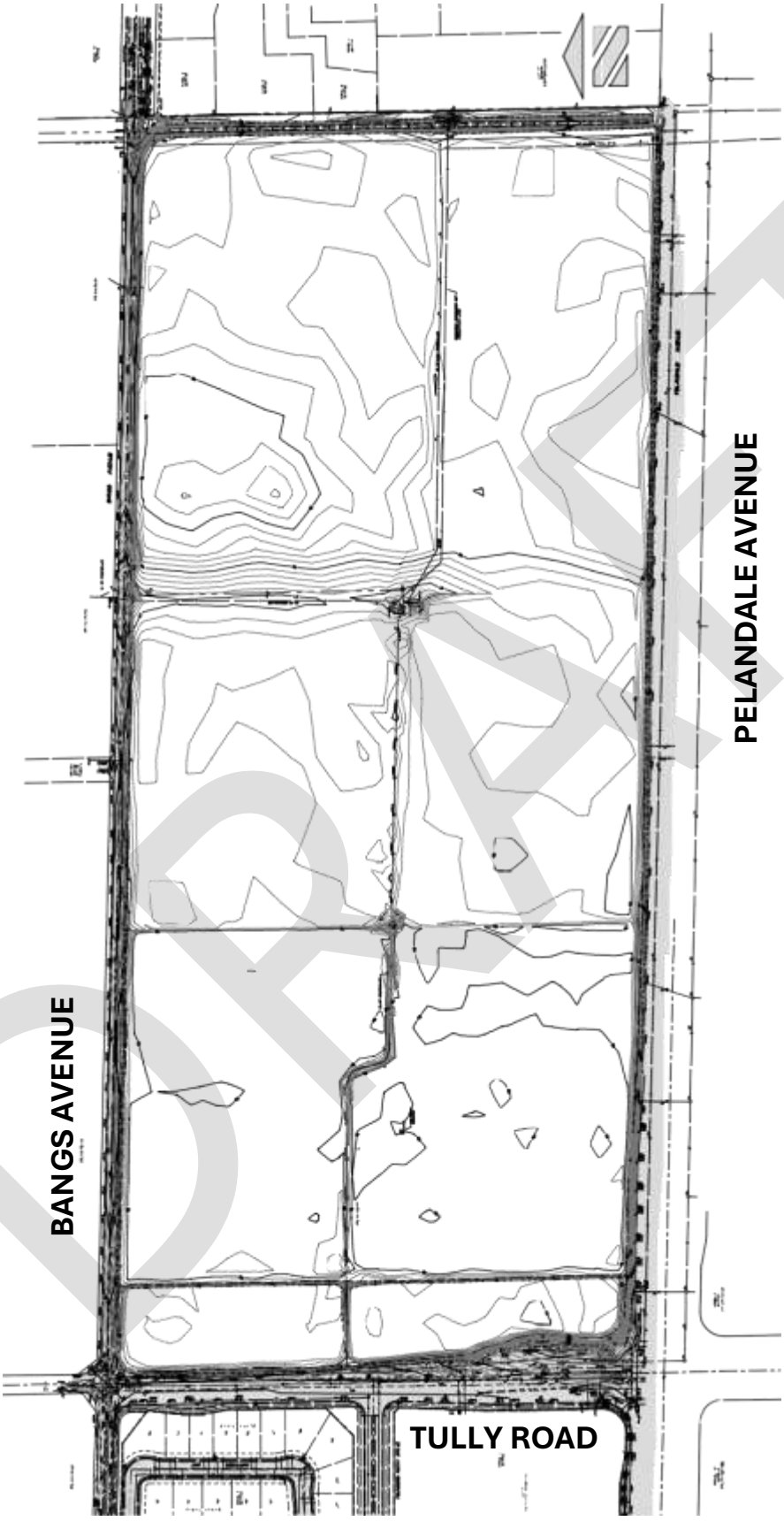

FIGURE 2-5
SUBAREA A
EXISTING TOPOGRAPHY

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2.5.3.5 Vegetation and Wildlife

The plan area has been actively used for agricultural purposes for over 50 years. Of the 70-acre Subarea A, mature nut-bearing trees occupy the western parcel's almond orchard, and younger almond trees exist on the eastern parcel. Agricultural operations in the orchard, including pruning, spraying, harvesting, watering and other ground disturbances, limit the potential for most wildlife species to persist in the orchard. Some bird species and common ground animals may be attracted to the nut crops. Burrowing animals are discouraged by the farmers because of potential damage to irrigation systems.

The 150-acre Subarea B is partially developed with a warehouse/distribution center, an industrial business complex including a recreational vehicle storage facility, and the new Holy Family Church. Undeveloped portions of Subarea B are in nut tree production with one parcel currently vacant and not in agricultural production.

2.5.3.6 Community Services

The plan area will be served by the Modesto Police Department, the Modesto Fire Department and the Salida Fire Protection District under the provisions of the September 13, 2022 Agreement between the City of Modesto and the Salida Fire Protection District, Modesto City Schools and Sylvan Union School District. Solid waste management for the plan area is provided by Gilton Waste Management under contract to the City of Modesto.

2.5.3.7 Agricultural Resources

Both parcels of the 70-acre Subarea A are used for almond orchards. Currently, both parcels are under Williamson Act contracts. Contract No. 75-1981 for APN: 046-002-001 was protested by the City of Modesto and the protest was upheld by the Local Agency Formation Commission (LAFCO) Resolution dated March 29, 1978. Contract No. 76-2108 for APN: 046-002-002 was protested by the City of Modesto and the protest was upheld by LAFCO Resolution dated April 19, 1978. The City of Modesto will not succeed to these contracts, so they will terminate upon annexation to the City.

Of the parcels of Subarea B, three are under Williamson Act Contracts: Contract No. 75-1982 for APN: 046-001-012, Contract No. 76-2108 for APN: 046-012-003 and Contract No. 76-2109 for APN: 046-012-004. Contract No. 75-1982 for APN: 046-001-012 was protested by the City of Modesto and the protest was upheld by LAFCO Resolution dated March 29, 1976. Contracts No. 76-2108 for APN: 046-012-003 and No. 76-2109 for APN: 046-012-004 were protested by the City of Modesto and the protests were upheld by LAFCO Resolution dated March 19, 1978. As for the contracts within Subarea B, the City of Modesto will not succeed to those contracts, so they will also terminate upon annexation to the City.

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2.5.3.8 Archaeological/Historical Sites

The Urban Area General Plan MEIR does not identify the site as an area expected to have Archaeological/Historical Sites (GPMEIR Chapter V, Section 8)

3 SPECIFIC PLAN ELEMENTS

3.1 Land Use Plan

The Founders Point East plan area is comprised of two subareas: Subarea A of approximately 70 gross acres designated Residential and Subarea B of approximately 150 acres designated Business Park in the Modesto Urban Area General Plan as part of the Kiernan/McHenry Comprehensive Planning District (CPD). In Subarea A, after removing existing road rights-of-way, the remaining 63.6 acres is projected to develop at an average density of about 6.6 dus/acre, resulting in about 420 single-family units.

The predominant land uses in the Founders Point East Specific Plan are Business Park and Residential. For the Residential component, two types of Low-Density Residential homes (LDR) are provided which are a continuation of the smaller lot homes that have been or are being constructed within the adjacent Woodglen Specific Plan located to the west (marketing name is "Founders Point"). A maximum of 420 units is permitted in the overall LDR land use designation, resulting in an average density of about 6.6 units per gross acre. Diverse housing types, sizes and styles are permitted within the LDR- designated area.

A major feature of the plan for Subarea A is the 2.5-acre park/basin that helps orient the neighborhood to the adjacent 1.5 acre future City Bike Path. The open space features an infiltration basin with a landscaped perimeter trail at the top of the basin.

Figure 3-1: Land Use Diagram regulates the location and extent of the land uses.

Low-Density Residential (LDR):
The Low-Density Residential designation provided in this Specific Plan regulates the development of Subarea A of the project and is discussed in greater detail in Chapter 4 Development Standards. Chapter 4 establishes the development standards for detached single-family homes. Uses permitted within the LDR area shall be limited to those permitted within the City's Low Density Residential (R-1) Zone (Title 10 of the Modesto Municipal Code).

Open Space (OS):
Open space areas may include the following permitted uses: parks, playgrounds, and recreation facilities, passive or active open space, private recreation facilities, or

public facilities. Facilities inherent to the character of open space uses, such as trails and picnic areas, or ancillary facilities are also permitted.

Business Park (BP):
The Business Park designation provided in this Specific Plan regulates the development of Subarea B of the project, and is discussed in greater detail in Chapter 4, Development Standards. Chapter 4 establishes the development standards, principles and guidelines for continued development of current uses within the Subarea B. Uses permitted in the BP area shall be those permitted within the Commercial-Industrial (C-M) Zone and the Light Industrial (M-1) Zone, including Conditional Uses of the C-M and M-1 Zones upon attainment of a Conditional Use Permit by the Board of Zoning Adjustment as provided for in Chapter 9 of the Specific Plan. Uses within the Business Park area may include professional and medical office, medical clinics, hospitals or convalescent care/rehabilitation centers, research and development, and light manufacturing uses, with emphasis on the development of campus-like environments including ancillary retail and business service uses such as child daycare, adult daycare and personal services.

Conditional uses within Subarea B: multi-family residential developments specifically for workforce housing, hotels.

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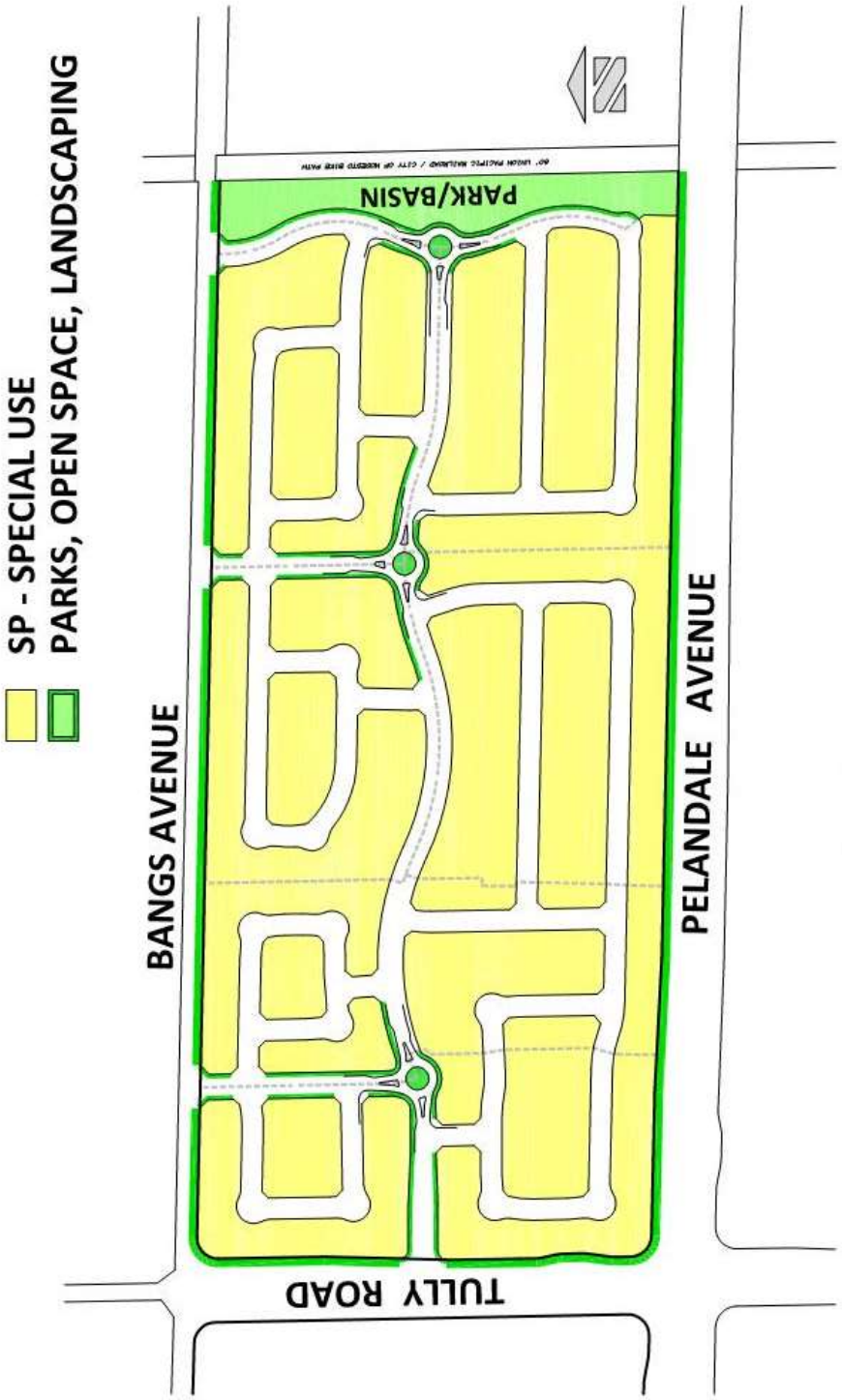

NOTE:
INTERNAL ROADWAY LOCATIONS ARE CONCEPTUAL AND MAY ADJUST WITH THE SUBMISSION OF A TENTATIVE SUBDIVISION MAP.

FIGURE 3-1
SUBAREA A
LAND USE DIAGRAM

3.2 Housing Plan

The Founders Point East, Subarea A housing plan includes single-family detached homes (LDR) generally designed in accordance with the City's R-1 Zone. Following is a summary of the housing provided.

Within the LDR area, a variety of lot and home sizes and types are envisioned. The homes located along the edges of the park are designed to provide a front door or side presence, contributing to an attractive streetscape, increasing neighborhood awareness, and making these areas safer. All homes within the LDR area incorporate a high quality of architectural design with unifying and complimentary siting and scale.

Up to 420 single-family homes are allowed on the approximately 63.6 acres for an average density of about 6.6 dwelling units per gross acre, consistent with General Plan development assumptions for the site.

Specific Development Standards and Guidelines for the LDR areas are addressed in Chapters 4 and 5.

The Founders Point East, Subarea B housing plan may include multi-family residential uses as a Conditional Use, subject to a Conditional Use Permit from the Board of Zoning Adjustment. Multi-family projects with emphasis on workforce housing is highly encouraged. Density requirements for multi-family residential projects shall be in accordance with the City's Medium Density Residential (R-2) Zone or Medium-High Density Residential (R-3) Zone. Higher densities than provided by the R-3 Zone may be considered for multi-family development under the Affordable Housing provisions of Title 10, Chapter 8 of the Modesto Municipal Code and provisions of current State of California housing development laws.

3.3 Public Facilities Plan

This section provides plans for the removal of existing irrigation facilities and the provision of water, sewer, storm drainage, streets/walkways/bike routes and open space. Chapter 9 Implementation of the Specific Plan describes methods to fund the construction of these improvements.

3.3.1 Irrigation Systems

To implement the Specific Plan, existing irrigation facilities must be abandoned, relocated or removed. The plan area is currently within the Modesto Irrigation District (MID) service area for the supply and drainage of agricultural irrigation water.

3.3.1.1 Service Standards and Guidelines

MID has standard details, specifications, and construction guidelines for the abandonment and relocation of its facilities. MID has a general policy for the removal

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of agricultural service from the District, implemented upon termination of the irrigation rights in the plan area.

3.3.1.2 Proposed Facilities

All private facilities shall be abandoned and removed unless required to be relocated by MID for downstream users of the District's facilities. Any proposed relocation of MID's drainage facilities shall be constructed using reinforced concrete pipe, according to MID standards. The location shall be determined by MID requirements.

Figure 3-2: Irrigation System shows a typical layout of the irrigation facilities and the proposed method of facility removal. It is possible that some irrigation line relocation may be required, depending on the areas of the project developed first, and whether some areas might stay in agriculture for some period of time. This will be finally determined at the time of submittal of tentative subdivision maps.

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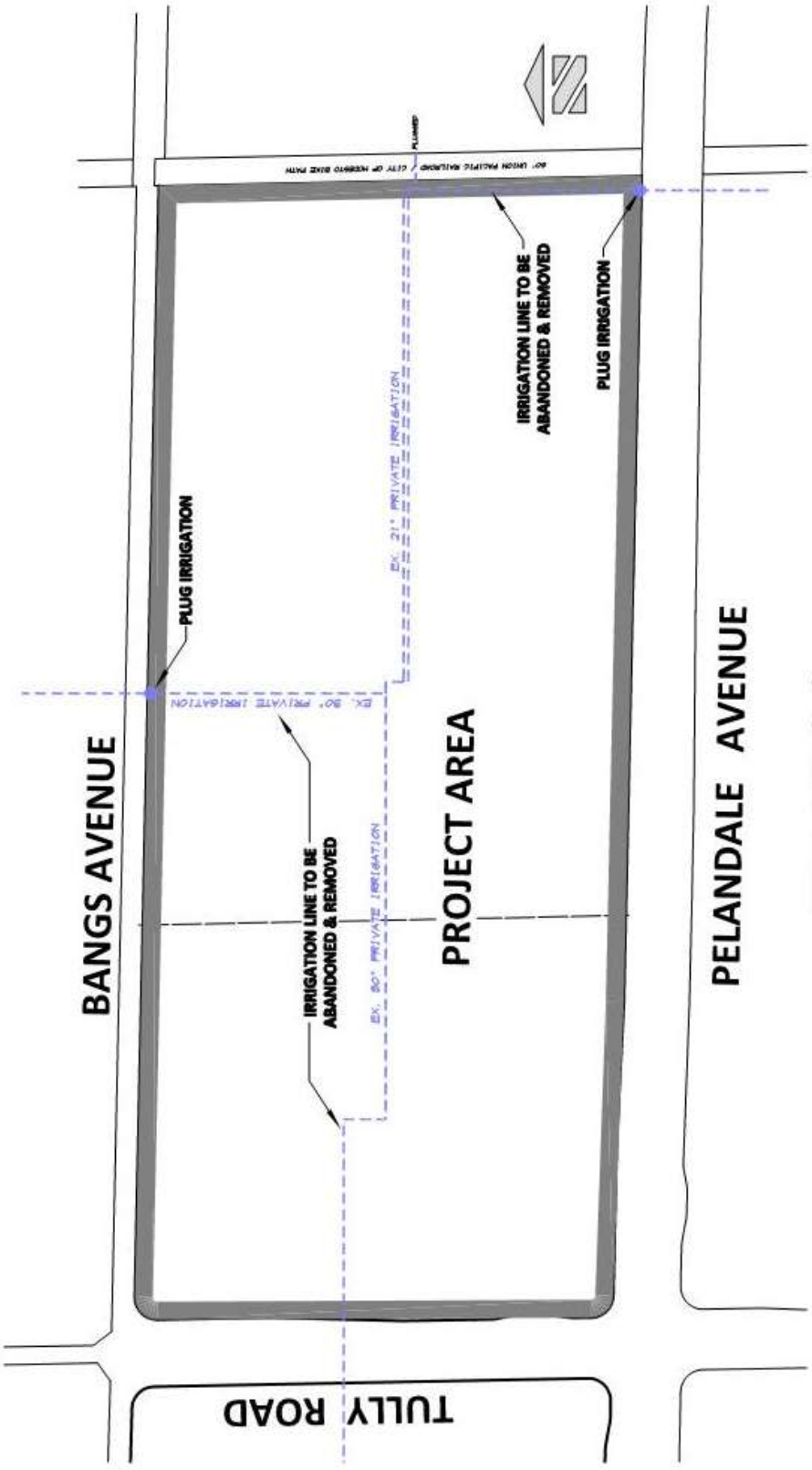

FIGURE 3-2
SUBAREA A
IRRIGATION SYSTEM

3.3.2 Water

The following section summarizes the water system for the plan area. The proposed system is designed to be consistent with General Plan policies and existing improvement standards. Service and maintenance of the systems shall be provided by the City of Modesto.

3.3.2.1 Existing Conditions

The plan area is currently within the City of Modesto's planned service area with existing water mains on three sides of the project. Currently, the plan area does not receive service from the City of Modesto.

3.3.2.2 Service Standards

All of the facilities within the plan area shall be sized and constructed in accordance with the current City standards to provide the necessary water demand for domestic use, fire suppression and irrigation. Fire hydrants shall be provided along the project's frontages in accordance with City Standards. The design of this system shall operate to meet all of the criteria established by the City of Modesto. These criteria include:

- Minimal residual system pressure is greater than 30 psi.
- Fire flows must be provided with a minimum residual pressure of 20 psi or greater under maximum day scenario.
- The maximum system pressure shall be 90 psi.
- Total head loss per 1,000 lf of pipeline should not exceed 5.0 feet.
- Prior to obtaining Tentative Subdivision, Parcel Map or Development Plan approvals, the proponent shall be required to demonstrate the adequate quantity and quality of water consistent with the City of Modesto General Plan.
- No future well sites are identified by City of Modesto for placement within the plan area.

3.3.2.3 Proposed Facilities

The water system is served by a looped grid system of water mains constructed in the streets and lanes. Figure 3-3: Water System shows a typical layout with connection points to existing water mains surrounding the plan area.

The water distribution system (as illustrated by Figure 3-3: Water System Subarea A) includes the main spine of the network of water mains following the east-west road. From this water main, a sub-network of looped water mains serves the various neighborhoods. A tie in point is provided to the north to the existing 16-inch line in Bangs Avenue and to the west to the existing 12-inch line in Tully Road. The size and final location of all the water lines shall be determined at the time the Tentative Subdivision Map is approved and final maps and improvement plans are prepared.

For Subarea B, water line placement and sizing shall be determined as new development is proposed and improvement plans are prepared.

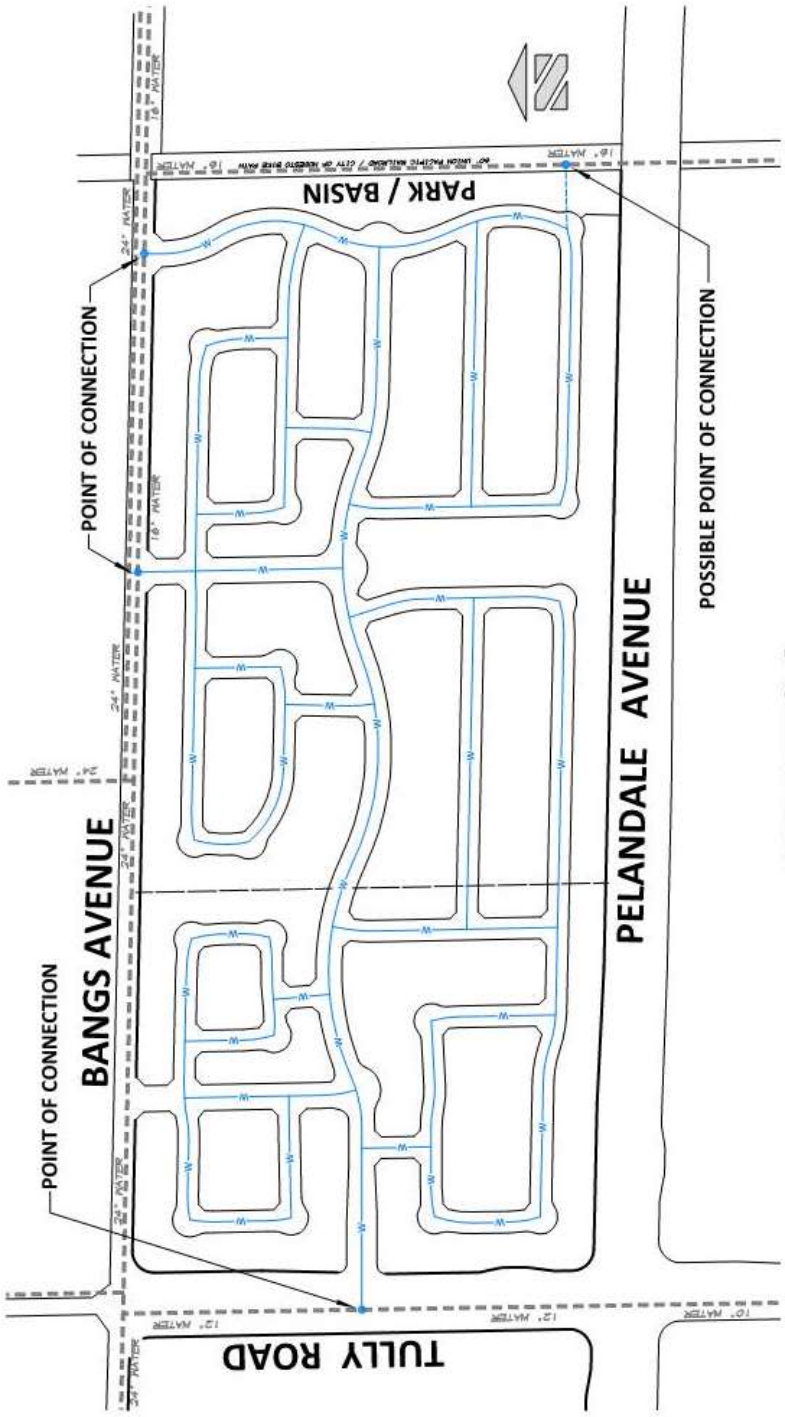

FIGURE 3-3
SUBAREA A
WATER SYSTEM

3.3.3 Wastewater System

Founders Point East shall collect the wastewater from the residences with conventional sanitary sewer facilities consisting of manholes, main sewer pipes, service laterals and cleanouts. See Figure 3-4: Wastewater System.

3.3.3.1 Existing Conditions

The plan area is currently within the City of Modesto's planned service area for sanitary sewer service. The 27-inch Modesto North Sewer Trunk Line currently ends at the intersection of Tully Road and Bangs Avenue. A 10-inch sublateral sewer line extends south down Tully Road from this point to Pelandale Avenue, then continues east on Pelandale Avenue along the entire frontage of the plan area. In 2009, the City completed the Phase I - Treatment Plant Expansion for disposal and tertiary treatment to meet its current and future demands.

3.3.3.2 Sewer Service Standards & Guidelines

The Modesto General Plan Citywide policy mandates public sewer service for new residential developments. Consistent with this policy, the plan area is served by a public sewer system. Construction of sewer laterals shall be required to the satisfaction of the City of Modesto.

3.3.3.3 Proposed Facilities

Figure 3-4: Wastewater System illustrates the general configuration of the proposed system layout and the approximate location of the tie-in point to the City of Modesto wastewater system.

The service area limits are bounded by the plan area and no oversizing of facilities are required for the servicing area beyond the proposed service area limits. The shed area encompasses approximately 70 acres bounded on the north by Bangs Avenue, the south by Pelandale Avenue, the west by Tully Road, and on the east by the future City Bike Path (abandoned U.P.R.R. right-of-way). The shed area includes the Subarea A project area as well as portions of the surrounding rights-of-way measured to centerline. At ultimate build-out condition, the sewer system will gravity flow from the plan area in an east to west direction connecting to the 10-inch sewer sublateral in Tully Road, that will convey the sewer effluent to the 27-inch North Sewer Trunk at the intersection of Tully Road and Bangs Avenue.

The estimated wastewater flow for the plan area is 93,800 gallons per day (gpd) based on the Build-Out Flow Projections for the Residential Land Use Category (Wastewater Flow Coefficient: 1,340 gpd/gr. acre) as identified in Table 5.7 of the City's 2016 Wastewater Collection System Master Plan.

The sewer system for the plan area is located within existing and proposed road rights-of- way. In the build-out condition, the entire plan area is served by a gravity

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sewer system connecting to the 10-inch sewer sublateral in Tully Road. The size and final location of all the sewer lines shall be determined at the time the Tentative Subdivision Map is approved and final maps and improvement plans are prepared.

For Subarea B, sewer line placement and sizing shall be determined as new development is proposed and improvement plans are prepared.

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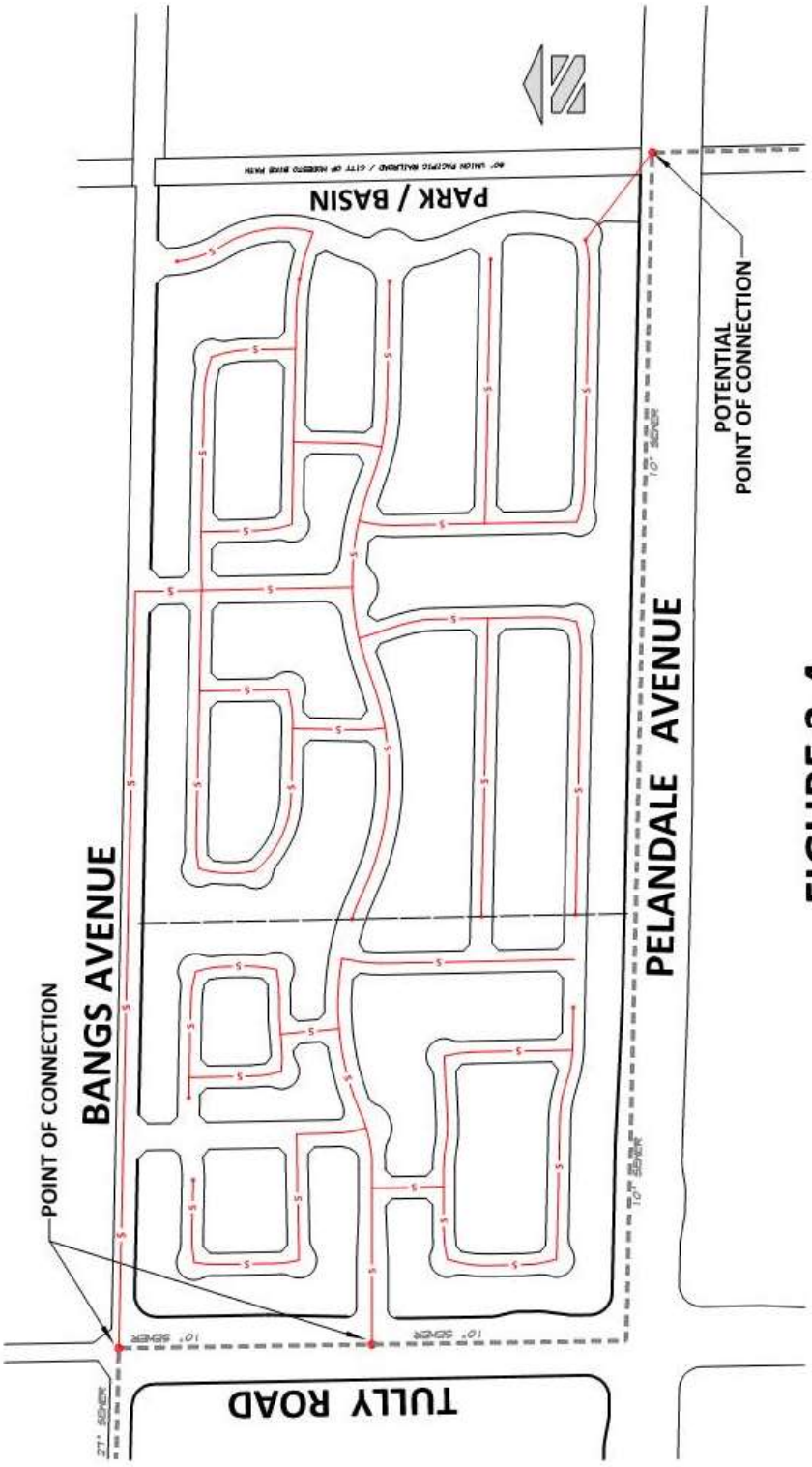

FIGURE 3-4
SUBAREA A
WASTEWATER SYSTEM

3.3.4 Stormwater Drainage Plan

Storm drainage shall be collected with conventional storm drain facilities consisting of manholes, inlets and main storm drain lines. The system will be conveyed to the dual use basin/park at the east end of the plan area, adjacent to the future City Bike Path (abandoned U.P.R.R. right-of-way). On-site infiltration systems will be sized to store and infiltrate 100% of the site's drainage per City Standards. See Figure 3-5: Stormwater Drainage System.

Low Impact Development (LID) strategies, in compliance with LID stormwater management principles for new development, will provide volume retention at the park/basin through the use of underground pipes (french drains) and above ground storage. Stormwater treatment prior to retention will utilize treatment control methods approved by the City of Modesto.

3.3.4.1 Existing Facilities

The existing Subarea A plan area is undeveloped land and is being used for agricultural purposes. There are currently no City drainage facilities serving the site or adjoining roadways except for Pelandale Avenue where a storm drainage pipe system and a roadside swale serve the roadway's drainage requirements.

The existing Subarea B plan area is partially developed with a warehouse/distribution center, existing industrial complex including a recreational vehicle storage facility, and the new Holy Family Church. There are currently no City drainage facilities serving the site or adjoining roadways except for Pelandale Avenue as noted above.

3.3.4.2 Service Standards and Guidelines

The Modesto General Plan calls for public storm drainage systems for all new residential development. Consistent with this policy, Founders Point East Subarea A shall be served by a public storm drainage system that is designed as a positive drainage system network. Construction of public trunk and collector storm drain lines shall be designed to the satisfaction of the City of Modesto. The determination of the fair share costs, timing and funding mechanisms for drainage will be determined at the time the Tentative Subdivision map is approved and final map and improvement plans are prepared.

The City of Modesto also requires commercial and industrial development to provide for onsite storm drainage and treatment facilities. Storm drain systems shall be designed as new development is proposed, subject to Development Plan Review or Conditional Use Permit prior to installation.

3.3.4.3 Proposed Facilities

LID strategies will be provided in the dual-use park/basin.

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The stormwater drainage system consists of a series of pipe networks, curb inlets, and manholes in the streets. Figure 3-5: Stormwater Drainage System shows a typical layout with connections to the adjacent streets surrounding the Specific Plan Area.

The project will collect and infiltrate 100% of the drainage from the plan area and adjoining half street rights-of way (not including Pelandale Avenue). The self-sufficient system removes approximately 70 acres of drainage area from future CPD drainage considerations. The drainage from the surrounding streets and the plan area is picked-up and conveyed via conventional stormwater inlets, manholes and piping. To meet stormwater quality standards, the stormwater will pass through a device(s) that removes pollutants, including gross solids, suspended solids, oil and grease, before it is discharged to infiltration basins.

The Subarea A portion of the project will consist of one drainage basin and may include underground infiltration systems such as perforated pipes. The basins and/or underground systems will collect and infiltrate storm water per City Standards. The basin will be constructed to a maximum depth of 5' with perforated pipe beneath the surface for additional storage capacity. The size and length of perforated pipe will be determined at the time of preparation of the improvement plans. The basin together with the perforated pipe are sized to store and infiltrate the 100 year, 24 hour storm (R=2.88 inches). The outside of the basin will include a 20 feet wide landscape buffer with a continuous sidewalk/trail. This public facility is designed for positive drainage in a manner consistent with the General Plan.

The design of the storm drainage system meets all the criteria established by the City of Modesto. These criteria include:

- Basins and/or underground infiltration systems will provide storage volume to store stormwater from a 100-year, 24-hour event (R=2.88 inches).
- Basins and/or underground infiltration systems will dispose (percolates) the 100-year, 24-hour (R=2.88 inches) storm event volume in 48 hours.
- Stormwater is treated in accordance with the City of Modesto's policies for stormwater quality. Stormwater entering the basin passes through an approved treatment unit or device prior to discharge.

Figure 3-5: Stormwater Drainage System illustrates the principles of the stormwater drainage system. The size and final location of all the storm drain lines and infiltration systems shall be determined at the time the Tentative Subdivision Map is approved and final maps and improvement plans are prepared.

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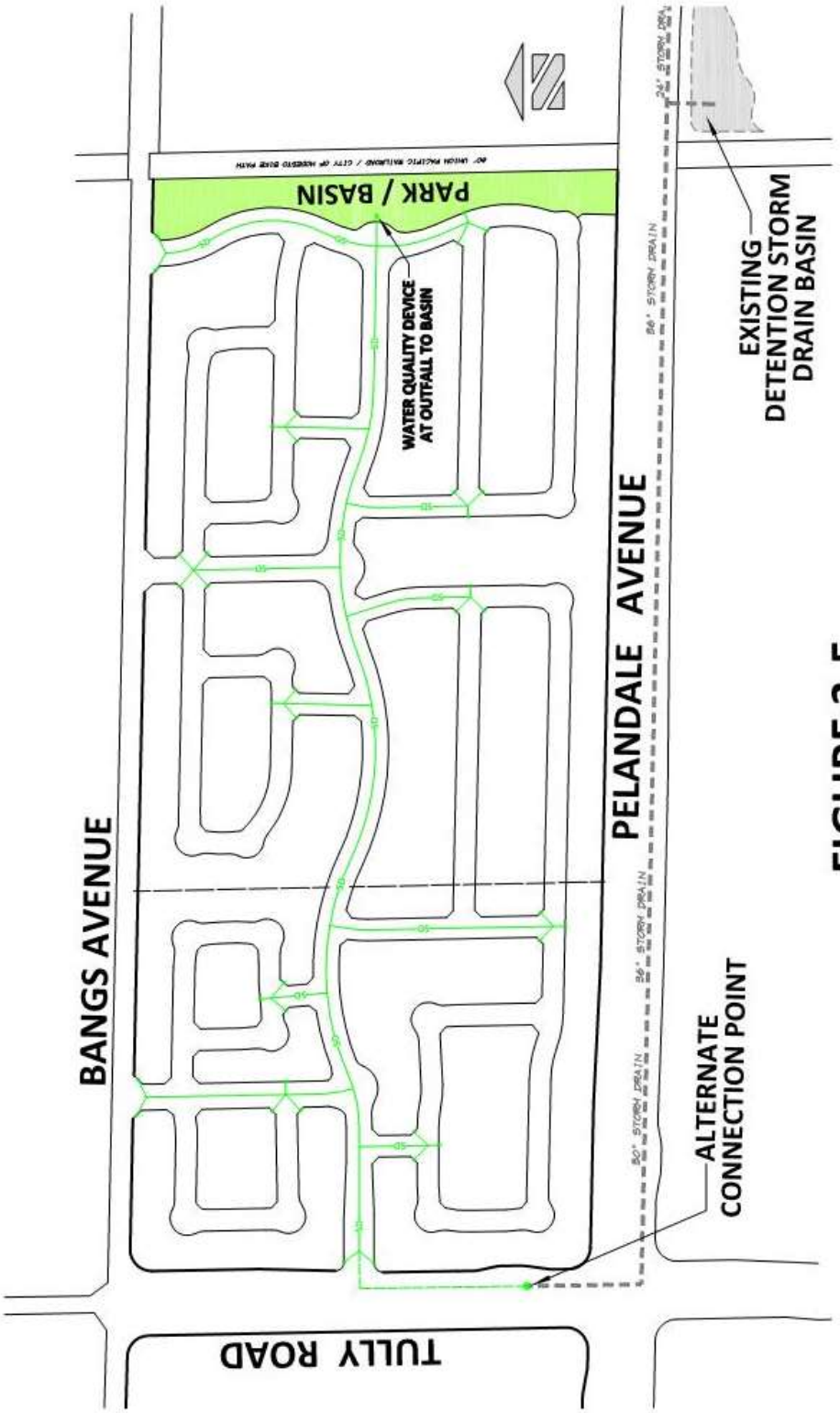

FIGURE 3-5
SUBAREA A
STORMWATER DRAINAGE SYSTEM

3.3.5 Utility Plan

The service providers identified below provide utilities, including gas, electricity, telephone, cable television and telecommunications. All such equipment shall be placed underground and located within public utility easements, and consistent with City practices. See Figure 3-6: Dry Utility System.

3.3.5.1 Gas and Electric

MID owns and maintains backbone electrical infrastructure adjacent to the plan area and will provide service to Founders Point East. Distribution lines extending into the plan area serve the specific land uses. PG&E will provide natural gas service, if applicable due to current building code standards. Trenched utilities shall be placed underground pursuant to City standards and specifications.

3.3.5.2 Cable TV - Telecommunications

Telephone and telecommunications service to the plan area will be provided by conjunctive use of existing electrical poles by AT&T. Cable television service will be provided by Comcast.

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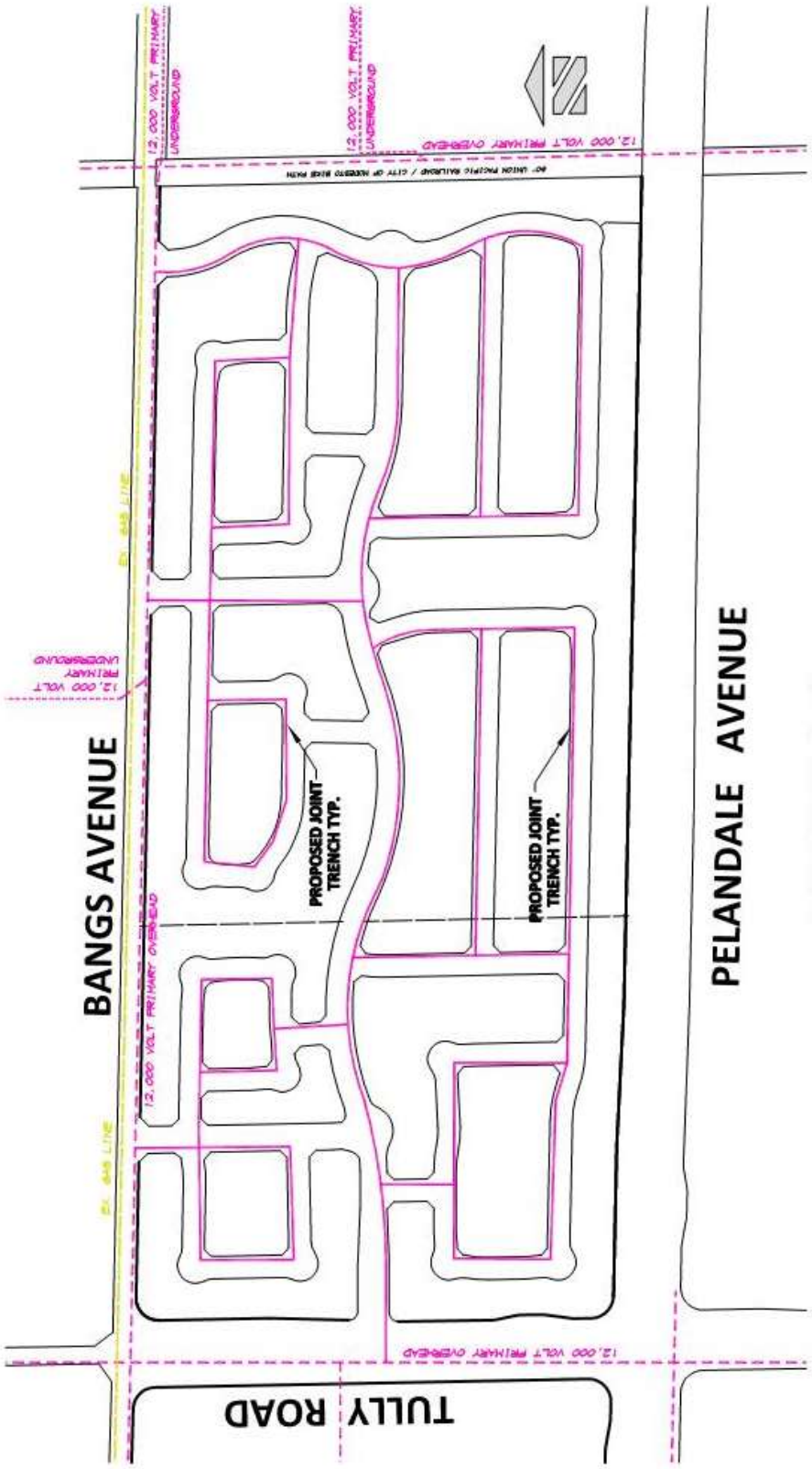

FIGURE 3-6
SUBAREA A
DRY UTILITY SYSTEM

3.4 Circulation Plan

The plan area is bounded by public roadways, but currently has no existing internal roads, as described under Existing Conditions in Chapter 2: Introduction. There are multiple connections to the perimeter public roadways, one primary entry - on Tully Road - and three secondary entries on Bangs Avenue. See Figure 3-7: Circulation Diagram. Access onto Pelandale Avenue, a Class B Expressway, is neither permitted nor provided. Access to Kiernan Avenue/CA-219 shall be limited to existing driveway entrances located along the alignment at the plan boundary; however no new accesses to the highway shall be permitted nor provided.

The Founders Point East circulation plan for Subarea A is a network of internal public streets that serve its residential areas. The streets vary in width based on function. Descriptions of the internal local street system are provided below. They are preceded by descriptions of the two public rights-of-way adjacent to the plan area (Pelandale Avenue is not described as it is already built-out adjacent to Founders Point East). New internal streets for Subarea B shall be designed as new development is proposed, with primary accesses allowed from Tully Road and secondary access allowed from Bangs Avenue.

The Founders Point East Specific Plan area is served by Modesto Area Transit Route 31, which currently runs along Pelandale Avenue between Tully Road and Dale Road. The nearest existing stop is located less than one mile away, at the corner of Tully Road and Standiford Avenue. A new bus stop at the corner of Tully Road and Pelandale Avenue will serve the Founders Point East Community and the surrounding area. An additional transit stop will be provided on Tully Road in the public right-of-way to make the project "transit ready" for any future bus routes. The new transit stop is shown on Figure 3-7: Circulation Diagram.

3.4.1 External Rights-of-Way

3.4.1.1 Principal Arterial – Tully Road

Tully Road is a principal arterial street with bike lanes. One vehicular entry into Founders Point East Subarea A is planned roughly mid-way between Pelandale and Bangs Avenues. See Figure 3-7(A) for a cross-section of Tully Road adjacent to the plan area.

3.4.1.2 Minor Collector – Bangs Avenue

Bangs Avenue is a minor collector. Secondary entries into Founders Point East may be provided along Bangs Avenue. Three such entries are currently planned for Subarea A. See Figure 3-7(B) for a cross-section of Bangs Avenue adjacent to the plan area.

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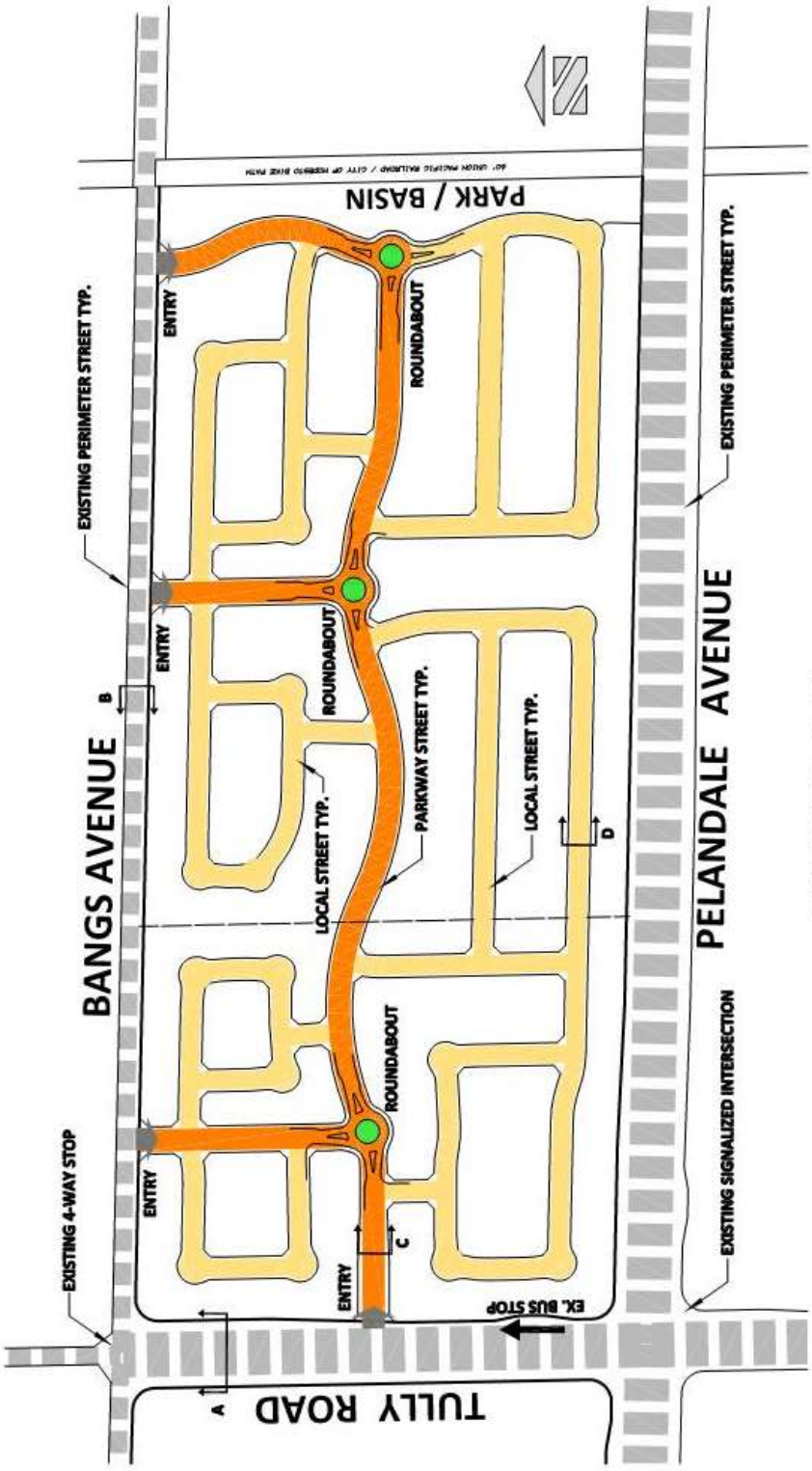

FIGURE 3-7
SUBAREA A
CIRCULATION DIAGRAM

3.4.2 Founders Point East Streets

Within the low-density residential areas, the cross sections of the internal streets vary to adapt to specific circumstances, as explained in this section and shown in Figures 3-7 (C) and (D). Public streetscape design is discussed in Section 3.4.4.

3.4.2.1 Parkway Residential Streets

The primary entrance is from Tully Road. The two-way entrance is a 60-foot wide right-of- way, with two 10-foot travel lanes, 7-foot parking lanes, and two 5-foot detached sidewalks set between two 8-foot parkways. There is no on-street parking on the Parkway Residential Street between Tully Road and the first on-site roundabout. The Tully Road receiving lane will be designed to the satisfaction of the City Traffic Engineer to safely accommodate traffic entering the plan area from Tully Road. See Figure 3-7(C) for a cross-section of the Parkway Residential Street.

3.4.2.3 Typical Local Streets

The conceptual two-way local residential streets have 50-foot-wide rights-of-way. They include two 10-foot travel lanes, two 8-foot parking lanes, two 5-foot sidewalks measured from flow-line of the curb, and an additional 2-feet from back of sidewalk. See Figure 3- 7(D) for a cross-section of a Local Residential Street.

Future internal local streets for Subarea B shall be designed as development is proposed, with cross-sections to accommodate both light vehicle and truck traffic, and designated bicycle lanes to connect to Tully Road. Ultimate approval of the street cross-sections for Subarea B shall be made by the City Engineer and Director of Community and Economic Development or designee(s).

3.4.3 Non-Motorized Transportation Plan

Pedestrian circulation is encouraged by the walkways provided within the sidewalks on both sides of the streets. Sidewalks are a minimum of 5-feet wide and comprised of concrete with scoring.

Bicyclists are able to use the local street system, where size, volume and travel speeds are conducive to shared travel. Bike lanes are provided along Tully Road, the most intensive roadway providing access to the site. These facilities provide connection to a planned Class I bike path on the south side of the Pelandale right-of-way.

3.4.4 Streetscape Plan

Founders Point East has generously-sized and extensively landscaped borders and primary entry. Internal streets provide sidewalks on both sides of the streets (See Figures 3-7(A) through (D)). Street landscaping will be provided on the exterior edge

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of the plan area, along Pelandale Avenue (including the area adjacent to the Woodglen Specific Plan), Tully Road, and Bangs Avenue rights-of-way that border Founders Point East. The primary entry will receive an enhanced landscape treatment to accentuate its importance. The primary entry design shall be determined at the time the Tentative Subdivision Map is approved and final maps and improvement plans are prepared.

Future internal local streets for Subarea B shall be designed as development is proposed, with cross-sections to accommodate both light vehicle and truck traffic, and designated bicycle lanes to connect to Tully Road. Ultimate approval of the street cross-sections for Subarea B shall be made by the City Engineer and Director of Community and Economic Development or designee(s).

Landscaping along local streets is provided through front and side yard setback areas. All streetscapes are described below. The plant palette for Founders Point East is provided in Chapter 5: Design Guidelines.

3.4.4.1 External Rights-of-Way

The description of exterior wall treatments for the perimeter is provided under Chapter 5: Design Guidelines, Section 5.6.

3.4.4.2 Primary Entry: Tully Road

The design of the primary entry shall be determined at the time the Tentative Subdivision Map is approved and final maps and improvement plans are prepared.

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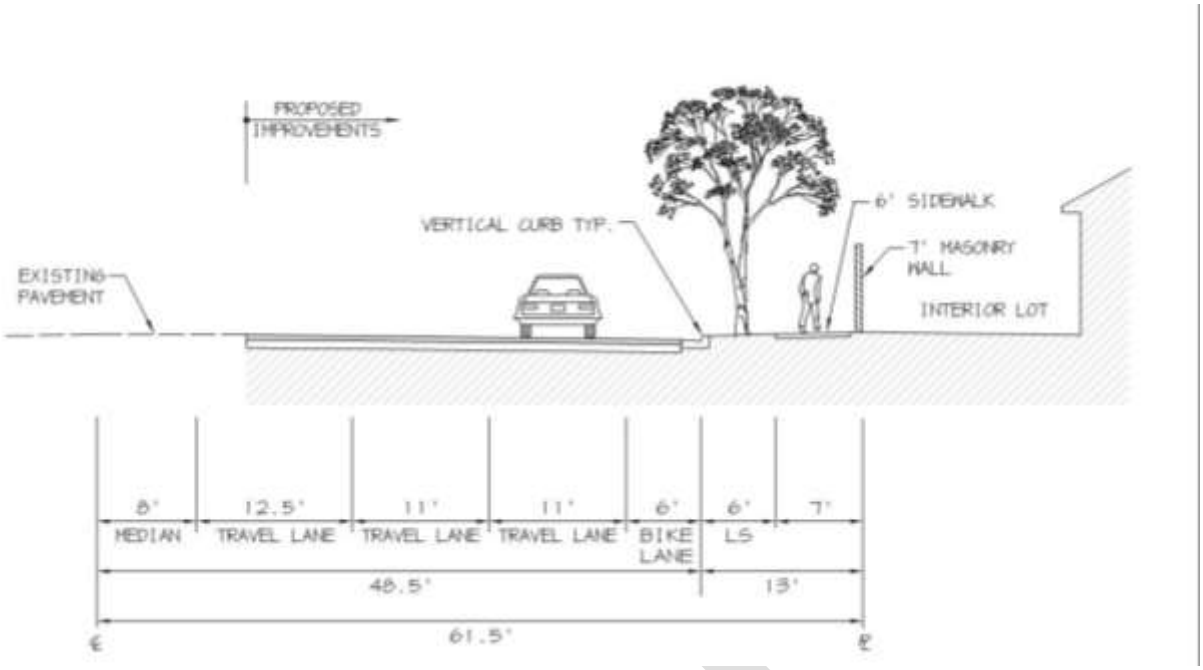

FIGURE 3.7(A)
TULLY AVENUE

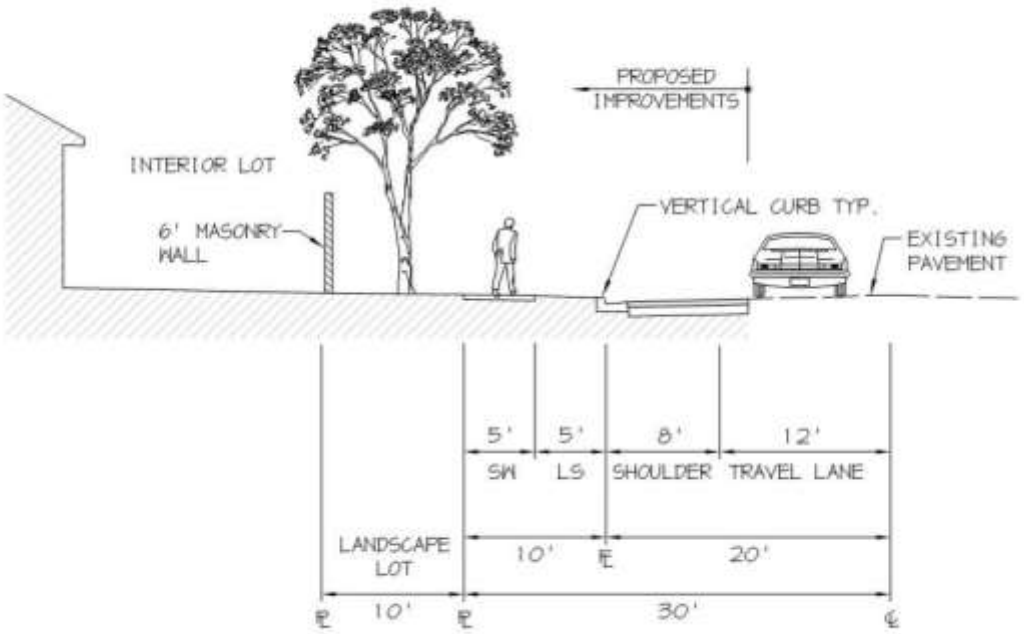

FIGURE 3.7(B)
BANGS AVENUE

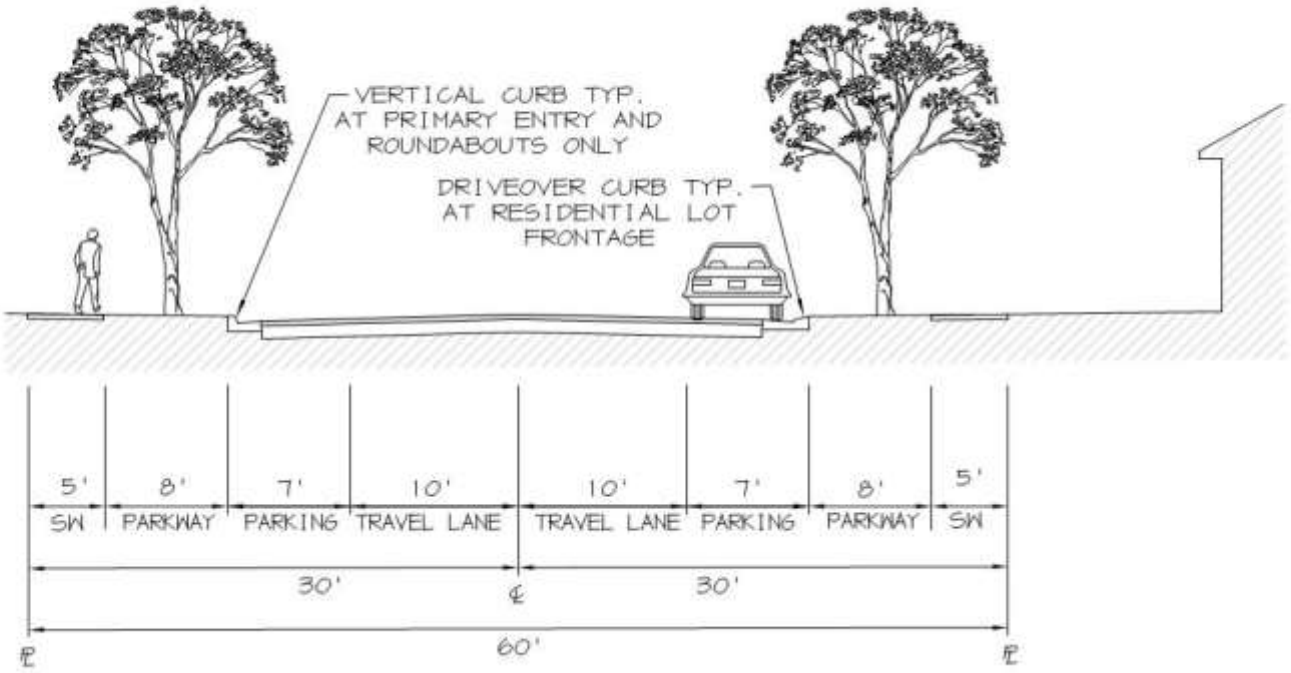

FIGURE 3-7 (C)

TYPICAL 60' STREET SECTION

PARKWAY RESIDENTIAL STREET

(CITY OF MODESTO STD. DETAIL 309A)

3.4.4.5 Local Streets

The neighborhood landscape is defined by tree-lined local streets and curb-adjacent sidewalks. Within Subarea A, standard local streets will have drive-over curbs and 5-foot sidewalks on both sides of the street. See Figures 3-7(D): Local Residential Street. Canopy street tree species vary by sub-neighborhood.

Within Subarea B, the streetscape shall be designed as development is proposed, with cross-sections to accommodate both light vehicle and truck traffic, and designated bicycle lanes to connect to Tully Road. Ultimate approval of the street cross-sections for Subarea B shall be made by the City Engineer and Director of Community and Economic Development or designee(s).

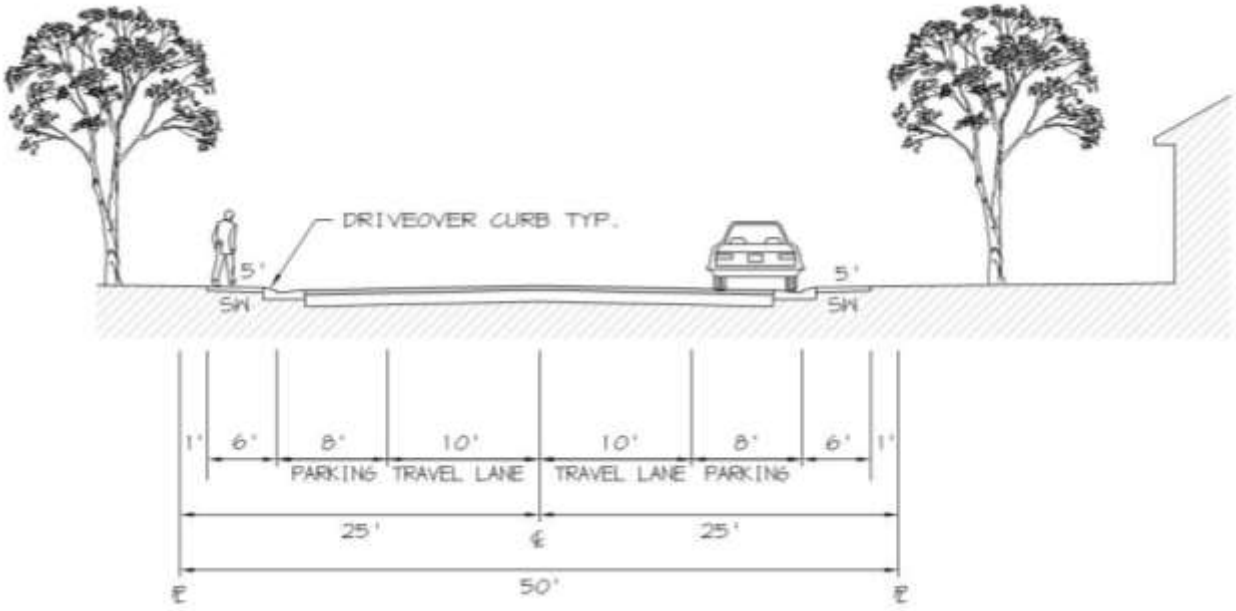

FIGURE 3-7 (D)

TYPICAL 50' STREET SECTION

LOCAL RESIDENTIAL STREET

(CITY OF MODESTO STD. DETAIL 309)

3.5 Conceptual Grading Plan

The Founders Point East grading plan is consistent with the City of Modesto standards and specifications and complies with Federal, State and local Stormwater National Pollutant Discharge Elimination System (NPDES) water quality objectives and requirements. The grading for new development shall maintain the relatively flat character of the site and create the dual use park/stormwater infiltration basin. Grading operations will follow the demolition of the orchards and the removal or relocation of irrigation lines per MID standards and requirements. Cut and fill will balance on the site.

4 DEVELOPMENT STANDARDS

The residential land use designation (LDR) specified in the Land Use Diagram has been assigned minimum development standards within this chapter. If a development standard is not addressed within the Founders Point East Specific Plan, development shall occur in accordance with the City of Modesto Zoning Ordinance and the Development Standards provided in this Specific Plan. If a development standard within the Specific Plan conflicts with other applicable City Standards or Guidelines, the Development Standard in the Specific Plan shall prevail.

4.1 Low-Density Residential (LDR)

The Low-density Residential (LDR) land use designation is intended to provide single-family residential neighborhoods with varying lot sizes and configurations.

Low-density Residential lots consist of a variety of creative layouts. Plots studies accompanied by brief narratives and photographic examples of varying lotting patterns and associated development are included in Chapter 5: Design Guidelines.

Table 4-1: Low-density Residential Standards, provides setback requirements and other development standards. The development standards are organized into two categories: standards for 44’ x 76’ minimum lots and 50’ x 80’ minimum lots.

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Table 4-1: Low-Density Residential Standards

Lot Size (Minimum)	44' x 76' Lot	50' x 80' Lot
Area, Interior Lot	3,344 SF	4,000 SF
Area, Corner Lot	4,104 SF	4,800 SF
Width, Interior Lot / Elbow Lot	44' / 25'	50' / 25'
Width, Corner Lot	54'	60'
Setbacks (Minimum)		
Front Yard		
First Floor (Living Area / Porches)	15' /10'	15'/10'
Second Floor	15'	15'
Garage (Entry) (1)	20'	20'
Side Yard		
Interior (First and Second Floor)	5'	5'
House on Side Street	15'	15'
Rear Yard		
House	10'	10'
Garage	10'	10'
Patio Covers	7'	7'
Coverage (Maximum)		
Site Coverage	60%	55% (2)
Height (Maximum to ridge)		
Height Limit	30' (2 Stories)	
Private Open Space (Per Unit)		
Minimum Area(3)	400 SF	500 SF
Minimum Dimension	15'	15'
Common Open Space (Per Unit)		
Minimum Area	250 SF	250 SF
Parking -		
Spaces Per Unit	2(4,5)	2(4,5)

(1) Setback is to be 20' from back of sidewalk.
(2) May exceed coverage up to 60% for outdoor "California Rooms"
(3) Private open space refers to the aggregate private yard area provided within a single lot. Private yard area may be provided in more than one location on the lot and is not required to be contiguous.
(4) Studio or one-bedroom accessory dwelling units do not require additional parking off-street.
(5) The Director will have authority to review projects that propose tandem garage parking spaces.

4.2 Business Park (BP)

The Business Park (BP) land use designation is intended to allow for the continued use of existing commercial, industrial and institutional uses within Subarea B, and provide for new uses that fall within the allowable and conditional uses of the Commercial-Industrial (C-M) and Light Industrial (M-1) Zones of the Municipal Code. Those uses that are conditional shall require the issuance of a Conditional Use Permit by the Board of Zoning Adjustment in accordance with Title 10, Chapter 9, Article 7 of the Modesto Municipal Code, prior to commencement of development. The intent of the Business Park land use designation is to provide for light industrial and employment-intensive uses in an aesthetically attractive campus-like setting.

5 DESIGN GUIDELINES

The following design guidelines provide direction to developers and home builders within Founders Point East towards practical site planning standards and high-quality home designs that ensure the creation of a first-class residential community. The following guidelines are not intended to overly restrict creativity but rather ensure the creation of an attractive and authentic neighborhood. Homes within Founders Point East should combine individuality and authenticity with quality design and construction to create charming and appealing neighborhoods. Landscaping should enhance street life and distinguish special places in Founders Point East.

The following design guidelines supplement the City of Modesto Guidelines, if a design guideline is omitted or not specified in this Specific Plan, development should refer to the Modesto Guidelines.

5.1 Overall Founders Point East Site Planning Design Concept

Founders Point East is comprised of two areas: Subarea A for Low Density Residential (LDR) uses and Subarea B for Business Park (BP) uses.

Founders Point East Subarea A is characterized by tree-lined neighborhoods. A 2.5-acre park, located on the eastern edge of the community, is connected to the future City Bike Path. The park provides an opportunity for passive and active use in a lush, landscaped environment. Landscape amenities will distinguish Founders Point East from other neighborhoods, becoming a source of pride for residents. Street landscaping and distinctive home design throughout the neighborhoods affirm the character of this quiet, high quality residential area.

Subarea B is partially developed with existing industrial and warehouse/distribution center uses, recreational vehicle storage facilities and the newly constructed Holy Family Church. To accommodate those uses and future uses of similar type, the land use designation is to be Business Park (BP) allowing for permitted and conditional uses of the Commercial-Industrial (C-M) and Light Industrial (M-1) Zones of the City. The character of new development should emulate campus-like environments with distinctive landscape amenities and attractive architectural design.

5.2 Low-Density Residential (LDR)

The Low-Density Residential (LDR) land use designation applies to all single-family homes in Founders Point East. Basic design principles can be applied to all single-family homes to ensure the creation of attractive architecture. The following design guidelines address the design and placement of the individual design features of each building as well as the overall mass and scale of individual buildings and their

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relationship to streetscape. The overall intent is to display cohesive architecture in style and size with the adjacent Woodglen Specific Plan (marketing name Founders Point).

5.2.1 Site Planning Guidelines

5.2.1.1 Conceptual Site Plans

Low-density single-family homes within Founders Point East will be thoughtfully sited during preparation of the tentative maps to create a superior street scene along the main east/west circulation route and accentuate the project's connectivity between Tully Road and its park area as the focal point of the community.

Founders Point East consists of a variety of lot sizes which create distinctive neighborhoods and villages within the community.

- **Lot:** Garage access is from the public street and lots generally maintain a rectangular geometry. Lots include functional style floor plans that have been scaled to fit a smaller building envelope. These lots should exhibit a variety of setbacks and garages should either be flush with or slightly recessed from the front feature of the home.

5.2.1.2 Parking and Garages

Garage Placement and Variety

Using one or more of the following techniques should reduce the impact of garages on the streetscape:

- **Vary garage placement within neighborhood plotting plan:** Garage placement can be varied by alternating front setbacks and can also be alternated along the streetscape to minimize similar looking garages immediately adjacent to one another.
- **Vary garage placement from plan to plan:** When possible, garage placement should be varied among floor plans to provide an assortment of setbacks or configurations.
    (1) Garage Flush: located flush with the home's front facade.
    (2) Shallow Recess: located slightly behind the home's front facade.
- **Vary garage door appearance:** Garage door patterns, styles, windows and/or colors as appropriate to the architectural style can be varied from plan to plan.
- **Provide Optional treatments:** Optional treatments such as trellises, trim and landscape treatments contribute to a diversified garage door appearance.

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5.2.2 Architectural Guidelines

5.2.2.1 Architectural Styles

A unified architectural theme in conjunction with the Woodglen Specific Plan (marketing name Founders Point) provides Founders Point East with a distinctive yet familiar identity and expresses a respectful integration of building structures within the surrounding natural and built environments. To create a consistent architectural theme for Founders Point East, a palette of architectural styles has been created for each lot type. Should a builder/developer propose an alternate style not represented in this specific plan, the applicant can submit for design review approval by the City's Director of Community and Economic Development.

Buildings within the plan area should be designed with these architectural styles in mind and should include architectural elements that authentically represent that style. Roof forms, colors, materials, and secondary architectural elements such as windows and doors should all play a major role in defining the architectural style of the building. Proper scale and proportion are also important to establishing the overall architectural theme of individual buildings. The following pages provide renderings of contemporary style interpretations to be approved for each lot type.

Adherence to these architectural styles conveys a sense of high quality design and authenticity. Equally as important, the placement and variety of these elevations within Founders Point East should convey a sense of diversity and thoughtful planning. In order to achieve this, the following guidelines have been established:

- Each floor plan should provide a minimum of three architectural elevation styles to ensure variety in the street scene.
- Homes with identical floor plans and elevation styles should not be plotted immediately adjacent to or across the street from one another.
- Homes with similar elevations located adjacent to or across the street from one another should use distinctive color/material palettes and different roof colors.

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44’ x 76’ Typical Lot Size

Residence 1 – A Elevation

Residence 1 – B Elevation

Residence 1 – C Elevation

44’ x 76’ Typical Lot Size

Residence 2 – A Elevation

Residence 2 – B Elevation

Residence 2 – C Elevation

44’ x 76’ Typical Lot Size

Residence 3 – A Elevation

Residence 3 – B Elevation

Residence 3 – C Elevation

50’ x 80’ Typical Lot Size

Residence 1 – A Elevation

Residence 1 – B Elevation

Residence 1 – C Elevation

50’ x 80’ Typical Lot Size

Residence 2 – A Elevation

Residence 2 – B Elevation

Residence 2 – C Elevation

50’ x 80’ Typical Lot Size

Residence 3 – A Elevation

Residence 3 – B Elevation

Residence 3 – C Elevation

50’ x 80’ Typical Lot Size

Residence 4 – A Elevation

Residence 4 – B Elevation

Residence 4 – C Elevation

5.2.2.2 Massing and Articulation

Providing variation in massing and articulation is essential to the creation of dynamic and attractive street scenes. In order to avoid the appearance of boxes along the street, homes should include a variety of elements that reduce the overall mass of the building and create an individual massing character for each home. Articulation may be achieved by providing recessed windows or enhanced window treatments such as wood trim, stucco surrounds or shutters if they are appropriate to the architectural style.

Massing and articulation should not be limited to the street facing elevation but should also include any elevation visible to the general public including but not limited the side elevation of corner lots and the second story elevation of lots backing up to major roadways such as Tully Road, Bangs Avenue or Pelandale Avenue. This can be accomplished by enhancing an interior lot plan for use on the corner with additional architectural elements and/or details as found on the front elevations improves neighborhood quality.

The following guidelines help achieve variety in massing and articulation:

- Building heights, roof planes and building walls should be slightly varied to minimize the apparent mass of the building, when appropriate to the architectural style.
- Front yard setbacks should also be varied whenever possible to provide variety and interest to the street scene.
- Three dimensional elements such as recessed windows, moldings, dormers, pilasters or any other elements that provide visual interest and articulation are encouraged to reduce the apparent mass of the building and break up large expanses of walls and roofs.
- Materials used as major surface treatments at front elevations, should be wrapped to interior side elevations a minimum distance appropriate to the architectural character to avoid the appearance of artificial facades.
- Side elevations of buildings located on corner lots or abutting public open space areas should be designed to address the adjacent side street or open space by wrapping materials from the front of the house to a small portion of the side elevation.
- Special attention should be paid to the second story portion of side and rear elevations facing public roadways, open space and trails by including a variety of window treatments, roof projections and architectural details to provide variety and articulation.

5.2.2.3 Building Materials and Variety

Providing a diverse palette of materials adds variety and interest to the street scenes. Materials should be selected appropriately by style, but should vary between styles to allow for an eclectic mix of textures and colors. Materials should not only be authentic to style, but should also be applied so they do not appear false. The following guidelines address the selection and application of materials:

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- Materials should be carefully selected to be consistent with the overall architectural style of each home.
- Materials should provide variety and interest while complementing other materials and architectural details.
- Materials should be carefully applied to all homes to create depth and contrast for design features and building articulation.
- Materials should be applied in a consistent and coherent manner to avoid a piecemeal appearance.
- Materials that wrap from the front elevation to side elevations should terminate in a manner that expresses the home's character and style and should occur on an inside corner, behind a fence line or in another logical location to avoid the appearance of a false façade.
- Materials should convey the impression of high quality architecture and durability.
- Gutters, downspouts, vents and other roof appurtenances should be finished to complement the materials and colors of the main residence.
- A minimum of two building material styles should be used within Founders Point East.
- Color accents throughout the project should be complementary.
- Exterior lighting fixtures should be consistent with the architectural style of the home.

5.2.2.4 Roofs

Rows of homes seen from a distance or along major roadways are perceived by their contrast against the skyline or background. The dominant impact is the shape of the buildings and roofline. Articulation of building mass and rooflines express a variety of conditions, minimizing the visual impact of repetitious flat planes, similar building silhouettes and similar ridge heights. This can be achieved by using a variety of front to rear, side-to-side, gabled and hipped roofs and/or by the introduction of single story elements. The following guidelines encourage varied roof forms within the same streetscape.

- Roof pitches, forms and materials should be consistent with the architectural style of the home and should vary between elevation styles.
- Roofline should be varied between plans to express a variety of conditions within the same streetscape and minimize the visual impact of repetitious flat planes, similar building silhouettes and similar ridge heights.
- Each building should use a combination of compatible front gabled, hipped, cross- gabled, cross-hipped or combined hipped-and-gabled roof forms to avoid long expanses of roof planes. Architectural elements such as dormers may also be used to break up large roof planes.
- Roofing materials should be selected to provide interesting colors, texture and shadow relief.
- Similar roofing materials should include at least two variations in color that can be incorporated into the overall color and material palette.

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5.2.2.5 Building Entries and Porches

Building entries and porches play an important role in creating a welcoming façade and establishing curb appeal. Entries and porches oriented toward the street activate the street scene by encouraging residents to spend time in their front yards and on porches where they can interact with neighbors and friends. This active participation in the neighborhood creates a sense of community and safety by placing "eyes on the street" and allows residents to monitor activities in the vicinity. The following guidelines promote a sense of community through entry placement and design:

- Primary entrances and porches, if applicable, should be oriented toward the street to promote a "friendly" welcoming face toward the neighborhood.
- Front porches, if applicable, should be located in front of the leading edge of the garage.
- Architectural elements such as porches should be designed proportionally to the overall scale and massing of the main structure.
- Primary entries should be clearly defined and accentuated with lighting, added texture, and landscaping or contrasting color materials.
- Exterior lighting should be provided at the primary entrance to all buildings to enhance the entry.

5.2.2.6 Doors and Windows

The size and shape of doors and windows contribute to establishing the overall architectural style of a home. The location, size, shape and type of windows also help create variety and interest by breaking up the overall mass of individual homes and add to diversity in the street scene. Recessed windows add depth while additional enhancements such as wood trim, stucco surrounds, pot shelves, and shutters, appropriate to the architectural style, add texture and contrast. Enhanced landscaping and lighting near doorways establish the entry as a focal point for the home, making the home more inviting. The following guidelines ensure windows and doors contribute to the quality and authenticity of each home.

- Corner and second story rear elevations exposed to public streets, public open spaces or other areas visible to the public, should have window and door trim treatments that express the same architectural character as treatments on the front façade.
- Windows on front elevations and side corner elevations should be placed and designed to maximize views to the street and common open spaces to provide "eyes-on-the- street" safety.
- Doors and windows should be designed proportionally to the overall scale and mass of the building.
- The location, size, shape and type of windows and doors should be consistent with the architectural style of the home. In addition, enhanced window and door treatments should also be consistent with the architectural style of the home.

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5.2.2.7 Color

Color provides a simple yet highly effective means for creating diversity between homes within a single street scene. Color should be thoughtfully and carefully selected to provide an assortment of compatible yet unique palettes. The following guidelines should be considered when creating color palettes for Founders Point East:

- Each product type should include a minimum of nine (9) compatible color palettes.
- Colors, including roofing colors, for individual homes should be carefully coordinated to be harmonious with one another and consistent with the overall architectural style.
- Colors and materials should provide variety and interest but should be complementary throughout Founders Point East.
- Colors should be carefully applied to all homes to create depth and contrast for design features and building articulation.
- Bright, glaring colors should be avoided.
- All color changes must occur on an inside wall plane.
- On the side elevation return, color changes should terminate in a manner consistent with the home's architectural character.
- A minimum of two colors should be used on each building elevation in addition to a trim and roof color. A different material counts as a color (i.e. stone, brick, wood, masonry, or shingle).
- Color accents throughout the project should be complementary.

5.2.2.8 Mechanical and Utility Equipment

Mechanical and utility equipment, such as air conditioning units, satellite dishes, trash containers, and utility meters, can detract from the overall look of a home. Therefore, every effort should be made to diminish the impact of this equipment on the streetscape. The following guidelines seek to reduce the appearance of these items.

- To the greatest extent possible, mechanical and utility equipment should be strategically placed or screened from public view. Equipment screening should be designed to blend with the building through the use of landscape materials, building materials and/or colors consistent with the main residence.
- When screening is not possible, equipment visible by the public should be designed to blend with the building through the use of materials and color consistent with the main residence.
- Roof mounted equipment is not permitted, except satellite dishes under 3 feet in diameter. These must be mounted on the rear third of the roof where least visible.
- Storage areas for trash, recycling and yard waste containers should be provided in garages or side and rear yards to conceal them from public view on non-collection days.
- Air-conditioning condenser units may not be installed inside side yards. No window- or roof-mounted condenser units or related equipment are allowed.

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5.3 Business Park (BP)

The Business Park (BP) land use designation applies to new development within Subarea B and future expansion of existing uses within the area. The intent of the land use designation is to provide for light industrial and employment-intensive uses in an aesthetically attractive campus-like setting. Site design shall be in accordance to Title 10, Chapter 4 of the Modesto Municipal Code for Commercial-Industrial (C-M) and Light Industrial (M-1) uses and architectural standards shall meet or exceed the policies of the City of Modesto Commercial and Industrial Design Guidelines, adopted by City Council Resolution No. 2006-587 on September 12, 2006.

5.4 Community Wide Landscaping Guidelines

The grandest landscape elements are intended for the park/basin at the eastern edge of Founders Point East. The primary entry on Tully Road will also receive special treatment with heritage trees. The primary entry design shall be determined at the time the Tentative Subdivision Map is approved and final maps and improvement plans are prepared. Local streets will have various street trees chosen for the interest and character they create and ease of maintenance, as Table 5.1: Plant List and Figure 5-12: Plant Imagery indicate.

A coordinated ensemble of landscape furniture is used in the Founders Point East open space and park areas. Pairings of benches and picnic tables are provided in the active park area.

5.5 Community Wide Wall and Fencing Guidelines

Walls are provided around the perimeter of Founders Point East Subarea A. Along Pelandale Avenue, a Class B expressway, a continuous split-face block wall with vines is provided. On Bangs Avenue and Tully Road an enhanced wood fence is employed. Openings may occur to provide pedestrian, bicycle and vehicle access to/from Founders Point East Subarea A. See Figure 5-13: Perimeter Wall and Fence (Typical).

Walls and fences for development within Subarea B shall be either decorative wrought-iron or decorate concrete masonry wall with cap treatment. Where any concrete wall faces street frontage or is visible from a street, wall design shall include landscaping with vines (as shown in Figure 5-13) to deter graffiti. Openings may occur to allow for pedestrian and bicycle access to and from Subarea B. Setbacks for all fences and walls along street frontages shall be ten feet from the front and street side property lines at minimum, and setbacks shall be landscaped with trees and shrubs/accent plantings from the Table 5-1 Plant List below.

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Table 5-1: Plant List

- **Perimeter Street Trees (Under Power Lines)**
- Cercis occidentalis – Western Redbud
- Lagerstroemia indica 'Muskogee' – Muskogee Crape Myrtle
- Lagerstroemia indica 'Natchez' – Natchez Crape Myrtle

- **Perimeter Accent/Background Trees**
- Carpinus betulus 'Fastigiata' – European Hornbeam
- Cupressus sempervirens – Italian Cypress
- Juniperus chinensis 'Torulosa' – Hollywood Juniper
- Podocarpus macrophyllus – Shrubby Yew Podocarpus
- Quercus x 'Nadler' – Kindred Spirit Oak

- **Perimeter Specimen Trees**
- Cercidium x 'Desert Museum' – Desert Museum Palo Verde
- Chilopsis linearis - Chitalpa
- Chilopsis tashkentensis - Chitalpa
- Olea europaea 'Field Grown' – Field Grown Olive Tree

- **Backbone Street Trees**
- Acer rubrum – Red Maple
- Ginkgo biloba 'Autumn Gold' – Autumn Gold Maidenhair Tree
- Ginkgo biloba 'Princeton Sentry' – Princeton Sentry Maidenhair Tree
- Nyssa sylvatica – Tupelo
- Pinus canariensis – Canary Island Pine

- **Backbone Specimen Trees**
- Acer buergeriaum – Trident Maple
- Cercidium x 'Desert Museum' – Desert Museum Palo Verde
- Quercus suber – Cork Oak

- **Village Entry Trees**
- Cercis occidentalis – Western Redbud
- Cotinus coggygria – Smoke Tree
- Lagerstroemia indica 'Muskogee' – Muskogee Crape Myrtle
- Lagerstroemia indica 'Natchez' – Natchez Crape Myrtle
- Pinus canariensis – Canary Island Pine
- Prunus cerasifera 'Purple Pony' – Purple Pony Plum
- Magnolia grandiflora 'St. Mary' – St. Mary Magnolia

- **Village Interior Street Trees**
- Acer rubrum 'October Glory' – October Glory Maple
- Fraxinus oxycarpa 'Raywood' – Raywood Ash
- Ginkgo biloba 'Autumn Gold' – Autumn Gold Maidenhair Tree
- Koelreuteria bipinnata – Chinese Flame Tree
- Laurus nobilis 'Saratoga' – Saratoga Laurel
- Pistacia chinensis 'Red Push' – Red Push Pistacia
- Quercus ilex – Holly Oak

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- Ulmus parvifolia 'Drake – Drake Chinese Elm
- Zelkova serrata 'Village Green' – Village Green Zelkova

- **Groundcovers**
- Baccharis pilularis 'Twin Peaks' – Twin Peaks Coyote Bush
- Coprosma kirkii – Mirror Bush
- Cotoneaster dammeri 'Lowfast' – Bearberry Cotoneaster
- Juniperus conferta – Mountain Cedar Juniper
- Myoporum parvioflium 'Putah Creek' – Putah Creek Myoporum
- Rosmarinus officinalis 'Huntington Carpet' – Huntington Carpet Rosemary
- Trachelospermum asiaticum – Asian Jasmine
- Vinca minor 'Bowles'

- **Grasses and Grass-like Plants**
- Calamagrostis acutiflora 'Karl Foerster' – Feather Reed Grass
- Chondrapetalum tectorum – Cape Rush
- Dianella caerulea 'Cassa Blue' – Flax Lily
- Dianella revoluta 'Variegata' – Variegated Flax Lily
- Festuca mairii – Atlas Fescue
- Lomandra longifolia 'Breeze' – Breeze Mat Rush
- Lomondra longifolia 'Platinum Beauty' – Platinum Beauty Mat Rush
- Muhlenbergia rigens – Deer Grass
- Muhlenbergia capillaris 'White Cloud' – White Cloud Muhly Grass
- Poa cita – Alpine Bluegrass

- **Accent Plants**
- Agapanthus africanus 'Peter Pan' – Peter Pan Agapanthus
- Dietes 'spp' – African Iris
- Hemerocallis x 'Cranberry Baby' – Cranberry Baby Daylily
- Lavendula stoechas 'Otto Quast' – Otto Quast Spanish Lavender
- Penstemon heterophyllus 'Margarita Bop' – Margarita Bop Penstemon
- Rosa 'spp' – Rose

- **Hedges**
- Ligustrum japonicum 'Texanum' – Texas Japanese Privet
- Olea europaea 'Little Ollie' – Little Ollie Olive
- Prunus caroliniana 'Compacta' – Compact Cherry Laurel
- Rhaphiolepis umbellate 'Minor' – Dwarf Yedda Hawthorn
- Xylosma congestum 'Compacta' – Compact Xylosma

- **Medium-Height Shrubs**
- Abelia x grandiflora 'Edward Groucher' – Glossy Abelia
- Arctostaphylos densiflora 'Howard McMinn' – Howard McMinn Manzanita
- Callistemon viminalis 'Better John' – Better John Bottlebrush
- Lantana 'New Gold' – New Gold Lantana
- Rhaphiolepis indica – Indian Hawthorn
- Rosmarinus officinalis 'Blue Spires' – Blue Spires Rosemary
- Teucrium lucidrys - Germander

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Figure 5-13: Perimeter Wall and Fence (Typical)

5.6 Community Wide Signage Guidelines

Plaque signage is provided on the pilasters at all entries into the plan area. Additional directional signage should be placed at the recreation area. The signage should be consistent in character, subtle and understated since the central open space provides a strong defining landscape for Founders Point East.

Signage or materials derivative of the gateway signage should also be placed at each corner of the plan area on exterior walls to signify Founders Point East's presence in the Modesto community.

Signage within Subarea B shall be in accordance with Modesto Municipal Code Title 10, Chapter 6 for Commercial-Industrial (C-M) and Light Industrial (M-1) uses. Any freestanding signage shall be monument-type; pole signs shall not be allowed within the Specific Plan.

Where multiple tenants occupy the same site, individual wall-mounted signs may be used in combination to the maximum allowed wall sign area per the Municipal Code. The use of backlit individually cut letter signs or channel letter signs are highly preferred over cabinet signs. Lighting for signs shall not create any hazardous glare for pedestrians or vehicles, nor spill into nearby residential areas.

5.7 Community Wide Lighting Guidelines

Street lighting should occur within the public utility easement on every street in a triangular spacing. Lighting should, at minimum, consist of City standard light poles and fixtures. Where feasible, enhanced lighting standards should be used. At the edge of the park/basin, fixtures light along the landscaped area and the trail should be used.

Within Subarea B, building and parking lot lighting shall not intrude into the residential areas. Site design of any new development or expansion of existing development shall demonstrate with a photometric study the adequate shielding of light fixtures to prevent light spillage into residential areas.

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6 COMMUNITY SERVICES & UTILITIES

Community facilities and services, including fire, police, schools, childcare and solid waste are described below and summarized in Table 6-1: Public Service Providers.

Table 6-1: Public Service Providers

Service	Provider
Fire[1]	Modesto Fire Department Salida Fire Protection District
Police	Modesto Police Department
Schools	Sylvan Union School District Modesto City School District
Solid Waste	Gilton Waste Management

6.1 Public Safety

6.1.1 Police

The plan area will be served by the Modesto Police Department. The Modesto General Plan provides Citywide goals and policies for police services that would apply to the plan area.

6.1.2 Fire

The plan area will be served by the Modesto Fire Department, with additional service by the Salida Fire Protection District (District) per the September 13, 2022 Agreement between the City of Modesto and the Salida Fire Protection District, unless the Local Agency Formation Commission agrees to allow detachment of the annexation area from the Salida Fire Protection District. The Modesto Fire Department provides fire protection to the City of Modesto and surrounding unincorporated areas. In addition to fire prevention and control services, it provides emergency medical services, emergency preparedness and mitigation of hazardous incidences.

City of Modesto Fire Station 11 operates at the corner of Carver Road and Pelandale Avenue. Primary service for the plan area would originate from Station 11 and additional service may be provided from the Salida Fire Protection District located at 4820 Salida Boulevard. First and full responses can be made from Station 11, based

[1] Fire protection services to be provided by the City of Modesto Fire Department and the Salida Fire Protection District per the September 13, 2022 Agreement between the City of Modesto and the Salida Fire Protection District.

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on existing apparatus, equipment and personnel levels. Secondary service would be feasible and available from Modesto Fire Station 5 located at 200 West Briggsmore Avenue and Modesto Fire Station 6 located at the corner of Hahn Drive and Standiford Avenue.

6.2 Schools

The plan area is served by Sylvan Union School District for K-8 and by Modesto City Schools at Gregori High School for grades 9-12. The estimated student generation from Founders Point East is shown in Table 6-2: Projected Student Generation.

Table 6-2: Projected Student Generation

Grade Level	K-5	6-8	9-12
Single-family Homes (420)	126	84	84
Total	**126**	**84**	**84**

6.3 Child Care

Small Family Residential Child Care businesses (six or fewer children) and Large Family Residential Child Care businesses (7-14 children) are permitted uses in homes within Subarea A (as allowed by City) or in the private recreation facility. New businesses which establish within Subarea B Business Park may elect to offer on-site Child Day Care services as an employee amenity, and commercial Child Day Care Centers would be a permitted use among the allowable uses of Subarea B.

6.4 Solid Waste

The plan area is currently served by Gilton Waste Management. Based on service projections for the plan area, an adequate future level of service will be provided. No solid waste facilities are located within the plan area.

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7 OPEN SPACE & RECREATION

7.1 Existing Open Space and Recreation Setting

There are two existing neighborhood parks in the vicinity of Founders Point East: Wesson Ranch Park about ½ mile to the south, and Aqueduct Park is about ¾ mile to the southwest. There is also a park/basin being constructed just to the west of Tully Road in Founders Point.

The Modesto General Plan calls for a seven-acre minimum neighborhood park in the Stanislaus Park Planning Area, of which Founders Point East is a part. The Founders Point East Specific Plan is not central to the Stanislaus Park Planning Area, and will not contain a neighborhood park. The parks acreage standard for neighborhood parks is 1 acre of park per 1,000 population within the Park Planning Area, and 2 acres of Community Park per 1,000 population and a minimum size of 40-acres within the Community Park Service Area.

Assuming 420 dwelling units within Subarea A, and a population of about 3 persons pre dwelling unit, Founders Point East could have a population of about 1,260 persons, resulting in a demand for about 1.26 acres of neighborhood park area. Within Subarea A of Founders Point East, a 2.5 net acre dual use park/basin is proposed. The design of the dual use park/basin will be determined at the time a Tentative Subdivision Map is approved and final maps and improvement plans are prepared.

Park credit may be requested for the new park/basin, so the developer will pay Capital Facilities Fees to the City toward the development of parks and a community park in Northwest Modesto. Developer and City will discuss the amount of creditable park area that may be subject of park fee offsets. The open space areas in the plan are designed to accommodate passive and active recreation activities, but do not contribute acreage to the neighborhood and community park acreage requirements.

7.2 Open Space

The Founders Point East residential area (Subarea A) is oriented toward a 2.5 net acre dual use park/basin at the eastern edge of the site. The 2.5 net acre dual use park/basin is intended for both passive and active recreational uses, and may include the following amenities: a tot lot, a community garden, barbeque and picnic area, and outdoor exercise area. This park/basin has been located immediately next to the approximately 1.5 acre City owned future City Bike Path (abandoned U.P.R.R. right-of- way). This creates the opportunity for up to 4 acres of open space at the eastern edge of the project.

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8 Environmental Resources

8.1 Environmental Restrictions

The Developer is placing one environmental restriction upon Founders Point East housing design: No wood-burning fireplaces or stoves will be allowed.

Applicants for future development projects are recommended to conduct Phase I and if necessary, Phase II environmental site assessments for sites containing or formerly containing residences or farm buildings/structures, with findings reported to the City and the County's Department of Environmental Resources. Any appropriate remediation should occur prior to final occupancy of the approved development.

8.2 Environmental Review

A Mitigated Negative Declaration (MND) has been prepared for the Founders Point East Specific Plan, pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines. The purpose of the MND is to determine the potential significant environmental impacts of the proposed project and identify any feasible mitigation measures that are available to offset those impacts. The Founders Point East MND was prepared pursuant to Section 15178 of the CEQA Guidelines, and analyzes the impacts of this specific project that were not considered in the General Plan Master EIR. Mitigation measures contained in the adopted MND will apply to the project.

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9 IMPLEMENTATION

The Founders Point East Specific Plan is comprised of two subareas: Subarea A with residential areas, a dual-use park/basin with open space features, an internal local public street system, and a self-contained project storm drainage system, and Subarea B allowing for future development of Business Park uses as outlined in Section 2. Improvements to adjacent, off-site public rights-of-way and infrastructure connections to the citywide street system, potable water system, wastewater system and dry utilities are also provided.
This chapter focuses on how these elements of the Specific Plan will be implemented. It includes descriptions of phasing, funding mechanisms and implementation concepts, and entitlement processing.

9.1 Public Infrastructure

Founders Point East public infrastructure must be funded and constructed in a timely and logical manner that ensures public health and safety and provides a livable community at all times. Public infrastructure is a combination of "backbone" infrastructure that benefits the broader community and "project-specific" infrastructure that primarily benefits Founders Point East. The financing of backbone and project-specific infrastructure may be a combination of fees, project-wide financing and developer funding. Backbone and project-specific infrastructure improvements include streets, sewer, water, storm drainage, open space and utilities.

9.1.1 Overall Public Infrastructure

Founders Point East's backbone infrastructure elements are:

- improvements to two adjacent perimeter public rights-of-way (Tully Road and Bangs Avenue)
- The Founders Point East dual use park/basin.

9.1.1.1 Streets

Backbone street improvements include perimeter principal arterial (Tully Road) and collector street (Bangs Avenue). Improvements to Pelandale Avenue are part of an ongoing Capital Facilities Project by Modesto. Project-specific public street improvements include, but are not limited to, local streets (pavement, curb, gutter, sidewalk, pathways, bike lanes, landscaping, traffic control devices, gateways, and related traffic accessories).

9.1.1.2 Sewer

There are no backbone sewer system improvements. Project-specific improvements

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include a system of residential sewer lines.

9.1.1.3 Water

There are no backbone water system improvements. Project-specific improvements include a network of residential water mains that tie into the existing city system.

9.1.1.4 Storm Drainage

Backbone storm drainage improvements include the dual use park/basin, and its associated infiltration system and water quality treatment features necessary to handle plan area stormwater. Project-specific improvements are on-site gravity collection stormwater lines. Future development within Subarea B will be required to handle and treat stormwater runoff on-site per City Standards and State regulations.

9.1.1.5 Open Space

There are no backbone open space improvements. Project-specific facilities include the dual use park/basin within Subarea A.

9.1.1.6 Utilities

There are no backbone utility improvements. Project-specific improvements include the extension of underground distribution lines into Founders Point East for gas, electricity, cable, telephone and telecommunications.

9.1.2 Facilities and Infrastructure Financing

Pursuant to Section 65450 et seq. of the California Government Code and as defined in Chapter 2, Section 2.1.1 of this Specific Plan, the Specific Plan includes a "program of implementation measures, including programs, public works projects, and financing measures necessary to carry out the Plan". The Founders Point East Specific Plan provides an analysis and description of the backbone infrastructure required to serve the plan area. It includes preliminary calculations and planning level analysis to a level to confirm the sizing and capacity of facilities and their layout. The project infrastructure is discussed in detail in Chapter 3 of this Specific Plan.

The primary funding mechanisms for the backbone infrastructure will be either developer responsibility, the creation of a Community Facilities District (CFD), payment of existing City fees, or a combination of these items, as described below. Oversized infrastructure is not expected, but if it is required, will be subject to appropriate reimbursement consistent with City policies.

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9.1.3 Phasing

Phasing of Subarea A shall proceed in multiple phases, which may be moved around as development occurs. It is currently projected that the phasing of residential development in Subarea A will move east to west. The current Phasing Plan is shown below as Figure 9-1.

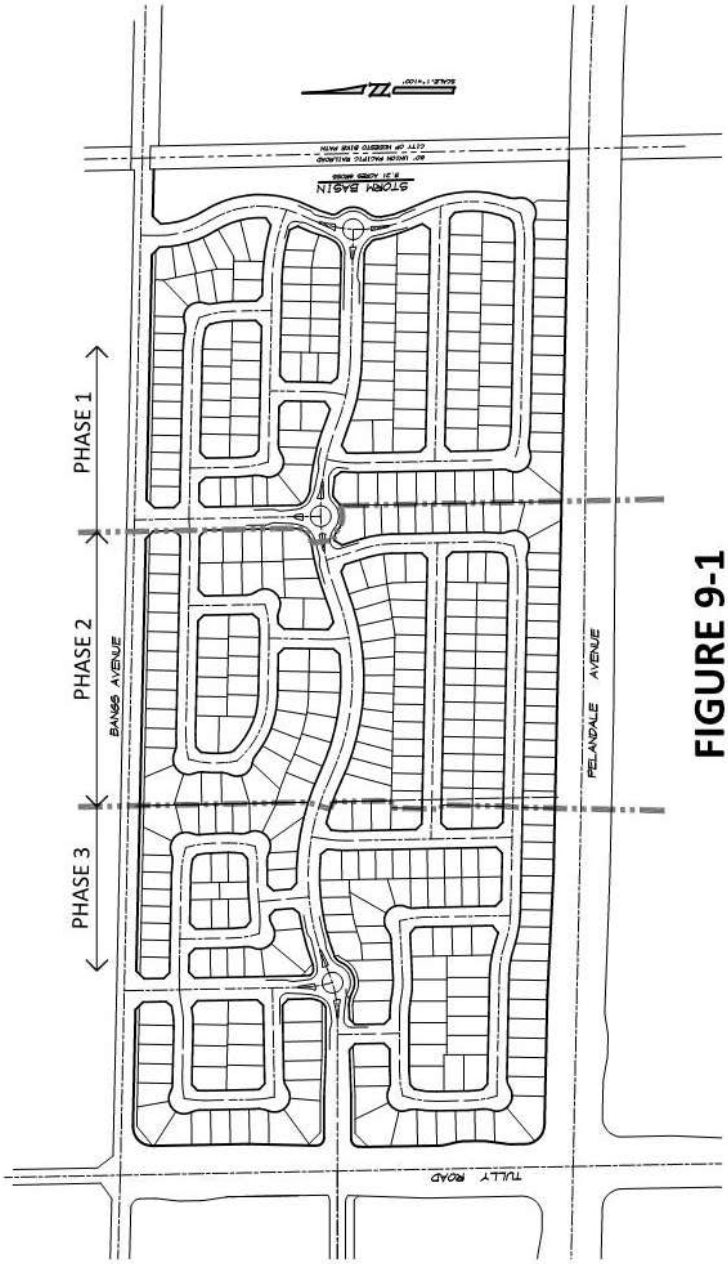

FIGURE 9-1
SUBAREA A
PHASING PLAN

9.1.4 Infrastructure Funding Mechanisms

A variety of funding mechanisms are available and commonly used to fund public infrastructure. Following are the funding mechanisms most appropriate for use in Founders Point East's implementation.

9.1.4.1 Community Facilities District for Founders Point East

A Community Facilities District (CFD) or similar mechanism provides funding for Founders Point East. A CFD is a special taxing district that provides funding for the purchase, construction, expansion or rehabilitation of any real or tangible property with an estimated useful life of five (5) years or longer. Additionally, a CFD may finance the costs of planning, design, engineering, legal assistance and other consultants involved in the construction of improvements or formation of the bonded CFD. The CFD may also cover the maintenance of applicable facilities. No final map, building permit or other development entitlement for any part of the plan area shall be deemed consistent with this Specific Plan until and unless the affected parcel(s) are annexed to the applicable CFD or other funding mechanism at the applicable rate(s) and have paid all applicable taxes and fees.

As a condition of approval for development within Founders Point East, the developer shall be required to take all actions necessary to secure and establish a City Mello-Roos CFD for on- going maintenance. A CFD may also be established to fund project infrastructure. The developer shall also be required to pay all Capital Facilities Fees, sewer and water capacity charges and other development fees applicable to the property in accordance with City ordinances, resolutions, regulations, policies and procedures.

9.1.4.2 Capital Facilities Fees

Capital Facilities Fees pay for citywide improvements for arterials (Tully Road) and expressways, police and fire facilities, parks, air quality, general government, and administration.

9.1.4.3 Water Fees

There are three water fees that Founders Point East developers are required to pay for the project's fair share of water service to the project. The Water Development Fee pays for pump stations, wells, fire hydrants and water mains 10 inches or larger. The Water Connection for New Extension Fee pays for new water mains to an existing live main for connecting a new subdivision to an existing main. The Water Service Installation Charge pays for installing the water service from the water main to the property line.

9.1.4.4 Sewer Fees

There are several sewer fees that apply to new development for the project's fair share of sewer service. The Bond Redemption Charge pays for the Wastewater Treatment Plant and sewer trunk system throughout the city. The SubTrunk Charge pays for the construction and maintenance of subtrunk lines. The Lateral Charge

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pays for specific sewer laterals that extend from the street or lane to the specific property.

9.1.4.5 Developer Installation

The developer(s) are responsible for installing the project-specific infrastructure including street dedication and improvements along the perimeter of both subareas (except Pelandale Avenue right-of- way) and within the plan area. The size, location and design of the project-specific infrastructure shall be determined at the time of the Tentative Map for Subarea A and proposed development within Subarea B.
Founders Point East developers may be required by the City to install public facilities that do not benefit the project, in part or in whole. One Founders Point East backbone improvement, the extension of the City's North Sewer Trunk, benefits the project and other development. The developer shall pay their fair share of that type of improvement, based on an allocation established in the Founders Point East FMP/IFP. Also, to make the improvements to Tully Road, Founders Point East may be obligated to build a 10-inch sewer line that serves development south and east of the plan area but does not serve Founders Point East. Full reimbursement to the Founders Point East developer(s) for such an improvement shall be documented in the FMP/IFP.

9.1.4.6 Other Financing Options

The IFP considers other financing options that may include, but are not limited to: Reimbursement Agreements, Landscape and Lighting Districts, Assessment Districts, Area of Benefit Districts and/or other long range financing strategies.

9.1.4.7 Public Infrastructure Design Standards

The design of required Founders Point East public infrastructure shall be in accordance with the City of Modesto Standard Specification, 2006 Edition, or as amended by the City of Modesto and as superseded by this Specific Plan or the Founders Point East FMP. The standards applicable shall be those in effect at the time of vesting. Landscape design shall be in accordance with Chapter 1 of Title 12 of the Modesto Municipal Code and this Specific Plan. Standards in this Specific Plan shall prevail where there is a conflict.

9.1.5 Infrastructure Maintenance

9.1.5.1 Public Facilities

Sewer, water, storm drainage, roadways and open space shall be owned and maintained by the City of Modesto upon acceptance of improvements. A CFD is authorized to finance the services authorized by California Government Code Section 53313, et Seq., as may be amended from time to time. Services may include the maintenance of streets and associated facilities, open space, parkways, storm drainage and flood facilities, as well as emergency services. All applicable property must participate in the maintenance CFD. Landscape irrigation facilities within such

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areas shall be owned and maintained by the City upon acceptance of improvements. Dry utilities shall be owned and maintained by the respective utility companies.

9.1.5.2 Private Facilities

Maintenance of private common open space, landscape areas, subdivision recreation facilities and plan area entry features shall be the developer's responsibility, and may be maintained through mechanisms such as a landscape and lighting district or homeowner's association for that portion of the plan area. The Codes, Covenants and Restrictions (CC&R's) for each homeowner's association must be reviewed and approved by the City. Individual property owners shall be responsible for the landscaping and maintenance of their own private lots.

9.2 Plan Administration

9.2.1 Plan Adoption

The Founders Point East Specific Plan is approved by Ordinance [NUMBER] as approved by the City Council on [DATE] following review and recommendation by the Planning Commission. The Founders Point East Mitigated Negative Declaration was certified by the City Council as of [DATE] by Resolution [NUMBER].

9.2.2 Annexation

The entire 220-acre Founders Point East Specific Plan Area was annexed into the City of Modesto on [DATE]. The annexation of Founders Point East plan area into the City ensures that future development in the plan area is accomplished in conformance with this Specific Plan, the City's General Plan and applicable City standards.

The annexation of Founders Point East is in keeping with the City's intention to develop land contiguous to its city limits, as the Founders Point East plan area is in the Planned Urbanizing Area per the Urban Area General Plan and is adjacent on its southern side to Big Valley Grace Church, and on its western side to land that has been developed with housing similar to that planned within Founders Point East.

9.2.1 Specific Plan Administration Authority

The City of Modesto's Director of Community and Economic Development Director (hereinafter referred to as Director) shall be responsible for administering the provisions of the Founders Point East Specific Plan in accordance with the provisions of this Specific Plan, the State of California Government Code, Subdivision Map Act, and the City of Modesto General Plan, and Municipal Code.

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9.2.2 Specific Plan Amendment Procedures

Specific Plan amendments shall be classified as either minor or major in significance. Specific Plan Amendments shall be governed by California Government Code Section 65450-65457.

9.2.2.1 Minor Amendments

Minor amendments are defined as those simple modifications to text or diagrams that do not change the meaning or intent nor are contrary to any provision of the Founders Point East Specific Plan. Approval of minor amendments to the Specific Plan may be handled administratively so long as the amendment is found to be in substantial conformance with the Specific Plan and shall not cause additional environmental impacts. The administrative approval shall be approved by the Director, or Designee, and are appealable to the Planning Commission.

9.2.4.2 Major Amendments

Major (substantial) amendments are modifications to text or graphics that change the intent, development or other significant provisions of this Specific Plan.
Major amendments: result in an increase in the maximum number of residential units; are substantial modifications in the amount of basin; are substantial changes in the general circulation system layout, or development standards and design guidelines; may cause significant environmental impact; or give rise to other issues of substance as determined by the Director, or Designee. Major modifications will require a Specific Plan Amendment and shall be approved by the City Council. Major amendments shall adhere to the following format:

- All amendments will include textual, graphic or other materials suitable to replace or augment the sections being modified.
- The applicant must provide amendments to the text using a strike-out and underline format and amendments to graphics using clouds and delta format.
- The format and style of the original specific plan will be followed for ease of incorporation and consistency.
- All amendments will be analyzed by the City to ensure that the Founders Point East Specific Plan remains consistent with the Comprehensive Planning District (CPD) in which it is situated and the Urban Area General Plan.

City staff shall prepare and submit a staff report to the Planning Commission and City Council summarizing the proposed amendments to the Specific Plan. This staff report must contain statements regarding the consistency of the proposed amendments with the General Plan and the need for additional environmental review, if required. Consistent with Government Code Section 65453, both the City Council and the Planning Commission will hold hearings on any proposed Specific Plan amendment.
Notwithstanding the above, Specific Plan amendments shall be subject to the California Environmental Quality Act and may be reviewed for potential

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environmental effects. If it is determined that additional environmental impacts would be caused by the amendment, additional environmental review may be required (e.g., subsequent or supplemental EIR, focused EIR, new EIR or a subsequent/supplemental mitigated negative declaration).

9.2.5 Interpretation

When there is a question or ambiguity regarding the interpretation of any provision of this Specific Plan, the Director or Designee has the authority to interpret the intent of such provision. The Director, or Designee, may at their discretion, refer interpretations to the Planning Commission for their consideration and action. Such a referral shall be accompanied by a written staff analysis of issues related to the interpretation.

9.2.6 Severability

If any regulation, condition or program or portion thereof of the Specific Plan is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and the invalidity of such provision shall not affect the validity of the remaining provisions.

9.2.7 Indemnification

The Specific Plan applicant shall indemnify, defend and hold harmless the City of Modesto, its agents, officers and employees for any and all claims, actions and proceedings against the City of Modesto, its agents, officers and employees to attack, set aside, void or annul, any approval by the City of Modesto and its advisory agency, appeal board or legislative body concerning the Specific Plan and its related documents (e.g., Environmental Impact Report, Facilities Master Plan and Infrastructure Financing Plan).

9.3 Development Process

9.3.1 Tentative Subdivision Map

Tentative Subdivision Map(s) shall be submitted for Founders Point East, pursuant to the Subdivision Map Act and City of Modesto Municipal Code. These maps shall identify all development lots and the exact number of homes or the amount of square footage of any non-residential facilities for sale, lease or financing. Final Development Plan Reviews, if required for residential development of lots smaller than the lot area allowed by the Low Density Residential Zone, should be submitted with tentative maps for concurrent review and determination by the Planning Commission in a public hearing. If approved by the Planning Commission, the developer(s) reserves the right to apply for one or more Final Maps, as allowed in the Subdivision Map Act.

9.3.2 Development Plan Review and Conditional Use Permit

Development Plan Review, as defined in Title 10 of the Municipal Code, shall be required prior to issuance of building permits for commercial and industrial development within the plan area, and required (if applicable) for amendments to residential architecture not approved within this Founders Point East Specific Plan. For uses that require a Conditional Use Permit as defined in Title 10 of the Municipal Code, said use permit shall be attained by the Board of Zoning Adjustment prior to issuance of building permits.

9.3.3 Appeals

Pursuant to Title 10 of the Modesto Municipal Code, any administrative decision by the Director, or Designee, may be appealed to the Planning Commission. Any decision by the Planning Commission may be appealed to the City Council. Any decision by the Board of Zoning Adjustment may be appealed to the City Council.

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MODESTO CITY COUNCIL
RESOLUTION NO. 2025-249

RESOLUTION APPROVING THE FILING OF AN APPLICATION TO THE STANISLAUS LOCAL AGENCY FORMATION COMMISSION FOR THE REORGANIZATION OF APPROXIMATELY 220 ACRES LOCATED NORTH OF PELANDALE AVENUE, SOUTH OF KIERNAN AVENUE, EAST OF TULLY ROAD AND WEST OF THE FORMER TIDEWATER RAILROAD/FUTURE VIRGINIA TRAIL CORRIDOR, INCLUDING RIGHTS OF WAY ON PELANDALE AVENUE, KIERNAN AVENUE AND TULLY ROAD, FOR ANNEXATION TO THE CITY OF MODESTO (OWNER INITIATED—UNINHABITED)

WHEREAS, Fitzpatrick Land Development, LLC is the owner of approximately 70 acres of real property, located between Pelandale Avenue to the south and Bangs Avenue to the north, east of Tully Road and west of the former Tidewater Railroad/future Virginia Trail Corridor, and

WHEREAS, the City has received a request from the Applicant to initiate reorganization of the Property and adjacent right-of-way on Pelandale Avenue, Bangs Avenue, and Tully Road, a total of 70 acres, for annexation to the City of Modesto under the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government Code Section 56000, et seq, and

WHEREAS, the application was amended to propose the inclusion of additional properties located to the north of the subject site, totaling 150 acres, into the proposed annexation to the City of Modesto, said 150-acres on multiple properties bordered by Bangs Avenue to the south and Kiernan Avenue to the north, Tully Road to the west and the former Tidewater Railroad/future Viriginia Trail Corridor to the east, and

WHEREAS, the City received notifications from the respective property owners of the 150-acres that the properties be included in the proposed Founders Point East

Reorganization to the City of Modesto, thereby expanding the overall annexation area to a total of 220 acres ("Properties"), and

WHEREAS, the Resolution of Application is proposed pursuant to the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government Code Section 56000, et seq, and

WHEREAS, the Properties to be annexed are within Stanislaus County, said annexation area is contiguous to the existing City limits, and is within the Sphere of Influence of the City of Modesto as adopted by the Stanislaus Local Agency Formation Commission (LAFCO), and

WHEREAS, the Property proposed for reorganization is uninhabited as defined by Government Code Section 56079.5 (fewer than 12 registered voters), and a description of the boundaries of the subject Property is set forth in **Exhibits "A" and "B",** attached hereto and by this reference incorporated herein, and

WHEREAS, Properties includes four Williamson Act contracts involving five parcels that were protested by the City of Modesto and were upheld by LAFCO, and

WHEREAS, the Properties are covered by the Master Tax Sharing Agreement that address tax sharing entered into between the County of Stanislaus and City of Modesto which was approved on April 9, 1996 and revised on July 12, 2022, and

WHEREAS, the annexation area received a Measure M advisory vote in November 1997, and

WHEREAS, the Properties are covered by the Master Tax Sharing Agreement that address tax sharing entered into between the County of Stanislaus and City of Modesto which was approved on April 9, 1996 and revised on July 12, 2022, and

WHEREAS, the annexation area received a Measure M advisory vote in November 1997, and

WHEREAS, the Properties have been prezoned to Prezone Specific Plan (P-SP) with land use designations for Business Park and Residential uses as set forth in the Founders Point East Specific Plan, and

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

WHEREAS, an Initial Study has been prepared by staff, as required by CEQA, and

WHEREAS, the Initial Study concluded that while the project may have a potentially significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent, and a Mitigated Negative Declaration, Environmental Assessment No. EA/C&ED No. 2024-14, was prepared, and

WHEREAS, a 30-day public review period for the proposed Initial Study/Mitigated Negative Declaration began on March 31, 2025 and concluded on April 28, 2025, and

WHEREAS, the City received public comments on the draft Initial Study/Mitigated Negative Declaration and no significant changes to the document were necessary as a result, and

WHEREAS, the Mitigation Monitoring Plan (MMP) is included and described within the Initial Study/Mitigated Negative Declaration; and

WHEREAS, a public hearing was held by the Planning Commission on May 5, 2025, in the Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, after said public hearing, the City of Modesto Planning Commission adopted Resolution No. 2025-27 recommending to the City Council that it adopt the Resolution of Application for an reorganization to annex the Properties to the City of Modesto, and

WHEREAS, said matter was set for public hearing of the City Council to be held on June 24, 2025, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed annexation.

NOW, THEREFORE, the Council of the City of Modesto hereby finds and determines as follows:

1. The reorganization area is part of the Kiernan-McHenry Comprehensive Planning District of the City of Modesto Urban Area General Plan adopted by the Modesto City Council on March 5, 2019 and subsequent amendments, and as amended by the proposed amendment for the Founders Point East Specific Plan.

2. The proposed reorganization is consistent with the Modesto Urban Area General Plan as amended, because it is consistent with General Plan Growth Goals II.B.1 which states “Keep urban development as contiguous as possible in order to minimize urbanization of valuable farmland, foster resident convenience, improve air quality, reduce automobile vehicle miles traveled, improve public health and safety, and provide for economy in City services”, II.F.1 which states “Facilitate the creation and expansion of business parks to achieve a more equitable jobs-housing balance”, and II.F.5 to “pursue a diverse supply of housing types and costs, as well as diverse supply of jobs with varying income potential, to balance local job and housing opportunities.”

3. The requested reorganization will result in planned, orderly and efficient development of the area, and the most efficient provision of services.

4. The Properties are located within Stanislaus County, within the City's adopted Sphere of Influence, contiguous to the existing City limits and can be most efficiently served with City services.

5. The Property proposed to be annexed to the City of Modesto are uninhabited as defined by Government Code Section 56079.5 (fewer than twelve registered voters) and a description of the boundaries of the subject Properties is set forth in Exhibits "A" and "B", attached hereto and by this reference incorporated herein.

6. The City of Modesto exercises its option not to succeed to the Williamson Act Contracts No. 75-1981, No. 75-1982, No. 76-2108 (two parcels), and No. 76-2109, pursuant to California Government Code Section 51243.5 and tentatively cancel said contracts.

7. The Properties are covered by the Master Tax Sharing Agreement that address tax sharing entered into between the County of Stanislaus and City of Modesto which was approved on April 9, 1996 and revised on July 12, 2022.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby adopts this Resolution Authorizing Application for reorganization to annex the Properties to the City of Modesto and Modesto Sewer District No. 1.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that this Resolution of Application includes annexation of the Property to the Modesto Sewer District No. 1.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that, pursuant to Government Code section 56653, the City Council submit the Plan for Services as set forth in **Exhibit "C",** attached hereto and by this reference incorporated herein.

BE IT FURTHER RESOLVED that the project applicant shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and

employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning the reorganization for the Property. The City of Modesto shall promptly notify the applicant of any claim, action, or proceeding.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 2025, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION

FOUNDERS POINT EAST REORGANIZATION

TO THE CITY OF MODESTO

All that land situated in the West Half of Section 5 of Township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, described as follows:

Assessor's Parcel No. 046-002-001

All that portion of the Southwest Quarter of Section 5, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, bounded and particularly described as follows, to wit:

Beginning at the Northwest corner of the said Southwest Quarter of said Section 5, and running thence Easterly along the North line of said Southwest Quarter a distance of 1697.73 feet, more or less, to the Northwest corner of land conveyed to Charles Luchessa, et at, by Deed recorded in Volume 16 of Official Records, at Page 406, in the County Recorder's Office of said Stanislaus County; thence South along the West line of land so conveyed to Charles Luchessa a distance of 17.77 chains; thence North 88 ° 17' West a distance of 1699.05 feet, more or less, to the West line of said section 5; thence North along said last named line, a distance of 17.77 chains to the point of beginning.

EXCEPTING THEREFROM the East 20 acres thereof.

ALSO, EXCEPTING THEREFROM that parcel conveyed to County of Stanislaus by Deed recorded March 13, 1986, in Reel 101, Image 1834, described as follows:

All that portion of the Southwest Quarter of Section 5, Township 3 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, state of California, described as follows:

Beginning at the intersection of the present South line of 40 foot wide Bangs Avenue with the present East line of 40 foot wide Tully Road; thence South 88° 35' East, 20.00 feet South of and parallel with the centerline of said Bangs Avenue, 40.00 feet; thence South 53° 42' 06" West 49.00 feet to a point on the East line of said Tully Road; thence North 0° 57' West, 20.00 feet East of and parallel with the centerline of said Tully Road, 30.00 feet to the point of beginning.

ALSO, EXCEPTING THEREFROM that parcel conveyed to the City of Modesto by that certain Grant Deed recorded September 1, 2005, Instrument No. 2005-0158866 Stanislaus County Records.

ALSO, EXCEPTING THEREFROM that parcel conveyed to the City of Modesto by that certain Final Order of Condemnation recorded October 2, 2007, Instrument No. 2007-0123525 Stanislaus County Records.

ALSO, EXCEPTING THEREFROM that parcel conveyed to the City of Modesto by that certain Grant Deed recorded December 15, 2009, Instrument No. 2009-0119104 Stanislaus County Records.

Assessor's Parcel No. 046-002-002

Parcel One:

The East 20 acres of the following described property:

All that portion of the Southwest quarter of Section 5, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the Northwest corner of said Southwest quarter of said Section 5 and running thence Easterly along the Northerly line of said Southwest quarter, a distance of 1697.73 feet, more or less, to the Northwest corner of land conveyed to Charles Luchessa, et at, by Deed recorded in Vol. 16 of Official Records, at page 406, said Stanislaus County Records; thence South, along the West line of land so conveyed to Charles Luchessa, a distance of 17.77 chains; thence North 88 degrees 17' West, a distance of 1699.05 feet, more or less, to the West line of said Section 5; thence North along said last named line a distance of 17.77 chains to the point of beginning.

EXCEPTING THEREFROM all that portion of said land as Granted to the City of Modesto in that certain Grant Deed recorded December 1, 1999, as Instrument No. 1999-0112066.

ALSO EXCEPTING THEREFROM all that portion contained in the "Final Order of Condemnation Action in Eminent Domain", recorded August 22, 2007, as Instrument No. 2007-0108074, of Official Records.

Parcel Two:

The East 936.53 feet of the following:

All that portion of the Southwest quarter of Section 5, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at a post set for the interior quarter corner of said Section 5, above, Township and Range; thence South 0 degrees 43' East, 17.77 chains; thence North 88 degrees 17' West, 39.63 chains and 20 feet to the center of a Country road running North and South between Sections 5 and 6 of said Township and Range; thence North 0 degrees 40' West, 17.77 chains along the centerline of said country Road to the Northwest corner

of the Southwest quarter of said Section 5; thence South 88 degrees 18' East, 39.61 chains and 20 feet to the point of beginning.

EXCEPTING THEREFROM all that portion of said land as Granted to the City of Modesto in that certain Grant Deed recorded December 1, 1999, as Instrument No. 1999-0112066.

ALSO EXCEPTING THEREFROM all that portion contained in the "Final Order of Condemnation Action in Eminent Domain", recorded August 22, 2007, as Instrument No. 2007-0108074, of Official Records.

Also including the following land as described below:

All that land situated in the Northwest Quarter of Section 5 of Township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, described as follows:

Beginning at the Northwest corner of Section 5 of Township 3 South, Range 9 East, thence east along the northerly line of said Section 5 a distance of 2625 feet; thence South 1° 39’ 47” East a distance of 2686 feet; thence North 89° 13’ 27” West a distance of 2612 feet; thence North 1° 2” 2” West a distance of 2671 feet to the Point of Beginning.

ALSO INCLUDING all of the right-of-way of Tully Road and Kiernan Avenue/State Highway CA-219, and the right-of-way of the former Tidewater Railroad/future Virginia Trail Corridor, all being immediately adjacent to the above descriptions.

248 acres, more or less.

EXHIBIT "B"

FOUNDERS POINT EAST REORGANIZATION TO THE CITY OF MODESTO

FOUNDERS POINT EAST SPECIFIC PLAN
REORGANIZATION TO THE CITY OF MODESTO

Being a portion of the West 1/2 of Section 5
Township 3 South, Range 9 East
Mount Diablo Base and Meridian

248 Acres, more or less.
Approx. 220 acres for the parcels of the Specific Plan and approx. 28 acres of adjacent right-of-way.

N

EXHIBIT "C"

FOUNDERS POINT EAST REORGANIZATION TO THE CITY OF MODESTO

PLAN FOR SERVICES

Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the Founders Point East Reorganization.

A. The project site is part of the Planned Urbanizing Area, as described in the Modesto Urban Area General Plan, adopted March 5, 2019. As part of the approval, community facilities and services were analyzed in detail in Initial Study Environmental Checklist (C&ED No. 2024-14). These services include traffic and circulation, waste water collection, water delivery, storm water drainage, solid waste disposal, schools, parks, fire protection, and police protection. The City of Modesto is a full service city that intends to provide the following services.

1. Traffic and Circulation: The bulk of the external roadway network is already constructed. The annexation area is bordered by Pelandale Avenue to the south, Kiernan Avenue to the north, Tully Road to the west, and the former Tidewater Railroad/future Virginia Trail Corridor to the east. Pelandale Avenue is a Class-B Expressway with six lanes and a center median. Kiernan Avenue is also California State Highway CA-219, a six-lane highway with a center median. Tully Road is a Minor Arterial street currently comprised of two lanes with left and right turn lanes at the intersections of Kiernan Avenue and Pelandale Avenue, and is designated to be a four-lane Minor Arterial street in the Circulation Element of the General Plan. The applicant or developer will be required to dedicate and construct any necessary roadway improvements along those project frontages upon development.

2. Waste Water Collection: Upon reorganization, the site will annex to Modesto's Sewer District No. 1. Sewer service will be provided to the subject site from existing lines in Bangs Avenue, Tully Road and Pelandale Avenue to the west and south of the site. The City does not anticipate a substantial demand for service at this site.

3. Water Delivery: There is an adequate quantity of water to serve the commercial, industrial and residential development expected to occur on the property. The site will be served from existing lines in Tully Road, adjacent to the site.

4. Storm Water Drainage: Storm water drainage for this project must be contained on site, as the City does not have a positive storm drain system serving the area. Prior to the approval of any development, the City must approve the storm water drainage system to ensure its adequacy. The storm water drainage system will be constructed by the applicant at the applicant's expense.

5. Solid Waste Disposal: Weekly pickup will be extended to the annexation area upon the effective date of annexation.

6. Fire Protection: Currently, the annexation area is served by the Salida Fire Protection District. Upon reorganization, Fire Protection will be provided by the City of Modesto Fire Department and the Salida Fire Protection District per an agreement between the City of Modesto and Salida Fire enacted in 2022. No detachment from the Salida Fire Protection District is proposed with the reorganization. Unless the Local Agency Formation Commission (LAFCO) approves detachment of the annexation area from the Salida Protection District, both agencies will be jointly responsible for fire suppression and prevention as provided by the abovementioned Agreement.

   Primary service will be provided from City of Modesto Fire Station No. 11 located 0.50 miles away at 4225 Carver Road. Secondary service would be feasible and available from the Salida Fire Protection District station located approximately four miles away at 4820 Broadway Avenue in Salida, in addition to Modesto Fire Station No. 5 at 200 West Briggsmore Avenue and Modesto Fire Station No. 6 located at the corner of Standiford Avenue and Hahn Drive.

7. Police Protection: The Modesto Police Department is able to provide adequate service to the subject site without additional staffing, as industrial property does not require substantial additional policing.

B. Level and range of services

C. The City of Modesto is a full service provider of municipal services and intends to provide the complete service for those areas identified above.

D. When can services be provided?

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

E. Improvements required as a condition of reorganization

No improvements are required as a condition of reorganization. The following improvements will be required as a condition of development:

- Prior to issuance of a building permit, the applicant(s) shall construct roadway improvements to the satisfaction of the City Engineer.

- Prior to approval of development, the City must approve the storm water drainage system.

F. How will services be financed?

Services will be financed through City fees and the establishment of a new Community Facilities District for the Specific Plan.

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-250

RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE GENERAL PLAN AMENDMENT, FOUNDERS POINT EAST SPECIFIC PLAN, PREZONE AND APPLICATION FOR THE REORGANIZATION OF FOUNDERS POINT EAST SPECIFIC PLAN TO THE CITY OF MODESTO

WHEREAS, on April 11, 2024 Fitzpatrick Land Development LLC. applied for an amendment to the City of Modesto Urban Area General Plan to change the land use designation of approximately 70 acres from Business Park (BP) to Residential (R), properties located north of Pelandale Avenue, south of Bangs Avenue, between Tully Road to the west and the former Tidewater Railroad /future Virginia Trail Corridor to the east, within the Kiernan-McHenry Comprehensive Planning District (CPD), and

WHEREAS, said application was made concurrently with a proposed new Specific Plan document "Founders Point East" to allow for the development of the 70 acres within the Kiernan-McHenry Comprehensive Planning District (CPD) (Project ID SPL-24-001) together with prezone of the area to Prezone Specific Plan (P-SP) Zone and annexation of the 70 acres (Project ID PRZ-24-001 and ANX-24-001), and

WHEREAS the application was amended to include properties to the north of the site into the proposed Specific Plan, prezone and annexation area, approximately 150 acres bordered by Bangs Avenue to the south and Kiernan Avenue to the north, Tully Road to the west, and the former Tidewater Railroad/future Virginia Trail Corridor to the east, with development policies for the future development of business park uses within the 150 acres in accordance to the General Plan, and

WHEREAS, together with the inclusion of the 150 acres, the Specific Plan, prezone and annexation area is to be a combined area of approximately 220 acres, all

bordered by Pelandale Avenue to the south, Kiernan Avenue to the north, Tully Road to the west, and the former Tidewater Railroad/future Virginia Trail Corridor to the east, and the Specific Plan document composed to allow for business park uses on the 150 acres north of Bangs Avenue and residential uses on the 70 acres south of Bangs Avenue, and

WHEREAS, Section 15070 of the CEQA Guidelines relating to Initial Study/Negative Declaration provides for a lead agency to prepare an Initial Study on any proposed project to analyze whether the project may cause any significant effect on the environment, and

WHEREAS, the City's Community & Economic Development Department has prepared an Initial Study/Mitigated Negative Declaration, Environmental Assessment No. EA/C&ED 2024-14 as provided for by CEQA, and

WHEREAS, a 30-day public review period for the proposed Initial Study/Mitigated Negative Declaration began on March 30, 2025, and ended on April 28, 2025, and

WHEREAS, the received public comments on the Initial Study/Mitigated Negative Declaration and no significant changes to the document were necessary as a result, and

WHEREAS, the Mitigation Monitoring and Reporting Plan (MMRP) is included and described within the Initial Study/Mitigated Negative Declaration, and

WHEREAS, said matter was considered by the Planning Commission at a duly noticed public hearing which was held on May 5, 2025, whereupon the Planning Commission considered the Initial Study/Mitigated Negative Declaration and

recommended that the City Council adopt the Initial Study/Mitigated Negative Declaration on a 5-1 vote, and

WHEREAS, on May 20, 2025, during the appeal period, the Salida Fire District submitted an appeal to the project. After subsequent discussions with the District, the District requested the City add the following language to the CEQA Mitigated Negative Declaration: "As a condition of approval, the Project will be required to enter into the District's Community Facilities District and pay all applicable taxes. Those taxes will mitigate the described project's impacts on the fire and emergency response services that are funded by the District." In a letter dated June 20, 2025, the District agreed to formally withdraw their appeal if the language was included. This language has been added to the document for Council's approval under this Resolution. The District's appeal is formally withdrawn with the adoption of this Resolution, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on June 24, 2025, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/C&ED 2024-14 and the associated Mitigation Monitoring and Reporting Plan (MMRP), copies of which are on file with the Community and Economic Development Department, Third Floor, 1010 Tenth Street, Modesto, California, and are **attached** hereto as **Exhibit "A"** and **Exhibit "B"** and incorporated herein as reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. The Initial Study/Mitigated Negative Declaration prepared for the proposed project shows there is not substantial evidence, in light of the whole record before the City, that while the project may have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent.
2. The Initial Study/Mitigated Negative Declaration reflects the independent judgment of the lead agency.
3. The Initial Study/Mitigated Negative Declaration, EA/C&ED 2024-14, provides the substantial evidence to support findings 1-2, noted above.

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.

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 24th day of June, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

INITIAL STUDY

EA/C&ED NO. 2024-14

https://www.modestogov.com/DocumentCenter/View/23899/Final-Mitigated-Negative-Declaration-Founders-Point-East

https://www.modestogov.com/DocumentCenter/View/23679/Founders-Point-Specific-Plan-Detailed-Report-Appendix-A

https://www.modestogov.com/DocumentCenter/View/23680/Founders-Point-East-Traffic-Impact-Analysis-Appendix-B

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

EA/C&ED NO. 2024-14

https://www.modestogov.com/DocumentCenter/View/24005/Founders-Point-East-Specific-Plan-Mitigation-Monitoring-Program

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-251

RESOLUTION APPROVING THE APPROVAL OF THE PLANS AND SPECIFICATIONS FOR THE DR. MARTIN LUTHER KING, JR. PARK RENOVATION PROJECT, ACCEPTING THE BID AND AWARDING A CONSTRUCTION CONTRACT TO HARRIS BUILDERS, INC., OF HILMAR, CA, IN THE AMOUNT OF $10,996,103, AUTHORIZING $879,689, IN CONTINGENCY (IF NEEDED), FOR A TOTAL PAYMENT AMOUNT NOT TO EXCEED $11,875,792 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Dr. Martin Luther King, Jr. Park, formally known as Mellis Park, is an approximately 9-acre City owned park site located in the heart of a diverse urban community in West Modesto. Within Dr. Martin Luther King, Jr. Park is the existing King-Kennedy Memorial Center which has been open and available for public use since 1969; and

WHEREAS, existing recreation amenities at the park include a school age playground, tot lot playground, basketball courts, barbeque pavilion, horseshoe pit and baseball fields; and

WHEREAS, in 2019, through a series of public meetings, the community aided in the development of a new Concept Master Plan for the Dr. Martin Luther King, Jr. Park; and

WHEREAS, on December 9, 2021, the Concept Master Plan was awarded $8,500,000 of Proposition 68 – California Statewide Park Program, Round 4 Funding for professional design consultant activities and construction; and

WHEREAS, on May 2, 2023, by Council Resolution 2023-199, Council approved a Design Agreement with Callander Associates Landscape Architecture, Inc., for the preparation of the construction documentation for this project, for an amount not to

exceed $753,419; and

WHEREAS, the Dr. Martin Luther King, Jr. Park Renovation Project is a complete re-design of the existing park site and will include: a gymnasium addition with an indoor basketball court, outdoor fitness stations, splash pad, game board tables, ping pong table, outdoor stage with a events plaza, baseball field, soccer field, basketball court, accessible exercise walking path, benches, prefabricated restroom building, water efficient irrigation system, native and drought tolerant landscaping, storm water control methods, overall improved park lighting & security cameras, and new accessible parking lots for use during community events; and

WHEREAS, the project was advertised for bids on February 26, 2025; and

WHEREAS, bids were publicly opened on April 15, 2025, pursuant to City Charter Section 1307, and three bids were received; and

WHEREAS, Harris Builders, Inc., of Hilmar, CA, was determined to be the responsible bidder with the lowest responsive bid; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, the award of contract for the construction of the Dr. Martin Luther King, Jr. Park Renovation Project, to Harris Builders, Inc., of Hilmar, CA, conforms to Modesto Municipal Code, 8-3.203 as the formal bid procedures were followed and Harris Builders, Inc. was the lowest responsive and responsible bidder; and

WHEREAS, staff recommends awarding a construction contract to Harris Builders, Inc., of Hilmar, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Dr. Martin Luther King, Jr. Park Renovation Project, accepts the Bid and awards a construction contract to Harris Builders, Inc., of Hilmar, CA, in the amount of $10,996,103, plus $879,689 in contingency (if needed), for a total amount not to exceed $11,875,792.

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 24th day of June, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-252

RESOLUTION APPROVING THE AGREEMENT WITH TRC ENGINEERING, INC, OF LATHROP, CA, FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE DR. MARTIN LUTHER KING, JR. PARK RENOVATION PROJECT IN THE AMOUNT OF $947,563, PLUS $94,756 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED $1,042,319 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, due to the size and complexity of the Dr. Martin Luther King, Jr. Park Renovation Project, staff recommends utilizing a consultant to provide Construction Management and Inspection Services; and

WHEREAS, on March 10, 2025, a Request for Proposals (RFP) was issued for the Dr. Martin Luther King, Jr. Park Renovation Project; and

WHEREAS, staff received proposals from two firms; and

WHEREAS, in accordance with City's Administrative Directive 3.1 "Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects", TRC Engineers, Inc. was selected as the most qualified firm for the Dr. Martin Luther King, Jr. Park Renovation Project.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with TRC Engineers, Inc., in the amount of $947,563, plus $94,756 in additional services (if needed), for a total amount not to exceed $1,042,319 for Construction Management and Inspection Services for the Dr. Martin Luther King, Jr. Park Renovation 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 24th day of June, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-253

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH CALLANDER ASSOCIATES LANDSCAPE ARCHITECTURE, INC., OF GOLD RIVER, CA, FOR ADDITIONAL DESIGN SUPPORT DURING THE CONSTRUCTION PHASE OF THE PROJECT FOR THE DR. MARTIN LUTHER KING, JR. PARK RENOVATION PROJECT, INCREASING THE AGREEMENT AMOUNT BY $20,000, TO A NEW TOTAL AMOUNT NOT TO EXCEED $704,927, PLUS $68,492 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED $773,419 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on May 2, 2023, by Council Resolution 2023-199, Council approved a Design Agreement with Callander Associates Landscape Architecture, Inc., for the preparation of the construction documentation for the Dr. Martin Luther King, Jr. Park Renovation Project, for an amount not to exceed $753,419; and

WHEREAS, in April 2025 staff requested Callander Associates Landscape Architecture, Inc., of Gold River, CA, to submit a budget augmentation request for additional tasks exceeding the $753,419 authorized in the Original Agreement for design of the Dr. Martin Luther King, Jr. Park Renovation Project; and

WHEREAS, the estimated additional tasks resulted in increased costs, totaling $20,000 and will allow for the continued support from Callander Associates Landscape Architecture, Inc., of Gold River, CA, during the construction phase of the project; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid; however, exceptions to the formal bidding process are granted in MMC 8-3.204(f), “Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an

existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services."

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves a First Amendment to the Agreement with Callander Associates Landscape Architecture, Inc., of Gold River, CA, for Additional Design Support during the Construction Phase of the Project for the Dr. Martin Luther King Jr. Park Renovation Project, increasing the Agreement amount by $20,000, to a new total amount not to exceed $704,927, plus $68,492 in additional services, if needed, for a total amount not to exceed $773,419.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the First 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 24th day of June, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-254

RESOLUTION APPROVING THE APPOINTMENT OF EVAN YOSHINO AS GENERAL CONTRACTOR AND DOUGLAS HIGGINBOTHAM AS THE CITIZEN-AT-LARGE TO THE HOUSING AND REHABILITATION LOAN COMMITTEE (HRLC), WITH A TERM EXPIRATION OF DECEMBER 31, 2028

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, Evan Yoshino and Douglas Higginbotham expressed an interest in serving on the Housing and Rehabilitation Loan Committee (HRLC); and

WHEREAS, this item was presented to the Appointments Committee on June 4, 2025, and was recommended to forward to Council for approval; and

WHEREAS, Evan Yoshino will serve in the seat designation of General Contractor and will serve for the period of July 2025 to December 31, 2028; and

WHEREAS, Douglas Higginbotham will serve in the seat designation of Citizen at Large and will serve for the period of July 2025 to December 31, 2028; and

WHEREAS, the Housing and Rehabilitation Loan Committee includes seven (7) members that are appointed by the City Council for a four-year term, one (1) alternate member from the Citizens Housing and Community Development Committee (CH&CDC).

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby approves the appointment of Evan Yoshino to the Housing Rehabilitation Loan Committee and will serve in the seat designation of General Contractor, with a term expiration of December 31, 2028.

BE IT FURTHER RESOLVED, that Douglas Higginbotham is hereby appointed to the Housing and Rehabilitation Loan Committee and will serve in the seat designation of Citizen at large with a term expiration of December 31, 2028.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 2025, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-255

RESOLUTION APPROVING THE APPOINTMENTS OF JAMIE REED AND CARLOS VERDUZCO TO THE CITY OF MODESTO ENTERTAINMENT COMMISSION WITH THE TERMS ENDING DECEMBER 31, 2027

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 Entertainment Commission is a nine-member advisory commission on matters pertaining to entertainment-related permits for the City of Modesto; and

WHEREAS, two vacancies currently exist on the Entertainment Commission; a total of three applications were received; and

WHEREAS, of the three applicants, two qualified for one Event Planning/Marketing Specialist seat and one qualified for Board Member/Economic or Tourism Organization seat; and

WHEREAS, the Appointments Committee met on June 4, 2025, reviewed the applications, and recommended Jamie Reed to be appointed for Event Planning/Marketing Specialist seat and Carlos Verduzco for Board Member/Economic or Tourism seat, with a term ending December 31, 2027, to the City of Modesto Entertainment Commission and forwarding to Council for approval.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Modesto that it herby appoints Jamie Reed for Event Planning/Marketing Specialist seat and Carlos Verduzco for Board Member/Economic or Tourism seat to the City of Modesto Entertainment Commission with the terms ending December 31, 2027

BE IT FURTHER RESOLVED, the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Entertainment Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 2025, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-256

RESOLUTION APPROVING THE APPOINTMENT OF LIBERAL "LEE" AVILA TO THE CITY OF MODESTO BOARD OF ZONING ADJUSTMENT WITH A FIRST TERM EXPIRING DECEMBER 31, 2028

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, Board Member Gary Blom's second term expired on December 31, 2024; and

WHEREAS, the Appointments Committee met on June 4, 2025, and recommended the appointment of Liberal "Lee" Avila to the Board of Zoning Adjustment.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it herby appoints Liberal "Lee" Avila to the City of Modesto Board of Zoning Adjustment with a first term expiring December 31, 2028.

BE IT FURTHER RESOLVED, 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 22nd day of July, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-257

RESOLUTION APPROVING THE APPOINTMENTS OF DALEY PERRY, RACHELL LEVEIGE AND DIEGO CAPISTRAN TO THE EQUITY COMMISSION FOR PARTIAL UNEXPIRED TERMS ENDING DECEMBER 31, 2026

WHEREAS, the Affirmative Action Commission of the City of Modesto was established pursuant to the provisions of the Affirmative Action Program established by Modesto City Council Resolution No. 87-237 on April 7, 1987; and

WHEREAS, with the passage of Proposition 209, the City reviewed its employment policies, affirmative action policies and other relevant policies and procedures and amended them as necessary to comply with Proposition 209; and

WHEREAS, as part of the compliance effort, the Commission retitled from the Affirmative Action Commission to Equal Opportunity and Disability Commission by Resolution No. 98-134; and

WHEREAS, with the creation of the Diversity, Equity, and Inclusion Program which includes Equal Opportunity and Disability accessibility; and

WHEREAS, City staff retitled and repurposed the Equal Opportunity/Disability Commission to the Equity Commission and amended Article II Duties by Resolution No. 2022-054; and

WHEREAS, the Equity Commission is established to advise on matters of diversity, equity, and inclusion; and

WHERAS, the Appointments Committee of the City of Modesto met on June 4, 2025 and recommended the appointments of Daley Perry, Rachell LeViege and Diego Capistran to the Equity Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointments of Daley Perry, Rachell LeViege and Diego Capistran as commission members to the Equity Commission for partial unexpired terms ending December 31, 2026.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Equity Commission, and secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 2025, by Councilmember Escutia-Braaton, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-258

RESOLUTION APPROVING THE APPOINTMENTS OF MARIA HERNANDEZ, MELANIE WEBB, AND MELISSA BURGESS TO THE BLIGHT ABATEMENT ADVISORY COMMITTEE FOR A FOUR-YEAR TERM WITH AN EXPIRATION DATE OF DECEMBER 31, 2029

WHEREAS, the City of Modesto experiences varieties of blight in both private and public spaces which results in issues for residents; and

WHEREAS, in 2019, during the Strategic Planning sessions with community members, a major theme was dissatisfaction regarding blight throughout the City; and

WHEREAS, on December 10, 2019, by Resolution No. 2019-555, City Council approved the Blight Abatement Strategy, which included the creation of a blight abatement taskforce comprised of public and private stakeholders that will make recommendations to the City regarding program improvements, potential funding opportunities, and support increasing volunteerism; and

WHEREAS, on October 13, 2020, by Resolution No. 2020-428, City Council approved the formation of the Blight Abatement Advisory Committee (BAAC) and solicited membership of the committee's nine members; and

WHEREAS, three vacancies currently exist on the BAAC for registered electors of Modesto; and

WHEREAS, the City's Community and Media Relations Team led a six-week recruitment campaign; and

WHEREAS, a total of fifteen applications were received, fourteen of which were eligible for vacant positions, six have been appointed to the BAAC and six of the eight remaining applicants have reconfirmed their interest in joining the Committee; and

WHEREAS, on June 4, 2025, the Appointments Committee reviewed the applications, and recommended the appointments of Maria Hernandez, Melanie Webb, and Melissa Burgess to the BAAC; and

WHEREAS, the terms will be for four years for each of the appointments extending through December 31, 2029.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointments of Maria Hernandez, Melanie Webb, and Melissa Burgess to the Blight Abatement Advisory Committee with a term expiring December 31, 2029.

BE IT FURTHER RESOLVED, that the City Clerk is directed to transmit a copy of this resolution to the appointed members of the Blight Abatement Advisory Committee, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 2025, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-259

RESOLUTION APPROVING A THIRD AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH SWINGLE, VAN EGMOND & HEITLINGER INCREASING THE AGREEMENT AMOUNT BY $100,000, FOR A TOTAL AGREEMENT AMOUNT NOT TO EXCEED $950,000 FOR CONTINUED REPRESENTATION IN TORT CASES, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on May 23, 2023, by Resolution No. 2023-231, Council approved a Legal Services Agreement with Swingle, Van Egmond & Heitlinger in an amount not to exceed $250,000 to continue representing the City in tort cases; and

WHEREAS, on January 23, 2024, by Resolution No. 2024-008, Council approved a First Amendment to the Legal Services Agreement with Swingle increasing the agreement amount by $300,000 from $250,000 for a revised total amount not to exceed $550,000 to continued representation in tort cases; and

WHEREAS, on October 22, 2024, by Resolution No. 2024-382, Council approved a Second Amendment to the agreement increasing the amount by $300,000 for a total amount not to exceed $850,000; and

WHEREAS, Swingle continues to prepare multiple cases for trial simultaneously, as well as handling a number of additional smaller cases; and

WHEREAS, this amendment will provide a budget for continued representation for those cases and future assigned cases; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “Where the Purchasing Manager, in her discretion,

determines that it is appropriate to amend the services or goods provided under the existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services; and

WHEREAS, this amendment conform to MMC 8-3.204 as we are amending the agreement for continued representation in the same or similar matters.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Third Amendment to the Legal Services Agreement with Swingle, Van Egmond & Heitlinger increasing the agreement amount by $100,000 for a total agreement amount not to exceed $950,000 for continued representation in tort cases, 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 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 22nd day of July, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

THIRD AMENDMENT TO LEGAL SERVICES AGREEMENT

This Third Amendment to the Legal Services (this "**Third Amendment**"), is made and entered into on 22nd day of July 2025 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **SWINGLE, VAN EGMOND & HEITLINGER**, a Professional Corporation ("**Attorney**"), located at 1207 I Street, Modesto, California 95354. 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 legal advice, representation and assistance to City in defense of tort claims as assigned; 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 $850,000 to $950,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and **SWINGLE, VAN EGMOND & HEITLINGER** dated May 23, 2023 and amended by Resolution No. 2024-008 and 2024-382 is amended as follows:

1. Section 2(a) of Paragraph 2, "Fees and Costs," 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 (thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of nine hundred fifty thousand dollars ($950,000)."

2. **Entire Agreement**. The parties to this Third Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated May 23, 2023, remain in full force and effect to the extent they are not in conflict with this Third 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 Third Amendment. No alteration to the terms of this Third 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 Third Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Third Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this Third 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:

_____
Diane Nayares-Perez, City Clerk

_____
Matthew Braley, Risk Manager

[Signatures Continued on Next Page.]

ATTORNEY:
SWINGLE, VAN EGMOND & HEITLINGER
a Professional Corporation

_____
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. 2025-260

RESOLUTION APPROVING A FOURTH AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH RIVERA HEWITT PAUL, LLP IN THE AMOUNT OF $150,000, FOR A TOTAL AGREEMENT AMOUNT NOT TO EXCEED $700,000, FOR CONTINUED REPRESENTATION IN POLICE LITIGATION MATTERS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on April 14, 2021, the City entered into a standard legal services agreement with Rivera Hewitt Paul, LLP for litigation, trial counsel, legal advice, representation and assistance to the City in police related matters; and

WHEREAS, on November 9, 2021, by Resolution No. 2021-439, Council approved a First Amendment in the amount of $100,000 to this agreement, increasing the not to exceed amount to $145,000 for continued representation; and

WHEREAS, on December 13, 2022, by Resolution No. 2022-477, Council approved a Second Amendment in the amount of $255,000 to this agreement, increasing the not to exceed amount to $400,000 for continued representation; and

WHEREAS, on May 14, 2024, by Resolution No. 2024-158, Council approved a Third Amendment in the amount of $150,000 to this agreement, increasing the not to exceed amount to $550,000 for continued representation; and

WHEREAS, an increase to the Agreement budget is needed in the amount of $150,000 to support continued services for RHP's assigned cases, for a total Agreement amount not to exceed $550,000; and

WHEREAS, Section 8-3.203 generally requires all purchases which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f)

"Where the Purchasing Manager, in her discretion, determines that it is appropriate to amend the services or goods provided under the existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services; and

WHEREAS, this amendment conform to MMC 8-3.204 as we are amending the agreement for continued representation in the same or similar matters.

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 Rivera Hewitt Paul, LLP, in the amount of $150,000, for a total agreement amount not to exceed $700,000 for continued representation in police litigation matters as provided in **Exhibit A attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such amendment 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 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 22nd day of July, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

FOURTH AMENDMENT TO LEGAL SERVICES AGREEMENT

This Fourth Amendment to the Legal Services (this "**Fourth Amendment**"), is made and entered into on 22nd day of July 2025 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **RIVERA HEWITT PAUL, LLP** ("**Attorney**"), located at 11341 Gold Express Drive, Suite 160, Gold River, California 95670. 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 police matters including use of force and the discharge of a weapon; 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 $550,000 to $700,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Rivera Hewitt Paul dated April 14, 2021, amended by Resolution No. 2021-439, Resolution No. 2022-477 and Resolution No. 2024-158 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(thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of seven hundred thousand dollars ($700,000)."

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 April 14, 2021, 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:

_____
Diane Nayares-Perez, City Clerk

_____
Matthew Braley, Risk Manager

[Signatures Continued on Next Page.]

ATTORNEY:
RIVERA HEWITT PAUL 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. 2025-261

RESOLUTION APPROVING A SECOND AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH ANGELO, KILDAY AND KILDUFF IN THE AMOUNT OF $200,000, FOR A TOTAL AGREEMENT AMOUNT NOT TO EXCEED $345,000 AND INCREASING THE HOURLY RATES FOR CONTINUED REPRESENTATION IN POLICE LITIGATION MATTERS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on April 16, 2021, the City entered into a standard legal services agreement with Angelo, Kilday and Kilduff (AKK) for litigation, trial counsel, legal advice, representation and assistance to the City in police related matters; and

WHEREAS, on November 9, 2021, by Resolution No. 2021-440, Council approved a First Amendment to the Legal Services Agreement with AKK increasing the agreement amount to 145,000 for continued representation in police related matters; and

WHEREAS, an increase to the agreement budget is needed in the amount of $200,000 to support continued services, for a total agreement amount not to exceed $345,000; and

WHEREAS, the hourly rates under this Legal Services Agreement have not been adjusted since 2021; and

WHEREAS, the proposed Amendment includes a modest rate adjustment to increase hourly rates from $250 to $275 an hour for Senior Partners, $230 to $275 for Partners, $215 to $250 for Senior Associates, $200 to $235 for Associates and $115 to $125 for Paralegals; and

WHEREAS, Modesto Municipal Code section 8-3.203 generally requires all purchases which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are

granted in MMC 8-3.204(f) “Where the Purchasing Manager, in her discretion, determines that it is appropriate to amend the services or goods provided under the existing Agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services.” These legal services amendments conform to MMC 8-3.204 as we are amending these agreements for continued representation in the same or similar matters; and

WHEREAS, this amendment conform to MMC 8-3.204 as we are amending the agreement for continued representation in the same or similar matters.

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 Angelo, Kilday and Kilduff, in the amount of $200,000, for an a total agreement amount not to exceed $345,000 and increasing the hourly rates for continued representation in police litigation 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 22nd day of July, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
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 this 22nd day of July 2025 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **ANGELO, KILDAY & KILDUFF** ("**Attorney**"), located at 601 University Ave., Suite 150, Sacramento, California 95825. 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 police matters including use of force and the discharge of a weapon; 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 $145,000 to $345,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Angelo, Kilday & Kilduff dated April 16, 2021, and amended on November 9th, 2021 by Resolution No. 2021-440 is amended as follows:

1. Section 2(a), "Fees and Costs," Fees and Costs is amended to state as follows:

a. Hourly Rates:

Senior Partner	$275
Partner:	$275
Senior Associate:	$250
Associate:	$235
Paralegal:	$125

"The total of all fees paid to Attorney for the performance of all services set forth in Section 1(thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of three hundred forty-five thousand dollars ($345,000)."

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 April 16, 2021, 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:

_____
Diane Nayares-Perez, City Clerk

_____
Matthew Braley, Risk Manager

[Signatures Continued on Next Page.]

ATTORNEY:
ANGELO, KILDAY & KILDUFF

_____

_____
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. 2025-262

RESOLUTION APPROVING A FOURTH AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH SANDERS ROBERTS, LLP IN THE AMOUNT OF $150,000, FOR A TOTAL AGREEMENT AMOUNT NOT TO EXCEED $695,000, FOR CONTINUED REPRESENTATION IN PERSONNEL MATTERS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on November 5, 2020, the City entered into a standard Legal Services Agreement with Lafayette & Kumagai, LLP in the amount of $45,000 for representation in labor and employment matters; and

WHEREAS, a First Amendment to the Legal Services Agreement was executed on June 30, 2021 to extend the term of the agreement to June 30, 2022; and

WHEREAS, on April 5, 2022, by Resolution No. 2022-158, Council approved a Second Amendment to the Agreement to increase the not to exceed amount to $245,000 and extend the term of the agreement to April 4, 2024; and

WHEREAS, on September 12, 2023, by Resolution No. 2023-408, Council approved a Third Amendment to the Agreement in the amount of $300,000 for a not to exceed amount of $545,0000; and

WHEREAS, in 2024 Lafayette & Kumagai, LLP merged with Sanders Roberts, LLP. Accordingly, on July 9, 2024, the City entered into an Assignment and Assumption Agreement with Sander Roberts, LLP regarding Lafayette's Legal Services Agreement; and

WHEREAS, Sanders Roberts, LLP currently defends the City in confidential, litigated personnel matters. An amendment to the Agreement is needed to increase the agreement budget for continued services in the amount of $150,000.

WHEREAS, Modesto Municipal Code section 8-3.203 generally requires all purchases which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “Where the Purchasing Manager, in her discretion, determines that it is appropriate to amend the services or goods provided under the existing Agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services.” These legal services amendments conform to MMC 8-3.204 as we are amending these agreements for continued representation in the same or similar matters; and

WHEREAS, this amendment conform to MMC 8-3.204 as we are amending the agreement for continued representation in the same or similar matters.

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 Sanders Roberts, LLP in the amount of $150,000, for a total not to exceed amount of $695,000, as provided in **Exhibit A attached** hereto and incorporated herein.

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 22nd day of July, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

FOURTH AMENDMENT TO LEGAL SERVICES AGREEMENT

This Fourth Amendment to the Legal Services Agreement (this "**Fourth Amendment**"), is made and entered into on the 22nd day of July 2025 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **SANDERS ROBERTS**, **LLP** ("**Attorney**"), located at 1055 W. 7th Street, Suite 3200, Los Angeles, CA 90017. 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 for legal advice, representation and assistance on matters involving personnel and administrative investigations; and

WHEREAS, in 2024 Lafayette & Kumagai, LLP merged with Sanders Roberts, LLP. Accordingly, on July 9, 2024, the City entered into an Assignment and Assumption Agreement with Sander Roberts, LLP regarding Lafayette's Legal Services Agreement.

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 to increase the budget of said agreement.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Sanders Roberts, LLP is amended as follows:

2. 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(thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of six hundred and ninety-five thousand dollars ($695,000).

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 November 5, 2020, 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**:** Joesph P. Lopez
Title: City Manager

ATTEST:

_____
Diane Navares-Perez, City Clerk

_____
Matthew Braley, Risk Manager

[Signatures Continued on Next Page.]

ATTORNEY:
SANDERS ROBERTS, 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
__x___ Other (*please specify: ___Limited Liability Partnership _____)*

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-263

RESOLUTION AMENDING THE FISCAL YEAR 2024-25 ANNUAL OPERATING AND CAPITAL IMPROVEMENT PROJECT 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 2024-25.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2024-25 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 22nd day of July, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

COMMUNITY AND ECONOMIC DEVELOPMENT

- A budget adjustment of $109,839 is necessary to increase the expenditure budget for activity delivery related to the Vine Street project (101185) housed in Fund 1170. This adjustment will ensure ongoing reporting and communication. Additionally, the adjustment is to also increase the Community Development Block Grant (CDBG) revenue and related transfers related to the project, aligning with, and covering these expenses.

- A budget adjustment in the amount of $500,000 is necessary to recognize revenue and increase the expenditures appropriations in the Economic Development/Strategic Plan Fund (1800) Project 101630 - Scannell Annexation project to account for the developer deposit and expenses for time and materials related to the project.

HUMAN RESOURCES

- A budget adjustment is necessary to recognize $133,183 in unbudgeted revenue in the Dental Insurance Fund, Fund 5350, to reflect actual revenue received, and appropriate the revenue to the Claims Payments account for expenses that came in higher than anticipated.

- A budget adjustment is necessary to recognize $1,133,878 in unbudgeted revenue in the Health Insurance Fund, Fund 5360, to reflect actual revenue received, and appropriate the revenue to the Claims Payments account for expenses that came in higher than anticipated.

- A budget adjustment in the amount of $1,500,000 is necessary in the Worker's Compensation Fund (5320) to account for additional expenses related to claims payments that came in higher than anticipated in the fiscal year. The increase in budget will come from the Worker's Compensation reserves.

FIRE DEPARTMENT

- A budget adjustment of $206,370 is necessary to increase the transfer out from the General Fund (0100) to the Grant – Operations Grants Reimbursed Fund (1341) to account for overtime expenses that are ineligible to be reimbursed by the MFD – 2020 Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response (SAFER) Grant. The transfer will be completed as part of the final close-out of the cost center and grant as all activity will be tracked in a new cost center for the MFD – 2023 FEMA SAFER Grant.

MEASURE H

- A budget adjustment is necessary in the amount of $322,209 in the Fiscal Year 2023/2024 Measure H spending plan to re-appropriate revenue in the 23/24 Preventative Maintenance Project 101518 to the 23/24 Deferred Maintenance Project

101517 to award a contract with Platinum General Engineering LLC for construction on bathrooms at various City parks. There are sufficient funds available due to the completion of other renovation projects and the overall Measure H spending plan allocation is not changing. The expenditure budget was re-appropriated with City Council Resolution 2025-087, but this resolution did not include the revenue.

MEASURE L – ENGINEERING SERVICES DEPARTMENT

- A budget adjustment is necessary to transfer $336,354 from Fund 1420 – Surface Transportation/Measure L – Senate Bill (SB) 1 Maintenance of Effort (MOE) fund to Project 101042 - Paradise Road Active Transportation Plan in the Capital Grants – Streets CIP Projects Fund (3160) to satisfy the Fiscal Year 2024-2025 MOE for Measure L. In addition, the project discretionary budget is being increased by the same amount.

PARKS NEIGHBORHOODS AND RECREATION

- A budget adjustment in the amount of $1,509,060 to reduce the expenditure budget in the Tuolumne River Regional Park Fund (6710) Project 101425 – ALH Fire Remediation as the insurance proceed have been allocated to other projects and the projects costs are now complete.

POLICE DEPARTMENT

- A budget adjustment in the amount of $57,017 is necessary to move the salary savings in Cost Center 19320- MPD Field Operations Appr Unit A to Fund 1340 to fully fund Project 100150 2002 COPS More Grant that had AFIN Conversion issues. The revenue was received but it was not accurately accounted for at the time of conversion. The project will then be closed and there is sufficient salary savings in the Police Department budget.

PUBLIC WORKS

- 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 $1,202,251 to offset transportation operations in the fund and meet the Senate Bill 1 RMRA/Measure L MOE requirement.

- A budget adjustment in the amount of $5,605,366 is necessary to move the revenue from the Gas Tax Fund (1730) for the Senate Bill 1 (SB1) Road Maintenance Rehabilitation Account (RMRA) revenue to the newly created Road Maintenance and Rehabilitation – SB1 RMRA Fund (1760). The adjustment will also move the budgeted transfer from Fund 1730 to the Surface Transportation Fund (1700) to Fund 1760 by the same amount. The adjustment is being made to allow for more precise tracking of the SB1 RMRA funds by housing them in a new fund separately rather than in a fund mixed with other Gas Tax Funds.

- A budget adjustment in the amount of $773,200 is needed in the Capital Grants – Streets CIP Projects Fund (3160) for Project 101333 – Install Rectangular Rapid Flashing Beacons (RRFB) at 10 locations. The project recently received an E-76 for

construction grant funds from the Department of Transportation (CalTrans) on May 28,2025. The adjustment will recognize the grant revenue and amend the project discretionary expenditure accounts.

- A budget adjustment in the amount of $215,200 is needed in the Capital Grants – Streets CIP Projects Fund (3160) for Project 101361 – Install Rectangular Rapid Flashing Beacons (RRFB) at 3 locations. The project recently received an E-76 for construction grant funds from the Department of Transportation (CalTrans) on May 28,2025. The adjustment will recognize the grant revenue and amend the project discretionary expenditure accounts.

- A budget adjustment in the amount of $1,704,500 is needed in the Capital Grants – Streets CIP Projects Fund (3160) for Project 101362 – Install Signal Heads at 70 Intersections. The project recently received an E-76 for construction grant funds from the Department of Transportation (CalTrans) on May 28,2025. The adjustment will recognize the grant revenue and amend the project discretionary expenditure accounts.

- A budget adjustment in the amount of $125,000 is necessary to increase the expenditure appropriations in the Special Aviation Fund (4320) Project 101668 - Air Service Feasibility Study to fund the consulting services from SEER World for a Commercial Air feasibility Study for potential Commercial Airline service at Modesto City-County Airport. As part of the adjustment, the transfer from County Aircraft Tax Fund (4330) to the project will be established as well.

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-264

RESOLUTION APPROVING ANNEXATION #1 TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2024-1 (TIVOLI) AND AUTHORIZING THE LEVY OF THE SPECIAL TAX ON THE PROPERTY LOCATED WITHIN THE ANNEXATION MAP

WHEREAS, the Tivoli Specific Plan was approved by City Council in 2008 by Ordinance No. 3479-C.S, as a 454-acre site bounded by the planned Claratina Avenue on the north, Oakdale Road on the west, Sylvan Avenue on the south, and Roselle Avenue on the east; and

WHEREAS, on August 13, 2024, by Resolution No. 2024-279, the City Council declared the Resolution of Intention to Form City of Modesto Community Facilities District (CFD) No. 2024-1 (Tivoli) to establish improvement area No. 1, designate a future annexation area and authorize the levy of a special tax. The formation map was recorded on August 16, 2024; and

WHEREAS, on August 13, 2024, the City Council also approved a Resolution to Incur Debt by Resolution No. 2024-280, for CFD No. 2024-1 (Tivoli) to determine if Bonds will be issued to pay for the facilities required for the CFD; and

WHEREAS, on September 24, 2024, by Resolution No. 2024-354, the City Council approved the formation of City of Modesto Community Facilities District No. 2024-1 (Tivoli) ("CFD No. 2024-1") pursuant to the Mello-Roos Community Facilities Act of 1982 and conditionally authorized staff to levy special taxes therein and conditionally establishing annual appropriations limits; and

WHEREAS, on March 3, 2025, KB Homes North Bay LLC filed a completed application package requesting that certain parcels by annexed into CFD No. 2024-1 (Tivoli); and

WHEREAS, annexation #1 will consist of APNs 083-004-090 and 083-004-091, totaling approximately 29.3 acres. These parcels are within the future annexation area as demonstrated in the initial formation boundary map; and

WHEREAS, because these parcels to be annexed were included in those designated for future annexation to CFD No. 2024-1 (Tivoli) at the time of initial formation, the parcel can be annexed with the unanimous approval of the owners pursuant to the provisions of section 53328.1 of the Mello-Roos Community Facilities Act of 1982; and

WHEREAS, a map entitled "Boundary of Proposed Annexation#1 to the City of Modesto Community Facilities District No 2024-1, City of Modesto, County of Stanislaus, State of California" (Annexation Map No. 1), showing the boundary of the Subject Property, has been filed with the City Clerk of the City of Modesto and a copy thereof presented to City Council at the July 22, 2025 meeting; and

WHEREAS, pursuant to Section 5339.8 of the Mell-Roos Act, the Unanimous Approval Forms request that the City execute and record a notice of special tax lien and authorizes the incurrence of bonded indebtedness pertaining to the Subject Property in the official records of the County Recorder; and

WHEREAS, annexation #1 to CFD No. 2024-1 (Tivoli) was presented to the Economic Development Committee on June 2, 2025, and was recommended to forward to Council for approval; and

WHEREAS, the City Council wished by this resolution to approve and direct the recordation of Annexation Map No.1, and to direct as soon as practicable following the recordation of Annexation Map No. 1, the preparation, execution and recordation of the Notice of Special Tax Lien, with provision to cross- reference the recorded Annexation Map No.1.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds and determines as follows:

1. The above recitals are true and correct.

2. The City Council hereby approves Annexation Map No. 1 and authorizes and directs the City Clerk to cause the execution and recordation thereof in the official records of the County Recorder in accordance with the provisions of Section 3113 of the California Streets and Highways Code.

3. This City Council hereby levies the Special Tax on the property located within Annexation Map No. 1 and directs the City Clerk, following the recordation of Annexation Map No. 1, to cause the preparation, execution and recordation of the Notice in the official records of the County Recorder in accordance with the provisions of Section 53339.8 and Streets and Highways Code section 3114.5(b). Upon recordation of the Notice, the Subject Property shall be subject to the levy of the special tax of CFD No. 2024-1 in accordance with the rate and method of apportionment of special tax for said CFD No. 2024-1, as approved by the Resolution of Formation and **attached** thereto as **Exhibit B** thereof.

4. 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 22nd day of July, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT B

MODESTO CITY COUNCIL
RESOLUTION NO. 2024- 354

RESOLUTION DECLARING THE FORMATION OF CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2024-1 (TIVOLI), CONDITIONALLY AUTHORIZING THE LEVY OF SPECIAL TAXES THEREIN, AND CONDITIONALLY ESTABLISHING AN ANNUAL APPROPRIATIONS LIMIT

WHEREAS, on August 13, 2024, pursuant to a petition filed by Dasco Development Company, LLC, a California Limited Partnership, (the "Petitioner") this City Council adopted Resolution No. 2024-279 (the "Resolution of Intention"), stating its intention to form City of Modesto Community Facilities District No. 2024-1 (Tivoli) (the "Community Facilities District"), with the initial parcels to be designated as Improvement Area No. 1 (the "Improvement Area No. 1") within the Community Facilities District, and designate certain property within the Tivoli Specific Plan, as amended, as future annexation to the Community Facilities District (the "Future Annexation Area"), all pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"); and

WHEREAS, a copy of the Resolution of Intention, setting forth (a) the description of the proposed boundaries of the Community Facilities District, Improvement Area No. 1 within the Community Facilities District and the Future Annexation Area for the Community Facilities District, (b) the description of the proposed facilities and services to be financed by the Community Facilities District, (c) the rate and method of apportionment of the annual facilities and maintenance special taxes and one-time facilities special tax proposed to be levied within the Community Facilities District, and (d) setting a public hearing to consider this matter, is on file with the City Clerk and is incorporated herein by reference; and

WHEREAS, on August 13, 2024, this City Council adopted Resolution No. 2024-280 (the "Resolution of Intention to Incur Debt"), stating its intention to authorize the Community Facilities District to incur bonded indebtedness in an amount not to exceed $120,000,000, pursuant to the Act, and setting a public hearing to consider this matter, a copy of which is on file with the City Clerk and is incorporated herein by reference; and

WHEREAS, the City Clerk has confirmed that a notice was published and mailed as required by law relative to the intention of the City to form the Community Facilities District and the incurrence of debt by the Community Facilities District at a public hearing to be held on September 24, 2024 (the petitioner having waived the 30-day waiting period of holding the public hearing in the petition); and

WHEREAS, on September 24, 2024, at the time and place specified in the required noticed, the City Council received public comment and continued the public hearing to September 24, 2024; and

WHEREAS, there has been filed with the City Clerk a report containing a description of the facilities and services necessary to meet the needs of the Community Facilities District and an estimate of the cost of such facilities and services as required by Section 53321.5 of the Government Code (the "Report"); and

WHEREAS, the City Council has held a public hearing on this same date as required by law to determine whether it should proceed with the formation of the Community Facilities District, the designation of Improvement Area No. 1 and the Future Annexation Area, the authorization of the rate and method of apportionment of special taxes to be levied within the Community Facilities District for the purposes described in

the aforesaid resolutions and the incurrence of bonded indebtedness for the Community Facilities District in an amount not to exceed $120,000,000; and

WHEREAS, at said hearing all persons desiring to be heard on all matters pertaining to the Community Facilities District were heard, and a full and fair hearing was held; and

WHEREAS, at the public hearing evidence was presented to the City Council on the matters before it, and there was not precluded by a majority protest of the type described in Government Code Sections 53324 and 53339.6, and the City Council is sufficiently advised as to all matters relating to the formation of the Community Facilities District, the designation of Improvement Area No. 1 and the Future Annexation Area, the levy of special taxes and the incurrence of bonded indebtedness for the Community Facilities District ; and

WHEREAS, there have been fewer than twelve (12) registered voters residing in the proposed boundaries of Improvement Area No. 1 of the Community Facilities District for the statutory period, and the qualified electors in the Community Facilities District are the landowners within Improvement Area No. 1, being the initial boundaries of the Community Facilities District; and

WHEREAS, on the basis of all of the foregoing, the City Council has determined at this time to proceed with the establishment of the Community Facilities District and to call an election therein to authorize (i) the levy of special taxes pursuant to the rate and method of apportionment of special tax, as set forth in the Rate and Method of Apportionment of Special Tax (the “Rate and Method”) **attached** hereto as **Attachment**

A, and (ii) the establishment of an appropriations limit for the Community Facilities District; and

WHEREAS, pursuant to Sections 53313.5 and 53314.9 of the Act, there has been submitted to this City Council an Acquisition and Shortfall Agreement, by and between the City, acting on behalf of the District, and developers (the "Acquisition and Shortfall Agreement"), relating to the construction, acquisition, payment and reimbursement of the Facilities (as defined herein), and this City Council, with the aid of its staff, has reviewed said document and found it to be in proper order; and

WHEREAS, pursuant to Sections 53313.5 and 53314.9 of the Act, there has been submitted to this City Council an Acquisition and Credit Agreement, by and between the City, acting on behalf of the District, and developers (the "Acquisition and Credit Agreement"), relating to the construction, acquisition, payment and credit for the Facilities (as defined herein), and this City Council, with the aid of its staff, has reviewed said document and found it to be in proper order.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds and determines as follows:

SECTION 1. The above recitals are true and correct.

SECTION 2. A community facilities district designated "City of Modesto Community Facilities District No. 2024-1 (Tivoli)" is hereby established pursuant to the Act, with the initial parcels to be further designated as "Improvement Area No. 1." The City Council hereby finds and determines that all prior proceedings taken with respect to the establishment of the Community Facilities District were valid and in conformity with

the requirements of law, including the Act. This finding is made in accordance with the provisions of Section 53325.1(b) of the Act.

SECTION 3. The boundaries of the Community Facilities District, including Improvement Area No. 1, and the Future Annexation Area to the Community Facilities District are established as shown on the map designated "Map of Proposed Boundaries and Future Annexation Area of the City of Modesto Community Facilities District No. 2024-1 (Tivoli)," which map is on file in the office of the City Clerk and, pursuant to Sections 3111 and 3113 of the Streets and Highways Code, was recorded in the Book of Maps of Assessment and Community Facilities Districts in the Office of the County Recorder of Stanislaus County in Book No. 7, at Page 29 as Instrument No. 2024-0038785.

SECTION 4. The facilities and services authorized to be paid for by each improvement area within the Community Facilities District, including Improvement Area No. 1, are services or facilities, as the case may be, which the City is authorized by law to construct, acquire, own and operate, or to provide, as set forth in Appendix A to the Resolution of Intention (the "Facilities and Services"), including all costs associated with the creation of the Community Facilities District and administering the Community Facilities District and any debt obligations of the Community Facilities District (collectively, the "Incidental Expenses"). The City Council hereby finds that the Facilities and Services are necessary to meet increased demands put upon the City as a result of the new development within the Community Facilities District, including Improvement Area No. 1, and when annexed, the Future Annexation Area.

SECTION 5. It is the intention of the City Council, subject to the approval of the qualified electors within Improvement Area No. 1 of the Community Facilities District, to levy the proposed special taxes at the rates set forth in the Rate and Method on all non-exempt property within Improvement Area No. 1 of the Community Facilities District sufficient to pay for all or a portion of (i) the Facilities, (ii) the Services, and (iii) the Incidental Expenses.

The description of the Facilities and Services may be modified upon the annexation of property into the Community Facilities District, provided such modified description shall only apply to such annexed areas. Additional improvement areas may be designated when property is annexed into the Community Facilities District.

The City expects to incur, and in certain cases has already incurred, Incidental Expenses in connection with the creation of the Community Facilities District, the levying and collecting of the facilities special taxes, the provision of the Services, the completion and inspection of the Facilities and the annual administration of the Community Facilities District. The Rate and Method is described in detail on **Attachment A** hereto and incorporated herein by this reference, and the City Council hereby finds that the Rate and Method contains sufficient detail to allow each landowner within the Community Facilities District, including Improvement Area No. 1, to estimate the maximum amount that may be levied against each parcel. As described in greater detail in the Report, which is incorporated by reference herein, the special taxes are based generally on area of each parcel of real property within the Community Facilities District, including Improvement Area No. 1, (except to the extent that certain single family detached lots may be taxed at the same rate regardless of land area) and, accordingly, is

hereby determined to be reasonable. The special taxes are apportioned to each parcel on the foregoing basis pursuant to Section 53325.3 of the Act, and such special taxes are not on or based upon the ownership of real property.

Under no circumstances shall the special taxes against any parcel used for private residential purposes be increased by more than 10% as a consequence of delinquency or default by the owner of any other parcel or parcels within Improvement Area No. 1 of the Community Facilities District, or within each additional improvement area from the Future Annexation Area, when annexed.

The City's Community Development Manager, located at 1010 Tenth Street, Modesto, California 95353, telephone number (209) 577-5211, will be responsible for preparing annually, or authorizing a designee to prepare, a current roll of special tax levy obligations by assessor's parcel number and will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Act.

SECTION 6. In the event that a portion of the property within the Community Facilities District shall become for any reason exempt, wholly or partially, from the levy of the special taxes specified in the Rate and Method, the City Council shall, on behalf of the Community Facilities District, increase the levy (to the extent necessary and permitted by law and these proceedings) upon the remaining property within Improvement Area No. 1 of the Community Facilities District, or within each additional improvement area from the Future Annexation Area, when annexed, if applicable, which is not exempt in order to prevent the Community Facilities District from defaulting on any of its other obligations or liabilities. The amount of the special taxes will be set in accordance with the Rate and Method.

Pursuant to Section 53340 of the Act, and except as provided in Section 53317.3 of the Act or in the Rate and Method, properties of entities of the state, federal, and local governments shall be exempt from the levy of the special taxes.

SECTION 7. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code, a continuing lien to secure each levy of the special taxes shall attach to all non-exempt real property in Improvement Area No. 1 of the Community Facilities District, and when annexed, the Future Annexation Area, and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the special tax by the Community Facilities District ceases.

SECTION 8. The City may accept advances of funds or work-in-kind from any source, including, but not limited to, the Petitioner and other private persons or private entities, for any authorized purpose, including, but not limited to, paying any cost incurred by it in creating the Community Facilities District.

The City may enter into an agreement with the person or entity advancing the funds or work-in-kind, to repay all or a portion of the funds advanced, or to reimburse the person or entity for the value, or cost, whichever is less, of the work-in-kind, as determined by the City, with or without interest.

The form of both the Acquisition and Shortfall Agreement and Acquisition and Credit Agreement presented at this meeting and on file with the City Clerk be and is hereby approved, with such changes as may be approved by the Mayor, City Manager or Finance Director, said officer's execution thereof to evidence approval of the changes. The Mayor, City Manager or Finance Director is hereby authorized and directed to

execute either the Acquisition and Shortfall Agreement or Acquisition and Credit Agreement, as appropriate, on behalf of the Community Facilities District with such execution to be attested to by the City Clerk.

SECTION 9. Written protests against the establishment of the Community Facilities District or the designation of the Future Annexation Area have not been filed by one-half or more registered voters within the boundaries of Improvement Area No. 1 of the Community Facilities District, or the Future Annexation Area, as applicable, or by the property owners of one-half (1/2) or more of the area of land within Improvement Area No. 1 of the Community Facilities District or the Future Annexation Area, as applicable. The City Council hereby finds that the proposed special taxes have not been precluded by a majority protest pursuant to Section 53324 of the Act.

SECTION 10. Subject to voter approval required by the Act, the annual appropriations limit (as defined in Section 8(h) of Article XIII B of the California Constitution) of the Community Facilities District is hereby established through the Rate and Method of Apportionment, as adjusted for changes in the cost of living and changes in population.

SECTION 11. An election will be called for the Community Facilities District on the propositions of levying the special taxes on the property within the Community Facilities District and establishing the appropriations limit for the Community Facilities District pursuant to Section 53325.7 of the Act. The City Clerk shall conduct the election.

SECTION 12. Pursuant to and in compliance with the provisions of Government Code Section 50075.1, and the provisions of Article 1.5 (commencing with Section 53410) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code, the City

Council hereby establishes the following accountability measures pertaining to the levy by the Community Facilities District of the special taxes:

a. Such special taxes shall be levied for the specific purposes set forth in Section 4 hereof.

b. The proceeds of the levy of such special taxes shall be applied only to the specific purposes set forth in Sections 4 and 5 hereof.

c. The District shall establish accounts into which the proceeds of such special taxes shall be deposited.

d. The City Manager or Finance Director will provide for such accounting and reporting for the special taxes as required by law.

e. The City Manager, or his or her designee, acting for and on behalf of the Community Facilities District, shall annually file a report with the City Council as required pursuant to Government Code Sections 50075.3 and 53411.

SECTION 13. Pursuant to Section 53339.7(a) of the Act, the City Council provides for the annexation of all or a portion of the Future Annexation Area to the Community Facilities District without additional hearings or further action from the City Council. The Future Annexation Area will be annexed into the Community Facilities District only at such time as the Community Facilities District receives unanimous written approval to be annexed from the owner or owners of each parcel or parcels of the portion of the Future Annexation Area proposed to be annexed at that time. Annexations to the Community Facilities District may include separate and distinct improvement

areas, modified descriptions of facilities and services and/or modified special tax rates as set forth in a modified or separate Rate and Method at the time of annexation.

SECTION 14. The preparation of the Report is hereby ratified. The Report, as submitted, is hereby approved and is made a part of the record of the public hearing regarding the formation of the Community Facilities District, and is ordered to be kept on file with the transcript of these proceedings and open for public inspection. This City Council now finds and determines that all proceedings up to and including the adoption of this resolution were and are valid and in conformity with the requirements of the Act.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2024, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

APPENDIX A

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

IMPROVEMENT AREA NO. 1 OF THE
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-1(TIVOLI)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES

Special Taxes applicable to each Assessor's Parcel in Improvement Area No. 1 of the City of Modesto Community Facilities District No. 2024-1 (Tivoli) shall be levied and collected according to the tax liability determined by the City Council through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in Improvement AreaNo. 1, unless exempted by law or by the provisions of Section H below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed into Improvement Area No. 1 unless a separate Rate and Method of Apportionment is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre" or "Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown onthe applicable Final Map or other Development Plan.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5,(commencing with Section 53311), Division 2 of Title 5 of the California Government Code.

"Administrative Expenses" means any or all of the following: the fees and expenses of any fiscalagent or trustee (including any fees or expenses of its counsel) employed in connection with any Bonds, and the expenses of the City in carrying out its duties with respect to Improvement Area No. 1, the CFD and the Bonds, including, but not limited to, the levy and collection of Special Taxes, the fees and expenses of its counsel, charges levied by the County in connection with the levy and collection of Special Taxes, costs related to property owner inquiries regarding the Special Taxes, costs associated with appeals or requests for interpretation associated with the

Special Taxes and this RMA, amounts needed to pay rebate to the federal government with respect to Bonds, costs associated with complying with continuing disclosure requirements for the City and any major property owners or other obligated parties, costs associated with foreclosure and collection of delinquent Special Taxes, and all other costs and expenses of the City in any way related to the establishment or administration of Improvement Area No. 1 and the CFD.

"Administrator" shall mean the person or firm designated by the City to administer the Special Tax according to this RMA.

"Annual Facilities Special Tax" means a special tax levied in any Fiscal Year to pay the Annual Facilities Special Tax Requirement, as defined below.

"Annual Facilities Special Tax Requirement" means the amount necessary in any Fiscal Year to: (i) pay principal and interest on Bonds that are due in the calendar year that begins in such

Fiscal Year; (ii) pay periodic costs on the Bonds, including but not limited to, credit enhancement,liquidity support, and rebate payments on the Bonds; (iii) replenish reserve funds created for the Bonds under the Indenture to the extent such replenishment has not been included in the computation of the Special Tax Requirement in a previous Fiscal Year; (iv) cure any delinquenciesin the payment of principal or interest on Bonds which have occurred in the prior Fiscal Year; (v)pay Administrative Expenses; and (vi) pay directly for Authorized Facilities and Authorized Services, so long as such levy under this clause (vi) does not increase the Special Tax levied on Undeveloped Property. The amounts referred to in clauses (i) and (ii) of the definition of SpecialTax Requirement may be reduced in any Fiscal Year by: (a) interest earnings on or surplus balancesin funds and accounts for the Bonds to the extent that such earnings or balances are available to apply against such costs pursuant to the Indenture; (b) in the sole and absolute discretion of the City, proceeds received from the collection of penalties associated with delinquent Special Taxes;and (c) any other revenues available to pay such costs, each as determined in the sole discretion ofthe City.

"Annual Maintenance Special Tax" means a special tax levied in any Fiscal Year to pay the Annual Maintenance Special Tax Requirement, as defined below.

"Annual Maintenance Special Tax Requirement" means the amount of revenue needed in any Fiscal Year to pay for: (i) Authorized Services, (ii) establishment of reserves, (iii) AdministrativeExpenses, and (iv) amounts needed to cure any delinquencies in the payment of Annual Maintenance Special Taxes which have occurred in prior Fiscal Years.

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

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

"Assessor's Parcel Number" means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Facilities" means the public facilities authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

"Authorized Services" means the public services authorized to be funded by the CFD as set forthin the documents adopted by the City Council when the CFD was formed.

"Bonds" means bonds or other debt (as defined in the Act), whether in one or more series, securedby the Annual Facilities Special Tax and issued or assumed by the CFD to fund Authorized Facilities.

"Building Permit" means a permit that allows for vertical construction of a building or buildings,which shall not include a separate permit issued for construction of the foundation thereof.

"Capitalized Interest" means funds in any capitalized interest account available to pay debt service on Bonds.

"Certificate of Occupancy" means the first certificate, including any temporary certificate of occupancy, issued by the City to confirm that a building or a portion of a building has met all of the building codes and can be occupied for residential and/or non-residential use.

"CFD" means the City of Modesto Community Facilities District No. 2024-1 (Tivoli).

"CFD Formation" means the date on which the Resolution of Formation to form the CFD was adopted by the City Council.

"City" means the City of Modesto.

"City Council" means the City Council of the City of Modesto, acting as the legislative body of the CFD.

"County" means the County of Stanislaus.

"Density Category" means, individually, Very Low Density Residential Property, Low Density Residential Property, Medium Density Residential Property, or Medium High Density ResidentialProperty.

"Developed Property" means, in any Fiscal Year, the following:

For purposes of levying the Annual Maintenance Special Tax and Annual Facilities Special Tax:

- for Single Family Detached Property, all Parcels for which a Final Map was recorded prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2023;

- for Multi-Family Property, all Parcels for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2023; and

- for Non-Residential Property, all Parcels for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2023.

For purposes of levying the One-Time Facilities Special Tax, all Parcels for which a Certificate of Occupancy was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2023.

"Development Class" means, individually, Developed Property, Taxable Owners Association Property, Taxable Welfare Exemption Property, and Taxable Public Property.

"Escalation Factor" means, in any Fiscal Year, the greater of (i) the percentage increase, if any,in the construction cost index for the San Francisco region for the prior twelve (12) month periodas published in the Engineering News Record or other comparable source if the Engineering NewsRecord is discontinued or otherwise not available, or (ii) four percent (4.0%).

"Expected Land Uses" means the Net Taxable Acreage of each Land Use Class expected on an Original Parcel based on reference to the Land Use Diagram and Attachment 2 hereto, the latter of which will be updated with each annexation of property into Improvement Area No. 1.

"Final Map" means a final map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq*) that creates SFD Lots. The term "Final Map" shall not include any large-lot subdivision map, Assessor's Parcel Map, or subdivision map or portion thereof, that does not create SFD Lots, including Assessor's Parcels that are designated as remainder parcels.

"First Bond Sale" means issuance of the first series of Bonds secured, in whole or in part, by Annual Facilities Special Taxes levied and collected from Parcels of Taxable Property in Improvement Area No. 1.

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

"Future Annexation Area" means that geographic area that, at the time of CFD Formation, was considered potential annexation area for the CFD and which was, therefore, identified as "future annexation area" on the recorded CFD boundary map. Such designation does not mean that any or all of the Future Annexation Area will annex into the CFD, but should property designated as Future Annexation Area choose to annex, the annexation may be processed pursuant to the streamlined annexation procedures provided in the Act.

"Improvement Area No. 1" means Improvement Area No. 1 of the CFD.

"Indenture" means an indenture, fiscal agent agreement, or other agreement authorizing issuanceof the Bonds.

"Land Use Class" means one of the five mutually-exclusive land use classes identified in Table 1 and Table 2 in Section C below. The City shall, in its sole discretion, determine the appropriateLand Use Class for a Parcel of Taxable Property.

"Land Use Diagram" means the exhibit in the Tivoli Specific Plan entitled "Tivoli Specific PlanLand Use Diagram", as may be amended from time to time. The Land Use Diagram at CFD Formation is included as **Attachment 1** hereto.

"Low Density Residential Property" means all Parcels of Taxable Property that are developed or expected to be developed at an average density range of 4 to 6 dwelling units per gross acre. Such Parcels are identified by an LDR designation in the Land Use Diagram.

"**Maximum Annual Facilities Special Tax"** means the greatest amount of Annual Facilities Special Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordancewith Sections C and D below.

"**Maximum Annual Facilities Special Tax Revenues"** means the aggregate amount that could be generated at any point in time if the Maximum Annual Facilities Special Tax was levied and collected on all Parcels of Taxable Property in Improvement Area No. 1.

"**Maximum Annual Maintenance Special Tax"** means the greatest amount of Annual Maintenance Special Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordance with Sections C and D below.

"**Maximum One-Time Facilities Special Tax"** means the greatest amount of One-Time FacilitiesSpecial Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordancewith Sections C and D below.

"Maximum Special Taxes" means, collectively for any Parcel, the Maximum One-Time Facilities Special Tax, Maximum Annual Facilities Special Tax, and Maximum Annual Maintenance Special Tax.

"Medium Density Residential Property" means all Parcels of Taxable Property that are developed or expected to be developed at an average density range of 7 to 17 dwelling units per gross acre. Such Parcels are identified by an MDR designation in the Land Use Diagram.

"Medium High Density Residential Property" means all Parcels of Taxable Property that are developed or expected to be developed at an average density range of 18 to 24 dwelling units pergross acre. Such Parcels are identified by an MDHR designation in the Land Use Diagram. For purposes of this RMA, Medium High Density Residential Property shall also include any propertythat is zoned at an average density range higher than 18 to 24 dwelling units per acre, regardless of the designation that is assigned to such Parcel(s).

"Multi-Family Property" means all Parcels of Developed Property for which Building Permits have been issued for construction of a residential structure consisting of two or more residential units that share common walls, including but not limited to, townhomes, condominiums, duplexes,triplexes, fourplexes, and apartment units. If a Building Permit has not yet been issued on the Parcel, the Administrator shall reference the Tivoli Specific Plan and/or the Parcel's zoning designation to determine whether the Parcel is Multi-Family Property.

"Net Taxable Acreage" or **"Net Taxable Acre"** means the total acreage within a Final Map or Parcel less arterial road right-of-ways and property that is defined in the Final Map for use as a park site, school site, or City-owned storm drainage basin. If a Subdivision Map is recorded whichis not a Final Map for some or all Parcels created by the subdivision, the Administrator shall calculate the Net Taxable Acreage of such unsubdivided Parcels by identifying the Acreage of the Parcel and (i) adding a portion of the acreage of any non-arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way, and (ii) subtracting a portion of the acreage of any arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way. The Net Taxable Acreage of a Parcel or Final Map shall be determined in the sole discretion of the City.

"Non-Residential Property" means any Parcel of Taxable Property in the CFD that does not fit within the definition of Residential Property, Taxable Owners Association Property, Taxable Public Property, or Taxable Welfare Exemption Property, as determined by the Administrator.

"One-Time Facilities Special Tax" means a Special Tax levied and collected in full by the City prior to issuance of a Certificate of Occupancy for a Parcel of Taxable Property.

"Original Parcel" means an Assessor's Parcel in Improvement Area No. 1 at the time of CFD Formation, or added to Improvement Area No. 1 upon annexation, as identified in **Attachment 3** (which shall be updated after each annexation). A Successor Parcel that is being further subdividedshall also be considered an Original Parcel for purposes of determining the Maximum Special Taxes pursuant to Section C below.

"Owners Association" means a homeowners association or property owners association that provides services to, and collects assessments, fees, dues, or charges from, property within Improvement Area No. 1.

"Owners Association Property" means any property within the boundaries of Improvement AreaNo. 1 that is owned in fee or through easement by the Owners Association, not including any suchproperty that is located directly under a residential structure.

"Per-Acre Special Taxes" means the per-acre Special Taxes identified in Table 1 and Table 2 in Section C below.

"Proportionately" means, for each Development Class, that the ratio of the actual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Yearis equal for all parcels assigned to the Development Class.

"Public Property" means any property within the boundaries of Improvement Area No. 1 that isowned by the federal government, State of California, County, City, or other public agency.

"RMA" means this Rate and Method of Apportionment of Special Taxes.

"Required Coverage" means the amount by which the Maximum Annual Facilities Special TaxRevenues must exceed the Bond debt service and priority Administrative Expenses (if any), as setforth in the Indenture, Certificate of Special Tax Consultant, or other formation or bond documentthat sets forth the minimum required debt service coverage.

"Residential Property" in any Fiscal Year means, collectively, all Very Low Density ResidentialProperty, Low Density Residential Property, Medium Density Residential Property, and MediumHigh Density Residential Property.

"SFD Lot" means an individual residential lot, identified and numbered on a recorded Final Map,on which a Building Permit has been or is permitted to be issued for construction of an SFD Unitwithout further subdivision of the lot and for which no further subdivision of the lot is anticipatedpursuant to an approved Tentative Map.

"SFD Unit" means a residential dwelling unit that does not share a common wall with another residential dwelling unit.

"Special Taxes" means, collectively, the One-Time Facilities Special Tax, the Annual Facilities Special Tax, and the Annual Maintenance Special Tax.

"Special Tax Category" means, individually, the One-Time Facilities Special Tax, the Annual Facilities Special Tax, and the Annual Maintenance Special Tax.

"Subdivision Map" means a Final Map, large lot subdivision map, or other map recorded with the County that results in the subdivision of an Original Parcel into two or more Successor Parcels.

"Successor Parcel" means an Assessor's Parcel of Taxable Property created by the subdivision or reconfiguration of an Original Parcel on which construction of a residential or non-residential structure is permitted.

"Taxable Owners Association Property" means, in any Fiscal Year after the First Bond Sale, any Parcel of Owners Association Property that satisfies all three of the following conditions: (i) the Parcel had not been Owners Association Property on the date of the First Bond Sale; (ii) based on reference to **Attachments 1 and 2**, the Parcel was not anticipated to be Owners Association Property as determined by the Administrator; and (iii) if the Parcel were to be exempt from the Special Tax because it is Owners Association Property, the Maximum Annual Facilities Special Tax Revenues would be reduced to a point at which Required Coverage could not be maintained.

"Taxable Property" means all of the Assessor's Parcels within the boundaries of Improvement Area No. 1 that are not exempt from the Special Taxes pursuant to law or Section H below.

"Taxable Public Property" means in any Fiscal Year after the First Bond Sale, any Parcel of Public Property that satisfies all three of the following conditions: (i) the Parcel had not been PublicProperty on the date of the First Bond Sale; (ii) based on reference to **Attachments 1 and 2**, the Parcel was not anticipated to be Public Property as determined by the Administrator; and (iii) if the Parcel were to be exempt from the Special Tax because it is Public Property, the Maximum Annual Facilities Special Tax Revenues would be reduced to a point at which Required Coveragecould not be maintained.

"Taxable Welfare Exemption Property" means in any Fiscal Year after the First Bond Sale, anyParcel of Welfare Exemption Property that satisfies all three of the following conditions: (i) the Parcel had not been Welfare Exemption Property on the date of issuance of the First Bond Sale;

(ii) based on reference to **Attachments 1 and 2**, the Parcel was not anticipated to be Welfare Exemption Property based on the Expected Land Uses, as determined by the Administrator; and (iii) if the Parcel were to be exempt from the Special Tax because it has become Welfare Exemption Property, the Maximum Annual Facilities Special Tax Revenues would be reduced to a point at which Required Coverage could not be maintained.

"Tentative Map" means a tentative map or substantial conformance exhibit for property in the CFD, including any adjustments or amendments thereto.

"Tivoli Specific Plan" means the specific plan for development within the Tivoli project that was originally adopted by the City Council on February 26, 2008, further updated on September 27, 2016, and as may be amended from time to time.

"Transition Event" shall be deemed to have occurred when the Administrator determines that thefollowing events have occurred: (i) all Bonds secured by the levy and collection of Facilities Special Taxes in the CFD have been fully repaid; (ii) all Administrative Expenses from prior Fiscal Years have been paid or reimbursed to the City; and (iii) there are no other Authorized Facilities that the City intends to fund with Bonds or Facilities Special Taxes.

"Transition Year" means the first Fiscal Year in which the Administrator determines that the Transition Event occurred in the prior Fiscal Year.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property that are notDeveloped Property, Taxable Owners Association Property, Taxable Public Property, or TaxableWelfare Exemption Property as defined herein.

"Very Low Density Residential Property" means all Parcels of Taxable Property that are developed or expected to be developed as large lot, rural-oriented estate homes with an average density range of 1 to 3 dwelling units per acre. Such Parcels are identified by a VLDR designation in the Land Use Diagram.

"Welfare Exemption Property" means, in any Fiscal Year, any Parcels in Improvement Area No. 1 that have received a welfare exemption under subdivision (g) of Section 214 of the Revenueand Taxation Code and for which such welfare exemption is still in place.

B. DATA FOR ANNUAL ADMINISTRATION

On or about July 1 of each Fiscal Year, the Administrator shall identify the current Assessor's Parcel Numbers for all Parcels of Taxable Property in Improvement Area No. 1. The Administrator shall also: (i) assign each Parcel of Taxable Property to the appropriate Development Class; (ii) categorize each Parcel of Residential Property into the appropriate Density Category; (iii) determine the Net Taxable Acreage of each Parcel; (iv) determine the Annual Facilities Special Tax Requirement and Annual Maintenance Special Tax Requirement, and (v) determine whether the Transition Event has occurred in a prior Fiscal Year.

In any Fiscal Year, if it is determined that: (i) a Subdivision Map for property in Improvement Area No. 1 was recorded after January 1 of the prior Fiscal Year (or any other date after which theAssessor will not incorporate the newly-created Parcels into the then current tax roll), (ii) becauseof the date the Subdivision Map was recorded, the Assessor does not yet recognize the new Parcelscreated by the Subdivision Map, and (iii) one or more of the newly-created Parcels is in a differentDevelopment Class than other Parcels created by the subdivision, the Administrator shall calculatethe Special Taxes for the property affected by recordation of the Subdivision Map by determiningthe Special Taxes that apply separately to the property within each Development Class, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordationof the Subdivision Map.

C. MAXIMUM SPECIAL TAXES

The Administrator shall use the procedures set forth below to calculate the Maximum Special Taxes for each Parcel in Improvement Area No. 1 in each Fiscal Year. The Per-Acre Special Taxesset forth in Table 1 and Table 2 below shall be used for purposes of Sections C.1 and C.2 below:

Table 1
Per-Acre Special Taxes Prior to the Transition Year
Fiscal Year 2024-25 *

Land Use Class	Per-Acre Special Tax: One-Time Facilities Special Tax	Per-Acre Special Tax: Annual Facilities Special Tax	Per-Acre Special Tax: Annual Maintenance Special Tax
Very Low Density Residential Property	$100,000 per Net Taxable Acre	$5,724 per Net Taxable Acre	$5,166 per Net Taxable Acre
Low Density Residential Property	$100,000 per Net Taxable Acre	$10,260 per Net Taxable Acre	$5,166 per Net Taxable Acre
Medium Density Residential Property	$100,000 per Net Taxable Acre	$13,725 per Net Taxable Acre	$5,166 per Net Taxable Acre
Medium High Density Residential Property	$100,000 per Net Taxable Acre	$13,087 per Net Taxable Acre	$5,166 per Net Taxable Acre
Non-Residential Property	$100,000 per Net Taxable Acre	$7,375 per Net Taxable Acre	$5,166 per Net Taxable Acre

* All Per-Acre Special Taxes shown in Table 1 are subject to the annual adjustments described in Section D below.

Table 2
Per-Acre Special Taxes In and After the Transition Year
Fiscal Year 2024-25 *

Land Use Class	Per-Acre Special Tax: One-Time Facilities Special Tax	Per-Acre Special Tax: Annual Facilities Special Tax	Per-Acre Special Tax: Annual Maintenance Special Tax
Very Low Density Residential Property	$100,000 per Net Taxable Acre	$0 per Net Taxable Acre	$6,597 per Net Taxable Acre
Low Density Residential Property	$100,000 per Net Taxable Acre	$0 per Net Taxable Acre	$7,731 per Net Taxable Acre
Medium Density Residential Property	$100,000 per Net Taxable Acre	$0 per Net Taxable Acre	$8,597 per Net Taxable Acre
Medium High Density Residential Property	$100,000 per Net Taxable Acre	$0 per Net Taxable Acre	$8,438 per Net Taxable Acre
Non-Residential Property	$100,000 per Net Taxable Acre	$0 per Net Taxable Acre	$7,010 per Net Taxable Acre

* All Per-Acre Special Taxes shown in Table 2 are subject to the annual adjustments described in Section D below.

1. Original Parcels

The Maximum Special Taxes prior to the Transition Year for each Land Use Class expected on the Original Parcels as of CFD Formation are identified in **Attachment 2**, which will be updated by the Administrator as needed to reflect Original Parcels added to Improvement Area No. 1 due to annexations. Until an Original Parcel is subdivided, the Maximum Special Taxes shown in **Attachment 2** (escalated as set forth herein) shall be the Maximum Special Taxes for the Parcel unless the zoning on the Original Parcel changes to

a Land Use Class that has higher Per-Acre Special Taxes based on reference to Table 1and Table 2 above. Upon approval of such a change in zoning by the City Council, the Administrator shall multiply the applicable Per-Acre Special Taxes by the Net Taxable

Acreage of each Land Use Class that is expected on the Parcel based on the rezone. The Administrator shall then update **Attachment 2** to reflect the higher Maximum Special Taxesfor the Parcel. If a rezone results in a Land Use Class that has a lower Per-Acre Special Tax than the previous Expected Land Uses, there shall be no corresponding reduction in the Maximum Special Taxes for the Parcel. The potential reduction in Maximum Special Tax revenues must be considered separately for each Special Tax Category. If the rezonewould cause a reduction in the Maximum Special Tax revenues in any Special Tax Category, the Maximum Special Tax identified for that Special Tax Category shall remainthe same as originally assigned to the Original Parcel.

2. Successor Parcels

a. All Successor Parcels are SFD Lots

If all Parcels created by a recorded Subdivision Map are SFD Lots, the Administrator shallapply the following steps to allocate the Maximum Special Taxes for the Original Parcel to each of the Successor Parcels created by the subdivision:

Step 1. Determine the greater of: (i) the sum of the Maximum Special Taxes assigned to each Expected Land Use for the Original Parcel, or (ii) the sumof the Net Taxable Acreage of each Density Category within the Subdivision Map multiplied by the Per-Acre Special Taxes for each DensityCategory.

Step 2. Separately for each Density Category created by the Subdivision Map, divide the Maximum Special Taxes from Step 1 by the number of SuccessorParcels to determine the Maximum Special Taxes for each SFD Lot.

b. No Successor Parcels are SFD Lots

If none of the Successor Parcels created by recordation of a Subdivision Map are SFD Lots,the Administrator shall apply the following steps to allocate the Maximum Special Taxes assigned to the Original Parcel to each of the Successor Parcels:

Step 1. Identify the Expected Land Uses for the Original Parcel.

Step 2. Determine the Net Taxable Acreage within each Land Use Class created by the Subdivision Map.

Step 3. If the Net Taxable Acreage of each Land Use Class from Step 2 is the sameas the Expected Land Uses, the Maximum Special Taxes assigned to each of the Expected Land Uses on the Original Parcel shall be allocated to the Successor Parcels based on the Acreage of each Land Use Class that occurs on each Successor Parcel.

Step 4. If the Net Taxable Acreage within each Land Use Class from Step 2 is different than the Expected Land Uses for the Original Parcel, the Administrator shall apply the following steps **separately for each Special Tax Category**:

Step 4a. Multiply the applicable Per-Acre Special Tax by the Net Taxable Acreage of each Land Use Class created by the Subdivision Map.

Step 4b. If the amount calculated in Step 4a is ***greater than*** the Maximum Special Tax assigned to the Original Parcel, multiply the Net Taxable Acreage of each Land Use Class on each Successor Parcel by the applicable Per-Acre Special Tax from Table 1 (pre-Transition Year) and Table 2 (in and after Transition Year) above to determine the Maximum Special Tax for each Successor Parcel.

Step 4c. If the amount calculated in Step 4a is ***less than*** the Maximum Special Tax assigned to the Original Parcel: (i) identify the Maximum Special Tax that was assigned to each of the Expected Land Uses on the Parcel, (ii) divide the Maximum Special Tax for each Land Use Class by the Net Taxable Acreage of each Land Use Class actually created by the Subdivision Map, and (iii) multiply the per-acre Maximum Special Tax calculated in (ii) by the Net Taxable Acreage of each Land Use Class on each Successor Parcel to determine the Maximum Special Tax for each Parcel.

If the Land Use Classes on a Successor Parcel or Parcels are different than the Expected Land Uses for that Parcel(s) and such difference would result in a reduction in the Maximum Special Tax assigned to the Original Parcel for any Special Tax Category, the Maximum Special Tax assigned to the Original Parcel shall either be distributed equally on a per-acre basis to the SuccessorParcels or, if multiple Land Use Classes are created by the Subdivision Map, the Maximum Special Tax from the Original Parcel shall be distributed to each Land Use Class so that the per- acre tax for each Land Use Class has the same proportional relationship as the Per-Acre Special Taxes in Table 1 and Table 2 above.

c. Some, But Not All, Successor Parcels are SFD Lots

If a Subdivision Map divides an Original Parcel into Successor Parcels, of which some areSFD Lots and some are not, the Administrator shall (i) break out the aggregate Net TaxableAcreage of all SFD Lots separately from the Net Taxable Acreage of other Land

Use Classes, (ii) for the aggregate Net Taxable Acreage of the SFD Lots, apply the steps in Section C.2a to determine the Maximum Special Taxes for each SFD Lot, and (iii) apply the steps in Section C.2b above to determine the Maximum Special Taxes for the other Land Use Classes on the Parcel.

If, after subdivision of an Original Parcel, a Successor Parcel is further subdivided, the SuccessorParcel shall be treated as an Original Parcel for purposes of allocating Maximum Special Taxes pursuant to Section C.2a, C.2b, or C.2c, as appropriate. After each reallocation of the Maximum

Special Taxes upon subdivision or reconfiguration of Original Parcels, the sum of the Maximum Special Taxes assigned to Successor Parcels shall never be less, but may be more, than the Maximum Special Taxes assigned to the Original Parcels prior to such reallocation.

D. CHANGES TO THE MAXIMUM SPECIAL TAXES

1. Escalation of Special Taxes

1a. One-Time Special Tax

On July 1, 2025 and on each July 1 thereafter, the Maximum One-Time Facilities Special Tax assigned to each Parcel and the Per-Acre Special Tax shown in Table 1 and Table 2 above shall be adjusted annually by the Escalation Factor.

1b. Annual Facilities Special Tax

On July 1, 2025 and on each July 1 thereafter, the Maximum Annual Facilities SpecialTax assigned to each Parcel and the Per-Acre Special Tax shown in Table 1 and Table2 above shall be increased by two percent (2%) of the amount in effect in the prior Fiscal Year.

1c. Annual Maintenance Special Tax

On July 1, 2025 and on each July 1 thereafter, the Maximum Annual Maintenance Special Tax assigned to each Parcel and the Per-Acre Special Tax shown in Table 1 and Table 2 above shall be adjusted annually by the Escalation Factor. Each annual adjustment of the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

2. Partial Prepayment of Maximum Annual Facilities Special Tax

If a Parcel makes a partial prepayment of the Annual Facilities Special Tax pursuant to Section I below, the Administrator shall recalculate the Maximum Annual Facilities Special Tax for the Parcel pursuant to Section I. In addition, the Administrator shall update **Attachment 2** to reflect the prepayment and the revised Maximum Annual Facilities Special Tax Revenues for Improvement Area No. 1. Such updates shall be maintained internally by the Administrator and shall not require recordation of an amended RMA. After the prepayment has been received, the application of Sections F and I of this RMA shall be based on the adjusted Expected Maximum Annual Facilities Special Tax Revenues after the prepayment.

3. Conversion of a Parcel of Public Property to Private Use

If, in any Fiscal Year, a Parcel of Public Property is converted to private use, such Parcel shall be subject to the levy of the Special Taxes, and the Administrator shall determine the appropriate Maximum Special Taxes for the Parcel based on the Net Taxable Acreage of the Parcel.

E. ANNEXATIONS

If, in any Fiscal Year, a property owner within the Future Annexation Area wants to annex propertyinto Improvement Area No. 1, the Administrator shall apply the following steps as part of the annexation proceedings:

Step 1. Working with City staff and the landowner, the Administrator shall determine the Land Use Classes that are expected within the area to be annexed.

Step 2. The Administrator shall prepare and keep on file an updated **Attachment 2** that identifies the Assessor's Parcel Number(s), Expected Land Use, Expected Net Taxable Acreage, One-Time Facilities Special Tax, Maximum Annual Facilities Special Tax, and Maximum Annual Maintenance Special Tax for the annexed property.

Step 3. The Administrator shall prepare and keep on file an updated **Attachment 3** that adds the Assessor's Parcel(s) in the annexed area to the Original Parcels in Improvement Area No. 1.

Step 4. The Administrator shall ensure that a Notice of Special Tax Lien is recorded against all Parcels that are annexed to Improvement Area No. 1.

Step 5. The Administrator shall recalculate the Public Facilities Requirement used in the prepayment calculation in Section I below to include the estimated net proceeds that can be generated to fund Authorized Facilities based on the Maximum Annual Facilities Special Tax capacity from the annexed area. The adjusted Public Facilities Requirement shall be calculated by (i) dividing the increased Maximum Annual Facilities Special Tax Revenues that can be collected after the annexation by the Maximum Annual Facilities Special Tax Revenues that were in place prior to the annexation, and (ii) multiplying the quotient by the Public Facilities Requirement that was in place prior to the annexation.

F. METHOD OF LEVY OF THE SPECIAL TAXES

1. One-Time Facilities Special Tax

The Maximum One-Time Facilities Special Tax determined pursuant to Sections C and D above shall be levied on all Taxable Property in Improvement Area No. 1 and shall be collected as set forth in Section G below.

2. Annual Facilities Special Tax

Each Fiscal Year until the Transition Year, the Administrator shall determine the Annual Facilities Special Tax Requirement for the Fiscal Year and levy the Annual Facilities SpecialTax on all Parcels of Taxable Property as follows:

Step 1: The Annual Facilities Special Tax shall be levied Proportionately on each Parcel of Developed Property within Improvement Area No. 1 up to 100% of

the Maximum Annual Facilities Special Tax for each Parcel for such Fiscal Year until the amount levied on Developed Property is equal to the Annual Facilities Special Tax Requirement prior to applying any Capitalized Interestthat is available in the CFD accounts.

Step 2: If additional revenue is needed after Step 1, the Annual Facilities Special Tax shall be levied Proportionately on each Parcel of Taxable Welfare Exemption Property up to 100% of the Maximum Annual Facilities Special Tax for each Parcel of Taxable Welfare Exemption Property for such Fiscal Year until the amount levied is equal to the Annual Facilities Special Tax Requirement.

Step 3: If additional revenue is needed after Step 2, the Annual Facilities Special Tax shall be levied Proportionately on each Parcel of Taxable Owners Association Property up to 100% of the Maximum Annual Facilities Special Tax for each Parcel of Taxable Owners Association Property until the amount levied is equal to the Annual Facilities Special Tax Requirement.

Step 4: If additional revenue is needed after Step 3, the Annual Facilities Special Tax shall be levied Proportionately on each Parcel of Taxable Public Property up to 100% of the Maximum Annual Facilities Special Tax for each Parcel of Taxable Public Property until the amount levied is equal to the Annual Facilities Special Tax Requirement.

No Annual Facilities Special Tax shall be levied in any Fiscal Year on Parcels of Undeveloped Property.

3. Annual Maintenance Special Tax

Each Fiscal Year, the Administrator shall determine the Annual Maintenance Special TaxRequirement for the Fiscal Year and levy the Annual Maintenance Special Tax on Parcelsof Taxable Property as follows:

Step 1: The Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Developed Property within Improvement Area No. 1 up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel for such Fiscal Year until the amount levied on Developed Property is equal to the Annual Maintenance Special Tax Requirement.

Step 2: If additional revenue is needed after Step 1, the Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Taxable Welfare Exemption Property up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Taxable Welfare Exemption Property for such Fiscal Year until the amount levied is equal to the Annual Maintenance Special Tax Requirement.

Step 3: If additional revenue is needed after Step 2 the Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Taxable OwnersAssociation Property up to 100% of the Maximum Annual Maintenance

Special Tax for each Parcel of Taxable Owners Association Property until the amount levied is equal to the Annual Maintenance Special Tax Requirement.

Step 4: If additional revenue is needed after Step 3, the Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Taxable Public Property up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Taxable Public Property until the amount levied is equal to the Annual Maintenance Special Tax Requirement.

No Annual Maintenance Special Tax shall be levied in any Fiscal Year on Parcels of Undeveloped Property.

G. MANNER OF COLLECTION OF SPECIAL TAXES

The Maximum One-Time Facilities Special Tax shall be collected prior to a Certificate of Occupancy being issued for any residential or non-residential structure on Taxable Property within Improvement Area No. 1 and shall be immediately delinquent if not so paid.

The Annual Facilities Special Tax and Annual Maintenance Special Tax shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, thatprepayments are permitted as set forth in Section I below and provided further that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Annual Facilities Special Taxes and Annual Maintenance Special Taxes through foreclosure or other available methods.

The Annual Facilities Special Tax shall be levied and collected until principal and interest on Bonds have been repaid, costs of constructing or acquiring Authorized Facilities from Annual Facilities Special Tax proceeds have been paid, and all Administrative Expenses have been reimbursed. However, in no event shall Annual Facilities Special Taxes be levied after Fiscal Year 2074-75. The Annual Maintenance Special Tax shall be levied in perpetuity unless and until the City determines that the Annual Maintenance Special Tax is no longer needed to pay for Authorized Services. Under no circumstances may the Annual Facilities Special Tax on a Parcel of Developed Property in residential use be increased in any Fiscal Year as a consequence of delinquency or default in payment of the Annual Facilities Special Tax levied on another Parcel or Parcels by more than ten percent (10%) above the amount that would have been levied in that Fiscal Year had there never been any such delinquencies or defaults.

H. EXEMPTIONS

Notwithstanding any other provision of this RMA, no One-Facilities Special Tax or Annual Facilities Special Tax shall be levied in any Fiscal Year on the following: (i) Public Property, except Taxable Public Property, (ii) Owners Association Property, except Taxable Owners Association Property, (iii) Welfare Exemption Property, except Taxable Welfare Exemption Property, and (iv) Parcels of Undeveloped Property. In addition, no Annual Facilities Special Tax shall be levied on (i) Parcels that are owned by a public utility for an unmanned facility, and (ii) Parcels that are subject to an easement that precludes any other use on the Parcel.

No Annual Maintenance Special Tax shall be levied on the following: (i) Public Property, including Taxable Public Property, (ii) Owners Association Property, including Taxable Owners Association Property, and (iii) Welfare Exemption Property, including Taxable Welfare Exemption Property.

I. PARTIAL PREPAYMENT OF THE ANNUAL FACILITIES SPECIAL TAX

The following definitions apply to this Section I:

"Outstanding Bonds" means all Previously Issued Bonds which remain outstanding, withthe following exception: if an Annual Facilities Special Tax has been levied against, or already paid by, an Assessor's Parcel making a prepayment, and a portion of the Annual Facilities Special Tax will be used to pay a portion of the next principal payment on the Bonds that remain outstanding (as determined by the Administrator), that next principal payment shall be subtracted from the total Bond principal that remains outstanding, and the difference shall be used as the amount of Outstanding Bonds for purposes of this prepayment formula.

"Previously Issued Bonds" means all Bonds that have been issued prior to the date of prepayment.

"Public Facilities Requirement" means either $7.3 million in 2024 dollars, which shall increase on January 1, 2025, and on each January 1 thereafter by two percent (2%) of the amount in effect in the prior year, or such other number as shall be determined by the Cityas sufficient to fund improvements that are authorized to be funded by the CFD. The Public Facilities Requirements shown above will be adjusted each time there is an annexation of property into Improvement Area No. 1.

"Remaining Facilities Costs" means the Public Facilities Requirement minus public facility costs funded by Previously Issued Bonds, developer equity, and any other source of funding.

A property owner may prepay up to 75% of the Annual Facilities Special Tax obligation applicableto a Parcel, thereby reducing the Maximum Annual Facilities Special Tax applicable to the Parcel,provided that a prepayment may be made only if (i) there are no delinquent Special Taxes with respect to such Parcel at the time of prepayment, and (ii) there has not in any prior Fiscal Year been a partial prepayment of the Annual Facilities Special Tax assigned to the Parcel. The AnnualMaintenance Special Tax may not be prepaid. An owner of an Assessor's Parcel intending to prepay a portion of the Annual Facilities Special Tax obligation shall provide the City

with writtennotice of intent to prepay. Within 30 days of receipt of such written notice, the City or its designee shall notify such owner of the prepayment amount for such Assessor's Parcel. Prepayment must be made not less than 75 days prior to any redemption date for Bonds to be redeemed with the proceeds of such prepaid Annual Facilities Special Taxes. The Prepayment Amount shall be calculated as follows: (capitalized terms as defined below):

Bond Redemption Amount

plus Remaining Facilities Amount

plus Redemption Premium

plus Defeasance Requirement

plus Administrative Fees and Expenses

less Reserve Fund Credit

equals Prepayment Amount

As of the proposed date of prepayment, the Prepayment Amount shall be determined by applicationof the following steps:

Step 1. Compute the amount that could be collected from the Parcel prepaying the Annual Facilities Special Tax in the Fiscal Year in which prepayment would be received by the City.

Step 2. Divide the Maximum Annual Facilities Special Tax from Step 1 by the current Maximum Annual Facilities Special Tax Revenues.

Step 3. Multiply the quotient computed in Step 2 by the percentage of the Maximum Annual Facilities Special Tax that the property owner wants to prepay, which percentage shall not exceed 75%.

Step 4. Multiply the quotient computed pursuant to Step 3 by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid (*the "**Bond Redemption Amount**"*).

Step 5. Compute the current Remaining Facilities Costs (if any).

Step 6. Multiply the quotient computed pursuant to Step 3 by the amount determined pursuant to Step 5 to compute the amount of Remaining Facilities Costs to be prepaid (*the "**Remaining Facilities Amount**"*).

Step 7. Multiply the Bond Redemption Amount computed pursuant to Step 4 by the applicable redemption premium, if any, on the Outstanding Bonds to be redeemed (*the "**Redemption Premium"***).

Step 8. Compute the amount needed to pay interest on the Bond Redemption Amount starting with the first Bond interest payment date after which the prepayment will be received until the earliest redemption date for the Outstanding Bonds. However, if Bonds are callable at the first interest payment date after the prepayment has been received, Steps 8, 9, and 10 of this prepayment formula will not apply.

Step 9: Compute the amount of interest the City reasonably expects to derive from reinvestment of the Bond Redemption Amount plus the Redemption Premium from the first Bond interest payment date after which the prepayment has been received until the redemption date for the Outstanding Bonds.

Step 10: Subtract the amount computed pursuant to Step 9 from the amount computed pursuant to Step 8 (the ***"Defeasance Requirement"***).

Step 11. The administrative fees and expenses associated with the prepayment will be determined by the Administrator and include the costs of computing the prepayment, redeeming Bonds, and recording any notices to evidence the prepayment and the redemption (the *"**Administrative Fees and Expenses"***).

Step 12. If and to the extent so provided in the Bond Indenture, a reserve fund creditshall be calculated as a reduction in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (the "***Reserve Fund Credit"***).

Step 13. The Facilities Special Tax prepayment is equal to the sum of the amounts computed pursuant to Steps 4, 6, 7, 10, and 11, less the amount computed pursuant to Step 12 (the *"**Prepayment Amount"***).

Step 14. From the Prepayment Amount, the amounts computed pursuant to Steps 4,7, and 10 shall be deposited into the appropriate fund as established under the Indenture and be used to retire Outstanding Bonds or make debt service payments. The amount computed pursuant to Step 6 shall be deposited into the Improvement Fund. The amount computed pursuant to Step 11 shall be retained in the account or fund that is established to pay Administrative Expenses.

Once a partial prepayment has been received, an Amendment to Notice of Facilities Special Tax Lien shall be recorded against the Parcel to reflect the reduced Facilities Special Tax lien for the Parcel, which shall be equal to the portion of the Maximum Annual Facilities Special Tax that wasnot prepaid, and the Administrator shall update **Attachment 2** to show the revised Expected Maximum Annual Facilities Special Tax Revenues. However, an Amendment to Notice of Facilities Special Tax Lien shall not be recorded until all Special Taxes levied on the Parcel in the current or prior Fiscal Years have been collected.

If an owner that has partially prepaid the Annual Facilities Special Tax obligation assigned to a Parcel subsequently rezones the Parcel to a Land Use Class that has a higher Per-Acre Annual Facilities Special Tax, the City may, in its sole discretion and as a condition of approval of the rezoning, collect the additional Annual Facilities Special Tax prepayment that would have applied had the Parcel been rezoned at the time of the original partial prepayment for the Parcel.

Notwithstanding the foregoing, if at any point in time the Administrator determines that the Maximum Annual Facilities Special Tax Revenue that can be collected from Taxable Property that remains subject to the Annual Facilities Special Tax after the proposed prepayment is less than the Required Coverage on Bonds that will remain outstanding after defeasance or redemption of Bonds from proceeds of the estimated prepayment, the amount of the prepayment shall be increased until the amount of Bonds defeased or redeemed is sufficient to reduce remaining annual debt service to a point at which Required Coverage is maintained.

J. INTERPRETATION OF SPECIAL TAX FORMULA

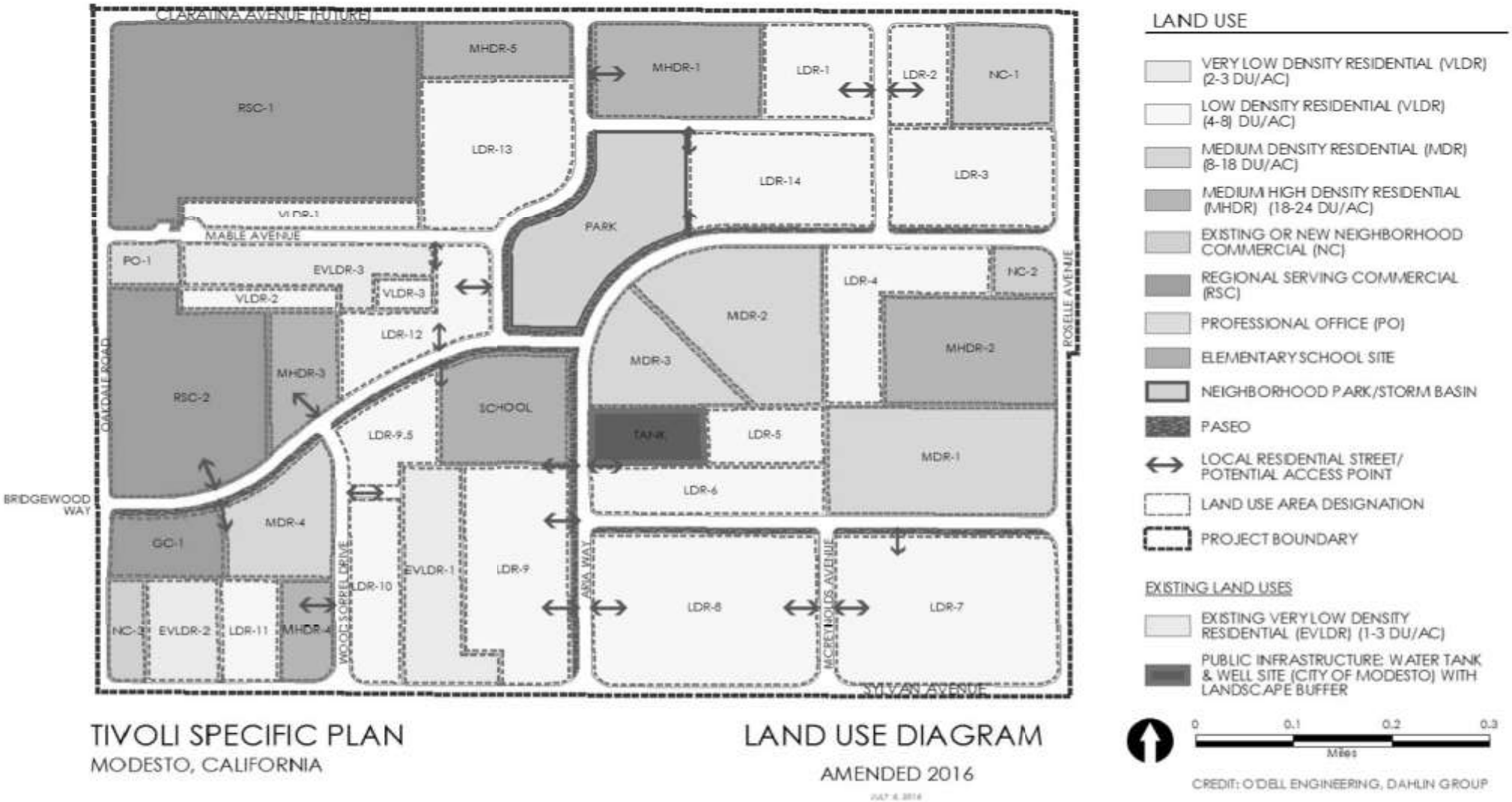
The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the rates or method of apportioning Special Taxes. In addition, theinterpretation and application of any section of this document shall be left to the City's discretion.Interpretations may be made by the City by ordinance or resolution for purposes of clarifying anyvagueness or ambiguity in this RMA.

ATTACHMENT 1

IMPROVEMENT AREA NO. 1 OF THE
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-1(TIVOLI)

Tivoli Specific Plan
Land Use Diagram

EXHIBIT 3.1 - LAND USE DIAGRAN (LUD)



LAND USE

- VERY LOW DENSITY RESIDENTIAL (VLDR) (2-3 DU/AC)
- LOW DENSITY RESIDENTIAL (VLDR) (4-8) DU/AC)
- MEDIUM DENSITY RESIDENTIAL (MDR) (8-18 DU/AC)
- MEDIUM HIGH DENSITY RESIDENTIAL (MHDR) (18-24 DU/AC)
- EXISTING OR NEW NEIGHBORHOOD COMMERCIAL (NC)
- REGIONAL SERVING COMMERCIAL (RSC)
- PROFESSIONAL OFFICE (PO)
- ELEMENTARY SCHOOL SITE
- NEIGHBORHOOD PARK/STORM BASIN
- PASEO
- LOCAL RESIDENTIAL STREET/ POTENTIAL ACCESS POINT
- LAND USE AREA DESIGNATION
- PROJECT BOUNDARY

EXISTING LAND USES

- EXISTING VERY LOW DENSITY RESIDENTIAL (EVLDR) (1-3 DU/AC)
- PUBLIC INFRASTRUCTURE: WATER TANK & WELL SITE (CITY OF MODESTO) WITH LANDSCAPE BUFFER

0 0.1 0.2 0.3
Miles

CREDIT: O'DELL ENGINEERING, DAHLIN GROUP

TIVOLI SPECIFIC PLAN
MODESTO, CALIFORNIA

LAND USE DIAGRAM
AMENDED 2016

JULY 6, 2016

ATTACHMENT 2 IMPROVEMENT AREA

NO. 1 OF THE
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-1(TIVOLI)

Maximum Special Taxes Assigned to Expected Land Uses Within Each Original Parcel Prior to the Transition Year

Event Adding Parcel to CFD	Assessor's Parcel Number	Expected Land Use /1	Expected Net Taxable Acreage	Maximum One-Time Facilities Special Tax (FY 2024-25) /2	Maximum Annual Facilities Special Tax (FY 2024-25) /2	Maximum Annual Maintenance Special Tax (FY 2024-25) /2
CFD Formation	083-004-059-000	MDR	4.50	$450,000	$61,761	$23,247
CFD Formation	083-004-060-000	MDR	4.78	$478,000	$65,604	$24,693
CFD Formation	083-004-068-000	LDR	35.89	$3,589,000	$368,244	$185,408

1. VLDR = Very Low Density Residential, LDR = Low Density Residential, MDR = Medium Density Residential, MHDR = Medium High Density Residential, and NR = Non-Residential

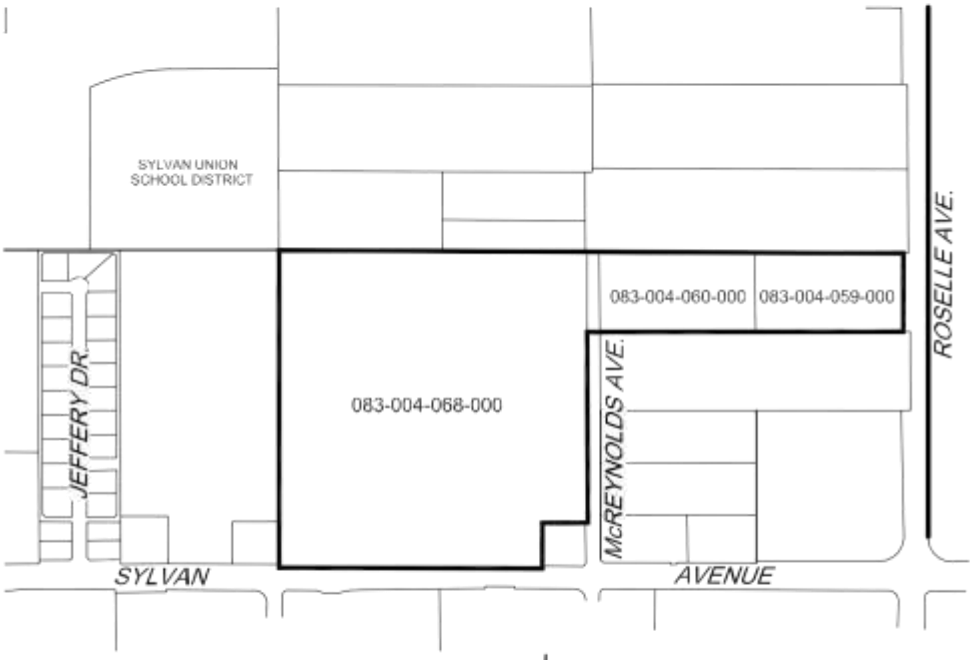
2. The Maximum Special Taxes set forth above shall be adjusted pursuant to Section D of the RMA.

ATTACHMENT 3

IMPROVEMENT AREA NO. 1 OF THE
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-1(TIVOLI)

Original Parcels in Improvement Area No. 1

ATTACHMENT 3
ORIGINAL PARCELS IN CFD
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-1
(TIVOLI)



NTS

LEGEND

———	ASSESSOR'S PARCEL LOT LINE
083-003-017-000	ASSESSORS PARCEL NUMBER
▬▬▬	COMMUNITY FACILITIES DISTRICT NO. 2024-1 AND IMPROVEMENT AREA NO. 1

GCG
GOODWIN CONSULTING GROUP

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-265

RESOLUTION APPROVING A TENTH AMENDMENT TO THE PROFESSIONAL DESIGN SERVICES AGREEMENT FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY - PHASE 1 PROJECT WITH DOKKEN ENGINEERING, INCREASING THE AGREEMENT BY $35,000 TO A NEW TOTAL AMOUNT NOT TO EXCEED $9,571,933

WHEREAS, on May 2, 2017, by Resolution No. 2017-174, the City 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, the City Council approved a First Amendment to the agreement with Dokken Engineering 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, the City 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, the City 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 December 8, 2020, by Resolution No. 2020-504, the City Council approved a Fourth Amendment to the agreement with Dokken Engineering in the amount of $304,270, for a total contract amount of $9,155,998; and

WHEREAS, on April 5, 2022, by Resolution No. 2022-147, the City Council approved a Fifth Amendment to the agreement with Dokken Engineering in the amount of $89,227, for a total contract amount of $9,245,225; and

WHEREAS, on August 23, 2022, by Resolution No. 2022-349, the City Council approved a Sixth Amendment to the agreement with Dokken Engineering in the amount of $154,858, for a total contract amount of $9,400,083; and

WHEREAS, on March 14, 2023, by Resolution No. 2023-105, the City Council approved a Seventh Amendment to the agreement with Dokken Engineering in the amount of $98,948, for a total contract amount of $9,499,031; and

WHEREAS, on October 24, 2023, by Resolution No. 2023-461, the City Council approved an Eighth Amendment to the agreement with Dokken Engineering in the amount of $37,902, for a total contract amount of $9,536,933; and

WHEREAS, on May 15, 2024, the City requested a Ninth Amendment to the agreement to extend the agreement through August 1, 2025; and

WHEREAS, Dokken Engineering has provided construction support throughout the construction of the State Route 132 project; and

WHEREAS, the project is now complete and open to traffic; and

WHEREAS, on June 24, 2025, by Resolution No. 2025-226, Council accepted the construction project as complete; and

WHEREAS, on May 12, 2025, Dokken Engineering submitted to the City a budget augmentation in the amount of $35,000, for a total contract amount of $9,571,933; and

WHEREAS, the purpose of a requested Tenth Amendment to Dokken Engineering is to support the City during the right of way and relinquishment closeout process of the project; and

WHEREAS, there are multiple parcels that the City acquired for the project which must be transferred over either to Caltrans or Stanislaus County; and

WHEREAS, this process requires mapping, surveying, and other engineering services best handled by the designer of record.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Tenth Amendment to the Agreement for the State Route 132 West Freeway/Expressway - Phase 1 Project with Dokken Engineering increasing the Agreement amount by $35,000, from $9,536,933 to a new total amount not to exceed $9,571,933.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute the Tenth 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 22nd day of July, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-266

RESOLUTION APPROVING A COST SHARING AGREEMENT WITH THE COUNTY OF STANISLAUS REGARDING REIMBURSEMENT OF COSTS RELATED TO THE CONSTRUCTION OF URBAN POCKET AREA 9 – COLORADO-ROUSE PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Stanislaus County has been addressing long-standing infrastructure needs in unincorporated, developed neighborhoods within the County, particularly those in underserved "Urban Pocket" areas; and

WHEREAS, in 2021, the Stanislaus County Board of Supervisors approved the strategic priorities for the use of American Rescue Plan Act (ARPA) funds, specifically targeting infrastructure improvements in these unincorporated, developed neighborhoods; and

WHEREAS, as part of the Stanislaus County Urban Pockets Infrastructure Improvement Project, the Colorado-Rouse neighborhood (Area 9) has been selected for infrastructure improvements; and

WHEREAS, the County has retained a professional engineering firm to design the infrastructure improvements, and will serve as the lead agency for the project; and

WHEREAS, the City of Modesto has received a one-time allocation of $5,000,000 from the State General Fund through State Earmark Funds, which is designated for infrastructure improvements in County pocket areas located within the City limits; and

WHEREAS, the City of Modesto entered into a fund transfer agreement with the California Department of Transportation on June 23, 2022, under Project ID PLBPL-

5059(257) and Advantage ID 1022000266, to secure this funding for infrastructure improvements; and

WHEREAS, the City of Modesto and Stanislaus County have agreed upon terms for the reimbursement of up to $5,000,000 for eligible infrastructure improvements upon completion of the project by the County; and

WHEREAS, Stanislaus County will be responsible for the management, construction, and funding of the project, while the City of Modesto will reimburse the County for eligible improvements, up to a maximum of $5,000,000, once the improvements are completed; and

WHEREAS, the project will contribute to the safety, health, aesthetics, and quality of life for the residents of the County pocket areas, and aligns with the City of Modesto's goals of improving urban infrastructure and ensuring equitable development across all neighborhoods.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Cost Sharing Agreement with the County of Stanislaus regarding reimbursement of costs related to the construction of Urban Pocket Area 9 – Colorado-Rouse Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is 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 22nd day of July, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-267

RESOLUTION APPROVING THE FINAL MAP FOR TIVOLI ARCADIA UNIT 1 SUBDIVISION, APPROVING THE SUBDIVISION IMPROVEMENT AGREEMENT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT WITH KB HOME NORTH BAY, AND AUTHORIZE THE CITY CLERK TO CERTIFY THE FINAL MAP AND RECORD WITH THE STANISLAUS COUNTY RECORDER'S OFFICE

WHEREAS, the Tivoli Specific Plan was adopted by the City Council on February 28, 2008 by the Ordinance No. 3479-C.S.; and

WHEREAS, KB Home North Bay, a Delaware Limited Liability Company ("SUBDIVIDER"), is in possession of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 18.74 acres, known as the TIVOLI ARCADIA UNIT 1 SUBDIVISION ("SUBDIVISION"), in the Tivoli Specific Plan Area; and

WHEREAS, a tentative subdivision map of Tivoli Arcadia Unit 1 Subdivision (TSM22-001) was approved by the City of Modesto Planning Commission on October 3, 2022, with conditions of approval as noted in Planning Commission Resolution Number 2022-28; and

WHEREAS, the public improvements required by the Planning Commission conditions of approval have not been completed; and

WHEREAS, as required by Section 66462 of the California Subdivision Map Act and Section 4-4.605 of the Modesto Municipal Code by previous action, subdivision improvement agreement between the City and SUBDIVIDER; and

WHEREAS, following the council approval on July 22, 2025, SUBDIVISON will be annexed into the City of Modesto Community Facilities District No. 2024-1 (Tivoli); 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 tentative subdivision map; 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 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 it hereby approves the Final Map Tivoli Arcadia Unit 1 Subdivision, approving the Subdivision Improvement Agreement and authorizing the City Manager, or his designee, to execute the Agreement with KB Home North Bay LLC; 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 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 July, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-268

RESOLUTION APPROVING THE FINAL MAP FOR TIVOLI SNOW SUBDIVISION, APPROVING THE SUBDIVISION IMPROVEMENT AGREEMENT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT WITH KB HOME NORTH BAY LLC AND AUTHORIZE THE CITY CLERK TO CERTIFY THE FINAL MAP AND RECORD WITH THE STANISLAUS COUNTY RECORDER'S OFFICE

WHEREAS, the Tivoli Specific Plan was adopted by the City Council on February 28, 2008 by the Ordinance No. 3479-C.S.; and

WHEREAS, KB Home North Bay LLC, a Delaware Limited Liability Company ("SUBDIVIDER"), is in possession of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 38.91 acres, known as the TIVOLI SNOW SUBDIVISION ("SUBDIVISION"), in the Tivoli Specific Plan Area; and

WHEREAS, a tentative subdivision map of Tivoli Snow Subdivision (TSM21-005) was approved by the City of Modesto Planning Commission on March 21, 2022, with conditions of approval as noted in Planning Commission Resolution Number 2022-11; and

WHEREAS, the public improvements required by the Planning Commission conditions of approval have not been completed; and

WHEREAS, as required by Section 66462 of the California Subdivision Map Act and Section 4-4.605 of the Modesto Municipal Code by previous action, a subdivision improvement agreement between the City and SUBDIVIDER; and

WHEREAS, following a public hearing and special election on September 24, 2024, by Resolution 2024-279, Council approved the annexation of SUBDIVISON into the City of Modesto Community Facilities District No. 2024-1 (Tivoli); 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 tentative subdivision map; 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 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 it hereby approves the Final Map Tivoli Snow Subdivision, approving the Subdivision Improvement Agreement and authorizing the City Manager, or his designee, to execute the Agreement with KB Home North Bay LLC; 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 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 July, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-269

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL TO RAVO HOLDING BV, DBA FAYAT ENVIRONMENTAL SOLUTIONS AMERICAS SCHWARZE INDUSTRIES, INC., FAIRFIELD, NJ UNDER THE AUTHORIZED DEALER, MUNICIPAL MAINTENANCE EQUIPMENT, SACRAMENTO, CA FOR THE PURCHASE OF ONE (1) RAVO 5-ISERIES COMPACT SWEEPER FOR AN AMOUNT NOT TO EXCEED $318,346; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, the Public Works Fleet Division provides the maintenance for all City vehicles and equipment; and

WHEREAS, new vehicles need to be added to the City's Fleet inventory due to the operational needs of City departments and when these vehicles are added to the fleet, they are also added to the Fleet Replacement list to prepare for future replacement; and

WHEREAS, on December 16, 2024, the City Manager authorized the Purchasing Manager to solicit the procurement for a Ravo R5-iSeries Compact Pure Vacuum Street Sweeper; and

WHEREAS, on August 12, 2021, Sourcewell solicited a bid for the State of Minnesota local government unit and service cooperative issued Request for Proposal #093021 for Street Sweepers and Specialty Sweepers, with Related Equipment, Accessories and Supplies on the Sourcewell Procurement Portal and New York State Contract Reporter website, Daily Journal of Commerce (DJC), Oregon and Alberta Purchasing Connection (APC); and

WHEREAS, on September 30, 2021, proposals were opened at the Sourcewell Procurement Portal, 22 proposals were received, and the proposals were based on the Sourcewell intent to award to one or more contract to highest scored proposers offering the best overall quality, selection of equipment, products, and services and price; and

WHEREAS, eight (8) contracts were awarded for this commodity which includes RAVO Holding BV, dba Fayat Environmental Solutions Americas Schwarze Industries, Inc as the manufacturer but procured through the dealer Municipal Maintenance Equipment (MME); and

WHEREAS, based on the ranking of the proposals offering the Underground Infrastructure Inspection and Rehabilitation Equipment, City staff recommends awarding to Municipal Maintenance Equipment (MME) to purchase one (1) Ravo R5-iSeries Compact Sweeper for $318,346; and

WHEREAS, Sourcewell is a cooperative agreement to streamline the procurement process by developing Request for Proposals (RFP)'s for national competitive solicitations that meet or exceed local requirements; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $100,000 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 a procurement for the City at the lowest possible cost commensurate with the desired quality."; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; and

WHEREAS, by utilizing the Sourcewell bidding process, the City is complying with the requirements defined under this code for the purchase of one (1) Ravo R5-iSeries Compact Sweeper.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Competitive Bidding Process from Sourcewell to RAVO Holding BV, dba Fayat Environmental Solutions Americas Schwarze Industries, Inc., Fairfield, NJ under the authorized dealer, Municipal Maintenance Equipment, Sacramento, CA for the purchase of one (1) Ravo 5-iSeries Compact Sweeper for an amount not to exceed $318,346.

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

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-270

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL TO CATERPILLAR INC., DEERFIELD, IL, UNDER THE AUTHORIZED DEALER, HOLT OF CA, SALIDA, CA FOR THE PURCHASE OF ONE (1) BOOM LIFT GENIE TRUCK FOR AN AMOUNT NOT TO EXCEED $181,500; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, the Public Works Fleet Division provides the maintenance for all City vehicles and equipment; and

WHEREAS, new vehicles need to be added to the City's Fleet inventory due to the operational needs of City departments and when these vehicles are added to the fleet, they are also added to the Fleet Replacement list to prepare for future replacement; and

WHEREAS, on October 23, 2024, the City Manager authorized the Purchasing Manager to solicit the procurement for one (1) Boom Lift Genie Truck; and

WHEREAS, on April 30, 2020, Sourcewell solicited a bid for the State of Minnesota local government unit and service cooperative issued Request for Proposal #062320 for Equipment Rental with Related Services on the Sourcewell Procurement Portal and New York State Contract Reporter website, DJC Oregon, The New York State Contract Reporter, APC and The State Media Company; and

WHEREAS, on June 23, 2020, proposals were opened at the Sourcewell Procurement Portal, 18 proposals were received, and the proposals were based on the Sourcewell intent to award to one or more contract to highest scored proposers offering the best overall quality, selection of equipment, products, and services and price; and

WHEREAS, four (4) contracts were awarded for this commodity which includes Caterpillar Inc as the manufacturer but procured through the dealer Holt of California; and

WHEREAS, based on the ranking of the proposals offering the Equipment Rental with Related Services, City staff recommends awarding to Holt of California (CA) to purchase one (1) Boom Lift Genie Truck in the amount of $181,500; and

WHEREAS, Sourcewell is a cooperative agreement to streamline the procurement process by developing Request for Proposals (RFP)'s for national competitive solicitations that meet or exceed local requirements; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $100,000 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 a procurement for the City at the lowest possible cost commensurate with the desired quality."; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; and

WHEREAS, by utilizing the Sourcewell bidding process, the City is complying with the requirements defined under this code for the purchase of one (1) Boom Lift Genie Truck.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Competitive Bidding Process from Sourcewell to Caterpillar Inc., Deerfield, IL under the authorized dealer, Holt of CA, Salida, CA for the purchase of one (1) Boom Lift Genie Truck for an amount not to exceed $181,500.

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

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-271

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL TO RUSH ENTERPRISES DBA RUSH TRUCK CENTERS OF NEW BRAUNFELS, TX, UNDER THE AUTHORIZED DEALER, RUSH MEDIUM-DUTY TRUCK CENTERS OF CALIFORNIA INC. DBA RUSH TRUCK CENTERS, CERES, CA FOR THE PURCHASE OF ONE (1) FORD F-550 TRUCK FOR AN AMOUNT NOT TO EXCEED $103,639; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, the Public Works Fleet Division provides the maintenance for all City vehicles and equipment; and

WHEREAS, new vehicles need to be added to the City's Fleet inventory due to the operational needs of City departments and when these vehicles are added to the fleet, they are also added to the Fleet Replacement list to prepare for future replacement; and

WHEREAS, on February 14, 2023, the City Manager authorized the Purchasing Manager to solicit the procurement for a 2024 Ford F-550 truck; and

WHEREAS, on February 8, 2024, Sourcewell solicited a bid for the State of Minnesota local government unit and service cooperative issued Request for Proposal #032824 for Class 4-8 Chassis and Cabs with Related Equipment, Accessories, and Services on the Sourcewell Procurement Portal and New York State Contract Reporter website, DJC Oregon and McClatchy; and

WHEREAS, on March 28, 2024, proposals were opened at the Sourcewell Procurement Portal, 35 proposals were received, and the proposals were based on the Sourcewell intent to award to one or more contract to highest scored proposers offering the best overall quality, selection of equipment, products, and services and price; and

WHEREAS, 17 contracts were awarded for this commodity which includes Rush Truck Center of Texas as the Dealer but procured through various Rush Truck Centers throughout United States of America; and

WHEREAS, based on the ranking of the proposals offering the Class 4-8 Chassis and Cabs with Related Equipment, Accessories, and Services, City staff recommends awarding to Rush Truck Centers, Ceres, CA to purchase one (1) 2024 Ford F550 Truck in the amount of $103,639; and

WHEREAS, Sourcewell is a cooperative agreement to streamline the procurement process by developing Request for Proposals (RFP)'s for national competitive solicitations that meet or exceed local requirements; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $100,000 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 a procurement for the City at the lowest possible cost commensurate with the desired quality."; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; and

WHEREAS, by utilizing the Sourcewell bidding process, the City is complying with the requirements defined under this code for the purchase of one (1) 2024 Ford F550 Truck.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Competitive Bidding Process from Sourcewell to Rush Enterprises dba Rush Truck Centers of New Braunfels, TX under the authorized dealer, Rush Medium-Duty Truck Centers of California Inc. dba Rush Truck Centers, Ceres, CA for the purchase of one (1) Ford F-550 Truck for an amount not to exceed $103,639.

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

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-272

RESOLUTION APPROVING THE AGREEMENT WITH RINGCENTRAL, INC., BELMONT, CA, BY UTILIZING THE COMPETITIVE BID PROCESS FROM REGION 4 ESC IN PARTNERSHIP WITH OMNIA PARTNERS, FOR ANNUAL TELECOMMUNICATION SERVICES, FOR A THREE-YEAR AGREEMENT WITH TWO ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF $411,667 AND A TOTAL AMOUNT NOT TO EXCEED $2,058,335 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto has identified the need to modernize and replace the existing on-premise phone systems; and

WHEREAS, the current phone system supports approximately 1500 phone numbers and is only available from City locations; and

WHEREAS, City staff evaluated both on-premise and hosted Voice over Internet Protocol (VoIP) solutions and made the determination that a hosted VoIP solution would best meet the needs of the City; and

WHEREAS, City staff evaluated five hosted VoIP solutions and made the determination that RingCentral would be meet the needs of the City; and

WHEREAS, RingCentral would be able to provide the required and telecommunications services and an AI powered contact center solution that would be able to integrate with other city systems; and

WHEREAS, the proposed agreement includes a one-time hardware and implementation cost of $ 240,015 in the first year, plus $363,664 annually for services in years one through five, for a total contract value not to exceed $ 2,058,335; and

WHEREAS, funding for this agreement will be provided through the Information Technology Fund and is available in the Fiscal Year 2024-25 operating budget and proposed FY 2025-26, 2026-27, 2027-28, and 2028-29 budgets; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $100,000 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 a procurement for the City at the lowest possible cost commensurate with the desired quality." In addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with RingCentral, Inc., Belmont, CA, by utilizing the Competitive Bid Process from Region 4 ESC in partnership with OMNIA Partners, for Annual Telecommunication Services, for a three-year Agreement with two one-year extension options, for annual estimated amount of $411,667, and a total amount of $2,058,335 not to exceed 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 July, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-273

RESOLUTION APPROVING THE FIRST AMENDMENT WITH MATHER AVIATION, LLC, FOR AIRCRAFT MAINTENANCE AND REPAIR SERVICES INCREASING THE AGREEMENT AMOUNT BY $427,776, TO A NEW ESTIMATED ANNUAL AMOUNT OF $195,848, A NEW TOTAL AMOUNT NOT TO EXCEED $587,544 THROUGH THE TERM OF THE AGREEMENT AND EXTENDING THE TERM OF THE AGREEMENT FROM SEPTEMBER 30, 2026, TO SEPTEMBER 30, 2027; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, on February 28, 2023, by Resolution No. 2023-87, Council approved the purchase of a Gipps Aero GA8 for use by the Modesto Police Department (MPD) to establish its Air Support Unit; and

WHERAS, the Gipps Aero GA8, now known as Sky 1, was delivered to the MPD on March 31, 2023; and

WHEREAS, aircraft maintenance is necessary to keep the aircraft in a state of airworthiness, for the safety of the crew and everyone in the service area; and

WHEREAS, aircraft maintenance is a highly regulated field requiring both scheduled and preventative servicing, inspection, testing, repair and overhaul or modification activities by certified maintenance technicians; and

WHEREAS, with only 250 units built and sold within the United States, the Gipps Aero GA8 is a commonly used surveillance platform for law enforcement by providing a level of service to the overall success of crime fighting efforts, enhancing officer and public safety, and reducing the incidence of crime; and

WHEREAS, on October 24, 2023, by Resolution No. 2023-470, the City Council approved a purchase order with Mather Aviation, LLC (Mather), Mather, CA for aircraft maintenance services for a total amount not to exceed $90,228; and

WHEREAS, on September 12, 2024, by Resolution No. 2024-372, the City Council approved an Agreement with Mather Aviation, LLC, Mather, California, for Aircraft Maintenance and Repair Services for a Two (2)-Year Agreement, for an estimated annual amount of $87,072, and a total amount not to exceed $159,768; and

WHEREAS, with a full year of operational data now available, and a desire to have the aircraft in the air as much as possible, MPD has a clearer understanding of its ongoing projected flight hours and associated maintenance/repair costs. Due to the increase in logged engine hours, it is necessary to raise the number of inspection cycles from five (5) to eight (8) to meet FAA service requirements. This adjustment will ensure the aircraft can be operated regularly throughout each full 12-month period; and

WHEREAS, MPD's increase in flight/patrol hours has also increased normal wear on the flight components for the aircraft, to include engine and electronic components; and

WHEREAS, after analyzing the costs associated with inspections, parts purchases and replacements, MPD is requesting an increase to years one (1) and two (2) of the current Council approved agreement with Mather Aviation, LLC., and extending their service contract for an additional 12 months; and

WHEREAS, Modesto Municipal Code (MMC) Section 8-203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) "Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in

order to increase efficiency and avoid delays or disruptions to City projects or services." Our current agreement with Mather needs to be amended to include additional funding to cover unexpected inspections and repairs and to extend an additional year.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto approves the First Amendment with Mather Aviation, LLC, for Aircraft Maintenance and Repair Services increasing the Agreement amount by $427,776, to a new estimated annual amount of $195,848, a new total amount not to exceed $587,544 through the term of the Agreement and extending the term of the Agreement from September 30, 2026, to September 30, 2027.

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 22nd day of July, 2025, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-274

RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING WITH STANISLAUS COUNTY FOR REGIONAL SOLID WASTE DISPOSAL AT FINK ROAD LANDFILL, WITH THE TERM ENDING ON JUNE 30, 2035, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Fink Road Landfill is owned and operated by Stanislaus County (County). The County's solid waste management system includes the Fink Road Landfill and the Household Hazardous Waste (HHW) facility; and

WHEREAS, these facilities are part of the state mandates to provide disposal capacity, solid waste management planning, and waste diversion as required by the California Integrated Waste Management Act of 1989, Assembly Bill 939 (AB-939); and

WHEREAS, in order to support each of these components of the County's solid waste management system, participation in the Fink Road Landfill is critical because tipping fees not only fund these current operations, they also fund the ongoing closure and corrective action activities associated with the Geer Road Landfill; and

WHEREAS, on August 23, 1994, by Resolution No. 94-551 the County and the City entered into a Memorandum of Understanding (MOU) and on June 10, 1997, by Resolution No. 97-334, the City and the County executed Amendment No. 1 to the AB-939 MOU; and

WHEREAS, on June 23, 2015, by Resolution No. 2015-211 the City and the County executed Amendment No. 2 to the AB-939 MOU, extending the City's obligation to pay their proportional share of the costs for disposal-based reporting services provided by the County pursuant to AB-939 indefinitely; and

WHEREAS, the City and County were partners in the Waste to Energy (WTE)

Facility and jointly set tip fees at the WTE Facility. On January 23, 1990, by Resolution No. 90-60, the City and the County Operated as a Joint Powers Authority; and

WHEREAS, the service agreement with WTE was terminated on November 5, 2024, and the operations at the WTE Facility ceased on December 2, 2024, resulting in the need for the Fink Road Landfill to receive an increased portion of the countywide acceptable solid waste; and

WHEREAS, the term of this agreement shall be for ten years, ending on June 30, 2035. Either party may, by written notice no later than January 1, 2030, request the term be reevaluated; and

WHEREAS, the City, in cooperation with its solid waste franchise haulers, agrees to annually deliver to the Fink Road Landfill no less than the committed 90% of solid waste. Solid waste includes the garbage collected from the City's residential, commercial, and industrial accounts and the Compost Facility residual waste; and

WHEREAS, the MOU between the City and the County establishes the Total Disposal Rate per ton of solid waste received at the Fink Road Landfill. The Total Disposal Rate means the sum of the tip fee normally charged at the Fink Road Landfill, in addition to any applicable program fees for Household Hazardous Waste and AB-939 related programs; and

WHEREAS, the Total Disposal Rate for Fiscal Year 2025/2026 is $43.38 per ton. Total Disposal Rate to be adjusted annually, effective July 1 each year, by agreed upon CPI. Consumer Price Index, Urban Wage Earners and Clerical Workers, All Items, West – Size Class B/C, (December 1996 = 100, not seasonally adjusted – Series ID CWURN400SA0). The annual adjustment shall not exceed five percent (5%) per annum

without express written agreement from both parties.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Memorandum of Understanding between the City of Modesto and Stanislaus County for regional solid waste disposal at Fink Road Landfill.

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 July, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-275

RESOLUTION APPROVING THE SOLE SOURCE PROCUREMENT OF A CATERPILLAR C27 TIER 4 ENGINE, OR EQUIVALENT ENGINE MEETING AIR BOARD REGULATIONS, TO HOLT OF CALIFORNIA, SACRAMENTO, CA FOR AN AMOUNT NOT TO EXCEED $271,720 INCLUDING A 15% CONTINGENCY FOR THE REPOWER OF THE COMPOST DIAMOND Z DZH5000 HORIZONTAL, AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER

WHEREAS, on August 21, 2003, the Air Board initially adopted Rule 4702 – Internal Combustion Engines, which required different engine certification upgrades for internal combustion engines by certain due dates; and

WHEREAS, on April 24, 2007, by Resolution 2007-250, Council approved the sole source purchase, directly from the manufacturer of a Diamond DZH 5000 Horizontal Wood Grinder equipped with a 1050 horsepower Caterpillar C27 Tier 2 diesel powered engine, for a total cost of $602,779, to enable the Compost Facility to grind and process approximately 80,000 tons of green waste, wood waste, and food waste annually from our residential, commercial, and forestry/green waste programs. The grinder's engine and usage are permitted and regulated through the San Joaquin Valley Air Pollution Control District (SJVAPCD); and

WHEREAS, on September 4, 2018, by Resolution 2018-367, Council approved the replacement of the original engine to meet air quality regulations for a total cost of $288,543. This action authorized the replacement of the engine with a Caterpillar manufactured engine meeting California's Tier 4 air quality regulations; and

WHEREAS, on January 16, 2025, the Fleet Services Division mobile mechanic received notification the grinder shut down during operations. Upon evaluating the grinder, it was determined a major coolant leak and hydraulic leak originating through the

crank-side hydraulic pump occurred. The engine was excessively hot and showed visual evidence of damaged components, melted sensors and discoloration of engine components. The engine failed to restart, and it was determined further analysis was required. Subsequently all drive components, hoses, and belts were disconnected, and the engine has been verified by staff as seized and no longer salvageable. Staff also requested support from the Cummins Engine local distributor, Holt of California, to examine the engine for recommendations based on engine malfunction; and

WHEREAS, staff and the manufacturer are to purchase a "long block" replacement engine, that meets air quality regulations and exchange the engine in the grinder with a replacement engine to restore grinder operations. This would include a 5-year warranty as well as enhanced safety features to warn operators of operating parameters exceeding limits, established through the computer controls. The manufacturer working with the City has offered a ten percent discount in costs due to the relationship between the dealership and the City; and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services 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. Here, Holt of California is the original equipment manufacturer (OEM) only authorized dealer for Caterpillar machines, parts, and service within our territory. Therefore, Staff recommends the purchase of the replacement engine, installation, and start-up for the Compost Grinder of this Agreement to Holt of California should be exempt from the

formal bidding procedures in accordance with MMC section 8-3.204(b) since Holt of California is the OEM Sole Provider of the replacement engine and replacement parts; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Sole Source Procurement of a Caterpillar C27 Tier 4 Engine, or equivalent engine meeting Air Board regulations, to Holt of California, Sacramento, CA for an amount not to exceed $271,720 including a 15% contingency for the repower of the Compost Diamond Z DZH5000 Horizontal.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to issue the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 2025, by Vice-Mayor Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-276

RESOLUTION APPROVING AN ENGINEERING SERVICES AGREEMENT WITH WEST YOST ASSOCIATES, OF DAVIS, CA FOR THE SALIDA COMMUNITY PLAN WATER SUPPLY ASSESSMENT AND WATER SYSTEM EVALUATION IN THE AMOUNT OF $93,100, PLUS $9,310 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL AGREEMENT AMOUNT NOT TO EXCEED $102,410 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Salida water service area was acquired from Del Este Water Company in 1995 as part of the overall acquisition of Del Este's water system, where the City now operates and maintains eight potable water wells; and

WHEREAS, the Salida Community Plan (SCP) includes planning and guidance for the development of approximately 4,600 acres of land in the Salida area, which includes the existing community of Salida (Existing Plan Area), as well as approximately 3,380 acres of planned future development (Amendment Area); and

WHEREAS, Stanislaus County (County) has initiated the preparation of a Programmatic Environmental Impact Report (PEIR) per the requirements of the California Environmental Quality Act (CEQA) and California Water Code guidelines to analyze the potential impact of the SCP on the sufficiency of water supplies, among other considerations; and

WHEREAS, the County has formally requested that the City, as the most appropriate water purveyor for the SCP Amendment Area, evaluate its capacity to service the SCP Amendment Area in collaboration with their PEIR Consultant and their associated Subconsultants; and

WHEREAS, at the County's direction, West Yost Associates (West Yost), a member of their PEIR Consultant team, provided Staff with a scope of work for the Water Supply Assessment and Water System Evaluation; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to follow formal bid procedures; and

WHEREAS, exceptions to the formal bidding process are granted in Modesto Municipal Code Section 8-3.204(d) "Where the Purchasing Manager, in his or her discretion, determiners 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, West Yost is uniquely qualified to perform this task in that they house and oversee the City's hydraulic model; A digital replica of the City's water system infrastructure that Staff utilizes through the professional services provided by West Yost to run simulations to predict potential issues and evaluate proposed solutions system wide; and

WHEREAS, Staff recommends entering into an Engineering Services Agreement with West Yost for the preparation of the Salida Community Plan Water Supply Assessment and Water System Evaluation.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Engineering Services Agreement with West Yost for the preparation of the Salida Community Plan Water Supply Assessment and Water System

Evaluation in the amount of $93,100, plus $9,310 in additional services, if needed, for a total amount not to exceed $102,410.

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 July, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-277

RESOLUTION APPROVING ENTERING INTO A MEMORANDUM OF UNDERSTANDING WITH STANISLAUS COUNTY REGARDING REIMBURSEMENT OF COSTS RELATED TO THE SALIDA COMMUNITY PLAN WATER SUPPLY ASSESSMENT AND WATER SYSTEM EVALUATION AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Salida water service area was acquired from Del Este Water Company in 1995 as part of the overall acquisition of Del Este's water system, where the City now operates and maintains eight potable water wells; and

WHEREAS, the Salida Community Plan (SCP) includes planning and guidance for the development of approximately 4,600 acres of land in the Salida area, which includes the existing community of Salida (Existing Plan Area), as well as approximately 3,380 acres of planned future development (Amendment Area); and

WHEREAS, Stanislaus County (County) has initiated the preparation of a Programmatic Environmental Impact Report (PEIR) per the requirements of the California Environmental Quality Act (CEQA) and California Water Code guidelines to analyze the potential impact of the SCP on the sufficiency of water supplies, among other considerations; and

WHEREAS, the County has formally requested that the City, as the most appropriate water purveyor for the SCP Amendment Area, evaluate its capacity to service the SCP Amendment Area in collaboration with their PEIR Consultant and their associated Subconsultants; and

WHEREAS, the County has agreed to cover the Consultant and Staff time costs associated with the preparation of the Water Supply Assessment and Water System

Evaluation, the City and County will enter into a Memorandum of Understanding (MOU) to stipulate the roles and responsibilities of each party along with the agreed upon reimbursement requirements and limits.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves entering into a Memorandum of Understanding with Stanislaus County for the preparation of the Salida Community Plan Water Supply Assessment and Water System Evaluation.

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 July, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-278

RESOLUTION APPROVING AN AMENDMENT TO THE FISCAL YEAR 2025-26 MULTI-YEAR PROGRAM BUDGET IN THE AMOUNT OF $112,410 FROM WATER FUND RESERVES TO FUND THE SALIDA COMMUNITY PLAN WATER SUPPLY ASSESSMENT AND WATER SYSTEM EVALUATION AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $112,410, in order to fund the Salida Community Plan Water Supply Assessment and Water System Evaluation; and

WHEREAS, the Fiscal Year 2025-26 Multi-Year 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 2025-26 Multi-Year Program Budget in the amount of $112,410.

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 July, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-279

RESOLUTION APPROVING THE FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE STANISLAUS ELEMENTARY SCHOOL 1,2,3-TCP MITIGATION PROJECT IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, Stanislaus Elementary School is located at 1931 Kiernan Ave, about one mile outside of Modesto City limits within Stanislaus County; and

WHEREAS, the School's sole source of potable water is groundwater provided by a single well located on site and serving approximately 400 students and staff members; and

WHEREAS, in the Spring of 2019 the Stanislaus Union School District was issued a compliance order (DER-19R-006) by Stanislaus County's Department of Environmental Services notifying them that the School's water system was in violation of the California Safe Drinking Water Act for containing levels of 1,2,3 Trichloropropane (1,2,3 TCP) above the maximum contaminate level allowed by the California Health and Safety Code and the California Code of Regulations and that they would need to seek out and implement a viable long-term water system solution or risk facing citations, penalties and the suspension or revoking of their drinking water permit; and

WHEREAS, in 2022 the School District, through Self-Help Enterprises, approached City staff about the City's willingness to be considered as a potential supplier of water services in a Feasibility Study that was being conducted by their engineering consultant, Ardurra; and

WHEREAS, other alternatives considered to serve the school included onsite groundwater treatment and drilling a new well, neither of which were deemed long-term solutions; and

WHEREAS, the California Environmental Quality Act requires that State and local agencies disclose and evaluate the significant environmental impacts of proposed projects and adopt all feasible mitigation measures to reduce or eliminate those impacts; and

WHEREAS, a Notice of Availability and Intent to Adopt the Final Initial Study/Mitigated Negative Declaration, prepared by Ardurra on behalf of the City, was circulated to all Stakeholders within the project area as well as Public and State Agencies through the State Clearinghouse, a division of the Governor's Office of Planning and Research; and

WHEREAS, the Final Initial Study/Mitigated Negative Declaration was prepared in compliance with the California Environmental Quality Act Guidelines, California Code of Regulations Title 14, § 15000.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Final Initial Study/Mitigated Declaration for the Stanislaus Elementary School 1,2,3-TCP Mitigation Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized and directed to file of Notice of Exemption for the Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-280

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE REBID VIRGINIA CORRIDOR PHASE 7 PROJECT, ACCEPTING THE BID AND AWARDING A CONSTRUCTION CONTRACT TO ANDREW M. JORDAN INC. DBA A & B CONSTRUCTION OF OAKLAND, CA, IN THE AMOUNT OF $8,559,197, AUTHORIZING $684,736 FOR CONTINGENCY (IF NEEDED), FOR A TOTAL PAYMENT AMOUNT NOT TO EXCEED $9,243,933, 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 with the long-term plan for the corridor is to provide a Class I trail extending from Modesto Junior College's East Campus at the southern terminus to Kiernan Ave at the northern terminus (approximately 5 miles); and

WHEREAS, the Virginia Corridor Trail has become a well-loved addition to Modesto, receiving a very high rate of use year-round; and

WHEREAS, the construction of the Virginia Corridor has been completed in phases, and Phases 1 through 6 are complete; Phase 7 will be continuing the corridor from Woodrow Avenue to West Union Avenue; and

WHEREAS, the Virginia Corridor Phase 7, project was initially advertised for bids on August 15, 2024, with bids being opened publicly on September 24, 2024. However, in reviewing the bids submitted for the Virginia Corridor Phase 7 project, staff identified an error in the bid documents that necessitated the rejection of all received bids; and

WHEREAS, on November 11, 2024, by Resolution No. 2024-420, Council authorized the rejection of the prior bids received for the Virginia Corridor Phase 7

Project and approved re-issuing the project at a future date; and

WHEREAS, following the rejection of the bids in late 2024, staff worked with the design team to value engineer the project design with the goal of bringing the overall cost of the project down to the project budget and the team were able to identify items in the original project that lowered the estimated cost to ensure the bids would be within the project budget; and

WHEREAS, the project was re-advertised for bids on May 13, 2025; and

WHEREAS, bids were publicly opened on June 17, 2025, pursuant to City Charter Section 1307, and four bids were received; and

WHEREAS, Andrew M. Jordan Inc. dba A & B Construction of Oakland, CA, was determined to be the responsible bidder with the lowest responsive bid; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, the award of contract for the construction of the Rebid Virginia Corridor Phase 7 Project, to Andrew M. Jordan Inc. dba A & B Construction of Oakland, CA, conforms to Modesto Municipal Code, 8-3.203; and

WHEREAS, staff recommends awarding a construction contract to Andrew M. Jordan Inc. dba A & B Construction of Oakland, 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 Virginia Corridor Phase 7 Project, accepts the Bid and awards a construction contract to Andrew M. Jordan Inc. dba A & B Construction of Oakland, CA, in the amount of $8,559,197, authorizing

$684,736 for contingency (if needed), for a total payment amount not to exceed $9,243,933.

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 July, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-281

RESOLUTION APPROVING THE AGREEMENT WITH TRC ENGINEERING, INC, OF RANCHO CORDOVA, CA, FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE VIRGINIA CORRIDOR PHASE 7 PROJECT IN THE AMOUNT OF $798,261, PLUS $79,826 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED $878,087 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, due to the size and complexity of the Virginia Corridor Phase 7 Project, staff recommends utilizing a consultant to provide Construction Management and Inspection Services; and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, a Request for Qualifications and Proposals (RFQ/P) was initiated; and

WHEREAS, on April 22, 2024, a Request for Proposals (RFP) was issued for the Virginia Corridor Phase 7 Project, to the City's four prequalified firms who provide Construction Management and Inspection Services, and staff received proposals from three firms; and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) "Exceptions to Formal Bidding Requirements," Agreements for Professional Services are exempt from the bidding requirements of Modesto Municipal Code 8-3.203 if competitive quotations or proposals have been sought informally from at least three (3) qualified entities; however, staff proceeded with the RFP process pursuant to Administrative Directive 3.1 and three proposals were received as part of this solicitation; and

WHEREAS, TRC Engineers, Inc. was selected as the most qualified firm for the Virginia Corridor Phase 7 Project.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with TRC Engineers, Inc., in the amount of $798,261, plus $79,826 in additional services (if needed), for a total amount not to exceed $878,087, for Construction Management and Inspection Services for the Virginia Corridor Phase 7 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 22nd day of July, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-282

RESOLUTION AMENDING THE FISCAL YEAR 2025-26 CAPITAL IMPROVEMENT PROGRAM BUDGET TO FUND PROJECT #100813 (VIRGINIA CORRIDOR PH 7) IN AN AMOUNT NOT TO EXCEED $1,136,525 IN TRANSFERS, REVENUE, AND TO BUDGET EXPENDITURES TO FUND THE PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City plans to construct the Phase 7 of the Virginia Corridor Project; and

WHEREAS, Water Division funding of $892,520, must be allocated to fund a portion of the project; and

WHEREAS, FY25-26 Local Transportation Funds (LTF) of $244,005, must be allocated to fund a portion of the project; and

WHEREAS, the Fiscal Year 2025-2026 Capital Improvement Budget must be amended to fund Project 100813 – Virginia Corridor Ph 7, in a total amount of $1,136,525, to establish transfers, recognize revenue, and increase expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendments of the Fiscal Year 2025-2026 Capital Improvement Program Budget to fund project 100813 (Virginia Corridor Ph 7) in an amount not to exceed $1,136,525, in transfers, revenue and to budget expenditures to fund the project.

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 July, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-283

RESOLUTION AMENDING THE FISCAL YEAR 2025-26 MEASURE H SPENDING PLAN TO APPROPRIATE FUNDING TO CAPITAL IMPROVEMENT PROGRAM BUDGET TO FUND PROJECT #100813 (VIRGINIA CORRIDOR PH 7) IN AN AMOUNT NOT TO EXCEED $276,532 IN TRANSFERS, REVENUE, AND TO BUDGET EXPENDITURES TO FUND THE PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City plans to construct the Phase 7 of the Virginia Corridor Project; and

WHEREAS, Measure H funding of $276,532, must be allocated to fund a portion of the project; and

WHEREAS, the Fiscal Year 2025-2026 Capital Improvement Budget must be amended to fund Project 100813 – Virginia Corridor Ph 7, in a total amount of $276,532, to establish transfers, recognize revenue, and increase expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendments of the Fiscal Year 2025-2026 Capital Improvement Program Budget to fund project 100813 (Virginia Corridor Ph 7) in an amount not to exceed $276.532, in transfers, revenue and to budget expenditures to fund the project.

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 July, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-284

RESOLUTION DECLARING THE FORMATION OF CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2025-2 (VILLAGE ONE TRIANGLE), CONDITIONALLY AUTHORIZING THE LEVY OF SPECIAL TAXES THEREIN, AND CONDITIONALLY ESTABLISHING AN ANNUAL APPROPRIATIONS LIMIT OF $12,400,000

WHEREAS, on June 10, 2024, pursuant to a petition filed by DR Horton Bay Inc. (the "Petitioner") this City Council adopted Resolution No. 2025-196 (the "Resolution of Intention"), stating its intention to form City of Modesto Community Facilities District No. 2025-2 (Village One Triangle) (the "Community Facilities District"), and designate certain property within the Fairview Specific Plan as future annexation to the Community Facilities District (the "Future Annexation Area"), all pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"); and

WHEREAS, a copy of the Resolution of Intention, setting forth (a) the description of the proposed boundaries of the Community Facilities District and the Future Annexation Area for the Community Facilities District, (b) the description of the proposed facilities and services to be financed by the Community Facilities District, (c) the rate and method of apportionment of the annual maintenance special taxes and one-time facilities special tax proposed to be levied within the Community Facilities District, and (d) setting a public hearing to consider this matter, is on file with the City Clerk and is incorporated herein by reference; and

WHEREAS, the City Clerk has confirmed that a notice was published and mailed as required by law relative to the intention of the City to form the Community Facilities District at a public hearing to be held on June 22, 2025; and

WHEREAS, there has been filed with the City Clerk a report containing a

description of the facilities and services necessary to meet the needs of the Community Facilities District and an estimate of the cost of such facilities and services as required by Section 53321.5 of the Government Code (the "Report"); and

WHEREAS, the City Council has held a public hearing on this same date as required by law to determine whether it should proceed with the formation of the Community Facilities District, the designation of the Future Annexation Area, and the authorization of the rate and method of apportionment of special taxes to be levied within the Community Facilities District for the purposes described in the aforesaid resolution; and

WHEREAS, at said hearing all persons desiring to be heard on all matters pertaining to the Community Facilities District were heard, and a full and fair hearing was held; and

WHEREAS, at the public hearing evidence was presented to the City Council on the matters before it, and there was not precluded by a majority protest of the type described in Government Code Sections 53324 and 53339.6, and the City Council is sufficiently advised as to all matters relating to the formation of the Community Facilities District, the designation of the Future Annexation Area, and the levy of special taxes; and

WHEREAS, there have been fewer than twelve (12) registered voters residing in the proposed boundaries of the Community Facilities District for the statutory period, and the qualified electors in the Community Facilities District are the landowners the Community Facilities District; and

WHEREAS, on the basis of all of the foregoing, the City Council has determined at this time to proceed with the establishment of the Community Facilities District and to

call an election therein to authorize (i) the levy of special taxes pursuant to the rate and method of apportionment of special tax, as set forth in the Rate and Method of Apportionment of Special Tax (the "Rate and Method") **attached** hereto as **Attachment A**, and (ii) the establishment of an appropriations limit of $12,400,000 for the Community Facilities District; and

WHEREAS, by Resolution No. 2020-223, the City Council previously approved participation in the BOLD Program, for the formation of a second community facilities district over the property by California Municipal Finance Authority to finance fees and additional facilities with the levy of an annual facilities special tax which will secure bonded indebtedness; and

WHEREAS, pursuant to Sections 53313.5 and 53314.9 of the Act, there has been submitted to this City Council an Acquisition and Shortfall Agreement, by and between the City, acting on behalf of the District, and developers (the "Acquisition and Shortfall Agreement"), relating to the construction, acquisition, payment and reimbursement of the Facilities (as defined herein) and facilities under the BOLD Program, and this City Council, with the aid of its staff, has reviewed said document and found it to be in proper order.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds and determines as follows:

SECTION 1. The above recitals are true and correct.

SECTION 2. A community facilities district designated "City of Modesto Community Facilities District No. 2025-2 (Village One Triangle)" is hereby established pursuant to the Act. The City Council hereby finds and determines that all prior

proceedings taken with respect to the establishment of the Community Facilities District were valid and in conformity with the requirements of law, including the Act. This finding is made in accordance with the provisions of Section 53325.1(b) of the Act.

SECTION 3. The boundaries of the Community Facilities District, including the Future Annexation Area to the Community Facilities District, are established as shown on the map designated "Map of Proposed Boundaries and Future Annexation Area of the City of Modesto Community Facilities District No. 2025-2 (Village One Triangle)," which map is on file in the office of the City Clerk and, pursuant to Sections 3111 and 3113 of the Streets and Highways Code, was recorded in the Book of Maps of Assessment and Community Facilities Districts in the Office of the County Recorder of Stanislaus County in Book No. 7, at Page 56 as Instrument No. DOC-2025-0030383.

SECTION 4. The facilities and services authorized to be paid for within the Community Facilities District are services or facilities, as the case may be, which the City is authorized by law to construct, acquire, own and operate, or to provide, as set forth in Appendix A to the Resolution of Intention (the "Facilities and Services"), including all costs associated with the creation of the Community Facilities District and administering the Community Facilities District and any debt obligations of the Community Facilities District (collectively, the "Incidental Expenses"). The City Council hereby finds that the Facilities and Services are necessary to meet increased demands put upon the City as a result of the new development within the Community Facilities District, and when annexed, the Future Annexation Area.

SECTION 5. It is the intention of the City Council, subject to the approval of the qualified electors within the Community Facilities District, to levy the proposed special

taxes at the rates set forth in the Rate and Method on all non-exempt property within the Community Facilities District sufficient to pay for all or a portion of (i) the Facilities, (ii) the Services, and (iii) the Incidental Expenses.

The description of the Facilities and Services may be modified upon the annexation of property into the Community Facilities District, provided such modified description shall only apply to such annexed areas.

The City expects to incur, and in certain cases has already incurred, Incidental Expenses in connection with the creation of the Community Facilities District, the levying and collecting of the facilities special taxes, the provision of the Services, the completion and inspection of the Facilities and the annual administration of the Community Facilities District. The Rate and Method is described in detail on **Attachment A** hereto and incorporated herein by this reference, and the City Council hereby finds that the Rate and Method contains sufficient detail to allow each landowner within the Community Facilities District to estimate the maximum amount that may be levied against each parcel. As described in greater detail in the Report, which is incorporated by reference herein, the special taxes are based generally on area of each parcel of real property within the Community Facilities District (except to the extent that certain single family detached lots may be taxed at the same rate regardless of land area) and, accordingly, is hereby determined to be reasonable. The special taxes are apportioned to each parcel on the foregoing basis pursuant to Section 53325.3 of the Act, and such special taxes are not on or based upon the ownership of real property.

Under no circumstances shall the special taxes against any parcel used for private residential purposes be increased by more than 10% as a consequence of delinquency or

default by the owner of any other parcel or parcels within the Community Facilities District, or from the Future Annexation Area, when annexed.

The City's Community Development Manager, located at 1010 Tenth Street, Modesto, California 95353, telephone number (209) 577-5211, will be responsible for preparing annually, or authorizing a designee to prepare, a current roll of special tax levy obligations by assessor's parcel number and will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Act.

SECTION 6. In the event that a portion of the property within the Community Facilities District shall become for any reason exempt, wholly or partially, from the levy of the special taxes specified in the Rate and Method, the City Council shall, on behalf of the Community Facilities District, increase the levy (to the extent necessary and permitted by law and these proceedings) upon the remaining property within the Community Facilities District, or within the Future Annexation Area, when annexed, if applicable, which is not exempt in order to prevent the Community Facilities District from defaulting on any of its other obligations or liabilities. The amount of the special taxes will be set in accordance with the Rate and Method.

Pursuant to Section 53340 of the Act, and except as provided in Section 53317.3 of the Act or in the Rate and Method, properties of entities of the state, federal, and local governments shall be exempt from the levy of the special taxes.

SECTION 7. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code, a continuing lien to secure each levy of the special taxes shall attach to all non-exempt real property in the Community Facilities District, and when annexed, the Future Annexation Area, and this lien shall continue in

force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the special tax by the Community Facilities District ceases.

SECTION 8. The City may accept advances of funds or work-in-kind from any source, including, but not limited to, the Petitioner and other private persons or private entities, for any authorized purpose, including, but not limited to, paying any cost incurred by it in creating the Community Facilities District.

The City may enter into an agreement with the person or entity advancing the funds or work-in-kind, to repay all or a portion of the funds advanced, or to reimburse the person or entity for the value, or cost, whichever is less, of the work-in-kind, as determined by the City, with or without interest.

The form of the Acquisition and Shortfall Agreement presented at this meeting and on file with the City Clerk be and is hereby approved, with such changes as may be approved by the Mayor, City Manager or Finance Director, said officer's execution thereof to evidence approval of the changes. The Mayor, City Manager or Finance Director is hereby authorized and directed to execute the Acquisition and Shortfall Agreement on behalf of the Community Facilities District with such execution to be attested to by the City Clerk.

SECTION 9. Written protests against the establishment of the Community Facilities District or the designation of the Future Annexation Area have not been filed by one-half or more registered voters within the boundaries of the Community Facilities District, or the Future Annexation Area, as applicable, or by the property owners of one-half (1/2) or more of the area of land within the Community Facilities District or the

Future Annexation Area, as applicable. The City Council hereby finds that the proposed special taxes have not been precluded by a majority protest pursuant to Section 53324 of the Act.

SECTION 10. Subject to voter approval required by the Act, the annual appropriations limit of $12,400,000 (as defined in Section 8(h) of Article XIII B of the California Constitution) of the Community Facilities District is hereby established through the Rate and Method of Apportionment, as adjusted for changes in the cost of living and changes in population.

SECTION 11. An election will be called for the Community Facilities District on the propositions of levying the special taxes on the property within the Community Facilities District and establishing the appropriations limit of $12,400,000 for the Community Facilities District pursuant to Section 53325.7 of the Act. The City Clerk shall conduct the election.

SECTION 12. Pursuant to and in compliance with the provisions of Government Code Section 50075.1, and the provisions of Article 1.5 (commencing with Section 53410) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code, the City Council hereby establishes the following accountability measures pertaining to the levy by the Community Facilities District of the special taxes:

a. Such special taxes shall be levied for the specific purposes set forth in Section 4 hereof.

b. The proceeds of the levy of such special taxes shall be applied only to the specific purposes set forth in Sections 4 and 5 hereof.

c. The District shall establish accounts into which the proceeds of such

special taxes shall be deposited.

d. The City Manager or Finance Director will provide for such accounting and reporting for the special taxes as required by law.

e. The City Manager, or his or her designee, acting for and on behalf of the Community Facilities District, shall annually file a report with the City Council as required pursuant to Government Code Sections 50075.3 and 53411.

SECTION 13. Pursuant to Section 53339.7(a) of the Act, the City Council provides for the annexation of all or a portion of the Future Annexation Area to the Community Facilities District without additional hearings or further action from the City Council. The Future Annexation Area will be annexed into the Community Facilities District only at such time as the Community Facilities District receives unanimous written approval to be annexed from the owner or owners of each parcel or parcels of the portion of the Future Annexation Area proposed to be annexed at that time. Annexations to the Community Facilities District may modified descriptions of facilities and services and/or modified special tax rates as set forth in a modified or separate Rate and Method at the time of annexation.

SECTION 14. The preparation of the Report is hereby ratified. The Report, as submitted, is hereby approved and is made a part of the record of the public hearing regarding the formation of the Community Facilities District, and is ordered to be kept on file with the transcript of these proceedings and open for public inspection. This City Council now finds and determines that all proceedings up to and including the adoption of this resolution were and are valid and in conformity with the requirements of the Act.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 2025, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

APPENDIX A

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2025-2
(VILLAGE ONE TRIANGLE)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES

Special Taxes applicable to each Assessor's Parcel in the City of Modesto Community Facilities District No. 2025-2 (Village One Triangle) shall be levied and collected according to the tax liability determined by the City or its designee, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in the CFD, unless exempted by law or by the provisions of Section H below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre" or "Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map or other Development Plan.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, (commencing with Section 53311), Part 1, Division 2 of Title 5 of the California Government Code.

"Administrative Expenses" means any or all of the following: the expenses of the City in carrying out its duties with respect to the CFD, including, but not limited to, the levy and collection of Special Taxes, the fees and expenses of its counsel, charges levied by the County in connection with the levy and collection of Special Taxes, costs related to property owner inquiries regarding the Special Taxes, costs associated with appeals or requests for interpretation associated with the Special Taxes and this RMA, costs associated with foreclosure and collection of delinquent Special Taxes, and all other costs and expenses of the City in any way related to the establishment or administration of the CFD.

"Administrator" means the person or firm designated by the City to administer the Special Taxes according to this RMA.

"Annual Maintenance Special Tax" means a special tax levied in any Fiscal Year to pay the Maintenance Special Tax Requirement, as defined below.

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

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

"Assessor's Parcel Number" means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Facilities" means the public facilities authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

"Authorized Services" means the public services authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

"Base Annual Maintenance Special Tax" means the applicable Annual Maintenance Special Tax initially identified in Table 1 of Section C, as may be adjusted pursuant to Section D herein.

"Base One-Time Facilities Special Tax" means the applicable One-Time Facilities Special Tax initially identified in Table 1 of Section C, as may be adjusted pursuant to Section D herein.

"Base Special Taxes" means, collectively, the Base Annual Maintenance Special Tax and the Base One-Time Facilities Special Tax.

"Building Permit" means a permit that allows for vertical construction of a building or buildings, which shall not include a separate permit issued for construction of the foundation thereof.

"CFD" means the City of Modesto Community Facilities District No. 2025-2 (Village One Triangle).

"CFD Formation" means the date on which the Resolution of Formation to form the CFD was adopted by the City Council.

"City" means the City of Modesto.

"City Council" means the City Council of the City of Modesto, acting as the legislative body of the CFD.

"County" means the County of Stanislaus.

"Developed Property" means, in any Fiscal Year, the following:

For purposes of levying the Annual Maintenance Special Tax:

- for Single Family Detached Property, all Parcels for which a Final Map was recorded prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2024;

- for Single Family Attached Property, all Parcels for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2024;

- for Other Property, all parcels for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2024.

For purposes of levying the One-Time Facilities Special Tax: all Parcels for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2024.

"Development Class" means, individually, Developed Property and Undeveloped Property.

"Development Plan" means a condominium plan, apartment plan, site plan or other development plan that identifies such information as the type of structure, the acreage, the square footage, and/or the number of Units that will be developed on Single Family Attached Property or Other Property.

"Escalation Factor" means, in any Fiscal Year, the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%).

"Expected Maximum Annual Maintenance Special Tax Revenues" means the aggregate Annual Maintenance Special Tax that can be levied based on application of the Base Annual Maintenance Special Tax to the Expected Land Uses. The Expected Maximum Annual Maintenance Special Tax Revenues at CFD Formation are shown in Attachment 1 and may be revised pursuant to Sections D and E below. Updates to Attachment 1 shall be maintained internally by the Administrator and shall not require recordation of an amended RMA.

"Expected Maximum One-Time Facilities Special Tax Revenues" means the aggregate One-Time Facilities Special Tax that can be levied based on application of the Base One-Time Facilities Special Tax to the Expected Land Uses. The Expected Maximum One-Time Facilities Special Tax Revenues at CFD Formation are shown in Attachment 1 and may be revised pursuant to Sections D and E below. Updates to Attachment 1 shall be

maintained internally by the Administrator and shall not require recordation of an amended RMA.

"Final Map" means a final map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq*) that creates Single Family Detached Lots. The term "Final Map" shall not include any large-lot subdivision map, Assessor's Parcel Map, or subdivision map or portion thereof, that does not create Single Family Detached Lots, including Assessor's Parcels that are designated as remainder parcels.

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

"Future Annexation Area" means that geographic area that, at the time of CFD Formation, was considered potential annexation area for the CFD and which was, therefore, identified as "future annexation area" on the recorded CFD boundary map. Such designation does not mean that any or all of the Future Annexation Area will annex into the CFD, but should property designated as Future Annexation Area choose to annex, the annexation may be processed pursuant to the streamlined annexation procedures provided in the Act.

"Land Use Category" means the categories of land use identified in Table 1 in Section C below.

"Maintenance Special Tax Requirement" means the amount of revenue needed in any Fiscal Year to pay for: (i) Authorized Services, (ii) establishment of reserves, (iii) Administrative Expenses, and (iv) amounts needed to cure any delinquencies in the payment of Annual Maintenance Special Taxes which have occurred in prior Fiscal Years.

"**Maximum Annual Maintenance Special Tax"** means the greatest amount of Annual Maintenance Special Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordance with Sections C and D below.

"Maximum Annual Maintenance Special Tax Revenues" means, for a particular Tax Zone in any Fiscal Year, the aggregate revenues that can be generated if the Maximum Annual Maintenance Special Tax is levied on all Parcels of Taxable Property in that Tax Zone.

"**Maximum One-Time Facilities Special Tax"** means the greatest amount of One-Time Facilities Special Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordance with Sections C and D below.

"Maximum Special Taxes" means, collectively, the Maximum One-Time Facilities Special Tax and Maximum Annual Maintenance Special Tax.

"One-Time Facilities Special Tax" means a special tax levied on Taxable Property to pay the One-Time Facilities Special Tax Requirement.

"One-Time Facilities Special Tax Requirement" means, for a Parcel of Taxable Property in the CFD, the amount needed to pay the Parcel's share of the cost of Authorized Facilities as determined by the City, which amount shall not exceed the Maximum One-Time Facilities Special Tax assigned to the Parcel pursuant to this RMA.

"Other Property" means any Parcel of Developed Property in the CFD that is not Single Family Attached Property, Single Family Detached Property, Owners Association Property, or Public Property.

"Owners Association" means a homeowners association or property owners association that provides services to, and collects assessments, fees, dues, or charges from, property within the CFD.

"Owners Association Property" means any property within the boundaries of the CFD that is owned in fee or through easement by the Owners Association, not including any such property that is located directly under a residential structure.

"Proportionately" means, for each Development Class, that the ratio of the actual Annual Maintenance Special Tax levied in any Fiscal Year to the Maximum Annual Maintenance Special Tax authorized to be levied in that Fiscal Year is equal for all parcels assigned to the Development Class.

"Public Property" means any property within the boundaries of the CFD that is owned by the federal government, State of California, County, City, or other public agency.

"Required Annual Maintenance Special Tax Revenues" means the lowest amount of Maximum Annual Maintenance Special Tax Revenues in a Tax Zone that must be available to the City in any Fiscal Year, although the actual amount levied in any Fiscal Year may be less that then Maximum Annual Maintenance Special Tax Revenues. The Required Annual Maintenance Services Revenues for Tax Zone 1 for Fiscal Year 2025-26 is $880,306, which amount shall be adjusted on July 1, 2026 and each July 1 thereafter by the Escalation Factor. The Required Annual Maintenance Revenues will also be adjusted, as needed, based on Section E below.

"Required One-Time Facilities Special Tax Revenues" means the minimum amount of aggregate One-Time Facilities Special Tax Revenues to be generated from Taxable Property within a particular Tax Zone. The Required One-Time Special Revenues for Tax Zone 1 for Fiscal Year 2025-26 is $12,462,230 which amount shall be adjusted on July 1, 2026 and each July 1 thereafter by the Escalation Factor. The Required One-Time Facilities Special Tax Revenues will also be adjusted, as needed, based on Section E below.

"RMA" means this Rate and Method of Apportionment of Special Taxes.

"SFD Unit" means a residential dwelling unit that does not share a common wall with another residential dwelling unit.

"Single Family Attached Property" means, in any Fiscal Year, all Parcels of Developed Property for which a Building Permit was issued for construction of a residential structure consisting of two or more Units that share common walls and are offered as for-sale Units, including such residential structures that meet the statutory definition of a condominium contained in Civil Code Section 1351.

"Single Family Detached Lot" means an individual residential lot, identified and numbered on a recorded Final Map, on which a Building Permit has been or is permitted to be issued for construction of an SFD Unit without further subdivision of the lot and for which no further subdivision of the lot is anticipated pursuant to an approved Tentative Map.

"Single Family Detached Property" means, in any Fiscal Year, all Parcels of Developed Property for which a Building Permit was issued or will be issued for construction of an SFD Unit.

"Special Taxes" means, collectively, the One-Time Facilities Special Tax and the Annual Maintenance Special Tax.

"Tax Zone" means a mutually exclusive geographic area within which Special Taxes may be levied pursuant to this RMA. *All property in the CFD at CFD Formation is within Tax Zone 1.* Additional Tax Zones may be created when property is annexed into the CFD, and the amount of each Special Tax will be identified for property within the new Tax Zone at the time of such annexation. The Assessor's Parcels included within a new Tax Zone established when such Parcels are annexed to the CFD shall be identified by Assessor's Parcel number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

"Tax Zone 1" means the property included in the CFD at CFD Formation and any property that is subsequently annexed into Tax Zone 1.

"Taxable Property" means all Assessor's Parcels within the boundaries of the CFD that are not exempt from the Special Tax pursuant to law or Section H below.

"Tentative Map" means a tentative map or substantial conformance exhibit for property in the CFD, including any adjustments or amendments thereto.

"Unanimous Approval Form" means the form executed by the record owner of fee title to the Parcel or Parcels included within the Future Annexation Area and annexed into the CFD that constitutes the property owner's approval and unanimous vote in favor of annexing the property into the CFD and authorizes the levy of Special Taxes against his/her Parcel or Parcels pursuant to this RMA.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property within the CFD that are not Developed Property.

"Unit" means (i) for Single Family Detached Property, an SFD Unit and (ii) for Single Family Attached Property, an individual residential unit within a duplex, triplex, fourplex, townhome, or condominium structure.

B. DATA FOR ADMINISTRATION OF THE SPECIAL TAXES

Each Fiscal Year, the Administrator shall: (i) determine the Tax Zone within which each Parcel of Taxable Property is located; (ii) categorize each Parcel of Taxable Property according to its Development Class; (iii) for Developed Property, categorize each Parcel as Single Family Detached Property, Single Family Attached Property, or Other Property; (iv) for Parcels of Single Family Attached Property, determine the number of Units on each Parcel; (v) for Other Property, determine the Acreage of each Parcel; and (vi) determine the Maintenance Special Tax Requirement for the Fiscal Year.

In any Fiscal Year, if it is determined that: (i) a parcel map for property in the CFD was recorded after January 1 of the prior Fiscal Year (or any other date after which the Assessor will not incorporate the newly-created Parcels into the then current tax roll), (ii) because of the date the parcel map was recorded, the Assessor does not yet recognize the new Parcels created by the parcel map, and (iii) one or more of the newly-created Parcels is in a different Development Class than other Parcels created by the subdivision, the Administrator shall calculate the Special Taxes for the property affected by recordation of the parcel map by determining the Special Taxes that apply separately to the property within each Development Class, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the parcel map.

C. MAXIMUM SPECIAL TAXES

1. Developed Property

The Maximum Special Taxes for Parcels of Developed Property in Tax Zone 1 shall be the greater of (i) the Base Special Taxes set forth in Table 1 below, or (ii) the Maximum Special Taxes determined pursuant to Section D below. For property that annexes into the CFD, different maximum special tax rates may be established by creating a separate Tax Zone for such annexed property. Alternatively, property may be annexed into Tax Zone 1 or another Tax Zone that was established prior to the annexation, and such property shall be subject to the Maximum Special Taxes applicable to that Tax Zone.

Table 1
Base Special Taxes for Developed Property
Tax Zone 1

Land Use Category	Base One-Time Facilities Special Tax (Fiscal Year 2025-26)*	Base Annual Maintenance Special Tax (Fiscal Year 2025-26)*

Single Family Detached Property	$22,495 per Residential Unit	$1,589 per Residential Unit
Single Family Attached Property	$22,495 per Residential Unit	$1,589 per Residential Unit
Other Property	$145,314 per Acre	$10,259 per Acre

***** Beginning July 1, 2026 and each July 1 thereafter, the Maximum Special Taxes shall be adjusted by the Escalation Factor.

2. Undeveloped Property

The Maximum Annual Maintenance Special Tax for Undeveloped Property in all Land Use Categories in Tax Zone 1 is $10,259 per Acre for Fiscal Year 2025-26, which amount shall be increased on July 1, 2026 and each July 1 thereafter by an amount equal to the Escalation Factor.

D. CHANGES TO THE MAXIMUM SPECIAL TAXES

1. Land Use Changes

The Expected Maximum Annual Maintenance Special Tax Revenues and Expected Maximum One-Time Facilities Special Tax Revenues shown in Attachment 1 were originally calculated based on the Expected Land Uses in Tax Zone 1 at the time of CFD Formation. Attachment 1 is subject to modification upon annexation of property into the CFD and the occurrence of Land Use Changes, as described below. The Administrator shall review all Land Use Changes and compare the revised land uses to the Expected Land Uses within the affected Tax Zone to evaluate the impact on the Expected Maximum Annual Maintenance Special Tax Revenues and Expected One-Time Facilities Special Tax Revenues in the Tax Zone.

If a Land Use Change is proposed or identified that will result in a change in the Expected Maximum Annual Maintenance Special Tax Revenues and Expected Maximum One-Time Facilities Special Tax Revenues within a Tax Zone, Steps 1 through 3 below must be applied:

Step 1: By reference to Attachment 1 (which shall be updated by the Administrator each time property is annexed into the CFD and each time a Land Use Change has been processed according to this Section D), the Administrator shall identify the Expected Maximum Annual Maintenance Special Tax Revenues and Expected Maximum One-Time Facilities Special Tax Revenues for the affected Tax Zone prior to the Land Use Change.

Step 2: The Administrator shall calculate the Expected Maximum Annual Maintenance Special Tax Revenues and Expected Maximum One-Time Facilities Special Tax Revenues that could be collected from Taxable Property in the affected Tax Zone after the Land Use Change.

Step 3: If the revenues calculated in Step 2 are higher than that determined in Step 1, no further action is needed, and the Administrator shall update Attachment 1 to show the revised Expected Maximum Annual Maintenance Special Tax Revenues and Expected Maximum One-Time Facilities Special Tax Revenues for the affected Tax Zone and for the CFD as a whole.

If the revenues calculated in Step 2 are <u>less</u> than those calculated in Step 1, and the Administrator determines that the Expected Maximum Annual Maintenance Special Tax Revenues and Expected Maximum One-Time Facilities Special Tax Revenues for the affected Tax Zone are less than the Required Annual Maintenance Special Tax Revenues and Required One-Time Facilities Special Tax Revenues for that Tax Zone, then the Administrator shall:

i. Identify all remaining Parcels of Undeveloped Property in the affected Tax Zone (the "Adjustment Property");

ii. Determine the number of Residential Units and Acres of Other Property, if applicable, that are expected on the Adjustment Property after the Land Use Change;

iii. Increase the Base Annual Maintenance Special Tax and Base One-Time Facilities Special Tax proportionately for each Land Use Category expected on the Adjustment Property until, when applied to the Expected Land Uses on the Adjustment Property, the Maximum Annual Maintenance Special Tax Revenues and Maximum One-Time Facilities Special Tax Revenues that can be collected within the Tax Zone are equal to the Required Annual Maintenance Special Tax Revenues and Required One-Time Special Tax Revenues for that Tax Zone. The amounts calculated shall thereafter be the Maximum Annual Maintenance Special Tax and Maximum One-Time Facilities Special Tax for each Unit and/or Acre of Other Property, if applicable, when the Adjustment Property becomes Developed Property, which amount shall be increased by the Escalation Factor. The Administrator shall update Attachment 1 to reflect the Expected Land Uses, Maximum Special Taxes, Expected Maximum Annual Maintenance Special Tax Revenues, and Expected Maximum One-Time Facilities Special Tax Revenues for the Adjustment Property.

For purposes of this Step 3.b, a landowner may make a request to the City and the Administrator that the Adjustment Property include only particular Parcels that are under his/her ownership. If such a request is made, the Administrator will calculate the Maximum Special Taxes that would apply to the identified Parcels, and the City shall review the Maximum Special Taxes to determine if the request should be approved based on existing City policies and special tax rates on comparable land uses within the CFD.

The duties imposed on the Administrator to review Land Use Changes and to make the calculations set forth above, are intended only to facilitate administration of the Special Taxes and to better assure the sufficiency of tax capacity to pay for Authorized Facilities and Authorized Services. Such duties are not intended to give any developer, subdivider, or owner of property any right to receive notice of the potential impact of Land Use Changes on the Special Taxes applicable to a Parcel; and each developer, subdivider, or owner of property in the CFD shall be responsible for understanding the impact thereof on the Special Taxes applicable to such property.

Pursuant to this Section D, the Administrator may from time to time update Attachment 1 to reflect revised Expected Maximum Annual Maintenance Special Tax Revenues and Expected Maximum One-Time Facilities Special Tax Revenues. Such update shall be maintained internally by the Administrator and shall not require recordation of an amended RMA.

2. Conversion of a Parcel to a Taxable Land Use

If, in any Fiscal Year, a Parcel of Public Property or Owners Association Property that had been exempt from the Special Taxes is converted to a Land Use Category, such Parcel shall be subject to the levy of the Special Taxes. The Maximum Special Taxes for each such Parcel shall be determined based on the applicable Land Use Category and Tax Zone for the Parcel, as determined by the City and the Administrator.

E. ANNEXATIONS

If, in any Fiscal Year, a property owner within the Future Annexation Area wants to annex property into the CFD, the Administrator shall apply the following steps as part of the annexation:

Step 1: Working with City staff, the Administrator shall determine the following for the area being annexed: (i) the Expected Land Uses and (ii) the Tax Zone into which the property is to be annexed.

Step 2: The Administrator shall prepare an updated Attachment 1 to reflect the annexed property and identify the revised Expected Land Uses, Tax Zones, and Expected Maximum Annual Maintenance Special Tax Revenues and Maximum One-Time Facilities Special Tax Revenues.

After the annexation is complete, the application of this RMA shall be based on the adjusted Expected Land Uses, Expected Maximum Annual Maintenance Special Tax Revenues, and Expected Maximum One-Time Facilities Special Tax Revenues, as applicable, including the newly annexed property.

Step 3: The Administrator shall ensure that a Notice of Special Tax Lien is recorded against all Parcels that are annexed to the CFD.

F. METHOD OF LEVY OF THE SPECIAL TAXES

1. One-Time Facilities Special Tax

Prior to issuance of a Building Permit for a Parcel of Taxable Property, the One-Time Facilities Special Tax shall be levied on the Parcel in the amount of the One-Time Facilities Special Tax Requirement for the Parcel, as determined by the City.

2. Annual Maintenance Special Tax

Each Fiscal Year, the Administrator shall determine the Maintenance Special Tax Requirement for that Fiscal Year. The Annual Maintenance Special Tax shall then be levied on all Parcels of Taxable Property as follows:

Step 1: The Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Developed Property within the CFD up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel for such Fiscal Year.

Step 2: If additional revenue is needed after Step 1, the Annual Maintenance Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property within the CFD, up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Undeveloped Property for such Fiscal Year.

G. COLLECTION OF SPECIAL TAXES

The One-Time Facilities Special Tax shall be collected prior to a Building Permit being issued for any residential or non-residential structure on Taxable Property and shall be immediately delinquent if not so paid.

The Annual Maintenance Special Tax shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Annual Maintenance Special Taxes through foreclosure or other available methods. The

Annual Maintenance Special Tax will continue to be levied and collected unless and until the City determines that Annual Maintenance Special Tax revenues are no longer needed to pay for Authorized Services.

H. EXEMPTIONS

No Special Taxes shall be levied on Public Property or Owners Association Property, as defined herein. Notwithstanding the foregoing, if in any Fiscal Year, a Parcel of Public Property is converted to private use, such Parcel may be subject to the levy of Special Taxes. In such case, the City shall determine the appropriate Maximum Special Taxes for the Parcel based on the land uses to be constructed on the Parcel.

I. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that do not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City by ordinance or resolution for purposes of clarifying any vagueness or ambiguity in this RMA.

ATTACHMENT 1

City of Modesto
Community Facilities District No. 2025-2
(Village One Triangle)

Expected Maximum Special Tax Revenues
Tax Zone 1

		One-Time Facilities Special Tax		Annual Maintenance Special Tax	
Land Use Category	**Expected Land Uses**	**Base One-Time Facilities Special Tax (FY 2025-26) ***	**Expected Maximum One-Time Facilities Special Tax Revenues**	**Base Annual Maintenance Special Tax (FY 2025-26) ***	**Expected Maximum Annual Maintenance Special Tax Revenues**
Single Family Detached Property	554 Residential Units	$22,495 per Residential Unit	$12,462,230	$1,589 per Residential Unit	$880,306
Single Family Attached Property	0 Residential Units	$22,495 per Residential Unit	$0	$1,589 per Residential Unit	$0
Other Property	0 Acres	$145,314 per Acre	$0	$10,259 per Acre	$0
			$12,462,230		**$880,306**

* Beginning July 1, 2026 and each July 1 thereafter, all dollar figures shown above shall be adjusted by the Escalation Factor.

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-285

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2025-2 (VILLAGE ONE TRIANGLE), CALLING FOR A SPECIAL ELECTION

WHEREAS, the City Council (the "City Council") of the City of Modesto (the "City"), has heretofore adopted Resolution No. 2025-196 (the "Resolution of Intention"), stating the City Council's intention to establish City of Modesto Community Facilities District No. 2025-2 (Village One Triangle) (the "Community Facilities District"), pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code of the State of California (the "Act"); and

WHEREAS, on July 22, 2025, the City Council held a public hearing as required by law and the Act on all matters pertaining to the formation of the Community Facilities District, the special taxes relating to the Community Facilities District (the "Special Taxes"), including the special tax for certain facilities (the "One-Time Facilities Special Tax") and the special tax for certain services (the "Annual Maintenance Special Tax") within the Community Facilities District, the description of the authorized facilities (the "Facilities") and the authorized services (the "Services"); and

WHEREAS, at said hearing all persons not exempt from the special taxes of the Community Facilities District desiring to be heard on all matters pertaining to the Community Facilities District were heard and a full and fair hearing was held, and such matters were not precluded by a majority protest; and

WHEREAS, following said public hearing, the City Council adopted its resolution establishing the Community Facilities District, authorizing the levy of the

Special Taxes within the Community Facilities District to fund the Facilities and Services and establishing an appropriations limit (the "Resolution of Formation"); and

WHEREAS, the map of the boundaries of the Community Facilities District, including Improvement Area No. 1 and the Future Annexation Area (the "Map") has been recorded in the Office of the County Recorder of Stanislaus County, California in Book 7, Page 56 of the Book of Maps of Assessment and Community Facilities Districts, as Document Number DOC-2025-0030383; and

WHEREAS, pursuant to the provisions of the Resolution of Formation and this Resolution, the City Council wishes to present to the qualified electors of the Community Facilities District propositions for the levy of the Special Taxes on property within the Community Facilities District and the establishment of an annual appropriations limit for the Community Facilities District as defined by subdivision (h) of Section 8 of Article XIIIB of the California Constitution.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto, acting as the legislative body of the City of Modesto Community Facilities District No. 2025-2 (Village One Triangle), hereby finds and determines as follows:

SECTION 1. The above recitals are true and correct and are incorporated herein by reference.

SECTION 2. Pursuant to the Act the propositions to authorize the levy of special taxes within the Community Facilities District and establish an appropriations limit of the Community Facilities District shall be combined into one ballot proposition and submitted to the qualified electors of the Community Facilities District as provided herein.

SECTION 3. The City Council has heretofore found that fewer than twelve (12) persons have been registered to vote within the territory of the Community Facilities District for the ninety (90) days preceding the close of the public hearing heretofore held by the City Council for the purposes of these proceedings. Accordingly, the vote shall be by the land owners of the Community Facilities District, and each owner of record at the close of such public hearing, or the authorized representative thereof, shall have one (1) vote for each acre or portion of an acre that he or she owns within the Community Facilities District.

SECTION 4. The date of the election shall be July 22, 2025, and the City Clerk shall conduct the election. The election shall be conducted by personally delivered or mailed ballots and in accordance with the provisions of law regulating elections of the City insofar as such provisions are determined by the City Clerk to be applicable. The voted ballots shall be returned to the City Clerk no later than 5:30 p.m. on July 22, 2025; provided that if all of the qualified electors have voted prior to such time, the election may be closed by the City Clerk.

SECTION 5. The form of the ballot for the election is **attached** hereto as **Attachment A** and by this reference incorporated herein. The City Clerk shall cause to be delivered to each of the qualified electors of the Community Facilities District a ballot in said form. Each ballot shall indicate the number of votes to be voted by the respective elector based upon the number of acres of land owned by such elector as set forth above. The identification envelope for return of the ballot shall been closed with the ballot, shall have the postage prepaid and shall contain (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the elector is the owner of record, or

the authorized representative thereof, and is the person whose name appears on the identification envelope, (c) the printed name, signature and address of the elector, (d) the date of signing and place of execution of the declaration described above and (e) a notice that the envelope contains an official ballot and is to be opened only by the canvassing board. Analysis and arguments with respect to the ballot proposition are hereby waived.

SECTION 6. The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk to and including 5:30 p.m. on July 22, 2025, whether said ballots shall be personally delivered or received by mail.

SECTION 7. There is on file with the City Clerk a written instrument executed by each qualified elector of the Community Facilities District requesting a shortening of the time for the special election in order to expedite the process of formation of the Community Facilities District and waiving any requirement for analysis and arguments in connection therewith.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

ATTACHMENT A
FORM OF OFFICIAL BALLOT

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2025-2 (VILLAGE ONE TRIANGLE)

SPECIAL ELECTION

SPECIAL TAX AND APPROPRIATIONS LIMIT

July 22, 2025

NUMBER OF VOTES ENTITLED TO BE CAST: 86
(VOTER MAY REMOVE AND RETAIN THIS STUB)

This ballot is for a special, landowner election. You must return this ballot in the enclosed envelop to the office of the City Clerk of the City of Modesto no later than 5:30 p.m. on July 22, 2025, either by mail or in person. The City Clerk's offices are located at 1010 Tenth Street, Modesto, California 95353.

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:

Shall the City of Modesto Community Facilities Disttict No. 2025-2 (Village One Triangle) (the "CFD") be authorized to levy special taxes in order to finance certain facilities and services and shall the annual appropriations limit of the CFD be established in the amount of $12,400,000 all as specified in the Resolution entitled "A Resoluiton Declaring the Formation of City of Modesto Community Facilities District No. 2025-2 (Village One Triangle), Conditionally Authorizing the Levy of Special Taxes Therein, and Conditionally Establishing an Annual Appropriations Limit" adopted by the City Council of the City of Modesto on July 22, 2025?

YES [X]

NO [ ]

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-286

RESOLUTION DECLARING THE RESULTS OF JULY 22, 2025, SPECIAL ELECTION AND APPROVING CERTAIN RELATED ACTIONS PERTAINING TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2025-2 (VILLAGE ONE TRIANGLE)

WHEREAS, this City Council, acting as the legislative body of the City of Modesto Community Facilities District No. 2025-2 (Village One Triangle) (the "Community Facilities District"), called and duly held an election within the Community Facilities District pursuant to resolutions adopted by the City Council on July 22, 2025, for the purpose of presenting to the qualified electors within the Community Facilities District a proposition (the "Proposition") for (a) the levy of special taxes in accordance with the rate and method of apportionment of special tax set forth in the resolution forming the Community Facilities District, and (b) the establishment of an appropriations limit for the Community Facilities District; and

WHEREAS, a Certificate of the City Clerk as to the Results of the Canvass of the Election Returns has been presented to City Council, a copy of which is **attached** hereto as **Attachment A**.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto, acting as the legislative body of the City of Modesto Community Facilities District No. 2025-2 (Village One Triangle), hereby finds and determines as follows:

SECTION 1. The above recitals are true and correct and are incorporated herein by reference.

SECTION 2. Two-thirds or more of the votes of the qualified electors of the Community Facilities District at the special election held on July 22, 2025 were cast in

favor of the Proposition, and the Proposition carried. The City Council, acting as the legislative body of the Community Facilities District, is hereby authorized to take the necessary steps to levy the special taxes authorized by the Proposition.

SECTION 3. The City Clerk is hereby authorized and directed to execute and cause to be recorded in the office of the County Recorder of Stanislaus County a notice of special tax lien in the form required by law, said recording to occur no later than fifteen days following adoption of this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

ATTACHMENT A

CERTIFICATE OF CITY CLERK

AS TO RESULTS OF THE CANVAS OF ELECTION RETURNS

STATE OF CALIFORNIA)

) ss.

COUNTY OF STANISLAUS)

As City Clerk of the City of Modesto, I do hereby certify that I have examined the returns of the special election for City of Modesto Community Facilities District No. 2025-2 (Village One Triangle) (the "Community Facilities District"). With my concurrence, the election was conducted on July 22, 2025. On or prior to said date I had mailed or personally delivered, or caused to be mailed or personally delivered, a ballot to the landowner listed on the latest equalized assessment roll prepared by the Stanislaus County Assessor prior to July 22, 2025 or otherwise known by me to own the property within the boundaries of the Community Facilities District. The landowner was given one vote for each acre, or portion thereof, that the landowner owns within the Community Facilities District.

I further certify that the results of said election and the number of votes cast for and against the Proposition are as follows:

YES: X

NO: _____

TOTAL NUMBER OF VOTES CAST: 86

Dated this _____ day of July 22, 2025.

Diane Nayares-Perez,
City Clerk of the City of Modesto

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-287

RESOLUTION APPROVING THE FINAL MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR THE CROSSINGS PHASE I SUBDIVISION, AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE SUBDIVISION IMPROVEMENT AGREEMENT WITH THE OWNER, D.R. HORTON BAY INC., A DELAWARE CORPORATION, AND AUTHORIZING THE CITY CLERK TO CERTIFY THE FINAL MAP AND RECORD WITH THE STANISLAUS COUNTY RECORDER'S OFFICE

WHEREAS, the Village One Specific Plan was adopted by the City Council on October 16, 1990; and

WHEREAS, Precise Plan Area No. 35 within the Village One Specific Plan was adopted by the City Council and make effective on March 7, 2024 by Ordinance No. 3777-C.S.; and

WHEREAS, D.R. Horton Bay, Inc., A Delaware Corporation ("SUBDIVIDER"), is in possession of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 29.94 acres, known as The Crossings Phase I Subdivision ("SUBDIVISION"), in Precise Plan Area No. 35 within the Village One Specific Plan Area; and

WHEREAS, a tentative subdivision map of the SUBDIVISION (TSM22-002) was approved by the City of Modesto Planning Commission on January 23, 2024, with conditions of approval as noted in Planning Commission Resolution Number 2024-24; and

WHEREAS, the public improvements required by the Planning Commission conditions of approval have not been completed; and

WHEREAS, as required by Section 66462 of the California Subdivision Map Act and Section 4-4.605 of the Modesto Municipal Code by previous action, a subdivision improvement agreement is required between the City and SUBDIVIDER; and

WHEREAS, following a public hearing and special election on April 06, 2004, by Resolution 2004-199, Council approved the establishment of Community Facilities District No. 2004-1, Village One No. 2, which SUBDIVISION is a part of; 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 tentative subdivision map; 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 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 it hereby approves the Final Map and Subdivision Improvement Agreement for the Crossings Phase I subdivision.

BE IT FURTHER RESOLVED that the City Manager, or designee, is authorized to execute the Subdivision Improvement Agreement with the Owner, D.R. Horton Bay Inc., a Delaware Corporation in a form approved by the City Attorney.

BE IT FURTHER 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 22nd day of July, 2025, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-288

RESOLUTION APPROVING THE ISSUANCE OF CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY KAISER PERMANENTE REVENUE BONDS IN ONE OR MORE SERIES FROM TIME TO TIME PURSUANT TO A PLAN OF FINANCE IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $880,000,000 FOR THE PURPOSE OF FINANCING OR REFINANCING THE ACQUISITION, CONSTRUCTION, IMPROVEMENT, EQUIPPING, RENOVATION, REHABILITATION, REMODELING AND OTHER CAPITAL PROJECTS OF CERTAIN HEALTH FACILITIES AND CERTAIN OTHER MATTERS RELATING THERETO

WHEREAS, Kaiser Foundation Hospitals, Kaiser Foundation Health Plan, Inc., Kaiser Health Plan Asset Management, Inc., and Kaiser Hospital Asset Management, Inc., each a California nonprofit public benefit corporation (collectively, "Kaiser"), have requested that the California Statewide Communities Development Authority (the "Authority") participate in the issuance of one or more series of revenue bonds from time to time pursuant to a plan of finance in an aggregate principal amount not to exceed $880,000,000 (the "Bonds") for the purpose of, among other things, financing or refinancing the acquisition, construction, improvement, equipping, renovation, rehabilitation, remodeling and other capital projects of certain health facilities (the "Facilities") owned or operated by Kaiser Foundation Hospitals or its affiliates (the "Project") and located in the City of Modesto (the "City"); 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 Facilities are 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 for the purposes of financing or refinancing the Project in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 9 of the Amended and Restated Joint Exercise of Powers Agreement, dated as of June 1, 1988 (the "Agreement"), among certain local agencies, including the City; and

WHEREAS, the Authority is also requesting that the City Council approve the issuance of any refunding bonds hereafter issued by the Authority for the purpose of refinancing the Bonds that financed or refinanced the Project (the "Refunding Bonds") but only in such cases where federal tax laws would not require additional consideration or approval by the City Council; and

WHEREAS, pursuant to Section 147(f) of the Code, the City Council has, following notice duly given, 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 City Council hereby approves the issuance of the Bonds and the Refunding Bonds by the Authority from time to time pursuant to a plan of finance for the purposes of financing or refinancing the Project. It is the purpose and intent of the City Council that this Resolution constitute approval of the issuance of the Bonds and the Refunding Bonds by the Authority, for the purposes of (a) Section 147(f) of the Code by the applicable elected representative of the issuer of the Bonds and the

governmental unit having jurisdiction over the area in which the Facilities are located, in accordance with said Section 147(f) and (b) Section 9 of the Agreement.

Section 2. The City shall have no responsibility or liability whatsoever with respect to the Bonds. 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 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, construction, rehabilitation, installation 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 3. 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 4. This Resolution shall take effect immediately upon its adoption.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the issuance of California Statewide Communities Development Authority Kaiser Permanente Revenue Bonds in one or more Series from time to time pursuant to a plan of finance in an aggregate principal amount not to exceed

$880,000,000 for the purpose of financing or refinancing the acquisition, construction, improvement, equipping, renovation, rehabilitation, remodeling and other capital projects of certain health facilities and certain other matters relating thereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 2025, by Vice-Mayor Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-289

RESOLUTION ADOPTING THE APPLICATION FEE, ANNUAL PERMIT FEE, AND RE-INSPECTION FEE FOR THE SMOKE SHOP PERMIT PROGRAM

WHEREAS, on July 22, 2025, the City Council will consider introducing an Ordinance establishing a regulatory framework for smoke shop businesses, as defined in the Ordinance, to operate within the City of Modesto (the "Smoke Shop Ordinance"); and

WHEREAS, as part of the Smoke Shop Ordinance, the City is developing application and permit procedures, inspections, forms, and administration protocols for Smoke Shop Permits in anticipation of the Smoke Shop Ordinance being adopted and becoming effective (the "Smoke Shop Permit Program"), and

WHEREAS, staff time and City materials have been estimated to establish the application process and procedures, and inspections to administer the Smoke Shop Permit Program; and

WHEREAS, the City may collect fees to recover City costs related to administering the Smoke Shop Permit Program and required inspections; and

WHEREAS, a duly noticed City Council meeting was held by the City Council on July 22, 2025, at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which all interested persons were given the opportunity to be heard relative to the proposed fees for specific activities and services related to the Smoke Shop Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the fee schedule related to fees for specific activities and services related to the Smoke Shop Permit Program, **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 22nd day of July, 2025, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

CITY OF MODESTO SMOKE SHOP PERMIT PROGRAM
FEE SCHEDULE

Smoke Shop Permit Fee	**Fee**
Application Fee- Non -Refundable	$500
*This amount will be applied to the first year Annual Permit Fee if the Smoke Shop Permit is approved.	
Annual Permit Fee	$1,100
Re-inspection Permit Fee	$530

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-290

RESOLUTION APPROVING THE APPOINTMENTS OF LUPE HODGES, ABIGAIL POWERS, AND JENNIFER AOYAMA TO THE MODESTO CULTURE COMMISSION FOR FOUR-YEAR TERMS WITH A TERM EXPIRATION OF DECEMBER 31, 2028

WHERAS, the Culture Commission (Commission) acts as an advisory body to the City Council and the City Manager in all matters pertaining to art, literature, music, and other cultural activities as well as promoting the preservation of historic sites, landmarks, documents, paintings, and other objects associated with the history of the City and its area; and

WHEREAS, the Culture Commission is comprised of seven members with five (5) members representing the City of Modesto and two (2) living outside of the City but representing Stanislaus County; and

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 Culture Commission has several vacancies for registered voters residing in Modesto or Stanislaus County; and

WHEREAS, seven applications were received and deemed complete; and

WHEREAS, the Appointments Committee met on June 4, 2025, and recommended the appointments of Abigal Powers and Jennifer Aoyama to the Culture Commissions as Modesto registered voters; and

WHEREAS, the Appointments Committee also recommended the appointment of Lupe Hodges to the Culture Commission as a Stanislaus County registered voter.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints Abigail Powers, Jennifer Aoyama, and Lupe Hodges to the Culture commission for four-year terms with a term expiration of December 31, 2028.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of August, 2025, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-291

RESOLUTION APPROVING THE APPOINTMENTS OF BOB QUINTELLA AS A MEMBER-AT-LARGE FOR A TERM EXPIRATION OF DECEMBER 31, 2028, AND MARTIN MONTEZ AS A YOUTH MEMBER-AT-LARGE FOR A TERM EXPIRATION OF DECEMBER 31, 2025, ON THE CITY OF MODESTO GOLF COURSES ADVISORY COMMITTEE

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

WHEREAS, the Golf Courses Advisory Committee is comprised of five members representing local golf organizations: SIRS Golf Club, Muni-Niners Golf Club, Modesto Golf Club, Creekside Golf Club, and Dryden Women's Golf Club, and six Members-At-Large, including one Youth Member-At-Large, and

WHEREAS, there currently exists two vacancies on the Committee - one Member-At-Large, and one Youth Member-At-Large, and

WHEREAS, the Committee received two applications; and

WHEREAS, Bob Quintella is qualified to serve as a Member-At-Large for a four-year term with a term expiration of December 31, 2028, and

WHEREAS, by Resolution 2024-250, Council appointed Martin Montez to the Golf Courses Advisory Committee as a Youth Member-At-Large, and

WHEREAS, Martin Montez served one one-year term and has reapplied for a second term, and

WHEREAS, Martin Montez is qualified to serve as a Youth Member-At-Large for a one-year term with a term expiration of December 31, 2025, and

WHEREAS, on June 4, 2025, the Appointments Committee recommended the appointment of Bob Quintella as a Member-At-Large and reappointment of Martin Montez as a Youth Member-At-Large.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointments of Bob Quintella as a Member-At-Large for a term expiration of December 31, 2028 and Martin Montez as a Youth Member-At-Large for a term expiration of December 31, 2025, on the City of Modesto Golf Courses Advisory Committee.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Golf Courses Advisory Committee, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of August, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-292

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL TO RAPID VIEW LLC, ROCHESTER, IN, UNDER THE AUTHORIZED DEALER, MUNICIPAL MAINTENANCE EQUIPMENT, SACRAMENTO, CA FOR THE PURCHASE OF ONE (1) RAPID VIEW IBAK F550 TRUCK WITH CAMERA FOR AN AMOUNT NOT TO EXCEED $367,746; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, the Public Works Fleet Division provides the maintenance for all City vehicles and equipment; and

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs including the addition of new vehicles due to the operational needs for the city; and

WHEREAS, on July 14, 2021, the City Manager authorized the Purchasing Manager to solicit the procurement for a Rapid View IBAK F550 Truck with Camera; and

WHEREAS, in accordance with the Modesto Municipal Code (MMC), 8-3.202(h), the City may utilize other government agencies competitive bidding processes to meet the City's purchasing bidding requirements to solicit goods; and

WHEREAS, on October 19, 2021, Sourcewell solicited a bid for the State of Minnesota local government unit and service cooperative issued Request for Proposal #120721 for Underground Infrastructure Inspection and Rehabilitation Equipment with Related Services on the Sourcewell Procurement Portal and New York State Contract Reporter website, Daily Journal of Commerce (DJC), and McClatchy; and

WHEREAS, on December 7, 2021, proposals were opened at the Sourcewell Procurement Portal, thirteen (13) proposals were received, and the proposals were based on the Sourcewell intent to award to one or more contract to highest scored proposers offering the best overall quality, selection of equipment, products, and services and price; and

WHEREAS, four (4) contracts were awarded for this commodity which includes Rapid View LLC as the manufacturer but procured through the dealer Municipal Maintenance Equipment (MME); and

WHEREAS, based on the ranking of the proposals offering the Underground Infrastructure Inspection and Rehabilitation Equipment, City staff recommends awarding to Municipal Maintenance Equipment (MME) to purchase one (1) Rapid View IBAK F550 Truck with Camera for the amount not to exceed $367,746; and

WHEREAS, Sourcewell is a cooperative agreement to streamline the procurement process by developing Request for Proposals (RFP)'s for national competitive solicitations that meet or exceed local requirements; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $100,000 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 a procurement for the City at the lowest possible cost commensurate with the desired quality."; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; and

WHEREAS, by utilizing the Sourcewell bidding process, the City is complying with the requirements defined under this code for the purchase of one (1) Rapid View IBAK F550 Truck with Camera.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Competitive Bidding Process from Sourcewell to Rapid View LLC, Rochester, IN, under the authorized dealer, Municipal Maintenance Equipment, Sacramento, CA for the purchase of one (1) Rapid View IBAK F550 Truck with Camera for an amount not to exceed $367,746.

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

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of August, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-293

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL TO VAC-CON, INC., GREEN COVE SPRINGS, FL, UNDER THE AUTHORIZED DEALER, MUNICIPAL MAINTENANCE EQUIPMENT, SACRAMENTO, CA FOR THE PURCHASE OF ONE (1) VAC-CON XCAVATOR TRUCK FOR AN AMOUNT NOT TO EXCEED $715,412; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, the Public Works Fleet Division provides the maintenance for all City vehicles and equipment; and

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs including the addition of new vehicles due to the operational needs for the city; and

WHEREAS, on April 16, 2024, the City Manager authorized the Purchasing Manager to solicit the procurement for one (1) Vac-Con Xcavator Truck; and

WHEREAS, in accordance with the Modesto Municipal Code (MMC), 8-3.202(h), the City may utilize other government agencies competitive bidding processes to meet the City's purchasing bidding requirements to solicit goods; and

WHEREAS, on October 12, 2021, Sourcewell solicited a bid for the State of Minnesota local government unit and service cooperative issued RFP No.101221 under Contract No 101221-VAC for Sewer Vacuum, Hydro-Excavation, and Municipal Pumping Equipment with Related Accessories and Supplies on the Sourcewell Procurement Portal and New York State Contract Reporter website, DJC, and Oklahoman; and

WHEREAS, on October 12, 2021, proposals were opened at Sourcewell Procurement Portal; and

WHEREAS, 22 proposals received and based on the Sourcewell intent to award one or more contracts to responsive and responsible proposers offering the best overall quality, selection of equipment, products, services and price; and

WHEREAS, nine (9) Contracts were awarded for this commodity which includes the Sewer Vacuum, Hydro-Excavation, and Municipal Pumping Equipment with Related Accessories and Supplies; and

WHEREAS, based on the highest scored proposer offering the Sewer Vacuum, Hydro-Excavation, and Municipal Pumping Equipment with Related Accessories and Supplies city staff recommends to award to Municipal Maintenance Equipment (MME) dealer for Vac-Con, Inc., for the purchase for one (1) Vac-Con Xcavator Truck, an amount not to exceed $715,412; and

WHEREAS, Sourcewell is a cooperative agreement to streamline the procurement process by developing Request for Proposals (RFP)'s for national competitive solicitations that meet or exceed local requirements; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $100,000 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 a procurement for the City at the lowest possible cost commensurate with the desired quality."; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; and

WHEREAS, by utilizing the Sourcewell bidding process, the City is complying with the requirements defined under this code for the purchase of one (1) Vac-Con Xcavator Truck.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Competitive Bidding Process from Sourcewell to Van-Con, Inc., Green Cove Springs, FL under the authorized dealer, Municipal Maintenance Equipment, Sacramento, CA for the purchase of one (1) Vac-Con Xcavator Truck for an amount not to exceed $715,412.

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

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of August, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-294

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE AGREEMENT WITH SPRYPOINT SERVICES, INC., CHARLOTTETOWN, P.E., FOR UTILITY BILLING, RECEIVABLES AND CASHIERING SOFTWARE, TO INCLUDE SPRYWALLET AS THE PAYMENT GATEWAY AND INCREASING THE AMOUNT BY $1,336,902, TO A NEW TOTAL AMOUNT NOT TO EXCEED $3,728,862 THROUGH THE NEXT TWO (2) YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on November 14, 2023, by Resolution No. 2023-507, City Council approved entering into an Agreement with SpryPoint Services, Inc., utilizing the City of Aurora's competitive solicitation and Agreement to obtain a cloud-based Software as a System (SaaS) product that allows for streamlined collection and processing of customer billing information by utilizing current technology to communicate with our customers, improving the customer service experience, and reducing the resources required by Information Technology (IT) staff to maintain the system, and

WHEREAS, as part of this project, this software solution includes the replacement of our point of sale (POS) cashiering system and miscellaneous accounts receivable system at no additional cost, and

WHEREAS, the Finance Department issues over 900,000 bills annually for water, sewer, storm drain, garbage, and miscellaneous receivables for various City departments and in order to facilitate the number of payments received and provide convenience for our residents, the City offers various payment options including paying utility bills online via the current provider Paymentus, and

WHEREAS, the number of customers who utilize this online service has grown each year, and with a complete modernization of the billing software system and online payment portal, staff anticipate this growth to continue, and

WHEREAS, SpryPoint Services developed and launched their own integrated payment gateway called SpryWallet in July 2024, no longer requiring a third-party payment gateway and if the City were to replace Paymentus with SpryWallet as the online payment gateway, the entire online payment process would remain in the same ecosystem of SpryPoint; and

WHEREAS, the City will terminate its Agreement with the current payment gateway, Paymentus, for the next two (2) years at a cost of $1,565,032 and initiate SpryWallet as the payment gateway at a cost of $1,336,902; and

WHEREAS, Paymentus services are currently budgeted and paid for via the Revenue Clearing Fund and these expenses are offset by the interest earned on the City's investment portfolio for the specific service areas; and

WHEREAS, SpryWallet will replace Paymentus, and expenses will continue to be offset by the interest earned on the City's investment portfolio; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, exceptions to the formal bidding process are granted in MMC 8-3.204(f) "Where the Purchasing Manager, in her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, or limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or service; and

WHEREAS, this amendment is continuing with the existing services but expanding the services to include SpryWallet as the Payment Gateway; and

WHEREAS, the First Amendment increasing the Agreement amount with SpryPoint Services, Inc. was reviewed by the Technology Steering and Alignment Committee (TSAC) at the meeting held May 29, 2025 and was heard by the Finance Committee on June 23, 2025 with the committee recommending to forward this item to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Agreement with SpryPoint Services, Inc., Charlottetown, P.E., for Utility Billing, Receivables and Cashiering Software, to include SpryWallet as the payment gateway and increasing the amount by $1,336,902, to a new total agreement amount not to exceed $3,728,862 through the next two (2) years.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, 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 12th day of August, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-295

RESOLUTION APPROVING A ONE-TIME ONLINE CUSTOMER ENROLLMENT INCENTIVE PROGRAM IN THE AMOUNT OF $5

WHEREAS, on November 14, 2023, by Resolution No. 2023-507, City Council approved entering into an Agreement with SpryPoint Services, Inc., utilizing the City of Aurora's competitive solicitation and Agreement to obtain a cloud-based Software as a System (SaaS) product that allows for streamlined collection and processing of customer billing information by utilizing current technology to communicate with our customers, improving the customer service experience, and reducing the resources required by Information Technology (IT) staff to maintain the system, and

WHEREAS, as part of this project, this software solution includes the replacement of our point of sale (POS) cashiering system and miscellaneous accounts receivable system at no additional cost, and

WHEREAS, the Finance Department issues over 900,000 bills annually for water, sewer, storm drain, garbage, and miscellaneous receivables for various City departments and in order to facilitate the number of payments received and provide convenience for our residents, the City offers various payment options including paying utility bills online via the current provider Paymentus, and

WHEREAS, the number of customers who utilize this online service has grown each year, and with a complete modernization of the billing software system and online payment portal, staff anticipate this growth to continue, and

WHEREAS, SpryPoint Services developed and launched their own integrated payment gateway called SpryWallet in July 2024, no longer requiring a third-party

payment gateway and if the City were to replace Paymentus with SpryWallet as the online payment gateway, the entire online payment process would remain in the same ecosystem of SpryPoint; and

WHEREAS, with the transition to the new online Customer Portal, customers enrolled in our current program will automatically be registered in the new portal with only a password reset required for login; and

WHEREAS, while the customer's profile and account information will be transitioned, to ensure PCI DSS compliance (Payment Card Industry Data Security Standard) the customer's electronic wallet, including credit card or bank account information for Auto Pay, cannot be moved; and

WHEREAS, this will require all customers to re-enroll in Auto Pay and to assist with the facilitation of a seamless transition to Auto Pay re-enrollment and to encourage new enrollment in the Customer Portal, the City will provide a one-time $5.00 incentive to all customers who enroll in the new portal by a predetermined date; and

WHEREAS, as of June 2025, there are 20,171 customers enrolled in Auto Pay and 75,255 active customer accounts; and

WHEREAS, this enrollment incentive program will be funded by late charges and miscellaneous penalties, similar to the funding of our Utility Billing Assistance Program; and

WHEREAS, due to the timing of implementing the outreach communication plan, the one-time online Customer Enrollment Incentive Program was not presented to Finance Committee; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a one-time online Customer Enrollment Incentive program in the amount of $5.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of August, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-296

RESOLUTION APPROVING CO-SPONSORSHIP FOR DESIGNATED CITY PARNTERS' EVENTS AND PROGRAMS WITH DIRECT CONTRIBUTIONS OF $61,650 AND IN-KIND SUPPORT WITH AN ESTIMATED VALUE OF $251,022 FOR FISCAL YEAR 2025-2026

WHEREAS, the City affirms its long-standing partnership with many local organizations to bring quality events and programs to the region; and

WHEREAS, such events and programs have a broad appeal and proven history of providing cultural, social, educational, economical, and recreational benefits to the community at large; and

WHEREAS, the City collaborates in the planning and execution of these events and programs and provides in-kind and direct contributions; and

WHEREAS, Administrative Directive 3.7 – Co-Sponsorship for Designated City Partners' Events and Programs serves as a guide for the provision of such support on an annual basis; and

WHEREAS, the City is proud to co-sponsor the following partners, events and programs through the provision of in-kind and direct contribution support as identified in **Exhibit "A" and attached** herein:

1. Annual Cinco de Mayo Parade, South Modesto Businesses United
2. Annual 4th of July Parade, Modesto Kiwanis Club
3. Annual American Graffiti Parade & Cruise, North Modesto Kiwanis Club
4. Annual Veterans Day Parade, Veterans Chamber of Commerce NorCal
5. Concerts in the Park Series, Modesto Band of Stanislaus County
6. Music in the Plaza, ModestoView

7. First Fridays, Downtown Modesto Partnership
8. Legends of the Cruise / Park & Shine, Mid-Valley Chevy Club, Graffiti USA Classic Car Museum, and ModestoView
9. Rec Fest, Tuolumne River Trust
10. May the Fourth Be With You, Modesto View
11. Rockin Holidays, Modesto View
12. Love Modesto, Love Stanislaus County
13. Peace Officers Memorial Run, Peace Officer Memorial Group of Stanislaus County
14. Annual Modesto Memorial Classic Run, ShadowChase Running Club
15. 10K with a Cop, Northern California Chapter
16. Modesto Peace/Life Center
17. Stanislaus Partners in Education
18. Breakfast with Santa, North Modesto Kiwanis Club & City of Modesto
19. Modesto Sister Cities International
20. Dia de Los Muertos, Veterans Commerce Advocacy

WHEREAS, AD X.X requires all co-sponsorship requests for in-kind support and direct contributions be approved by Council; and

WHEREAS, City Co-Sponsorships for these partners, events and program in Fiscal 2025-2026 are valued at $312,671 with $251,021 attributed to in-kind support, and $61,650 in direct contributions as listed in **Exhibit A**; and

WHEREAS, a review of the AD 3.7and recommended co-sponsorships were presented to the Finance Committee at the Fiscal Year 2025-2026 Budget Workshop held on April 16, 2025, and

WHEREAS, General Fund funding for City co-sponsorships is budgeted in various Fiscal Year 2025-2026 department operating budgets.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the co-sponsorships for Fiscal Year 2025-2026 as designated in **Exhibit "A"** for the following events, partners, and programs:

1. Annual Cinco de Mayo Parade, South Modesto Businesses United
2. Annual 4th of July Parade, Modesto Kiwanis Club
3. Annual American Graffiti Parade & Cruise, North Modesto Kiwanis Club
4. Annual Veterans Day Parade, Veterans Chamber of Commerce NorCal
5. Concerts in the Park Series, Modesto Band of Stanislaus County
6. Music in the Plaza, ModestoView
7. First Fridays, Downtown Modesto Partnership
8. Legends of the Cruise / Park & Shine, Mid-Valley Chevy Club, Graffiti USA Classic Car Museum, and ModestoView
9. Rec Fest, Tuolumne River Trust
10. May the Fourth Be With You, Modesto View
11. Rockin Holidays, Modesto View
12. Love Modesto, Love Stanislaus County
13. Peace Officers Memorial Run, Peace Officer Memorial Group of Stanislaus County

14. Annual Modesto Memorial Classic Run, ShadowChase Running Club

15. 10K with a Cop, Northern California Chapter

16. Modesto Peace/Life Center

17. Stanislaus Partners in Education

18. Breakfast with Santa, North Modesto Kiwanis Club & City of Modesto

19. Modesto Sister Cities International

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of August, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Exhibit "A"

Administrative Directive 3. – Co-Sponsorship for Designated City Partners' Events and Programs
Fiscal Year 2025-2026

25/26 City Partner's Co-Sponsorship Projections:

	Event	City Partner	In-Kind	Financial	Total
1	10K with a Cop	10K with a Cop - Northern California Chapter	$1,575	$20,000	$21,575
2	4th of July	North Modesto Kiwanis Club	$32,072		$32,072
3	Breakfast with Santa	North Modesto Kiwanis Club & City of Modesto		$3,500	$3,500
4	Cinco De Mayo Parade	South Modesto Businesses United	$30,030		$30,030
5	Concerts in the Park	Modesto Band of Stanislaus County (MoBand)	$15,330		$15,330
6	Dia de Los Muertos	Veterans in Community Advocacy	$4,898	$2,500	$7,398
7	First Fridays	Downtown Modesto Partnership		$6,000	$6,000
8	Graffiti Parade	North Modesto Kiwanis Club	$95,403		$95,403
9	Love Modesto	Love Modesto of Stanislaus County	$1,050	$6,000	$7,050
10	Legends of the Cruise/Park & Shine	Mid-Valley Chevy Club, Graffiti USA Museum, & ModestoView	$2,667		$2,667
11	MLK Peace Life	Modesto Peace/Life Center		$3,500	$3,500
12	Modesto Sister Cities	Modesto Sister Cities International	$15,750	$15,000	$30,750
13	Music in the Plaza	ModestoView	$4,300		$4,300
14	Peace Officers Memorial Run	Peace Officer Memorial Group of Stanislaus County	$6,290		$6,290
15	Rec Fest	Tuolumne River Trust	$1,701		$1,701
16	Rockin' Holidays	ModestoView	$11,288		$11,288
17	Modesto Memorial Classic	ShadowChase Running Club	$378		$378
18	Stanislaus Partners in Education	Stanislaus Partners in Education		$2,650	$2,650
19	Star War Days	ModestoView	$357		$357
20	Veterans' Day Parade	Veterans Chamber of Commerce - NorCal	$27,933	$2,500	$30,433
		TOTAL	**$251,022**	**$61,650**	**$312,672**

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-297

RESOLUTION APPROVING COMMUNITY/SPECIAL EVENT AND PROGRAM GRANTS FOR IN-KIND SUPPORT VALUED AT $19,815 AND GRANT FUNDING OF $18,157 FOR EVENTS AND PROGRAMS PLANNED IN THE FIRST HALF OF FISCAL YEAR 2025-2026

WHEREAS, community and special events provide community and economic benefits to Modesto; and

WHEREAS, each year the City receives more requests for in-kind and direct contribution sponsorships; and

WHEREAS, the City implemented Administrative Directive Policy Number 3.8 (AD 3.8) for Community/Special Event and Program Grants to offer competitive grants to organizations seeking City assistance; and

WHEREAS, the City has allocated $50,000 in in-kind support and budgeted $50,000 in grant funding for Fiscal Year 2025-2026 events; and

WHEREAS, the City is prepared to accept grant applications biannually; and

WHEREAS, the rollout of AD 3.8 requires an additional application intake period for events and programs taking place in the latter half of Fiscal Year 2025-2026; and

WHEREAS, thresholds for grants are $1,000-$5,000 in in-kind support and $1,000-5,000 in grant funding per applicant, per fiscal year, and not to exceed a combined amount of $10,000; and

WHEREAS, the City has four applications accepted under former Administrative Directive 3.6 – Community and Special Events Sponsorships (AD 3.6) on file for events and programs taking place in the first half of Fiscal Year 2025-2026; and

WHEREAS, the events provide a community, cultural, educational, or recreational benefit to the community at large; and

WHEREAS, AD 3.6 is set to sunset on June 30, 2025 and the City is prepared to award grants to the following organizations in place of sponsorships:

1. International Heritage Committee – International Heritage Festival
   In-Kind: $5,000 / Grant Funding: $3,315

2. MoPride – MoPride in the Park
   In-Kind: $5,000

3. Silver Squares – National Slavery Remembrance Day
   In-Kind: $2,500 / Grant Funding $2,500

4. Central Valley Business Expo
   In-Kind: $2,000 / Grant Funding: $500

5. Stanislaus Latino Chamber of Commerce – History of Lowriding Holiday
   Grant Funding: $5,000

6. Ballet Folklorico Anahuac – Festival Folklor: Celebrando la Vida
   In-Kind: $4,500 / Grant Funding: $5,000

7. NeLa – Modesto Neighborhoods Inc. – NeLaPaLooza
   In-Kind: $815 / Grant Funding: $342

8. West Modesto Community Collaborative – Back to School Health Fair
   Grant Funding: $1,500

WHEREAS, Awardees are required to comply with all post event reporting requirements; and

WHEREAS, AD 3.8 requires all grants be approved by Council; and

WHEREAS, a review of AD 3.8 and proposed grant awards were presented to the Finance Committee at the Fiscal Year 2025-2026 Budget Workshop held on April 16, 2025.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the following grants with a total in-kind support valued at $19,815 and grant funding of $18,157 for the following events occurring within the first half of Fiscal Year 2025-2026:

1. International Heritage Committee – International Heritage Festival
   In-Kind: $5,000 / Grant Funding: $3,315

2. MoPride – MoPride in the Park
   In-Kind: $5,000

3. Silver Squares – National Slavery Remembrance Day
   In-Kind: $2,500 / Grant Funding $2,500

4. Central Valley Business Expo
   In-Kind: $2,000 / Grant Funding: $500

5. Stanislaus Latino Chamber of Commerce – History of Lowriding Holiday
   Grant Funding: $5,000

6. Ballet Folklorico Anahuac – Festival Folklor: Celebrando la Vida
   In-Kind: $4,500 / Grant Funding: $5,000

7. NeLa – Modesto Neighborhoods Inc. – NeLaPaLooza
   In-Kind: $815 / Grant Funding: $342

8. West Modesto Community Collaborative – Back to School Health Fair
   Grant Funding: $1,500

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of August, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-298

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENTS FOR FIRE EXTINGUISHER INSPECTION, TESTING AND MAINTENANCE SERVICES TO FIRECODE SAFETY EQUIPMENT, INC. SACRAMENTO, CA AND NATIONAL FIRE SYSTEMS, INC. SACRAMENTO, CA FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, WITH AN ESTIMATED ANNUAL AMOUNT OF $20,000 FOR FIRECODE SAFETY EQUIPMENT, INC AND ANNUAL AMOUNT FOR $10,000 FOR NATIONAL FIRE SYSTEMS, INC FOR A TOTAL ESTIMATED ANNUAL AMOUNT OF $30,000, AND A COMBINED TOTAL AMOUNT NOT TO EXCEED $160,269 OVER FIVE YEARS BETWEEN THE TWO AGREEMENTS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, on January 14, 2020, by Resolution 2020-09, Council approved the award of agreement for fire extinguisher inspection and maintenance service to Nor Cal Fire Inc., Ripon, CA, for a two-year agreement with three, one-year extension options for an estimated annual cost not to exceed $17,500 and a total combined cost not to exceed $87,500 over five years; and

WHEREAS, on November 23, 2021, by Resolution No. 2021-451, Council authorized the First Amendment for agreement for fire extinguisher inspection and maintenance service, to increase the agreement amount by $17,500 to a total revised amount not to exceed $41,000 through the term of the agreement. This agreement has since expired and the vendor choose not to renew services under the existing agreement; and

WHEREAS, on January 18, 2024, the City Manager authorized the Purchasing Manager to solicit the procurement for Fire Extinguisher Inspection, Testing and Maintenance Services. On June 11, 2024, the Purchasing Division issued Invitation for Bids (IFB) 2324-71 for Fire Extinguisher Inspection, Testing and Maintenance Services

on the City's PlanetBids public bidding website under various commodity codes, which fifteen companies downloaded the IFB document from PlanetBids. On July 9, 2024, bids were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream. Zero companies chose to respond; and

WHEREAS, due to the non-responsiveness of the bids, on November 19, 2024, the Purchasing Division issued another Invitation for Bids (IFB) 2324-71RB for Fire Extinguisher Inspection, Testing and Maintenance Services under the same various commodity codes; and

WHEREAS, on December 17, 2024, bids were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream. Two companies chose to respond, no local bids were received. Based on providing the lowest responsive and responsible bid, City staff recommended to award Firecode Safety Equipment, Inc., Sacramento, CA and National Fire Systems, Inc. Sacramento, CA, for a two-year agreement with three one-year extension options for a total estimated annual cost of $30,000, and total combined amount not to exceed $160,269 over five years between the two agreements; and

WHEREAS, Staff recommends awarding two agreements for Fire Extinguisher Inspection, Testing and Maintenance Services as follows:

Primary - Firecode Safety Equipment, Inc.- $20,000 estimated annually for Fire Extinguisher Inspection, Testing and Maintenance Services for a five-year total amount not to exceed $106,846.

Secondary - National Fire Systems, Inc.- $10,000 estimated annually for Fire Extinguisher Inspection, Testing and Maintenance Services for a five-year total amount not to exceed $53,423; and

WHEREAS, Staff recommends a separate agreement for both Firecode Safety Equipment and National Fire Systems in order to provide backup, or in case the "primary" contractor is unable to meet the City's needs; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid. Based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City Staff recommends the award of bid for Fire Extinguisher Inspection, Testing and Maintenance Services to Firecode Safety Equipment, Inc., Sacramento, CA and National Fire Systems, Inc. Sacramento, CA; and

WHEREAS, the two proposed agreements have a combined estimated annual amount of $30,000, resulting in a combined five-year not to exceed total of $160,269. A 5.5% Consumer Price Index (CPI) increase projection has been calculated for Years 3, 4, and 5 which are included in the Contracted Services pricing. The overall agreement total was calculated by forecasting CPI percentage increases based on an average of the CPI index over the last twelve months. City staff project annual increases based on this estimated forecast. Annual increases will be calculated using the current CPI index at the time of the requested increase. Funds are budgeted in the Building Maintenance Fund with funding for contingency services being allocated at the time of approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Award of Bid and Agreements for Fire Extinguisher Inspection, Testing and Maintenance Services to Firecode Safety Equipment, Inc. Sacramento, CA and National Fire Systems, Inc. Sacramento, CA for a two-year Agreement with three one-year extension options, with an estimated annual amount of $20,000 for Firecode Safety Equipment, Inc and annual amount doe $10,000 for National Fire SYSTEMS, Inc for a total estimated annual amount of $30,000, and a combined total amount not to exceed $160,269 over five years between the two agreements.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby 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 12th day of August, 2025, by Vice-Mayor Bavaro, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-299

RESOLUTION APPROVING THE AMENDED AND RESTATED AGREEMENT WITH GALLO CENTER FOR THE ARTS, MODESTO, CA FOR LOT 25 EMPLOYEE DISCOUNTED PARKING, INCREASING THE AGREEMENT AMOUNT BY 2.4% PER PARKING PERMIT PER MONTH, AND EXTENDING THE TERM OF THE AGREEMENT FROM JULY 1, 2025 TO JUNE 30, 2026, WITH THE OPTION FOR ONE ADDITIONAL ONE-YEAR TERM OF JULY 1, 2026 THROUGH JUNE 30, 2027 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Gallo Center for the Arts is located in the downtown core of Modesto. The Gallo Center for the Arts is operated by the non-profit organization Gallo Center. Gallo Center employs stagehands, customer service representatives, management and several others that keep the acquisition of performance shows, set-ups, and teardowns for public shows; and

WHEREAS, Gallo Center employees have previously had access to surface parking lot # 25 under a previous agreement with American Specialty Healthcare (ASH); and

WHEREAS, the Gallo Center negotiated a sub-agreement with ASH to use 25 parking permits during day use and an additional five permits for evening use in the City Parking Lot #25 which is on the corner of 9th and I streets. On July 12, 2022, by Resolution 2022-309, Council approved the agreement with Gallo Center for the Arts for a two-year term retroactive to July 1, 2022 through June 30, 2024, for discounted employee parking in Lot 25 with annual parking permits to be paid on a quarterly basis; and

WHEREAS, on October 8, 2024, by Resolution 2024-374, Council approved the First Amendment to the agreement with Gallo Center for the Arts for a year-to-year

extension term retroactive to July 1, 2024, through June 30, 2025, for a five dollar increase for discounted parking in Lot 25 with annual parking pas permits to be paid on a quarterly basis; and

WHEREAS, the City and Gallo Center management met on July 9, 2025, to revisit discussions regarding employee parking for the non-profit organization and continue the use of the City's Lot 25 to accommodate up to 30 parking permits on a first come first serve basis; and

WHEREAS, staff recommends a Consumer Price Index (CPI) increase of 2.4% per parking permit to offset the City's increasing overhead and maintenance costs associated with our surface lots. Staff also proposes to extend the term of the Agreement from July 1, 2025 to June 30, 2026, with the option for one additional one-year term of July 1, 2026 through June 30, 2027; and

WHEREAS, this discount will provide parking for the non-profit employees. It will also further enhance the partnership between the City and Gallo Center for the Arts; and

WHEREAS, Parking Services staff, in partnership with the City's Finance Department will manage the monthly permits quarterly billing. Gallo Center will pay for the parking permits on a quarterly basis; and

WHEREAS, revenue generated through this Second Amendment with Gallo Center for the Arts discount parking for Lot 25 is anticipated to be $20,275 annually.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amended and Restated Agreement with Gallo Center for the Arts, Modesto, CA for Lot 25 employee discounted parking increasing the Agreement

amount by 2.4% per parking permit per month and extending the term of the Agreement from July 1, 2025, to June 30, 2026 with the option for one additional one-year term of July 1, 2026 through June 30, 2027.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the amended and restated agreement with Gallo Center for the Arts, 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 12th day of August, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-300

RESOLUTION AUTHORIZING THE CITY CLERK TO ESTABLISH AND ADMINISTER A PASSPORT SERVICE PROGRAM AND APPROVING RELATED FEES

WHEREAS, from 2002 through 2010, the City Clerk's Office served as a Passport Acceptance Facility until the service ceased due to staffing reductions; and

WHEREAS, staffing levels in the City Clerk's Office have improved and now support the reinstatement of passport services for the public; and

WHEREAS, the City Clerk's Office has submitted a formal request to the United States Department of State to be redesignated as a Passport Acceptance Facility and is completing the necessary training and certification processes; and

WHEREAS, the City Clerk's Office proposes to enhance customer service and convenience to residents by offering passport execution and photograph services in a single location; and

WHEREAS, under Title 22 of the Code of Federal Regulations (CFR), Part 51, Passport Acceptance Facilities are authorized to collect and retain a $35.00 execution fee per application, as set by federal regulations; and

WHEREAS, in addition, the City Clerk's Office recommends establishing a $15.00 fee for passport photograph services, consistent with market comparisons and authorized by Council action; and

WHEREAS, the City Clerk's Office also recommends establishing a $0.25 per page fee for providing copies of applications or supporting documents, such as birth certificates and naturalization documents, that are submitted to the U.S. Department of State and not retained by the City Clerk's Office; and

WHEREAS, establishing these fees will allow the City Clerk's Office to generate additional revenue for the City's General Fund while improving service access for Modesto residents.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby establishes fees related to passport services by the City Clerk and authorizes the City Clerk to establish and administer the Passport Services program with discretion to cease the program.

BE IT FURTHER RESOLVED that the City Clerk's Office establishes a $15.00 fee for passport photograph services and affirms the federally mandated $35.00 passport execution fee to be collected by the City Clerk's Office. The federally set passport execution fee is not discretionary and may be revised at the direction of the U.S. Department of State in accordance with federal regulations. The City Clerk's Office will adjust the execution fee in accordance with any updates to applicable federal law.

BE IT FURTHER RESOLVED that the City Clerk's Office is authorized to charge a fee of $0.25 per page for copies of applications or supporting documents, such as birth certificates and naturalization documents, provided to applicants for submission to the U.S. Department of State and not retained by the City Clerk's Office.

BE IT FURTHER RESOLVED that the City Council expresses its support for the designation of the City Clerk's Office as a Passport Acceptance Facility by the U.S. Department of State.

BE IT FURTHER RESOLVED that this resolution shall go into effect and be in full force and operation upon adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of August, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-301

RESOLUTION APPROVING A PURCHASING AGREEMENT WITH AMERICAN TRAFFIC SOLUTIONS, DBA VERRA MOBILITY, MESA, ARIZONA, BY UTILIZING THE COMPETITIVE BID PROCESS WITH HOUSTON-GALVESTON AREA COUNCIL (H-GAC), FOR AUTOMATED RED LIGHT PHOTO ENFORCEMENT TECHNOLOGY, FOR A FIVE-YEAR AGREEMENT FOR AN ANNUAL ESTIMATED AMOUNT OF $703,218 AND A CONTINGENCY OF $175,804, IF NEEDED, FOR AN AGREEMENT TOTAL AMOUNT NOT TO EXCEED $3,691,891 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on June 8, 2004, by Resolution No 2004-301, Council approved a three-year contract with Redflex Traffic Systems for the installation of red-light photo enforcement equipment at ten (10) City-designated intersections and authorized the execution of the necessary documents, the program was extended through a series of agreements and ran for approximately ten (10) years; and

WHEREAS, the California Office of Traffic Safety (OTS) compiles crash data for California municipalities and compares statistical data to similar-sized cities for analysis; and

WHEREAS for the five (5) most recent years that OTS has reported on (2017-2021), Modesto has ranked among the top three worst cities of similar size (approximately 60 cities) for total fatal and injury crashes. Three (3) of the five (5) years Modesto ranked #1; and

WHEREAS, it is prudent to explore technology solutions that support efforts to increase community safety while reducing collisions; and

WHEREAS, the Insurance Institute for Highway Safety found that the use of traffic cameras reduced red light violations by 40% at the intersections where they were

installed, in addition to the decrease in red light running at camera-equipped sites, the effect carried over to nearby signalized intersections not equipped with cameras; and

WHEREAS, given the staffing challenges, statistics, and rankings, the Modesto Police Department (MPD) is seeking to reinstate its red-light photo enforcement program; and

WHEREAS, Traffic Camera Systems are typically installed, managed, and maintained by a contractor. Section 21455.5 of the California Vehicle Code sets clear requirements and restrictions for traffic camera contractors to protect the public and the City; and

WHEREAS, on April 2, 2024, the City Manager authorized the Purchasing Manager to solicit the procurement for Red Light Photo Enforcement; and

WHEREAS, on September 17, 2020, Houston-Galveston Area Council (H-GAC) issued a Request for Proposal under PE05-21 for Traffic Control Enforcement & Signal Preemption Equipment on the H-GAC website; and

WHEREAS, Houston-Galveston Area Council (H-GAC) is a cooperative agency which streamlines the procurement process by developing Requests for Proposals (RFP) for national competitive solicitations that meet or exceed local requirements; and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases that meet or exceed $100,000 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 forth in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the

desired quality." In addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City could be served. By utilizing the competitive bidding process of Houston-Galveston Area Council of Governments (H-GAC), the City is complying with the requirements defined under this code for Automated Red Light Photo Enforcement Technology.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Purchasing Agreement with American Traffic Solutions, dba Verra Mobility Mesa, Arizona, by utilizing the Competitive Bid Process with Houston-Galveston Area Council (H-GAC), for Automated Red Light Photo Enforcement Technology, for a five-year Agreement for an annual estimated amount of $703,218 and $175,804 for contingency, if needed, for an Agreement total amount not to exceed $3,691,891 over five years.

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 12th day of August, 2025, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Wright

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-302

RESOLUTION ACCEPTING THE LANDMARK PRESERVATION COMMISSION ANNUAL REPORT FOR FISCAL YEAR 2024 - 2025

WHEREAS, Section 1104 of the City Charter specifies that appointed commissions shall report on their fiscal year activities to City Council on or before September 1 of each year, and Section 9-10.03(d) of the Modesto Municipal Code specifies that the Landmark Preservation Commission shall report its activities to City Council each year, and

WHEREAS, at its regular meeting of June 16, 2025, at 1010 10th Street, Modesto, California, the Landmark Preservation Commission accepted the Annual Report for Fiscal Year 2024-2025, and

WHEREAS, said matter was scheduled for the regular City Council meeting of August 26, 2025, in the 10th Street Place Chambers located at 1010 10th Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Landmark Preservation Commission Annual Report for Fiscal Year 2024-2025, 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 26th day of August, 2025, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT “A”

Landmark Preservation Commission Annual Report for FY 2024-2025

LANDMARK PRESERVATION COMMISSION ANNUAL REPORT FOR FISCAL YEAR 2024-2025

The City of Modesto Landmark Preservation Commission was formed by the City Council to promote public recognition and appreciation for Landmark Preservation Sites and the City's history. Its duties include conducting ongoing surveys and research to identify and classify as to their relative importance, properties with historic, architectural, archaeological, engineering, or cultural significance to the community.

Additionally, the Commission recommends properties which meet the criteria of significance for designation as Landmark Preservation Sites. It also safeguards these sites through public review of proposed alterations, relocations, demolitions, or new construction affecting those properties.

Furthermore, the Commission advises property owners and educates the public in appropriate maintenance, rehabilitation, or restoration methods, encouraging the continued use of such properties.

The Commission is also responsible for requesting from the Board of Zoning Adjustment, the Planning Commission, various City departments, or the City Council adoption of measures required or appropriate for the preservation, protection, or maintenance of Landmark Preservation Sites.

The Commission promotes public recognition and appreciation for Landmark Preservation Sites and solicits gifts and contributions to support the activities and purposes of the Commission.

The Commission meets on the third Monday of the month at 1:00 p.m. The 2024-25 Annual Report highlights several projects the Commission has undertaken during this period.

I. MEMBERSHIP

The Landmark Preservation Commission is currently comprised of a total of six (6) registered voters residing in Modesto, and one (1) representative from the Culture Commission.

Current Commissioners:

- Harrison Power (Chair)
- Dewey Bedford (Vice Chair & Culture Commission Representative)
- Joan Clendenin
- Cheryl Lopina
- Naramsen Goriel
- Mark Farrish
- Brinder Singh

II. BYLAWS

No bylaws amendments were proposed or adopted during the fiscal year.

III. PROJECTS

Web Pages Update

None

Mills Act Contract Monitoring

In accordance with the existing Mills Act contracts on the twelve landmark properties, staff has requested property owners update the list of improvements that is attached to each contract. Mills Act contracts require the list be updated to ensure the properties are being maintained as required by the agreements. Ten of the twelve property owners have responded by providing an updated list of improvements. In addition, city staff in coordination with Commissioners inspected nine of the ten responding properties.

Update Ordinance

None

Applications and Permits Reviewed

Landmark #22 The Commission reviewed and approved the Mills Act Contract for the Modesto State Theatre.

Future Projects

In addition to evaluating resources nominated for landmark status, The Commission is responsible for reviewing proposed alterations to historic resources and proposed demolitions. Applications are processed on a case-by-case basis and reviewed by The Commission as necessary.

Other projects that may be undertaken by the Commission include:

Update the historic resources survey;

More than 30 years have passed since Modesto hired Carey & Co. to prepare a survey of some of Modesto's historic resources that were 50 years old or older at the time of the survey. A plan to hire a new company ESA to prepare a current survey of some of Modesto's historic resources that are 50 years old or older.

Develop a list of high-priority resources and pursue landmark status;

Modesto's historic resources survey, prepared in the 1990s by Carey & Co., had been used as a starting point for preservation efforts. The survey was performed in-depth on a few properties known to have significance in addition to architectural qualities. In the past, a historic resources survey served to promote landmark status for a historic resource by the Commission. We hope to continue this effort by The Commission. This is a multi-year project.

Update the historic brochures.

Cities often highlight their historic resources by preparing walking tours or brochures, often themed. Brochures promote the city's unique history, civic involvement, and pride, and offer added appeal for visitors. Three brochures have been produced to date highlighting Modesto's landmarks, those brochures included the Establishment Period, and Mid-Century Modern buildings. These brochures will need updated photographs and descriptions, reprinting and distribution, and updated on the website.

Reevaluate the current Fees associated with designation.

This current Commission has asked to have the fees associated with the designation of a property to landmark status be reviewed. In hopes that adjustments to the fees associated with designation will encourage and inspire more property owners to apply.

IV. PURPOSE OF THE ANNUAL REPORT

This annual report is prepared in compliance with Article XI, Section 1104, of the City Charter, and with Modesto Municipal Code Section 9-10-03(d) which requires a report of the Commission's activities be prepared and submitted to the City Council annually.

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-303

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR ENGINEERING DESIGN SERVICES FOR THE TIVOLI DUAL USE BASIN AND PARK TO WESTWOOD PROFESSIONAL SERVICES, INC., PLANO, TX, FOR A TOTAL AMOUNT NOT TO EXCEED $446,674, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Tivoli Specific Plan (TSP) approved by City Council in 2008 by Ordinance No. 3479-C.S., is a 454-acre area is bounded by Claratina Avenue on the north, Oakdale Road on the west, Sylvan Avenue on the south, and Roselle Avenue on the east; and

WHEREAS, on August 13, 2024, by Resolution No. 2024-279, the Council approved the Resolution of Intention to form City of Modesto Community Facilities District (CFD) No. 2024-1 (Tivoli) to establish improvement area No. 1, designate a future annexation area and authorize the levy of special tax within the Community Facilities District; and

WHEREAS, the City Council also approved a Resolution to Incur Debt by Resolution No. 2024-280. It is the sole discretion of CFD No. 2024-1 as to if, and when, Bonds will be issued; and

WHEREAS, the proposed maximum CFD bond authorization is $120 million which serves as a “not to exceed” amount for the CFD and is based on the cost of financing the required facilities; and

WHEREAS, the maximum Annual Facilities Special Tax includes a buffer to prevent the possible authorization of bonds from limiting the capacity of the CFD to pay for ongoing services. The CFD is a separate legal entity and the land within the CFD secures the bonds, and any sale of CFD bonds will not impact the City’s bonding

capacity; and

WHEREAS, on September 24, 2024, by Resolution No. 2024-354, the Council approved the formation of City of Modesto Community Facilities District No. 2024-1 (Tivoli) ("CFD No. 2024-1"); and

WHEREAS, the TSP proposes an approximately 19 acre dual-use basin and neighborhood park that will serve as a centralized focal point and recreational open space asset for future residents; and

WHEREAS, the City of Modesto has begun to receive several developer inquires and planning projects for the Tivoli area including tentative subdivision map applications; and

WHEREAS, on July 22, 2025, by Resolution No. 2025-267 and Resolution No. 2025-268 Council approved the first two final subdivision maps for the TSP. These maps call for the construction of 284 single family dwellings. The design and eventual construction of the dual use catch basin will be crucial as new TSP subdivisions continue through the entitlement process; and

WHEREAS, given that the basin will be constructed by several TSP property owners, the City will work towards creating a single set of designs that are compliant with City standards which will inform the new development in the CFD; and

WHEREAS, on March 4, 2025, the City Manager executed an authorization to purchase form to authorize staff to issue a Request for Proposals (RFP) to search for qualified engineering design firms. The City released the RFP through the OpenGov platform on February 28, 2025. Four (4) firms were notified of the opportunity, Westwood Professional Services, NorthStar Engineering Group, Blackwater Consulting

Engineers, and Siegfried Engineering; and

WHEREAS, following the close of the RFP on March 21, 2025, the City received only one response from Westwood Professional Services Inc, formally known as O'Dell Engineering, which assisted the City in the development of the Tivoli Specific Plan in 2008; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to follow formal bid procedures. However, exceptions to the formal bidding process are granted in MMC 8-3.204(a) for contracts for professional services as defined in Section 8-3.103, if competitive quotations or proposals have been sought informally from at least three (3) qualified entities. Given that proposals were requested from four (4) qualified engineering design firms, staff recommends the award of this Engineering Services Agreement to Westwood Professional Services Inc. as the sole responsive bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Award of Proposal and Agreement for Engineering Design Services for the Tivoli Dual Use Basin and Park to Westwood Professional Services, Inc., Plano, TX, for a total amount not to exceed $446,674.

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's Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of August, 2025, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-304

RESOLUTION APPROVING THE ISSUANCE OF AN INTERFUND LOAN IN AN AMOUNT NOT TO EXCEED $446,674 FROM THE WATER FUND 4100 TO THE TIVOLI CFD FUND 3255 FOR THE PURCHASE OF ENGINEERING DESIGN SERVICES FOR THE TIVOLI DUAL USE BASIN TO INCLUDE AN INTEREST RATE ON THE LOAN EQUAL TO THE ACTUAL RATE OF RETURN EARNED BY THE CITY'S INVESTMENT PORTFOLIO DURING THE 12-MONTH PERIOD IMMEDIATELY PRECEDING THE PAYMENT DATE AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO CARRY OUT THE NECESSARY BUDGET ADJUSTMENTS TO IMPLEMENT THE INTERFUND LOAN

WHEREAS, the Tivoli Specific Plan (TSP) approved by City Council in 2008 by Ordinance No. 3479-C.S., is a 454-acre area is bounded by Claratina Avenue on the north, Oakdale Road on the west, Sylvan Avenue on the south, and Roselle Avenue on the east; and

WHEREAS, on August 13, 2024, by Resolution No. 2024-279, the Council approved the Resolution of Intention to form City of Modesto Community Facilities District (CFD) No. 2024-1 (Tivoli) to establish improvement area No. 1, designate a future annexation area and authorize the levy of special tax within the Community Facilities District; and

WHEREAS, the City Council also approved a Resolution to Incur Debt by Resolution No. 2024-280. It is the sole discretion of CFD No. 2024-1 as to if, and when, Bonds will be issued; and

WHEREAS, the proposed maximum CFD bond authorization is $120 million which serves as a "not to exceed" amount for the CFD and is based on the cost of financing the required facilities; and

WHEREAS, the maximum Annual Facilities Special Tax includes a buffer to prevent the possible authorization of bonds from limiting the capacity of the CFD to pay

for ongoing services. The CFD is a separate legal entity and the land within the CFD secures the bonds, and any sale of CFD bonds will not impact the City's bonding capacity; and

WHEREAS, on September 24, 2024, by Resolution No. 2024-354, the Council approved the formation of City of Modesto Community Facilities District No. 2024-1 (Tivoli) ("CFD No. 2024-1"); and

WHEREAS, the TSP proposes an approximately 19 acre dual-use basin and neighborhood park that will serve as a centralized focal point and recreational open space asset for future residents; and

WHEREAS, the City of Modesto has begun to receive several developer inquires and planning projects for the Tivoli area including tentative subdivision map applications; and

WHEREAS, on July 22, 2025, by Resolution No. 2025-267 and Resolution No. 2025-268 Council approved the first two final subdivision maps for the TSP. These maps call for the construction of 284 single family dwellings. The design and eventual construction of the dual use catch basin will be crucial as new TSP subdivisions continue through the entitlement process; and

WHEREAS, given that the basin will be constructed by several TSP property owners, the City will work towards creating a single set of designs that are compliant with City standards which will inform the new development in the CFD; and

WHEREAS, on March 4, 2025, the City Manager executed an authorization to purchase form to authorize staff to issue a Request for Proposals (RFP) to search for qualified engineering design firms. The City released the RFP through the OpenGov

platform on February 28, 2025. Four (4) firms were notified of the opportunity, Westwood Professional Services, NorthStar Engineering Group, Blackwater Consulting Engineers, and Siegfried Engineering; and

WHEREAS, following the close of the RFP on March 21, 2025, the City received only one response from Westwood Professional Services Inc, formally known as O'Dell Engineering, which assisted the City in the development of the Tivoli Specific Plan in 2008; and

WHEREAS, the cost of the Agreement is allocated to project management, survey and topographic mapping, design development, design services, specialized technical services, and construction support with costs not to exceed $446,674; and

WHEREAS, an interfund loan from the Water Fund 4100 to the Tivoli CFD fund 3255 is required in an amount of $446,674 to fully fund the anticipated agreement expenditures; and

WHEREAS, the Tivoli CFD is authorized to issue bonds to reimburse the costs of eligible activities, including the design of the basin; and

WHEREAS, the loan will be immediately be repaid in full upon receipt of bond proceeds from the CFD and as required by the City's Operating Budget policy, the interfund loans will accrue interest based on the actual rate of return earned by the City's investment portfolio during the 12-month period immediately preceding a payment date; and

WHEREAS, the Tivoli Catch Basin Engineering Design Agreement and interfund loan were presented to the Economic Development Committee on August 4, 2025, and were recommended to forward to Council for approval.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the issuance of an interfund loan, in an amount not to exceed $446,674 from the Water Fund 4100 to the Tivoli CFD Fund 3255 for the purchase of Engineering Design Services for the Tivoli Dual Use Basin.

BE IT FURTHER RESOLVED, that the interest rate on the loan will be equal to the actual rate of return earned by the City's investment portfolio during the 12-month period immediately preceding the payment date.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to carry out the necessary budget adjustments to implement the interfund loan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of August, 2025, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-305

RESOLUTION APPROVING THE FIRST AMENDMENT WITH WESTWOOD PROFESSIONAL SERVICES INC., PLANO, TX, FOR THE DOWNTOWN REVITALIZATION PROJECT INCREASING THE AGREEMENT AMOUNT BY $191,017, TO A NEW TOTAL AMOUNT NOT TO EXCEED $385,332 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, in 2019, the City of Modesto conducted citywide community surveys which identified blights as one of the most pressing issues for residents; and

WHEREAS, on December 10, 2019, Council approved by Resolution 2019-555 the 2020-2025 Blight Abatement Strategy, developed through collaborations with community members, local partnerships, other agencies and internal City departments. The strategy outlines initiatives for blight abatement on public and private property, encourages public and private partnerships and further action to minimize and mitigate blight; and

WHEREAS, the Blight Abatement Strategy was updated on July 22, 2025, by Resolution 2025-258; and

WHEREAS, the California Department of Transportation (CalTrans) Clean California Local Grant Program is a competitive statewide fund created to enhance communities and improve spaces for public use, including beautification and cleaning of local streets, roads, tribal lands, parks, pathways, transit centers and other public spaces; and

WHEREAS, on November 7, 2023, CalTrans notified the City of their plans to issue an award of $3,129,000 in grant funds for this project. Following this notification, the City Council formally accepted the award on February 27, 2024, by Resolution No.

2024-078. The Program operates on a reimbursement basis and the grant project period ranges from September 15, 2023, through June 30, 2026; and

WHEREAS, the CalTrans grant will fund a Downtown Revitalization project which will be primarily focused on the area known locally as Mural Alley located near the intersections of J street and 10th street in Downtown Modesto; and

WHEREAS, Request For Proposals (RFP) 2324-93 was issued on May 31, 2024, with proposals being due on July 29, 2024. The RFP was posted to the City's publicly available PlanetBids website on May 31, 2024. 571 vendors viewed the request for proposal, seven (7) firms downloaded the document, however no proposals were received via Planet Bids. Three (3) proposals were subsequently received via mail; and

WHEREAS, an evaluation committee determined that O'Dell Engineering, Inc. a Modesto based business located at 1165 Scenic Drive, owned by Westwood Professionals, Inc. of Plano Texas, to be the most qualified firm for the proposed project based on the evaluation criteria outlined in the RFP document; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to follow the formal bid procedures. An Award of Proposal and Agreement for engineering design services for the Community and Economic Development Department use to O'Dell Engineering, Inc., a subsidiary of Westwood Professional Services, Inc., Plano, TX, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and O'Dell was the highest ranked proposal based on the evaluation criteria; and

WHEREAS, the overall scope of work will include project management,

topographic surveys, preliminary architectural conceptual designs, the creation of a roadway improvement plan, technical assistance, geotechnical investigations, utility coordination, the development of a mural master plan and construction administration for an amount not exceed $194,315; and

WHEREAS, on the 12th day of November, 2024, Council approved Resolution 2024-406 approving the Award of Proposal and Agreement for Engineering Design Services for the Downtown Revitalization Project to Westwood Professional Services, Inc., Plano, Tx, for a total amount not to exceed $194,315; and

WHEREAS, the initial agreement with Westwood only authorized one design for Mural Alley project, a change order is required to provide the community with two additional conceptual design options, and

WHEREAS, staff also needs to update the downtown wayfinding signs due to the relocation of the Stanislaus Superior Courthouse, a separate change order has been requested to develop a comprehensive wayfinding master plan.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto Approving the First Amendment with the Westwood Professional Services Inc., Plano, Tx, for the design of the Downtown Revitalization Project increasing the agreement amount by $191,017, to a new total amount not to exceed $385,332.

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's Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of August, 2025, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-306

RESOLUTION APPROVING AN AMENDED AND RESTATED MEMORANDUM OF AGREEMENT FOR THE PRELIMINARY ENGINEERING INCLUDING FINAL DESIGN PHASE OF THE 7TH STREET BRIDGE PROJECT WITH STANISLAUS COUNTY AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDED AND RESTATED MEMORANDUM OF AGREEMENT

WHEREAS, the Stanislaus County Department of Public Works (County), in cooperation with the City of Modesto (City), the California Department of Transportation (Caltrans), and the Federal Highway Administration (FHWA) have undertaken a project to replace the historic 7th Street Bridge over the Tuolumne River. The bridge replacement project will correct structural and hydraulic deficiencies, increase the capacity of the 7th Street corridor, and improve safety for vehicles, bicycles, and pedestrians; and

WHEREAS, the historic 7th Street Bridge over the Tuolumne River was built in 1916 by Stanislaus County and consists of a series of "canticrete" type trusses supported on reinforced concrete piers and abutments all founded on concrete or timber piling; and

WHEREAS, the entire bridge span is approximately 1,170 feet in length and the Average Daily Traffic (ADT) volume is approximately 15,700 vehicles per day; and

WHEREAS, the bridge is the lowest rated bridge within the eight counties in Caltrans District 10 and has a Sufficiency Rating of 2, on a scale of 1 to 100; and

WHEREAS, although the bridge is currently considered structurally sound, there is significant spalling, advanced signs of alkali silica reaction, exposed and deteriorating steel reinforcing and considerable deflection at the cantilevered sections; and

WHEREAS, the bridge is listed as Structurally Deficient and has been weight

restricted to four tons gross load since 1979 and restricted from legal truck load weights since 1937; and

WHEREAS, the Project is partially funded with Federal Highway Bridge Program (HBP) funds and will include replacement of the existing bridge, safety improvements for motorists, pedestrians, and bicyclists, curb ramps, raised center median/refuge, street lighting, and incidental roadway resurfacing; and

WHEREAS, the Project will also include modifications at the intersections of 7th and B Streets at Tuolumne Boulevard and Crows Landing Road at 7th Street; and

WHEREAS, County and the City entered into a Memorandum of Agreement (MOA) for Preliminary Engineering, which was approved by the governing bodies on March 15 and April 5, 2011, respectively; and

WHEREAS, an Amended and Restated MOA, to add Final Design, was approved by the County and City on May 7 and 21, 2019, respectively; and

WHEREAS, an Amended and Restated MOA, was approved by the County and City on July 12 and August 23, 2022, respectively; and

WHEREAS, the last Amended and Restated MOA, was approved by the County and City on April 16 and February 27, 2024, respectively; and

WHEREAS, the MOA split the local match portion of the Project (11.47%) equally between the County and the City; and

WHEREAS, at the time of the May 2019 MOA, the actual design cost was not finalized, and the MOA was based on an estimate; and

WHEREAS, since the 2022 MOA, some costs which are subject to the MOA have been updated and therefore an amendment to the MOA is required; and

WHEREAS, the purpose of this request is to provide funding support for Final Design activities necessary to generate construction Plans, Specifications, and Estimates (PS&E) so that construction can commence thereafter; and

WHEREAS, the result of the amended MOA is that the City to provide an additional $71,970 towards the total project funding and represents the City's revised share of the effort necessary to complete the Final Design for the Project; and

WHEREAS, all other estimated design costs of this request are intended to be shared equally between the City and County; and

WHEREAS, Staff recommends approving the amended MOA to provide an additional $71,970 towards the total City project funding of $937,480.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amended and Restated Memorandum of Agreement for the Preliminary Engineering including Final Design Phase of the 7th Street Bridge Project with Stanislaus County.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amended and Restated Memorandum of 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 26th day of August, 2025, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-307

RESOLUTION ACCEPTING 2023 PLAYGROUND REPLACEMENT PHASE 1 PROJECT, RELEASING SECURITIES, RELEASING PAYMENTS TOTALING $698,525 TO SIERRA PLAY PARTNERS, OF RIPON, CA, AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, the 2023 Playground Replacement Phase 1 Project initiated the process of replacing severely dilapidated playgrounds in six city parks; and

WHEREAS, on February 27, 2024, by Council Resolution 2024-071, Council approved the purchase of playground equipment to replace six playgrounds; and

WHEREAS, the project was advertised for bids on May 7, 2024; and

WHEREAS, bids were publicly opened on June 11, 2024, and Sierra Play Partners, of Ripon, CA, was the lowest responsible bidder at 13.48% below the engineers estimate; and

WHEREAS, on August 27, 2024, by Resolution 2024-302, Council awarded a contract to Sierra Play Partners, in the amount of $689,575; and

WHEREAS, the Contractor received the Notice to Proceed with a start date of October 10, 2024. All contract work was completed on May 20, 2025; and

WHEREAS, the total project costs were $791,957, which included design, design Support (O'Dell Engineering), construction, and construction administration costs. The total project amount originally budgeted was $793,012 which included $758,533 for the construction contract and contingency with Sierra Play Partners; and

WHEREAS, due to change orders delays and complications in the administrative closure the presentation of this project to City Council was delayed. As such, the

Construction Administration and the City Manager's Office authorized the release of retention on July 16, 2025; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, updated by Resolution No. 2019-326 on July 9, 2019, and revised a second time September 12, 2023 by Resolution 2023-405 established a contract change order authority of 10% for construction contracts of this dollar value; and

WHEREAS, there are two (2) change orders resulting in an overall increase of $8,950 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 City Council of the City of Modesto that the 2023 Playground Replacement Phase 1 Project, releasing securities, releasing payments totaling $698,525 to Sierra Play Partners, of Ripon, CA, and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of August, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-308

RESOLUTION APPROVING THE 2025 GUIDANCE MANUAL FOR DEVELOPMENT STORMWATER QUALITY CONTROL MEASURES

WHEREAS, the 2025 Guidance Manual for Development Stormwater Quality Control Measures (2025 Guidance Manual) is an update to the City of Modesto's 2011 Guidance Manual for Development Stormwater Quality Control Measures (2011 Guidance Manual); and

WHEREAS, the 2025 Guidance Manual reflects current municipal stormwater National Pollutant Discharge Elimination System (NPDES) permit requirements (Order No. R5-2016-0040) and incorporates the Statewide Trash Amendments adopted in 2015, which require implementation of trash full capture systems or equivalent controls in designated land use areas; and

WHEREAS, the updated manual introduces key improvements, including clearer project classifications, the addition of Priority Land Use (PLU) categories, separation of Low Impact Development (LID) measures into Volume Retention Measures (VRMs) and LID-based Treatment Measures, updated design guidance for new BMPs, and integration with the City's flood control standards; and

WHEREAS, the 2025 Guidance Manual has been prepared to accomplish the following objectives and goals: protect receiving water, groundwater, and irrigation canals from adverse impacts of urban runoff; implement development design standards consistent with the City's municipal stormwater permit and State requirements; provide clear guidance to developers, engineers, and planners; enhance stormwater management using LID strategies; establish long-term maintenance protocols; and streamline water

quality and flood control standards; and

WHEREAS, City Council approval is the final step in implementing the 2025 Guidance Manual for Development Stormwater Quality Control Measures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2025 Guidance Manual for Development Stormwater Quality Measures is hereby approved and adopted, to be effective September 1, 2025.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of August, 2025, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-309

RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS OF THE PPA 17 EAST UNIT SUBDIVISION LOCATED AT THE NORTHEAST CORNER OF FLOYD AVE AND OAKDALE RD, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER'S OFFICE, AND RELEASING SECURITIES

WHEREAS, on September 24, 2024, the City Council of the City of Modesto approved the Final Subdivision Map and Subdivision Improvement Agreement for the PPA-17 East Unit Subdivision, a 14.959-acre subdivision consisting of 92 residential lots, three (3) landscape areas, and approximately 3.596 acres offered for right-of-way dedication; and

WHEREAS, the developer, Modesto 92 LP, a California Limited Partnership, completed the required public improvements according to the City standards and specifications; and

WHEREAS, the City Engineer has certified that all required public improvements including water mains, sanitary sewer mains, storm drainage facilities, sidewalk and ADA ramps, streets, curbs and gutters, and streetlights have been satisfactorily completed and that all applicable fees have been paid; and

WHEREAS, the City crews will assume maintenance responsibilities upon acceptance of the public improvements; and

WHEREAS, the developer has submitted the required Warranty Bond in the amount of $269,842.20 to guarantee the improvements for a one-year warranty period; and

WHEREAS, the developer has requested that the City accept the completed improvements and release the securities in accordance with statutory timelines; and

WHEREAS, the developer has requested that the public improvements be accepted, and the Payment and Performance securities be released.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Public Improvements of PPA 17 East Unit Subdivision located at the northeast corner of Floyd Ave and Oakdale Rd are accepted.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to file a Notice of Completion with the Stanislaus County Recorder's Office and release the Performance Security immediately after filing Notice of Completion, release the Labor & Materials Securities 60 days after filing Notice of Completion if no claim is made thereon, and releases the Warranty Security one (1) year after acceptance if 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 26th day of August, 2025, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-310

RESOLUTION APPROVING THE AGREEMENT WITH TELEMEDICINE GROUP, DE LLC, SACRAMENTO, CALIFORNIA, FOR COMPREHENSIVE HEART HEALTH ASSESSMENTS FOR FIRST RESPONDERS FOR A TOTAL AMOUNT NOT TO EXCEED $112,820; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, recognizing the importance of the health and well-being of personnel, the Modesto Police Department established a Wellness committee in 2023; and

WHEREAS, this committee researches and addresses several initiatives related to employee health and wellness; and

WHEREAS, members of the Wellness committee researched companies who provide advanced cardiovascular and metabolic screenings designed around the unique physiological and psychological profiles of law enforcement personnel, and

WHEREAS, the Modesto Police Department applied for and received funding from the Edward Byrne Memorial Justice Assistance Grant to evaluate and secure a vendor to conduct comprehensive heart health screenings; and

WHEREAS, the Wellness committee found that Telemedicine Group DE LLC provides comprehensive screenings in line with what the Wellness committee found beneficial; and

WHEREAS, on June 11, 2024, by Resolution No. 2024-211, Council approved an agreement with Sigma Tactical Wellness, Austin, Texas, for Comprehensive Heart Health Assessments for First Responders for a total not to exceed $115,464; and

WHEREAS, the Modesto Police Department first utilized Sigma Tactical Wellness in 2024, and the program was highly successful; and

WHEREAS, Sigma Tactical Wellness was bought by Telemedicine Group DE LLC in 2025; and

WHEREAS, building on last year's success, this year's program will expand to include the HeartStart Program, which offers target follow-up and maintenance screening for personnel who previously completed the full-service evaluation; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $100,000 for material, equipment or contractual service to follow formal bid procedures. However, exceptions to the formal bidding process are granted in MMC 8-204(d) "Where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality." Telemedicine Group DE LLC is exempt from the formal bidding procedures as Telemedicine Group DE LLC provides a unique and specialized service for first responders.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto approves an agreement with Telemedicine Group DE LLC for comprehensive heart health assessments for First Responders for a total not to exceed $112,820.

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 26th day of August, 2025, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-311

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR TIRE TECHNICIAN SERVICES FOR PUBLIC WORKS FLEET SERVICES TO MCCOY TRUCK TIRE SERVICE CENTER, MODESTO, CA FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST OF $123,000 AND A TOTAL AMOUNT NOT TO EXCEED $614,361 OVER FIVE YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City Fleet Services Division (Fleet) services and maintains 1,580 in-service vehicles, heavy equipment, buses, fire trucks, trailers and other miscellaneous equipment for all areas of the City; and

WHEREAS, the City has an ongoing need for an hourly tire service for heavy and light duty vehicle tire work that current staffing levels are unable to perform. It is anticipated these services are required up to three times per week for the maintenance of the City's vehicles, equipment, and other assets throughout the year; and

WHEREAS, the Tire Technician will perform tire inspection, repair and replacement services for City vehicles, trailers, light/medium/heavy-duty trucks, heavy-duty off-road equipment and over-sized tires, as well as tire recapping, flat repairs, tire mounting and balancing; and

WHEREAS, the City will provide air, jacks and jack stands, a wheel balancer, a tire changer only for use on light duty vehicles and a tire gun; specialized or additional equipment is to be provided by the vendor as needed; and

WHEREAS, on May 7, 2019, by Resolution No. 2019-210, Council approved an agreement with Fleet Tire Inc., dba Brannon Tire (Brannon), Stockton, CA for On-Site Tire Technician Services, for an estimated annual amount of $88,920 and a total amount not to exceed $444,600 over five years; and

WHEREAS, on August 28, 2023, by City Manager authority, Brannon entered into the First Amendment to the Agreement with the City of Modesto to execute the fifth-year extension and amend the pricing schedule with no increase in annual expenditures; and

WHEREAS, on June 4, 2024, by Resolution No. 2024-188, Council approved a Second Amendment to the Agreement with Brannon to increase the annual estimated cost by $121,800 from $88,920 to a new total not to exceed $654,600, and to extend the term of the Agreement from June 10, 2024 to June 10, 2025; and

WHEREAS, on June 14, 2021, the City Manager authorized the Purchasing Manager to solicit the procurement for the furnishing of on-site tire technician services for the Public Works, Fleet Division; and

WHEREAS, on November 27, 2024, the Purchasing Division issued Invitation for Bids (IFB) 2425-27 for Tire Technician Services for Fleet Services on the City's PlanetBids public bidding website under various commodity codes. Prospective bidders were notified online and via email of the bid opportunity. Eighteen companies downloaded the IFB document from PlanetBids; and

WHEREAS, on January 7, 2025, bids were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream. Three companies chose to respond, and one local bid was received. Based on providing the lowest responsive and responsible bid, City staff recommended to award the Agreement for Tire Technician Services for Fleet Services with McCoy Truck Tire Service Center, Modesto, CA for a two-year agreement with three one-year extension options, for an estimated annual cost of $123,000 and a total not to exceed $614,361 over five years; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to follow the formal bid procedures. An Award of Bid and Agreement for Tire Technician Services for Public Works Fleet Services use to McCoy Truck Tire Service Center, Modesto, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and McCoy Truck Tire Service Center was the lowest 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 Tire Technician Services for Fleet Services to McCoy Truck Tire Service Center, Modesto, CA for two-year agreement with three one-year extension options, for annual estimated annual cost of $123,000 and a total amount not to exceed $614,361 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 26th day of August, 2025, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-312

RESOLUTION APPROVING AGREEMENTS FOR THE PURCHASE OF EQUIPMENT AND VEHICLE PARTS AND REPAIR SERVICES WITH ALTEC INDUSTRIES, INC., DIXON, CA; KEYES TRUCK CENTER, KEYES, CA; AND BONANDER TRUCK AND TRAILER, TURLOCK, CA FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS FOR AN ANNUAL ESTIMATED AMOUNT OF $202,000 AND A TOTAL COMBINED AMOUNT NOT TO EXCEED $1,010,000 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, the City Fleet Services Division (Fleet) services and maintains 1,580 in-service vehicles, heavy equipment, buses, fire trucks, trailers, and other miscellaneous equipment for all areas of the City. Additionally, Fleet has contract maintenance services with Stanislaus Regional Transit Authority (StanRTA) for countywide transit buses and five fire districts; and

WHEREAS, each vehicle or piece of equipment has numerous parts to make the unit function safely and efficiently. Components can fail or break on any piece of equipment. Often it is impossible to predict these failures, and preparing a list of parts that will be required in any given Fiscal Year is not feasible. Downtime for any piece of equipment means that a crew or individual cannot perform their job duties, adversely impacts operations, and impacts service delivery to the community; and

WHEREAS, an authorized agreement is necessary to provide efficient, effective and timely repairs to provide the equipment necessary to support public services for the community and provide the ability to execute repairs, purchase components, and utilize repair services. Establishing these new agreements will allow Fleet to obtain the parts required to maintain and repair vehicles and equipment in a timely manner and the repair

services will provide additional support for in-house mechanics, reducing downtime for equipment and staff; and

WHEREAS, Altec is the authorized Altec dealer and distributor of specialized equipment, including parts and service. There are no other retailers or dealers currently authorized by Altec to distribute ALTEC original equipment manufacturer (OEM) parts; this is a sole source provider of service and parts for Altec equipment and vehicles. The City owns, operates, and maintains a variety of vehicles providing Altec equipment to the Forestry, Electrical, Water, and Wastewater Divisions. They also specialize in accessories and maintenance for maintaining vehicles serving utilities, telecommunications, tree care, lights and signs. Based on historical spending, staff estimates the cost for parts and service agreements with Altec at $25,000 annually, not to exceed $125,000 over five years; and

WHEREAS, Keyes Truck Center is the local authorized OEM Freightliner, RIZON, and Battle Motors dealer and service provider. Currently Public Works Fleet Services supports various City Departments with 33 Freightliner vehicles. Based on historical spending, staff estimates the cost for parts and service agreements with Keyes at $57,000 annually, not to exceed $285,000 over five years; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 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 requirement where the Purchasing Agency's requirements can be met solely by a single article or process. Here, Altec and Keyes should be exempt from the formal bidding procedure since they are the

original equipment manufacturer authorized dealership and the only vendor that is able to service the equipment. Therefore, staff recommends the part acquisition and repair services of this Agreement to Altec and Keyes should be exempt from the formal bidding procedures in accordance with Modesto Municipal Code 8-3.204(b) since Altec and Keyes are the Sole Providers of parts and repair services; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $100,000 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 a procurement for the City at the lowest possible cost commensurate with the desired quality." MMC 8-3.204(d) also 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. The parts and service agreement with Bonander has been evaluated by Purchasing and determined the to be result in a procurement for the City at the lowest possible cost commensurate with the desired service and parts as required by Fleet to provide timely and adequate service for critical vehicles for the City. Therefore, these purchases qualify for exemption from the formal bidding procedures.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves Agreements for the purchase of Equipment and Vehicle Parts and Repair Services with Altec Industries, Inc., Dixon, CA; Keyes Truck Center, Keyes, CA;

and Bonander Truck and Trailer, Turlock, CA for a two-year Agreement with three one-year extension options, for an annual estimated amount of $202,000, and a total combined amount not to exceed $1,010,000 over five years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby 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 26th day of August, 2025, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-313

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE SISK ROAD SIGNAL COORDINATION CML 5059(264) PROJECT, ACCEPTING THE BID, AND AWARDING A CONSTRUCTION CONTRACT TO BEAR ELECTRICAL SOLUTIONS, LLC OF ALVISO, CA, IN THE AMOUNT OF $731,713, AND A TEN PERCENT CONTINGENCY AMOUNT OF $73,171 FOR A TOTAL AMOUNT NOT TO EXCEED $804,884 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto Public Works Traffic Engineering Division applied for Congestion Mitigation and Air Quality (CMAQ) funds to construct fiber optic cable installation for the Sisk Road Signal Coordination project through Stanislaus Council of Governments (StanCOG) which was approved in November 2023 for $1,025,128; and

WHEREAS, the Sisk Road Signal Coordination project will install fiber optic cable and connect eight traffic signals and equipment from Pelandale Avenue to Briggsmore Avenue and back to the City's Advanced Traffic Management System (ATMS) operation center at 1010 10th Street; and

WHEREAS, on April 30, 2025, the City Manager authorized the Purchasing Manager to solicit the procurement for the upgrade of software and hardware along Sisk Road from Pelandale Avenue to Briggsmore Avenue; and

WHEREAS, on May 2, 2025, the Sisk Road Signal Coordination project was advertised for bids, and the bids were publicly opened at 11:00 a.m. on June 10, 2025. Seven bids of which zero were local vendors were received, and later tabulated by the Director of Public Works for the consideration of Council; and

WHEREAS, the Director of Public Works has recommended that the bid of $731,713 received from Bear Electrical Solutions, LLC be accepted as the lowest responsible and responsive bid and that the contract be awarded to Bear Electrical Solutions, LLC; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment or contractual services, to follow the formal bid procedures; and

WHEREAS, an award of $731,713 and agreement for construction for the Public Works Department conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and Bear Electrical Solutions, LLC of Alviso, CA**,** was the lowest responsive bidder; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 1994-443 on July 19, 1994, revised on July 9, 2019, by Council Resolution No. 2019-326, and revised a second time on September 12, 2023 by Council Resolution No. 2023-405 which established an agreement change order authority of ten percent (10%).

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the plans and specifications, for the Sisk Road Signal Coordination CML 5059 (264) Project, accepting the bid, and awarding a construction contract to Bear Electrical Solutions, LLC of Alviso, CA in the amount of $731,713 and a ten percent contingency amount of $73,171 for a total amount not to exceed $804,884.

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 26th day of August, 2025, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-314

RESOLUTION APPROVING THE RESPONSE TO THE FINDINGS AND RECOMMENDATIONS OF THE 2024-2025 STANISLAUS COUNTY CIVIL GRAND JURY REPORT- CASE #25-25GJ

WHEREAS, on June 25, 2025, the City received reports from the Stanislaus County Civil Grand Jury (SCCGJ), Case Number 25-23GJ, titled, "Community Assisted Emergency Dispatch in Stanislaus County: Fraught with Divisive Controversy Resulting in Public Safety Vulnerability, It is not what you want; it is how you go about getting it.;" and

WHEREAS, the SCCGJ conducted an examination of the replacement of the Computer Aided Dispatch (CAD) system utilized by Stanislaus Regional 911 (SR911) who currently provides emergency dispatch services to two (2) member agencies participating in the Consolidated Emergency Dispatch Agency Joint Powers Authority, the City of Modesto and the County of Stanislaus; and

WHEREAS, according to the SCCGJ report, the "replacement and implementation of an obsolete Computer Assisted Dispatch (CAD) system in Stanislaus County has consumed an inordinate amount of costly staff time and government resources. Factions with strongly held polarized positions have developed with the Sheriff's Office being the outlier among the multiple stakeholders;" and

WHEREAS, the report also details conflict "centered around the choice of product and provider, implementation details, as well as decision making power and control;" and

WHEREAS, the SCCGJ report summarized the following:

> "The situation has deteriorated to the point of threatened lawsuits involving what are normally aligned, cooperative governmental

departments. Due to the ongoing conflicts, decision making related to solutions going forward were postponed and delayed. This resulted in the currently outdated and unsupported system continuing to be utilized pending replacement which has resulted in vulnerabilities within the community related to emergency response. Recent directives issued by County leadership have moved forward the purchase and implementation of an updated CAD system while the Sheriff's Office insists on continuing its pursuit of an alternative dispatch system which combines a records management and jail management plan."

WHEREAS, on June 16, 2022, the City received reports from the Stanislaus County Civil Grand Jury, Case Number 22-05GJ, titled, "Homelessness: The Elusive Definition of "Success" and Case Number 22-07GJ, titled, "The Future of Urban Water Supply and Demand;" and

WHEREAS, the City has reviewed and responded to respective findings and recommendations as noted in the attached response letter to the SCCGJ; and

WHEREAS, while the City has varying responses to each of the findings and recommendations ranging from agreement to partial disagreement, it is noted that the City is not in a position to respond to some recommendations regarding implementation, because the recommendation(s) pertain solely to the Sheriff's Office and the County of Stanislaus; and

WHEREAS, the City remains vigilant in implementing the new CAD system to ensure the continuity in public safety services to the City of Modesto residents, businesses and visitors and is committed to partnering and coordinating with our neighboring

jurisdictions to provide a high level of service and response.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the responses to the Findings and Recommendations of the 2024-2025 Stanislaus County Civil Grand Jury Report- Case #25-25GJ.

BE IT FURTHER RESOLVED that the City Manager is authorized and directed to forward the approved responses to the Presiding Judge of the Superior Court of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-315

RESOLUTION AMENDING THE FISCAL YEAR 2024-25 AND FISCAL YEAR 2025-26 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 2024-25 and Fiscal Year 2025-26.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2024-25 and Fiscal Year 2025-26 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 9th day of September 2025, 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 votes:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-316

RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL YEAR 2025-26 AS ADOPTED IN THE OPERATING BUDGET

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council Resolution pursuant on June 03, 2025, as part of the Annual Budget of the City of Modesto for Fiscal Year 2025-26, 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 classifications, and

WHEREAS, position changes will be effective the pay period in which September 9, 2025 falls, unless otherwise 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 2025-26 Operating Budget for Office of Performance Management and Budget department as follows:

1. Allocate one (1) Management Analyst II in the Project Management Division (11220) of the Office of Performance Management and Budget Department.

The foregoing resolution was adopted at a regular meeting of the Council of the City of Modesto held on the 9th day of September 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-317

RESOLUTION CERTIFYING AND ADOPTING NOTICE OF EXEMPTION EA/C&ED NO. 2025-15, WHICH AFFIRMS THAT THE PROPOSED PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15061(B)(3) OF THE CEQA GUIDELINES AND, ACCEPTING THE DEPARTMENT OF TRANSPORTATION (CALTRANS) SUSTAINABLE TRANSPORTATION PLANNING GRANT FOR THE FISCAL YEAR 2025-26, IN THE AMOUNT OF $450,000 FOR THE DEVELOPMENT OF THE DOWNTOWN MODESTO MULTIMODAL TRANSPORTATION NETWORK AND LAND USE COMPATIBILITY PLAN, AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE ALL GRANT AGREEMENTS AND DOCUMENTS RELATED THERETO

WHEREAS, in accordance with administrative directive number 7.2, the City will aggressively pursue grant funding from Federal, State, and other sources; and

WHEREAS, the City is eligible to receive Federal and/or State funding for certain Transportation Projects through the California Department of Transportation (Caltrans); and

WHEREAS, a Restricted Grant Agreement is needed to be executed with Caltrans before such funds can be reimbursed through the Sustainable Transportation Planning Grant Program; and

WHEREAS, the City Council passed Resolution No. 2020-334, adopting the Downtown Master Plan on August 11, 2020; and

WHEREAS, the City of Modesto Downtown Master Plan recommends new transit-oriented development (TOD) in mixed-use areas near the train station site along 9th street; and

WHEREAS, in January 2025, the City submitted an application for the Sustainable Transportation Planning Grant under the Sustainable Communities competitive grant category; and

WHEREAS, the California Department of Transportation (Caltrans) has awarded $450,000 in Sustainable Communities grant funding for the development of the Downtown Modesto Multimodal Transportation Network and Land Use Compatibility Plan (Plan); and

WHEREAS, the purpose of the Plan is to establish a more refined vision for the future of Downtown Modesto on and around the transit center site, with emphasis on supporting the San Joaquin Regional Rail Commission's Valley Rail Expansion Program to integrate the future rail network and its operations with the new Altamont Commuter Express commuter rail station; and

WHEREAS, Notice of Exemption EA/C&ED NO. 2025-15 affirms that the proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council hereby certifies and adopts Notice of Exemption EA/C&ED NO. 2025-15, which affirms that the proposed project is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines, which states that a project is exempt from CEQA if the activity is covered by the commonsense exemption that CEQA applies only to projects, which have the potential for causing a significant effect on the environment, and since it can be seen with certainty that there is no possibility that the acceptance of grant funding to create a Downtown Multimodal Transportation Network and Land Use Compatibility Plan may have a significant effect on the environment, this project is not subject to CEQA.

BE IT FURTHER RESOLVED that the City Manager, or designee, is hereby authorized to accept the Department of Transportation (Caltrans) Sustainable Transportation Planning Grant for the Fiscal Year 2025-26 in the amount of $450,000 for the development

of the Downtown Multimodal Transportation Network and Land Use Compatibility Plan, and

BE IT FURTHER RESOLVED BY that the City Manager, or designee, is authorized to execute all Grant Agreements and documents related thereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held 9th the day of September, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-318

RESOLUTION AMENDING THE FISCAL YEAR 2025-2026 MULTI-YEAR PROJECT BUDGET TO ESTABLISH A PROJECT IN THE AMOUNT OF $508,500 FOR THE DEPARTMENT OF TRANSPORTATION (CALTRANS) SUSTAINABLE TRANSPORTATION PLANNING GRANT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS IN THIS RESOLUTION

WHEREAS, on July 1, 2025, the City of Modesto was notified by Caltrans of being selected as an awardee for the Sustainable Transportation Planning Fiscal Year 2025-2026 Program with an award amount of $450,000 in grant funds; and

WHEREAS, the terms of the grant also require an 11.5% In-Kind Match, which is $58,500 in donated staff time; and

WHEREAS, the fiscal year 2025-2026 Multi-Year project budget must be amended to establish a project and budget in the amount of $508,500 related to the Department of Transportation (Caltrans) Sustainable Transportation Planning Grant, to budget the revenues and expenses and any necessary transfers.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby approves the amendment of the Fiscal Year 2025-2026 Multi-Year Project Budget to appropriate revenue and expenses in the total of $508,500 for the Department of Transportation (Caltrans) Sustainable Transportation Planning Grant and In-Kind Match.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September, 2025, 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 votes:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-319

RESOLUTION ACCEPTING UPGRADE TRAFFIC SIGNALS 2019 PROJECT AS COMPLETE, RELEASING SECURITIES, RELEASING PAYMENTS TOTALING $1,688,191 TO ST. FRANCIS ELECTRIC, LLC., OF SAN LEANDRO, CA, AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, the Upgrade Traffic Signals 2019 Project installed upgraded traffic signals at the intersections of Blue Gum Avenue and Carpenter Road, 12th Street and G Street, 14th Street and I Street, 17th Street and I Street, and 17th and d G Street; and

WHEREAS, the project was advertised for bids on July 26, 2023; and

WHEREAS, bids were publicly opened on August 29, 2023, and St. Francis Electric, LLC., of San Leandro, CA, was the lowest responsible bidder at 37.43% above the engineers estimate; and

WHEREAS, on October 10, 2023, by Council Resolution 2023-458, Council awarded a contract to St. Francis Electric, LLC, in the amount of $1,561,400; and

WHEREAS,. the Contractor received the Notice to Proceed with a start date of January 2, 2024. Due to long project material lead times, the project was put into suspension until November 12, 2024. All contract work was completed on June 9, 2025; and

WHEREAS, the total project costs were $1,894,742, which included design, construction, and construction administration costs. The total project amount originally budgeted was $1,975,170 which included $1,717,540, for the construction contract and contingency with St. Francis Electric, LLC; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, updated by Resolution No. 2019-326 on July 9,

2019, and revised a second time September 12, 2023 by Resolution 2023-405 established a contract change order authority of 10% for construction contracts of this dollar value; and

WHEREAS, there are three (3) change orders resulting in an overall increase of $126,791 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 City Council of the City of Modesto that the Upgrade Traffic Signals 2019 Project hereby accepted as complete, releasing securities, releasing payments totaling $1,688,191 to St. Francis Electric, LLC., of San Leandro, CA, and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-320

RESOLUTION APPROVING THE FINAL MAPS FOR FOUNDERS POINT II WOODGLEN VILLAGES 4A, 4B, AND 6, APPROVING THE SUBDIVISION IMPROVEMENT AGREEMENTS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE SUBDIVISION IMPROVEMENT AGREEMENTS WITH FOR CALIFORNIA DEVELOPMENT LLC, A DELAWARE LIMITED LIABILITY COMPANY AND AUTHORIZE THE CITY CLERK TO CERTIFY THE FINAL MAPS AND RECORD WITH THE STANISLAUS COUNTY RECORDER'S OFFICE

WHEREAS, the Woodglen Specific Plan was adopted by the City Council on November 6, 2013 by Resolution No. 2013-398; and

WHEREAS, FOR California Development LLC, A Delaware Limited Liability Company ("SUBDIVIDER"), is in possession of a tract of land situated in the City of Modesto, County of Stanislaus, known as Woodglen Village 4A ("SUBDIVISION") consisting of 7.5 acres, Woodglen Village 4B ("SUBDIVISION"), consisting of 8.2 acres; Woodglen Village 6 ("SUBDIVISION"), consisting of 4.4 acres, within the Woodglen Specific Plan Area; and

WHEREAS, a tentative subdivision map of the SUBDIVISION (TSM 18-002) was approved by the City of Modesto Planning Commission on June 3, 2019, with conditions of approval as noted in Planning Commission Resolution Number 2019-20; and

WHEREAS, as required by Section 66462 of the California Subdivision Map Act and Section 4-4.605 of the Modesto Municipal Code, the SUBDIVIDER has executed a Subdivision Improvement Agreement; and

WHEREAS, following a public hearing and special election on July 06, 2021, by Resolution 2021-268, Council approved the establishment of Community Facilities

District No. 2021-1 (Woodglen), and approved annexation of Woodglen Village 4A, 4B, and 6 into the Woodglen CFD by Resolution 2023-519 on December 5, 2023; and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto and the City Engineer have certified that the final maps of said tracts substantially conforms to the approved tentative subdivision maps; and

WHEREAS, the City Engineer of the City of Modesto has certified that the final maps of said SUBDIVISIONS 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 maps are technically correct; and

WHEREAS, the public improvements required by the Planning Commission conditions of approval have not been completed; 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 it hereby approves the Final Maps of Woodglen Village 4A, 4B, and 6 Subdivisions, approving the Subdivision Improvement Agreements and authorizing the City Manager, or his designee, to execute the Agreements with FOR California Development LLC; 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 Clerk is hereby authorized to certify the maps of said tracts 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 9th day of September, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-321

RESOLUTION DELEGATING THE RESPONSIBILITY FOR INVESTMENT TRANSACTIONS TO THE DIRECTOR OF FINANCE AND ACCEPTING THE ANNUAL INVESTMENT REPORT FOR FISCAL YEAR 2024-2025

WHEREAS, the City's Finance Department submits a monthly investment report to Council and the City Manager, the final of these reports each fiscal year is an annual report; and

WHEREAS, pursuant to the Government Code, the authority of the City Council to invest or to reinvest funds of the City, or to sell or exchange securities, may be delegated for a one-year period to the Treasurer, who shall thereafter assume full responsibility for those transactions until the delegation of authority is revoked or expires; and

WHEREAS, the Director of Finance fulfills the Treasurer responsibilities for the City of Modesto, and so the authority is provided to this position; and

WHEREAS, it is the function of the Finance Department to deposit and invest funds in accordance with the Government Code and as defined in the City Municipal Code 2 3.404, and to safeguard the principal and maintain the liquidity needs of the City; and

WHEREAS, the Treasurer must be authorized on an annual basis to carry out these functions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby delegates the responsibility for investment transactions to the Director of Finance and accepts the Annual Investment Report for Fiscal Year 2024-2025.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 9th day of September 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-322

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL TO RUSH ENTERPRISES DBA RUSH TRUCK CENTERS OF NEW BRAUNFELS, TX UNDER THE AUTHORIZED DEALER, RUSH MEDIUM-DUTY TRUCK CENTERS OF CALIFORNIA INC. DBA RUSH TRUCK CENTERS, CERES, CA FOR THE PURCHASE OF ONE (1) 2025 FORD F-350 TRUCK FOR AN AMOUNT NOT TO EXCEED $83,987; AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE DIRECTOR OF FINANCE OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, the Public Works Fleet Division provides the maintenance for all City vehicles and equipment; and

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs including the addition of new vehicles due to the operational needs for the city; and

WHEREAS, on February 8, 2024, Sourcewell solicited a bid for the State of Minnesota local government unit and service cooperative issued Request for Proposal (RFP) #032824 for Class 4-8 Chassis and Cabs with Related Equipment, Accessories, and Services on the Sourcewell Procurement Portal and New York State Contract Reporter website, Daily Journal of Commerce (DJC) Oregon and McClatchy; and

WHEREAS, on March 28, 2024, proposals were opened at the Sourcewell Procurement Portal, 35 proposals were received, and the proposals were based on the Sourcewell intent to award to one or more contract to highest scored proposers offering the best overall quality, selection of equipment, products, and services and price; and

WHEREAS, seventeen (17) contracts were awarded for this commodity which includes Rush Truck Center of Texas as the Dealer but procured through various Rush Truck Centers throughout United States of America (USA); and

WHEREAS, based on the ranking of the proposals offering the Class 4-8 Chassis and Cabs with Related Equipment, Accessories, and Services, City staff recommends awarding to Rush Truck Centers, Ceres, CA to purchase one (1) 2025 Ford F350 Truck in the amount of $83,987; and

WHEREAS, Sourcewell is a cooperative agreement to streamline the procurement process by developing Request for Proposals (RFP)'s for national competitive solicitations that meet or exceed local requirements; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $100,000 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 a procurement for the City at the lowest possible cost commensurate with the desired quality"; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; and

WHEREAS, by utilizing the Sourcewell bidding process, the City is complying with the requirements defined under this code for the purchase of one (1) Ford F-350 Truck.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Competitive Bidding Process from Sourcewell to Rush Enterprises dba Rush Truck Centers of New Braunfels, TX under the authorized dealer, Rush Medium-Duty Truck Centers of California Inc. dba Rush Truck Centers, Ceres, CA for the purchase of one (1) 2025 Ford F-350 Truck for an amount not to exceed $83,987.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is hereby authorized to issue the Purchase Order.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSÉ M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-323

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL TO TEREX UTILITIES INC., WATERTOWN, SD FOR THE PURCHASE OF ONE (1) DIGGER DERRICK TRUCK FOR AN AMOUNT NOT TO EXCEED $449,553 PLUS $40,098 IN TAXES AND FEES TO BE DIRECTLY TO THE STATE; AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE DIRECTOR OF FINANCE OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, the Public Works Fleet Division provides the maintenance for all City vehicles and equipment; and

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs including the addition of new vehicles due to the operational needs for the city; and

WHEREAS, on September 16, 2021, Sourcewell a State of Minnesota issued RFP No.110421 under Contract No.110421-TER for Public Utility Equipment with Related Accessories and Supplies on the New York State Contract Reporter, DJC Oregon, McClatchy, Alberta Purchasing Connection, Public Purchase, R2CoW, Sourcewell Procurement Portal; and

WHEREAS, on November 4, 2021, proposals were opened at Sourcewell Procurement Portal; and

WHEREAS, ten (10) proposals were received and based on the Sourcewell intent to award to one or more contract to the highest scored proposers offering the best overall quality, selection of equipment, products, and services and price; and

WHEREAS, six (6) contracts were awarded for this commodity which includes Terex Utilities, Inc.; and

WHEREAS, based on the ranking of the proposals offering the awarding Public Utility Equipment with Related Accessories and Supplies, City staff recommends to award to Terex Utilities, Inc., Watertown, SD to purchase one (1) Digger Derrick Truck in the amount of $449,553; and

WHEREAS, the purchase price for the Digger Derrick Truck does not include the 8.875% Modesto Sales Tax in the amount of $39,898 to California Department of Tax and Fee Administration and Department of Motor Vehicles fee in the amount of $200; and

WHEREAS, these amounts will be paid by the City directly to these State agencies; and

WHEREAS, Sourcewell is a cooperative agreement to streamline the procurement process by developing Request for Proposals (RFP)'s for national competitive solicitations that meet or exceed local requirements; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $100,000 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 a procurement for the City at the lowest possible cost commensurate with the desired quality"; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; and

WHEREAS, by utilizing the Sourcewell bidding process, the City is complying with the requirements defined under this code for the purchase of one (1) Digger Derrick Truck.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Competitive Bidding Process from Sourcewell to Terex Utilities, Inc., Watertown, SD for the purchase of one (1) Digger Derrick Truck for an amount not to exceed $449,553, plus $40,098 in taxes and fees to be paid directly to the state.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is hereby authorized to issue the Purchase Order.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-324____

RESOLUTION APPROVING THE EMERGENCY PURCHASES, FOR AN AMOUNT NOT TO EXCEED $155,990, TO COVER ALL COSTS INCURRED BY THE URGENT AND SIGNIFICANT WATER AND MOLD DAMAGE REPAIRS TO FIRE STATION 11

WHEREAS, the City of Modesto Fire Station 11 experienced a shower leak that caused water and mold damage requiring immediate repair to ensure continued public safety and operational readiness; and

WHEREAS, during the discovery and diagnosis phase, Facilities assessed and determined the following were affected by water and mold damage and needed urgent repairs: three (3) bathrooms; three (3) showers; living area and hallway; and

WHEREAS, pursuant to the City's purchasing policies, emergency purchase orders may be issued when immediate action is required to safeguard life, health, or property; and

WHEREAS, emergency purchase orders were approved totaling $155,990 to perform the necessary emergency repairs at Fire Station 11; and

WHEREAS, an insurance claim was filed in November 2024, which included a $75,000 deductible. Pending the outcome of the claim, the City is eligible to seek reimbursement for expenditures that exceed the $75,000; and

WHEREAS, the total cost of the emergency repairs exceeded $100,000, requiring subsequent approval by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the emergency purchases for fire station 11 water and mold damage repairs and authorizing payments in the total amount not to exceed $155,990 between all vendors.

BE IT FURTHER RESOLVED that the City Manager, or designee, is authorized to take such actions as may be necessary to carry out the purpose and intent of this resolution.

The foregoing resolution was adopted at a regular meeting of the Council of the City of Modesto held on the 9th day of September 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYERES-PEREZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-325_

RESOLUTION APPROVING THE THIRD AMENDMENT WITH WEST COAST DOOR AND GATE, CERES, CA FOR THE ON-CALL COMMERCIAL ROLL-UP DOOR MAINTENANCE AND REPAIR SERVICES INCREASING THE AGREEMENT AMOUNT BY $160,000 TO A NEW TOTAL AMOUNT OF $446,000 AND EXTENDING THE TERM OF THE AGREEMENT FROM DECEMBER 2, 2025, TO JUNE 2, 2026, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on December 3, 2019, by Resolution 2019-535, Council approved a two-year Agreement with three one-year extension options with West Coast Door and Gate, for an annual estimated cost of $34,000 and a total amount not to exceed $170,000 over five years; and

WHEREAS, on October 24, 2023, under Resolution 2023-467, Council approved the First Amendment to increase the agreement by $66,000 to revise the total amount not to exceed $236,000; and

WHEREAS, on December 3, 2024, under Resolution 2024-437, Council approved the Second Amendment to increase the agreement by $50,000 to revise the total amount not to exceed $286,000 and extend the term of the agreement from December 2, 2024, to December 2, 2025; and

WHEREAS, since the original contract, the City has also entered into a contract for service Agreement with the Salida Fire Protection District, which added six additional doors. In addition, due to the recent increase in call volume, there has been an increase in the wear and tear of the doors. Currently, the average age of the roll-up doors is 48 years; and

WHEREAS, the department has nearly depleted its current funds for the remainder of the current Agreement year, which expires on December 2, 2025. As a result, a 6-month extension and Amendment of $160,000 is recommended to revise the total Agreement amount from $286,000 to $446,000 to allow time to complete a formal bid process; and

WHEREAS, Modesto Municipal Code Section 8-3.03 generally requires all purchases which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204 (e) "Where the Purchasing Manager, in his or her discretion, determines that the term of an existing agreement should be extended for a period of no greater than one (1) year to allow the City to complete a formal bidding process for a long-term agreement or to avoid disruption to City projects or services; and

WHEREAS, the required formal bid is currently in process to have a new Agreement in place by the expiration of this Amendment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Third Amendment with West Coast Door and Gate, Ceres, CA for the on-call Commercial Roll-up Door Maintenance and Repair Services increasing the Agreement amount by $160,000 to a new total amount of $446,000 and extending the term of the Agreement from December 2, 2025, to June 2, 2026.

BE IT FURTHER RESOLVED, that the City Manager 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 9th day of September, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-326

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH MOSS ADAMS, LLP STOCKTON, CA, FOR CITY AUDITOR AND CITY AUDITING SERVICES TO AMEND THE ORIGINAL AGREEMENT TO INCLUDE THE COMPENSATION LANGUAGE "PER EACH FISCAL YEAR AUDIT PLAN."; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, in February 2008, Modesto voters approved Measure M, otherwise entitled "The Accountability in City Hall Measure of 2008" which focused on amending Modesto's Charter in ways that served to create a more open process in Modesto City governance; and

WHEREAS, it particularly served to increase the oversight capacity of the elected Mayor and Councilmembers over certain matters such as budget and City operations. One such way proposed under the measure to provide greater opportunity to review City efficiencies was the creation of a separate Office of the City Auditor, who would serve as an independent Charter Office answering directly to the Council; and

WHEREAS, the City of Modesto Charter Article 9, Section 902.1, outlines the requirements of the Office of the City Auditor and the powers and duties. These include financial and performance audits to ensure activities and programs are conducted efficiently and compliant with applicable laws and regulations; and

WHEREAS, government agencies employ varying methods of ensuring the duties of the Office of the Auditor are fulfilled, ranging from employing an individual to utilizing a firm; and

WHEREAS, on September 12, 2023, by Resolution 2023-425, the City Council approved the appointment of Ms. Colleen Rozillis, as City Auditor, and approved an Agreement for Auditing Services between the City of Modesto and Moss Adams, LLP,

Stockton, CA for an amount not to exceed $250,000 annually and authorized the Mayor, or her designee, to execute the Agreement; and

WHEREAS, the Original Agreement with Moss Adams, LLP, has an annual not to exceed amount of $250,000 per year. However, due to the agreement starting in September and not the fiscal year, July of each year, under the current Moss Adams, LLP agreement, no more funds can be released until September of each year; and

WHEREAS, with the current language of an annual amount to not exceed $250,000 per year, this language does not provide the authority to carryover available amounts on a fiscal year; and

WHEREAS, a First Amendment to the original agreement is necessary as City audits are performed based on the fiscal year audit plan; and

WHEREAS, audit services can potentially roll over into the next depending on the scope of work and timing of services. As a result, by allowing funding to be released per the fiscal year audit plan, Audit services can be captured and funded within their respective scheduled fiscal year; and

WHEREAS, on May 20, 2025, Moss Adams, LLP, announced a transaction that will accelerate their business and deliver a stronger value proposition to its clients. The transaction is a combination of Moss Adams and Baker Tilly, a leading advisory, tax and assurance firm. After the closing day of the merger, June 3, 2025, the current Moss Adams Agreement for City Auditor and City Auditing Services will now be assigned to Baker Tilly Advisory Group, LP ("BTAG"); and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual

services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) "Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services." By including the compensation language "per each Fiscal Year Audit Plan", it will allow funds for the agreement to be released on a fiscal year basis.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Agreement with Moss Adams, LLP Stockton, CA, for City Auditor and City Auditing Services to amend the original agreement to include the compensation language "per each Fiscal Year Audit Plan."

BE IT FURTHER RESOLVED, that the City Manager or his designee, are 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 9th day of September 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-327

RESOLUTION APPROVING THE AGREEMENTS WITH TELCION COMMUNICATION GROUP, TURLOCK, CA FOR THE CRIMINAL JUSTICE INFORMATION SERVICES (CJIS) SYSTEM IMPLEMENTATION PROJECT FOR A TOTAL AMOUNT NOT TO EXCEED $167,592; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS.

WHEREAS, the City of Modesto has identified the urgent need to establish a secure, standalone Criminal Justice Information Services (CJIS) DOJ Message Switch infrastructure to serve the Modesto Police Department (MPD) and SR911 in order to ensure operational continuity and compliance with federal security standards; and

WHEREAS, Sheriff operational changes have impacted CJIS delivery to MPD, creating vulnerabilities in the availability of actionable and investigative information essential to law enforcement operations; and

WHEREAS, the City, in partnership with the Department of Justice, has developed a comprehensive project plan that accelerates implementation timelines by more than 60% to align with the scheduled deployment of the new Computer-Aided Dispatch (CAD) system on September 22, 2025; and

WHEREAS, project establishes DOJ-compliant firewalls and switch systems, FIPS-certified data processing platforms, high-performance networking, and enterprise server capabilities that eliminate dependency on external providers and provide scalable infrastructure for future regional partnerships; and

WHEREAS, the total project cost of $167,592 will be fully funded through an MDP grant from the COPS Office Technology & Equipment Program, with no impact to the City's General Fund; and

WHEREAS, initiative directly supports the City's 2025–2026 Strategic Plan Core Commitment to Public Safety by strengthening law enforcement operational capabilities, ensuring uninterrupted CAD system deployment, and positioning Modesto as a regional leader in criminal justice technology infrastructure; and

WHEREAS, this item was not presented to a Committee due to timing constraints; advancing without committee review ensured that the September 22, 2025 implementation deadline for MPD and SR911 services would not be missed;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreements with Telcion Communication Group, Turlock, CA for the Criminal Justice Information Services (CJIS) system implementation project for a total amount not to exceed $167,592..

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 9th day of September, 2025, by Wright, who moved its adoption, which motion being duly seconded by Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-328

RESOLUTION APPROVING THE SECONDARY AGREEMENTS WITH LAW ENFORCEMENT PSYCHOLOGICAL SERVICES, INC., LOS GATOS, CA AND CORE PSYCHOLOGICAL CORPORATION, GOLD RIVER, CA, FOR PRE-EMPLOYMENT PSYCHOLOGICAL SERVICES FOR A TOTAL COMBINED AMOUNT NOT TO EXCEED $40,000 OVER THREE YEARS, AND AUTHORIZING THE DIRECTOR OF FINANCE TO ADJUST AGREEMENT TOTALS BETWEEN VENDORS BASED ON CONTRACTOR'S AVAILABILITY AND DEPARTMENT'S NEEDS, ENSURING THE COMBINED TOTAL AMOUNT DOES NOT CHANGE AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, recruiting, hiring, and retaining police officers is a lengthy and highly competitive process. Prior to being hired, candidates must go through an extensive selection process that includes an application, written examination, physical agility examination, selection interview, polygraph examination, background investigation, medical examination, and psychological examination. A delay in any step may result in the loss of candidates to other competing agencies; and

WHEREAS, Peace Officers are required to be emotionally and mentally evaluated by a psychologist who is licensed by the California Board of Psychology; and

WHEREAS, on June 2, 2015, by Resolution No 2015-179, Council approved an agreement with Dr. Jocelyn E. Roland, Ph.D. ABPP, for counseling and psychological services including pre-employment psychological evaluations as required by law, for a five-year contract with three, one-year extension options; and

WHEREAS, on June 4, 2019, by Resolution 2019-256, Council approved a secondary agreement for as-needed pre-employment psychological services with Cordico Psychological, Corp. for an agreement term of two years with two, one-year extension options, for an annual cost of $10,000 with a total not to exceed cost of $40,000; and

WHEREAS, on October 24, 2023, by Resolution No 2023-468, Council approved a new agreement with Jocelyn E Roland, PhD., ABPP for pre-employment psychological evaluation services and pre-employment psychological screenings, for a five-year agreement with three, one-year extension options, for an annual estimated amount of $116,250, and a total amount not to exceed $930,000 over eight years; and

WHEREAS, on December 6, 2024, a Purchase Order was issued to Law Enforcement Psychological Services for a limited number of pre-employment psychological evaluations due to a backlog with the primary and secondary vendors and to prevent the loss of police officer candidates; and

WHEREAS, these agreements will serve as a contingency to ensure timely evaluations and prevent the potential loss of qualified police officer candidates due to delay; and

WHEREAS, while the department is seeking these additional agreements and corresponding funding, the overall number of evaluations is expected to remain consistent. The agreements would only be utilized in the event the primary vendor is unable to meet the City's service needs withing the required timeframe or there is a conflict of interest; and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), "Exceptions to Formal Bidding Requirements," Agreements for Professional Services are exempt from the bidding requirements of Modesto Municipal Code 8-3.203 if competitive quotations or proposals have been sought informally from at least three (3) qualified entities. The approval for the pre-employment psychological evaluations and screenings to Law Enforcement Psychological Services, Inc., and CORE Psychological

Corporation conforms to Modesto Municipal Code 8-3.204, subdivision (a) as they are providing professional services and at least three informal proposals were obtained from not only the existing primary provider but also these two alternative providers, all of whom have been utilized in the past and have a history of providing excellent service according to the department's requirements and who all have comparable pricing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto approves the Secondary Agreements with Law Enforcement Psychological Services, Inc., Los Gatos, CA and CORE Psychological Corporation, Gold River, CA, for Pre-Employment Psychological Services for a total combined amount not to exceed $40,000 over three years, and authorizing the Director of Finance to adjust agreement totals between vendors based on contractor's availability and department's needs, ensuring the combined total amount does not change.

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 9th day of September 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-329

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR ON-CALL ELECTRICAL SERVICES TO ADVANCED LIGHTING SERVICES, INC., DUBLIN CA FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL AMOUNT OF $267,114 AND A TOTAL AMOUNT NOT TO EXCEED $1,335,566 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on October 23, 2018, by Resolution No. 2018-470, Council authorized the award of bid and service agreement for On-Call Electrical Services to Central Valley Electric, for a two-year agreement with three one-year extension options, for an annual cost not to exceed $130,000 and a total amount not to exceed $650,000 over a five-year period; and

WHEREAS, on January 24, 2024, the Director of Finance authorized the First Amendment of the existing agreement with Central Valley Electric, extending the term from November 1, 2023 through October 31, 2024, and adjusted the labor rates; and

WHEREAS, on November 7, 2024, the Director of Finance authorized the Second Amendment of the existing agreement with Central Valley Electric, extending the term from November 1, 2024 through October 31, 2025 and adjusted the labor rates; and

WHEREAS, the City has a need for On-Call Electrical Services at City properties on an "as needed" basis. Utilities, Parks, Building Services, Police and Fire Departments use On-Call Electrical Services; and

WHEREAS, on May 2, 2024, the City Manager authorized the Purchasing Manager to solicit the procurement for On-Call Electrical Services. On, December 9, 2024, the

Purchasing Division issued IFB No. 2324-92 for On-Call Electrical Services on the City's PlanetBids public bidding website under various commodity codes; and

WHEREAS, on January 14, 2025, bids were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream. Two chose to respond and zero local bids were received; and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends awarding the On-Call Electrical Services Agreement to Advanced Lighting Services, Inc., of Dublin, CA for the total amount not to exceed $1,335,566.

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid. Based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City Staff recommends the award of bid for On-Call Electrical Services Agreement to Advanced Lighting Services, Inc., Dublin, CA.; and

WHEREAS, the proposed agreement has an estimated annual amount of $267,114, resulting in a five-year, not to exceed total of $1,335,566. A 5.5% Consumer Price Index (CPI) increase projection has been calculated for Years 3, 4, and 5. Funds are budgeted in the Building Maintenance Fund 5800-52120-53300 with funding for contingency services being allocated at the time of approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Award of Bid and Agreement for On-Call Electrical Services to Advanced Lighting Services, Inc., Dublin, CA for a two-year Agreement with three one-

year extension options, for an estimated annual amount of $267,114 and a total amount not to exceed $1,335,566 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 9th day of September 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-330

RESOLUTION APPROVING A PREQUALIFIED LOCAL CONSULTANT LIST FOR CIVIL ENGINEERING SERVICES FOR A PERIOD OF FIVE (5) YEARS

WHEREAS, on April 12, 2022, by Resolution No. 2022-191, Council approved a Prequalified Local Consultant List for Civil Engineering Services for a period of up to three (3) years; and

WHEREAS, Staff is seeking to have a prequalified list reestablished as it has proven to be beneficial to the Utilities Department to have expedited access to Local Civil Engineering Services for efforts that require consultant services for efficient project delivery; and

WHEREAS, retaining a prequalified consultants list also eliminates the need to send out repetitive Requests for Qualifications (RFQ) for projects of similar scope and/or type, saving Staff time and project costs; and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, which follows State of California Government Code, Sections 4526-4529, Staff solicited and formally advertised an RFQ; and

WHEREAS, on February 25, 2025, the Engineering Division of the Utilities Department issued RFQ 2025-03 notifying prospective consultants of the opportunity to participate in the selection process to establish a Prequalified Local Consultants List for Civil Engineering Services on the City's OpenGov public bidding website; and

WHEREAS, Seventy-Six (76) companies downloaded the RFQ document from OpenGov, nine (9) chose to respond, and seven (7) local proposals were received.; and

WHEREAS, after careful review of the Statements of Qualifications by a committee composed of four (4) members of the Utilities Department Staff, the following firms were selected as most qualified: BKF Engineers, Black Water Consulting Engineers, Inc., NorthStar Engineering Group Inc, and Siegfried Engineering, Inc.; and

WHEREAS, services to be provided will include, but are not limited to: Topographic Survey, Design Drawings, Specifications, Construction Cost Estimates, Project Management, Permitting, Environmental Clearance, Engineering Support During Construction, Grant Research, Writing and Management; and

WHEREAS, Staff is requesting that this prequalified list be in effect for five (5) years from the date of Council approval; and

WHEREAS, in the event the firms listed on the prequalified list are deemed to lack experience or expertise for specific projects, the City retains the right to recruit consultants for individual projects through its standard purchasing procedures.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Prequalified Local Consultant List for Civil Engineering Services for a period of five (5) years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-331

RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MAIN STREET MODESTO, LLC TO LEASE JOHN THURMAN FIELD FOR A FIVE-YEAR TERM BEGINNING OCTOBER 1, 2025, THROUGH SEPTEMBER 30, 2030 WITH THE OPTION OF ATHREE-YEAR EXTENSION, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO NEGOTIATE AND EXECUTE THE AGREEMENT

WHEREAS, the City is the owner of the property, stadium, and parking facilities that comprise John Thurman Field; and

WHEREAS, on February 27, 2024, by Resolution No. 2024-052, the Council approved an agreement with The Baseball Club of Modesto, LLC to lease the John Thurman Field Facility through September 30, 2024; and

WHEREAS, on August 27, 2024, by Resolution No. 2024-308, Council approved the First Amendment with The Baseball Club of Modesto, LLC to lease the John Thurman Field Facility through September 30, 2025; and

WHEREAS, since this period, The Baseball Club of Modesto, LLC has sold the baseball franchise to another entity and did not purse an additional lease extension with the City; and

WHEREAS, in an effort to continue to keep baseball in the City of Modesto, the City negotiated with the Main Street Modesto, LLC ("Tenant") for a Lease at John Thurman Field for a five-year term beginning October 1, 2025, through September 30, 2030 with the option of one three-year extension; and

WHEREAS, this Agreement is to lease the John Thurman Field ("Facility" or "Property") from October 1, 2025, through September 30, 2030; and

WHEREAS, between April 1 and August 31, 2030, the Tenant may exercise an

option to extend the term of the Lease for an additional three (3) years; and

WHEREAS, the Tenant shall pay to the City rent for the Property during the Initial Term in the amount of One Hundred Twenty Thousand Dollars ($120,000); and

WHEREAS, annually on the anniversary of the Commencement Date, the amount of the Rent shall increase by four percent (4%); and

WHEREAS, the City shall obtain and be responsible for paying the cost and expense of the following utilities serving the Property: gas, electricity, water (for both irrigation and potable use), sewer, solid waste collection and trash removal, and telephone service; and

WHEREAS, the Tenant shall be solely responsible for the maintenance of the playing field, as well as cleaning the ballpark, clubhouses, and parking lots; and

WHEREAS, the City will remain responsible for maintaining and repairing all structural components of the Property, the irrigation system, and the landscaping outside of the stadium; and

WHEREAS, the Tenant shall have the right to operate and control the parking lot facilities contained within the Property for its home games and other authorized uses allowed under this Agreement; and

WHEREAS, if the Tenant charges for parking, 25% of net revenue will be redmitted to the City; and

WHEREAS, in the event that the annual gross revenue received by the Tenant for the naming rights of the Property, or any facilities is less than $150,000, the Tenant shall pay to the City 15% of the Naming Rights Revenue; and

WHEREAS, if the Naming Right Revenue is more than $150,000, the Tenant

shall pay to the City 20% of the Naming Rights Revenue; and

WHEREAS, the City shall promptly reimburse the Tenant for up to Nine Hundred and Fifty Thousand Dollars ($950,000) over the term of the lease for specified tenant improvements undertaken by the Tenant; and

WHEREAS, such improvements shall be limited to the installation of new outfield wall padding, safety nets, and drink rails for fans and players, as well as new flooring, tile, paint, fixtures, and other aesthetic improvements in the offices, clubhouses, bathrooms, seating bowl and any other facilities on the Property; and

WHEREAS, the Tenant and City understand and agree that City retains the right to use the Property for up to five (5) City events per year with no rental fee charged to the City; and

WHEREAS, the District shall have the right to use the Property pursuant to a use agreement between the City and District. District may use the Property solely for high-school baseball games, and related activities, including full day events like tournaments, and for no other purpose without the prior written approval of the Tenant. The District will be responsible for repairing any damage caused by its use and all other costs related to its use of the Property. The District's use will be subject to a separate agreement between the City and District; and

WHEREAS, when the Property is not in use for baseball games, Tenant may schedule other activities, including concerts, conventions, and other commercial events, subject to Tenant obtaining any required permits, licenses or approvals, including but not limited to Entertainment Permits, from the City for such events; and

WHEREAS, the City and Main Street Modesto, LLC are still finalizing all of the

details of the new Lease Agreement, and the City Council desires to authorize the City Manager to finalize those details, subject to the negotiated terms described above.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement between the City of Modesto and Main Street Modesto, LLC to lease John Thurman Field for a five-year term beginning October 1, 2025, through September 30, 2030, with the option of a three-year extension.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to finalize the details of the agreement pursuant to the negotiated terms and 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 9th day of September 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ,CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-332

RESOLUTION ACCEPTING THE RESIGNATION OF LUPE HODGES FROM THE CULTURE COMMISSION

WHEREAS, the Culture Commission was established to advise on matters pertaining to art, literature, music, and other cultural activities within the area, and

WHEREAS, on August 12, 2025, by Resolution No. 2025-290, Lupe Hodges was appointed to serve as a member of the Culture Commission, and

WHEREAS, Lupe Hodges has tendered her resignation from the Culture Commission effective August 28, 2025.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby accepts the resignation of Lupe Hodges from the Culture Commission with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-333

RESOLUTION ACCEPTING THE RESIGNATIONS OF MELANIE WEBB AND MELISSA BURGESS FROM THE BLIGHT ABATEMENT ADVISORY COMMITTEE AND VACATING THEIR POSITIONS

WHEREAS, the City of Modesto experiences varieties of blight in both private and public spaces which results in issues for residents; and

WHEREAS, in 2019, during the Strategic Planning sessions with community members, a major theme was dissatisfaction regarding blight throughout the City; and

WHEREAS, on December 10, 2019, by Resolution No. 2019-555, City Council approved the Blight Abatement Strategy, which included the creation of a blight abatement taskforce comprised of public and private stakeholders that will make recommendations to the City regarding program improvements, potential funding opportunities, and support increasing volunteerism; and

WHEREAS, on October 13, 2020, by Resolution No. 2020-428, City Council approved the formation of the Blight Abatement Advisory Committee (BAAC) and solicited membership of the committee's nine voting members; and

WHEREAS, BAAC is made up of seven Committee members who are registered electors of Modesto and two members who are registered electors of Stanislaus County; and

WHEREAS, on July 22, 2025, by Resolution No. 2025-258, City Council appointed three new members to the BAAC; and

WHEREAS, two of the newly appointment members have since submitted their resignations: Melanie Webb and Melissa Burgess; and

WHEREAS, Melanie Webb has recently moved to Ceres and is confirmed to be a

registered elector of Ceres and no longer meets the qualifications of the position; and

WHEREAS, Melissa Burgess has accepted a new job opportunity and no longer has the availability to attend regular meetings of the Committee; and

WHEREAS, vacancies due to resignations are not required to go before Appointments Committee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the resignations of Melanie Webb and Melissa Burgess from the Blight Abatement Advisory Committee and vacates their positions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-334

RESOLUTION DECLARING SPECIFIED CITY-OWNED PROPERTIES AS EXEMPT SURPLUS LAND AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE THE CONVEYANCE OF SUCH PROPERTIES IN ACCORDANCE WITH THE SURPLUS LAND ACT

WHEREAS, the Surplus Land Act (Government Code sections 54220-54234; "SLA") requires local agencies to offer surplus land for sale or lease to affordable housing developers and certain other entities through a process described therein before selling or leasing the land or engaging in negotiations to dispose of the land; and

WHEREAS, the Surplus Land Act (SLA) requires all local agencies to prioritize affordable housing, parks, and open space when disposing of surplus land; and

WHEREAS, the legislation requires that before a local agency take any action to dispose of land, the land must be declared as either surplus land or exempt surplus land and supported by written findings; and

WHEREAS; in August 2024, the City of Modesto inventoried the real property assets owned by the City and the City of Modesto Redevelopment Successor Agency ("Successor Agency"); and

WHEREAS, to further this effort, on August 27, 2024, by Resolution No. 2024-309, the City declared certain properties as "surplus land" to continue the process of evaluating surplus and/or underutilized properties in its portfolio, and to commence the process for the conveyance of those properties; and

WHEREAS, after further evaluation, the next steps require that these properties deemed surplus must now be declared "exempt surplus" so that the City may begin the process to sell or lease such properties through the Surplus Land Act Process; and

WHEREAS, since adopting Resolution No. 2024-309 to declare certain properties as surplus land, the City has conducted additional due diligence and determined that some of these properties qualify as exempt surplus land. The following is the list of properties currently owned by the City which staff has determined may be declared as exempt surplus land.

City of Modesto: List of Surplus Properties			
Location	**Assessor Parcel #**	**Current Zoning**	**Approximate Size**
ENCINA AVE**	033-036-001	R-1	14,620 sq. ft./ 0.34 acre
COLFAX & GLENDALE AVES**	033-033-046	R-1	13,060 sq. ft./ 0.30 acre
MC GERRY ST**	065-012-047	R-1	10,932 sq. ft./ 0.25 acre
WHITMORE AVE***	086-014-007	M-2	10,021 sq. ft./ 0.23 acre
705 E WHITMORE AVE**	086-014-012	M-2	3,998 sq. ft./ 0.09 acre
FRAZINE RD**	133-001-026	C-3	10,000 sq. ft./ 0.23 acre
924 VIRGINIA AVE**	113-008-005	R-1	9,444 sq. ft./ 0.22 acre
132 OLIVERO RD**	086-010-033	NONE	9,310 sq. ft./ 0.21 acre
110 POPLAR AVE**	110-009-036	R-1	7,000 sq. ft./ 0.16 acre
1700 MC HENRY AVE**	120-033-002	MU-P	4,316 sq. ft./ 0.10 acre
1000 COFFEE RD**	032-011-002	R-1	3,007 sq. ft./ 0.07 acre
TULLY RD**	059-001-006	R-1	2,998 sq. ft./ 0.07 acre
CARPENTER RD**	029-012-050	M-1	2,474 sq. ft./ 0.06 acre
435 COLLEGE AVE**	109-002-001	R-2	2,225 sq. ft./ 0.05 acre
GRIMES AVE**	017-012-012	SP	1,875 sq. ft./ 0.04 acre
917 CAROLYN DR**	072-040-001	NONE	880 sq. ft./ 0.02 acre
GOLF COURSE PARKING LOT 321 NEECE DR	102-013-001	R-1	9,045 sq. ft./ 0.21 acre
GOLF COURSE PARKING LOT NEECE DR	102-013-002	R-1	7,540 sq. ft./ 0.17 acre
GOLF COURSE PARKING LOT NEECE DR	102-013-003	R-1	7,201 sq. ft./ 0.17 acre
HINTZE AVE****	112-006-007	R-1	7,493 sq. ft./ 0.17 acre
LA LOMA AVE****	108-014-001	R-1	5,401 sq. ft./0.12 acre
SCENIC DR****	111-010-001	C-1	1,307 sq. ft./ 0.03 acre
308 LOCUST ST	101-004-049	R-1	6,981 sq. ft./ 0.16 acre
1701 CONNIE WAY	035-050-022	R-2	6,240 sq. ft./ 0.14 acre
* Pump Station			
** Well Site			
*** Tank Site			
**** Island Park			

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares specified city-owned properties as exempt surplus land pursuant to

Government Code section 54221 (f)(1)(B) and directing the city manager or their designee to negotiate the conveyance of such properties in accordance with the surplus land act.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 2025, by Vice-Mayor Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-335

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENTS WITH BENDER ROSENTHAL INC., THOMPSON & THOMPSON REAL ESTATE VALUATION AND CONSULTING INC. AND HULBERG & ASSOCIATES DBA VALBRIDGE PROPERTY ADVISORS FOR COMMERCIAL AND RESIDENTIAL REAL ESTATE APPRAISAL SERVICES INCREASING THE AGREEMENT AMOUNTS BY $17,000 FOR EACH CONSULTANT AND A REVISED COMBINED TOTAL AMOUNT NOT TO EXCEED $150,000 OVER THREE YEARS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AMENDMENTS

WHEREAS, the City is responsible for the acquisition, disposition, management, and valuation of real property assets to support various municipal operations, community development initiatives, and infrastructure projects; and

WHEREAS, to ensure fair market value, compliance with applicable regulations, and sound financial decision-making, the city requires the services of qualified, independent real estate appraisers; and

WHEREAS, in January and February 2025, the City of Modesto enlisted Bender Rosenthal Inc., Thompson & Thompson Real Estate Valuation & Consulting Inc., and Valbridge Property Advisors to provide appraisal services; and

WHEREAS, these services support a variety of projects involving both commercial and residential properties, including acquisitions, disposals, easements, right-of-way assessments, and redevelopment planning; and

WHEREAS, on October 17, 2024, the Purchasing Division issued an Informal Request for Proposal (RFP) on the city's PlanetBids public bidding website under various commodity codes. Prospective bidders were notified online and via email of the bid opportunity; and

WHEREAS, on November 5, 2024, proposals were due by 5:00 pm. Five (5) proposers chose to respond, there was one (1) local proposal received. An evaluation committee comprised of three (3) City staff members which included an Assistant Engineer, Senior Civil Traffic Engineer and Deputy City Manager evaluated the proposals. The evaluation was based on Quality of narrative description, capability and experience, qualifications of service levels, references and cost; and

WHEREAS, the City is amending the contract to increase the total compensation due to a greater-than expected demand for appraisal services; and

WHEREAS, this marks the first implementation of a city-wide agreement, and the need for this service may vary based on operational requirements. As various projects advanced, the need for both commercial and residential appraisals surpassed initial projections, driven by an increase in property transactions, acquisitions, and development-related activities; and

WHEREAS, to maintain continuity of services and prevent delays in key real estate initiatives, it is necessary to increase the contract amount to adequately support the additional appraisal work required; and

WHEREAS, in accordance with Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $100,000 for material, equipment, or contractual services to follow formal bid procedures. In accordance with Modesto Municipal Code Section 8-3.204(a) Exceptions to Formal Bidding Requirements, Agreements for Professional Services are exempt from the bidding requirements of Modesto Municipal Code 8-3.203 if competitive quotations or proposals have been sought informally from at least three (3) qualified entities. The approval for Commercial

and Residential Real Estate Appraisal Services to Bender Rosenthal Inc., Thompson & Thompson Real Estate Valuation and Consulting Inc., and Hulberg & Associates dba Valbridge Property Advisors conforms to Modesto Municipal Code 8-3.204, subsection (a) as they are providing professional services for Commercial and Residential Real Estate Appraisal Services. However, staff conducted an informal Request for Proposal (RFP) evaluation process that was used to select the consultants; and

WHEREAS, the original agreement established a total contract amount of $99,000, with each of the three vendors assigned a maximum compensation not to exceed of $33,000; and

WHEREAS, due to the increased demand for appraisal services, the City will amend the contract to add $17,000 in additional funding for each consultant; and

WHEREAS, this adjustment brings the total contract amount to $150,000, with each vendor now authorized for a maximum compensation of $50,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Agreements with Bender Rosenthal Inc., Thompson & Thompson Real Estate Valuation and Consulting Inc., and Hulberg & Associates dba Valbridge Property Advisors increasing the Agreements by $17,000 for each consultant and a revised combined amount not to exceed $150,000 over three years.

BE IT FURTHER RESOLVED, that the City Manager, or his designee is hereby 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 23rd day of September, 2025, by Vice-Mayor Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-336

RESOLUTION APPROVING A FIRST AMENDMENT AND REINSTATEMENT OF THE LETTER OF INTENT BETWEEN THE UNITED SOCCER LEAGUE, LLC AND THE CITY OF MODESTO, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT AND REINSTATE THE LETTER

WHEREAS, the City of Modesto has worked diligently alongside public and private partners to create the Downtown Master Plan, Stanislaus 2030 Blueprint, and the Modesto Renewal & Diversification Project ("River District Study"); and

WHEREAS, through the preparation of these studies and planning documents, staff and consultants have engaged with hundreds of residents, business owners, faith-based organizations, and nonprofits; and

WHEREAS, this engagement has yielded a broad consensus across stakeholder groups regarding community challenges, strengths, and high-leverage opportunities to achieve a more vibrant community and regional economy; and

WHEREAS, the City intends to leverage the results from these prior studies to help inform the implementation of these plans; and

WHEREAS, the City has continued to make a concentrated effort to bring diverse entertainment options to the community in an effort to provide entertainment for residents as well as attract additional visitors to the community for economic development; and

WHEREAS, the City has received initial interest from the United Soccer Leagues, LLC ("USL") for a potential league expansion into the City of Modesto, establishing a men's and a woman's soccer team; and

WHEREAS, the first step in the league expansion process is to formalize an exclusive negotiating period through a letter of intent ("LOI") with the results of these

negotiations being documented in a future Memorandum of Understanding ("MOU"); and

WHEREAS, the LOI describes the process the City of Modesto and USL ("Parties") agree to undertake to explore and analyze, in good faith, the possible establishment of professional soccer to be played in a multi-purpose stadium to be constructed and operated in the City of Modesto; and

WHEREAS, on September 10, 2024, by Resolution No. 2024-333, Modesto City Council approved a Letter of Intent between with the United Soccer League, LLC; and

WHEREAS, the LOI established an exclusive negotiating period that commenced on the execution of the LOI and would last for one (1) year, with an automatic six (6) month extension if the Parties executed a nonbinding MOU regarding the establishment of professional soccer in the City; and

WHEREAS, following the execution of the LOI on September 10, 2024, the City began to evaluate potential sites for stadium development in Modesto including the viability of supporting professional soccer teams and explore opportunities to enhance entertainment options for the community; and

WHEREAS, on March 26, 2025, the City of Modesto hosted a Special Workshop to continue community discussions on the expansion of the USL into the City. In this Workshop, staff presented the City Council with a comprehensive update regarding the City's exploration of bringing USL Professional Soccer to Modesto. The locations presented during this Workshop included a Downtown South Site (near D Street), a Downtown North Site (Centre Plaza), and the vacant former Municipal Golf Course (West Modesto) site. Considering these locations, the Modesto City Council directed

staff to focus on both the Downtown North Site and the Municipal Golf Course site while also directing staff to gather more data pertaining to fiscal and economic impacts of both potential stadium sites; and

WHEREAS, on June 25, 2025, the City of Modesto hosted an additional workshop to continue the community discussion on the analysis of two potential stadium locations: Downtown North (Modesto Centre Plaza) and West Modesto (the Municipal Golf Course). During this Workshop, the City Council requested more time to gather information and directed staff to expand additional community feedback regarding the potential stadium sites and to focus on assumed fiscal impacts for the proposed locations including the Downtown, the municipal golf course, and combination of both sites; and

WHEREAS, staff hosted two community listening sessions, on July 28 and July 29, 2025, to give the community an opportunity to ask questions and provide feedback regarding professional soccer in Modesto and the proposed stadium locations. At these community workshops, residents were asked to share their feedback on the potential benefits and drawbacks of stadium being at the Downtown North Site (Centre Plaza) and Municipal Golf Course (West Modesto), as well as identify key considerations for both sites; and

WHEREAS, on August 5, 2025, Modesto City Council unanimously passed a motion directing staff to move forward with option 3/option C to support the future site for the stadium; and

WHEREAS, option 3/option C designates the Downtown Modesto Centre Plaza area as the primary site for the stadium itself, while the Municipal Golf Course in West Modesto is identified as the location for associated practice and tournament fields; and

WHEREAS, after a year of discussions and workshops on site selection, the Initial Exclusivity Period specified in the LOI expired on September 10, 2025, with the Parties not having an executed nonbinding MOU regarding the establishment of professional soccer in the City; and

WHEREAS, in an effort to facilitate continued discussion with the USL, the City of Modesto and USL have agreed to amend the Initial Exclusivity Period and reinstate the LOI; and

WHEREAS, the City of Modesto and USL agree to extend the Initial Exclusivity Period set forth in Section 7 of the LOI to March 10, 2026; and

WHEREAS, the City of Modesto and USL agree to reinstate the LOI, effective September 10, 2025, and agree that the LOI will continue in full force and effect; and

WHEREAS, during this extended negotiating period, the City of Modesto and USL will continue to negotiate in good faith binding agreements for implementation of the terms of the Memorandum of Understanding; and

WHEREAS, the approval of the First Amendment and Reinstatement of LOI does not approve or authorize any stadium or other development; and

WHEREAS, before any potential proposed stadium is approved, further environmental review will occur; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment and Reinstatement of the Letter of Intent between the United Soccer League, LLC and the City of Modesto,

BE IT FURTHER RESOLVED by the Council of the City of Modesto authorizes the City Manager, or his designee, to execute the Amendment and Reinstate the Letter.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None
RECUSED:	Councilmembers:	Williams

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-337

RESOLUTION APPROVING SECTION 26 (NATIONAL STANDARDS FOR THE PHYSICAL INSPECTION OF REAL ESTATE (NSPIRE)) OF THE HOUSING AND URBAN DEVELOPMENT POLICIES AND PROCEDURES MANUAL

WHEREAS, the proposed NSPIRE policy formalizes the adoption of HUD's updated inspection and compliance framework, which emphasizes resident health and safety, enhances consistency across inspections, and introduces a modernized scoring methodology; and

WHEREAS, this policy will apply to all HUD-assisted housing programs funded by the HOME Investment Partnerships Program (HOME) and the Emergency Solutions Grant (ESG) Program; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has officially replaced the Uniform Physical Condition Standards (UPCS) and Housing Quality Standards (HQS) with the National Standards for the Physical Inspection of Real Estate (NSPIRE), as published in the Federal Register on May 11, 2023 (88 FR 30432), July 7, 2023 (88 FR 43378), and September 18, 2023 (88 FR 63800); and

WHEREAS, the Federal Register notices outline the Federal Regulations governing the City's funding in HOME and ESG programs; and

WHEREAS, the proposed NSPIRE policy introduces a modernized scoring methodology in accordance with HUD requirements and includes inspection standards requiring that all inspectable areas be functionally adequate, operable, and free of health and safety hazards, including the Unit defined as the interior components of individual

dwelling units, Common areas and building systems within the building interior, and the building site, exterior components, and systems located outside the building or unit; and

WHEREAS, the NSPIRE scoring methodology emphasizes deficiencies within dwelling units, reflecting their direct impact on residents' living conditions; and

WHEREAS, residents will be engaged in identifying and resolving unit deficiencies; and

WHEREAS, deficiency correction timelines will be closely monitored under the policy; and

WHEREAS, inspection requirements will include verification of GFCIs, working heating and air conditioning systems, safe water supply, and flushing toilets; and

WHEREAS, adopting the NSPIRE policy ensures that HUD-funded HOME and ESG programs and projects remain compliant with federal guidelines and maintains the City’s eligibility for critical HUD funding; and

WHEREAS, the policy includes procedures for training staff, utilizing HUD technology, and periodically reviewing for regulatory updates.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Section 26 National Standards for the Physical Inspection of Real Estate (NSPIRE) of the Housing and Urban Development Policies and Procedures Manual.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 2025, by Vice-Mayor Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-338

RESOLUTION APPROVING THE FIRST AMENDMENT TO AN AGREEMENT WITH MANAGEMENT ADVISORY SERVICES FOR PLANNING CONSULTATION AND SUPPORT, INCREASING THE AGREEMENT AMOUNT BY $76,000 FROM $95,000 TO A NEW TOTAL NOT TO EXCEED $171,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the Planning division has received an influx of new applications to develop various parcels within the City of Modesto; and

WHEREAS, the Economic Development Division is seeing a surge in new business activity, housing development, and community investment; and

WHEREAS, to prevent interruptions in development services provided to the public, and to ensure the continuity of uninterrupted planning support and augmentation efforts, as well as Municipal Code updates, Specific Plans, Corridor Studies, a Comprehensive Development Impact Fees Study, and several other community plans, the City determined that consulting services were needed; and

WHEREAS, on May 29, 2025, and under the City Manager's authority, the City entered into an agreement with Management Advisory Services to provide contract staffing services for the Planning division, for an amount not to exceed $95,000; and

WHEREAS, to continue providing updated planning services, an amendment to the Management Advisory Services contract is required; and

WHEREAS, the City wishes to continue the current partnership with Management Advisory Services by amending the original contract for additional funding by $76,000 for a new total not to exceed $171,000, in order to maintain the quality of services; and

WHEREAS, Modesto Municipal Code 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be

formally bid; and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(f), "Exceptions to Formal Bidding Requirements," Agreements for Professional Services are exempt from the bidding requirements of Modesto Municipal Code 8-3.203 "When the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or good provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services;" and

WHEREAS, the approval of the on-call consultant support to Management Advisory Services conforms to Modesto Municipal Code 8-3.204 subsection (f) as they provide additional professional services in limited quantity or scope as in the previously established agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to an Agreement with Management Advisory Services for planning consultation and support, increasing the agreement amount by $76,000 from $95,000 for a new total amount not to exceed $171,000.

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 23rd day of September, 2025, by Vice-Mayor Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-339

RESOLUTION APPROVING THE INCREASE OF A PURCHASE ORDER WITH PARK PLANET OF RED BLUFF, CA, FOR THE PURCHASE AND DELIVERY OF A SENSORY WALL FOR THE AWESOME SPOT PLAYGROUND AT BEYER COMMUNITY PARK BY $1,535 FROM $172,400, FOR A REVISED TOTAL AMOUNT NOT TO EXCEED $173,935; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE TO UPDATE THE PURCHASE ORDER

WHEREAS, in 2015, the community rallied together in support of designing an all-inclusive playground at Beyer Park; a playground that would be the first of its kind in the region, providing accessibility to people of all ages with a wide range of physical abilities to be able to play together side-by-side; and

WHEREAS, since that time the project has been officially titled "The Awesome Spot Playground" (TASP), construction documents have been completed with the help of local design professionals and construction has begun on Phase 1 of the project; and

WHEREAS, on September 27, 2022, by Council Resolution 2022-397, Council approved the competitive bidding process from National Purchasing Partners (NPPGov), League of Oregon Cities, with Park Associates, Inc. DBA Park Planet for the Purchase and Delivery of a Sensory Wall for The Awesome Spot Playground at Beyer Community Park, for a cost not to exceed $172,400; and

WHEREAS, due to the complexity of the structure, the sensory wall took longer than anticipated to complete; however, in July of 2025, the sensory wall was completed and delivered to the City; and

WHEREAS, in November 2022, Modesto voters passed Measure H, a one-cent sales tax to fund general city services; and

WHEREAS, due to this change in the sales tax, the invoiced amount for the

sensory wall was increased by $1,535; and

WHEREAS, staff is requesting an increase of a Purchase Order with Park Planet by this amount, for a new total not to exceed $173,935.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the price increase of a Purchase Order with Park Planet of Red Bluff, CA, for the purchase and delivery of a sensory wall for The Awesome Spot Playground at Beyer Community Park, by $1,535, for a total amount not to exceed $173,935.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 2025, by Vice-Mayor Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-340

RESOLUTION APPROVING FISCAL YEAR 2024-2025 UNCLAIMED FUNDS OF $24,060 HELD IN THE CITY'S TRUST FUND FOR MORE THAN THREE YEARS AND AUTHORIZING THE TRANSFER TO THE GENERAL FUND

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 Fiscal Year 2024-2025 unclaimed funds of $24,060 held in the City's Trust Fund for more than three years and authorizing the transfer 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 23rd day of September, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-341

RESOLUTION APPROVING THE 2024-2025 WRITE-OFF AND ADJUSTMENTS REPORTS THROUGH FISCAL YEAR END JUNE 30, 2025 IN THE TOTAL AMOUNT OF $459,603 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 2024-2025 and as such all available collection remedies have been exhausted: (1) Miscellaneous Receivables- $38,698, (2) Utilities Receivables - $16,116, (3) Parking Citations - $315,966, (4) Business License - $74,135, (5) Uncollectible Aged Liens - $14,688.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the 2024-2025 Write-Off and Adjustments reports through fiscal year end June 30, 2025, in the total amount of $459,603 and directing a report of disposition to be filed with the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 2025, by Vice-Mayor Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-342

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM STATE OF IOWA TO LENCO ARMORED VEHICLES, PITTSFIELD, ME FOR THE PURCHASE OF ONE (1) ARMORED VEHICLE FOR AN AMOUNT NOT TO EXCEED $425,730 PLUS $36,564 IN TAXES AND FEES TO BE PAID DIRECTLY TO THE STATE; AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE DIRECTOR OF FINANCE OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, the Public Works Fleet Division provides the maintenance for all City vehicles and equipment; and

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs including the addition of new vehicles due to the operational needs for the city; and

WHEREAS, on June 6, 2025, the City Manager authorized the Purchasing Manager to solicit the procurement for One (1) Bearcat BC550033 Lenco Armored Vehicle; and

WHEREAS, on April 16, 2023. State of Iowa issued 005-RFB-04737-2023 under Contract No23202B for Specialty Vehicles Armored Resue vehicles on their public website; and

WHEREAS, on May 12, 2023, proposals were opened at 1305 E. Walnut St., Des Moines, IA 50319; and

WHEREAS, two (2) proposals were received, and one (1) contract was awarded for this commodity which includes the Specialty Vehicles Armored Rescue Vehicle; and

WHEREAS, based on the lowest responsible and responsive bid which meets the vehicle base specifications this agency awarded the bid to Lenco Armored Vehicles; and

WHEREAS, City staff recommends to award to Lenco Armored Vehicles, Pittsfield, ME to purchase one (1) Bearcat BC550033 Lenco Armored Vehicle for an amount not to exceed $425,730; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $100,000 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(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; and

WHEREAS, by utilizing the State of Iowa, the City is complying with the requirements defined under this code for Specialty Vehicles Armored Rescue Vehicle.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Competitive Bidding Process from State of Iowa to Lenco Armored Vehicles, Pittsfield, ME for the purchase of one (1) Armored Vehicle for an amount not to exceed $425,730 plus $36,564 in taxes and fees to be paid directly to the state.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is hereby authorized to issue the Purchase Order.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 2025, by Councilmember Escutia-Braaton, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-343

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE 9TH STREET CORRIDOR IMPROVEMENT PROJECT, ACCEPTING THE BID AND AWARDING A CONTRACT TO UNITED PAVEMENT MAINTENANCE, INC., OF HUGHSON, CA, IN THE AMOUNT OF $13,363,465, AND AUTHORIZING CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF $1,336,347, FOR A TOTAL AGREEMENT AMOUNT NOT TO EXCEED $14,699,812, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the 9th Street Corridor Improvement Project, and City staff recommends approval by the City Council; and

WHEREAS, the bids received for the 9th Street Corridor Improvement Project, were publicly opened at 11:00 a.m. on August 12, 2025, and later tabulated by the Director of Engineering Services Department for the consideration of Council; and

WHEREAS, the Director of Engineering Services Department has recommended that the bid of $13,363,465 received from United Pavement Maintenance, Inc. of Hughson, CA, be accepted as the lowest responsible and responsive bid and the contract be awarded to United Pavement Maintenance, Inc.; and

WHEREAS, the Director of Engineering Services is authorized to approve Change Orders up to the cumulative amount of $1,336,347 (10% of the original contract price); and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment or contractual services, to follow the formal bid procedures; and

WHEREAS, an award of $13,363,465 and agreement for construction with United Pavement Maintenance, Inc. of Hughson, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and United Pavement Maintenance, 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 the plans and specifications for the 9th Street Corridor Improvement Project, accepting the bid, and awarding a contract to United Pavement Maintenance, Inc. of Hughson, CA, in the amount of $13,363,465, authorizing the Director of Engineering Services to approve Change Orders up to the cumulative amount of $1,336,347 (10% of the original contract price) for a total agreement amount not to exceed $14,699,812.

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 September, 2025, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-344

RESOLUTION APPROVING AGREEMENT WITH TRC ENGINEERS, INC., OF LATHROP, CA, FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE 9TH STREET CORRIDOR IMPROVEMENT PROJECT IN AN AMOUNT NOT TO EXCEED $990,880, PLUS $99,088 FOR ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED $1,089,968, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, due to limited staffing resources, current workloads and the size and complexity of this project, staff recommends utilizing a consultant for this project for proper project coverage and construction oversight, including Construction Management, Inspections and Materials Testing, and Public Outreach services for the anticipated 12-month construction period; and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), agreements for professional services are exempt from the formal bidding requirements of Modesto Municipal Code 8-3.203 if competitive proposals or quotations are sought from at least three (3) qualified entities; and

WHEREAS, in compliance with this requirement, a Request for Proposals (RFP) was issued on June 11, 2025, to the City's three (3) pre-qualified firms who provide Construction Management and Inspection Services; and

WHEREAS, TRC Engineers, Inc. was the only firm to return a proposal by the July 15, 2025 due date; and

WHEREAS, the proposal received from TRC Engineers, Inc., was evaluated by City staff. The proposal meets and exceeds the requirements for the 9th Street Corridor Improvement Project; and

WHEREAS, TRC Engineers, Inc., has provided assistance with similar City projects including the Tully Road Pavement Rehabilitation project and the Briggsmore Avenue and Orangeburg Avenue Pavement Rehabilitation project and has rendered quality service with respect to coordination with staff, the public and the contractor, as well as efficient construction management; and

WHEREAS, staff recommends approval of the agreement with TRC Engineers, Inc., for the 9th Street Corridor Improvement Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with TRC Engineers, Inc., of Lathrop, CA, for the 9th Street Corridor Improvement Project in the amount of $990,088, plus $99,088 for additional services, if needed, for a total amount not to exceed $1,089,968.

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 September, 2025, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-345

RESOLUTION AMENDING THE FISCAL YEAR 2025-26 ANNUAL OPERATING AND CAPITAL IMPROVEMENT PROJECT FUND BUDGETS TO INCREASE THE REVENUE, EXPENDITURES, AND TRANSFERS FOR PROJECT #101295 IN THE AMOUNT OF $6,500,000 TO APPROPRIATE THE ADDITIONAL FUNDS FOR THE 9TH STREET CORRIDOR IMPROVEMENT PROJECT AND AUTHORIZING THE CITY MANAGER, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the 9th Street Corridor project will include the installation of three roundabouts and a two mile long Class I bicycle trail with landscaping and drainage improvements on 9th Street, between Carpenter Road and L Street; and

WHEREAS, the project was advertised for bids on June 8, 2025 with the lowest bidder United Pavement Maintenance 19.32% above the engineer's estimate; and

WHEREAS, additional funding is needed for the construction of the project and is eligible to use Measure L funds; and

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual Operating and Capital Improvement Project fund budgets to increase the revenue, expenditures, and transfers for Project #101295 – 9th Street Corridor Improvements in the amount of $6,500,000 to appropriate funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2025-26 Annual Operating and Capital Improvement Project fund budgets to increase the revenue, expenditures, and transfers for the 9th Street Corridor Improvement Project.

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 September, 2025, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-346

RESOLUTION APPROVING THE CITY OF MODESTO'S CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT FOR PROGRAM YEAR 2024-2025 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO SIGN ANY REQUIRED CERTIFICATIONS AND DOCUMENTS FOR SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the City is an entitlement grantee under the U.S. Department of Housing and Urban Development (HUD) Office of Community Planning and Development (CPD) which allocates the following program funds to the City of Modesto through a formula-based allocation: Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG); and

WHEREAS, as an Entitlement Community, the City is awarded HUD funds every year for CDBG, ESG, HOME, and the City was awarded one-time HOME-ARP programs in the amount of $3,409,774 this was increased to $3,414,872 by HUD administratively on April 31, 2025. For fiscal year 2024-2025, the City of Modesto was awarded $1,794,264 in CDBG funds, $156,831 in ESG funds and $776,449.09 in HOME funds; and

WHEREAS, as a component of the five-year Consolidated Plan, the City must annually prepare and adopt an Annual Action Plan outlining the projects to be carried out for each Program Year within the five-year period and at the conclusion of each program year, the City is required to prepare a Consolidated Annual Performance Evaluation Report (CAPER) detailing how the City utilized its HUD funds during a particular program year, the progress of each project identified in the Annual Action Plan, and how the projects aligned with both the Annual Action Plan and Consolidated Plan; and

WHEREAS, this CAPER includes the accomplishments for the fiscal year 2024-2025 Annual Action Plan, which represents the fifth (5th) plan of the City of Modesto's 2020-2024 Consolidated Plan by Council on May 7, 2024, by Resolution No. 2024-153, as well as the one-time HOME-ARP funding approved by Council on May 24, 2022, by Resolution No.2022-245; and

WHEREAS, HUD requires the CAPER, pursuant to 24 CFR 91.115(d), be prepared to report on the use of CDBG, ESG, HOME, and HOME ARP funds and this document was made available for public comment public review on September 7, 2025; and

WHEREAS, failure to submit this required report to HUD by September 28, 2025, could jeopardize the future funding the City receives each year from HUD; and

WHEREAS, the 2024-2025 CAPER outlines the program outcomes in **Attachment 1** – 2024-2025 CAPER.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes approves the City of Modesto's Consolidated Annual Performance Evaluation Report for Program Year 2024-2025.

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 23rd day of September, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO
CALIFORNIA

Program Year 2024-2025
Consolidated Annual Performance and Evaluation Report (CAPER)

Prepared By:
Community Economic Development Department

City Of Modesto CAPER Fiscal Year 2024-2025

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Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

This Consolidated Annual Performance Evaluation Report (CAPER) provides accomplishment information and status updates of projects and activities funded with United States Department of Housing and Urban Development (HUD) funds from funding source programs such as Community Development Block Grant (CDBG) funds, Emergency Solutions Grant (ESG) funds, and HOME Investment Partnerships Program (HOME) funds for Program Year 2024-2025 (PY 24-25, Program Year). The projects and activities outlined within this PY 24-25 CAPER were administered and overseen by the City's Community & Economic Development Department (CEDD).

This report represents the fifth annual performance report under the City of Modesto's 2020-2025 5-year Consolidated Plan. The PY 24-25 CAPER captures the expenditures, accomplishments and progress made with activities identified in the PY 2024-2025 (July 1, 2024 – June 30, 2025) Annual Action Plan. Specifically, the CAPER outlines the City of Modesto's achievements in the areas of affordable housing, homeless services, and community development programs including public services and other activities.

The City of Modesto's primary focus during PY 24-25 was to continue improving neighborhoods, partnerships with community organizations, to provide affordable housing opportunities, improve living conditions, and the provision of services for the homeless, including individuals with special needs. Goals contained in the City of Modesto Strategic Plan that the City of Modesto deemed relevant for the Consolidated Plan were also among the basis for assigning priorities.

Some accomplishment highlights that took place during PY 24-25 include:

Public Facilities – CDBG

Dr. Martin Luther King Jr. Park The City funded design for Dr. Martin Luther King Jr. Park Renovation. The project is in the procurement stage and the renovations and new construction include the following. The Dr. Martin Luther King Jr. Park project include complete renovation to the existing park and additional new construction on approximately 8 acres. The project includes the construction of a gymnasium/multipurpose building, fitness stations, splash pad, game plaza, stage with events plaza, baseball field, soccer field, basketball court, restroom,

parking lots, landscaping, lighting, security cameras, walking paths and other general park amenities.

a

Affordable Housing - Owner Occupied Housing Rehabilitation – CDBG

A total of $395,855.24 was distributed in loans and grants through the City's Homeowner Rehabilitation Program. A total of thirteen (13) eligible households were served through this program. The City assisted eligible households with health and safety repairs including, but not limited to installation of energy efficient windows, energy efficient HVAC systems, re-roof, ADA bathroom improvements, electrical repairs, and ADA ramps.

Public Services Program- CDBG & ESG

Every year, the City provides funding opportunities (via a competitive grant application process) to local non-profits for new or expanded services to the low-income community. A total of 595 individuals were assisted with CDBG funds by 6 non-profit subrecipients and 888 individuals were assisted with ESG funds by 4non-profit homeless service providers. The following are highlights of some CDBG Public service and ESG service provider partners:

Project Sentinel – Fair Housing and Tenant/Landlord Mediation – CDBG

Project Sentinel served 62 unduplicated individuals that resulted in a total of 27fair housing investigation cases during the program year. Complaint cases investigated included cases related to disability discrimination, race/national origin, family composition, and sex discrimination. Project Sentinel also served individuals with fair housing and tenant/landlord mediation services, one-on-one counseling and group workshops for housing providers, consumers, and social service agencies to educate them about fair housing laws.

Center for Human Services Pathways- CDBG

Center for Human Services (CHS) is a local non-profit organization, providing services in our organization since 1970. CHS provides prevention, intervention, counseling, and shelter services for runaway and youths experiencing homelessness in our community. As an extension of the Youth Navigation Center, Pathways is a 15-bed transitional housing program that addresses the need for shelter and support services for homeless youth 18-24 years of age. Youth enter Pathways and develop a housing plan to begin to move towards permanent housing. Youth may stay at Pathways for up to 24 months, with the goal of exiting to permanent housing as soon as a housing option. During this period Pathways served 39 individuals with services.

Children's Crisis Center – CBDG

The Children's Crisis Center of Stanislaus County is dedicated to serving the needs of high-risk

children impacted by family crisis. The immediate goal is to reach children at-risk and intervene with protective childcare and shelter before they are harmed. The Children's Crisis Center continues to operate as the only organization in our region to offer child abuse prevention and intervention services to children in our community; and adheres to the tenets of our mission to aid local children and families through circumstances of crisis and overwhelming stress. During the program year 2024-2025, Children's Crisis Center served 260 individuals representing 76 families.

Affordable Housing Acquisition – CDBG

The City recognizes that in order to serve the most vulnerable in the community, the housing need must be met. The City is exploring projects that will create innovative affordable housing solutions.

Seventh Street Village

The City has partnered with Visionary Home Builders to acquire property for the development of 79 units of mixed-use affordable housing. This transit friendly complex will serve as a downtown neighborhood hub that will host a Head Start program and other commercial shops on the first floor. The project is currently in the planning and development phase and an anticipates initiating construction fall of 2025.

El Capitan

As part of the City's innovative approach to address affordable housing the City has also partnered with the Upholdings development group to acquire a 49-unit motel. The project is in the planning and development phase to fully convert 48 units from hotel occupancy to permanent supportive housing apartment units and one manager's unit. There will be supportive services onsite and will include case management, peer support activities, mental health services, and linkage to outside community services providers, including physical and dental health care. Further, the service team will be trained in assessing mental health and substance use disorders so that clients can be linked to the appropriate services. This project will target the individuals and veterans with behavioral health challenges experiencing homelessness. The project proposes 48 of the permanent supportive housing units will be serving those with an income of 30% Area Median Income (AMI).

CAMP2HOME – ESG

Through a community-wide visioning and planning process, the City of Modesto has continued the CAMP2HOME initiative. Our priorities have been to focus on the developed approach to our comprehensive homelessness action plan that reduces encampments in public spaces, ensures the provision of supportive services, and identifies strategies for permanent housing through the following program components:

Street Outreach: The Community Health and Assistance Team (CHAT) was formed as an

alternative response to handling calls for service and assisting officers with quality-of-life situations. CHAT has continued to engage and build relationships with unsheltered individuals and provide immediate support, intervention, and connections with mainstream social services, shelters, and housing programs. CHAT works closely with sworn police officers to respond to non-violent calls. This alternative response allows sworn officers to focus more on higher priority calls. During the program year 2024-2025, the CHAT Team made 5,920 outreach contacts to individuals experiencing homelessness. CHAT also provided 4,940 services including 322 connections to vital documents, 499 linkages to case management services, and assistance with meeting 3,500 basic needs such as meals, showers, and peer support connections.

Emergency Shelter: Emergency shelter was prioritized within the Camp2Home initiative to create a pipeline for unsheltered individuals to connect to shelter services. The City has provided funding to support and bolster operations of the community's largest shelter, which also includes a low barrier shelter wing.

Salvation Army Berberian Shelter. The Salvation Army has over 106 years of service as a leading nonprofit provider of housing and services for vulnerable people. In the United States, the Salvation Army serves individuals and families experiencing homelessness or at-risk of homelessness, with more than 40,000 shelters across the country. Locally, the Salvation Army opened a Day Center to assist clients with additional supportive services during the day. These services assist in connecting clients to the necessary resources to exit them from homelessness. During the program year 2024-2025, the Salvation Army shelter program sheltered 786 unduplicated individuals.

Job Training: Job training is a key component of the Camp2Home program in helping individuals to secure permanent employment and permanent housing. The Downtown Streets Team (DST) program aims to end homelessness through workforce training, employment, and employer pipelines.

DST's goal is to end homelessness by restoring dignity and rebuilding the lives of unhoused men and women by helping team members activate skills and attributes that are necessary to move toward employment, housing, and a better quality of living. This is attained through things like maintaining a schedule, teamwork, accountability, self-confidence and more. Through a Structured Daily Activity (SDA) model, DST team members rebuild these essential functions as well as regain a sense of pride in, and stewardship of, their community. The goal is to gain valuable experience they can use to enhance their resume to overcome long work experience gaps. During the program year 2024-2025, 173unduplicated individuals participated in this program.

Permanent Employment: Permanent and sustainable employment affords individuals

dependent on others for daily survival, the ability to gain independence and control over their own lives. DST and Workforce Development have partnered to train Camp2Home participants for the job market. DST and Workforce Development create ongoing relationships with local employers to ensure program participants fit the needs of each employer and skills necessary for the job. Employers who partner with the City of Modesto to hire Camp2Home graduates will be considered a “fair chance employer.” In addition, after graduating from the program, participants will receive ongoing case management from the DST for one year. This ongoing case management further assists individuals that have developed a “survivor mode” living lifestyle and helps transition them to a thriving, forward-planning lifestyle. During the program year 2024-2025, a total of 31 unduplicated individuals obtained employment: 7 obtained permanent employment and 24 obtained temporary/seasonal employment.

Permanent Housing: Camp2Home considers that securing stable employment is a priority to ensure housing success. Therefore, as individuals graduate from the job training program and obtain gainful and sustainable employment, they are eligible for the next step in the process – rapid rehousing assistance.

DST provides case management as part of the rapid rehousing assistance to help individuals connect to resources that improve their safety and well-being, as well as achieve long-term housing and employment success. This includes providing and ensuring that households have access to resources related to income and healthcare benefits, and employment and community-based services so they can continue to make rent payments independently after rental assistance ends. During program year 2024-202 a total of 17 unduplicated individuals were permanently housed.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Access to Jobs, Education, and Other Services	Non-Housing Community Development	CDBG: $	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	650	3894	599.08%	515	449	87.18%
Access to Jobs, Education, and Other Services	Non-Housing Community Development	CDBG: $	Jobs created/retained	Jobs	5	47	940.00%			
Access to Jobs, Education, and Other Services	Non-Housing Community Development	CDBG: $	Businesses assisted	Businesses Assisted	28	45	160.71%			
Access to Jobs, Education, and Other Services	Non-Housing Community Development	CDBG: $	Other	Other	6250	1250	20.00%			
Enhance Infrastructure and Public Facilities	Non-Housing Community Development	CDBG: $	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	6000	1205	20.08%	0	1205	

Improve Quality and Increase Affordable Housing	Affordable Housing	CDBG: $ / HOME: $	Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit	Households Assisted	47	59	125.53%			
Improve Quality and Increase Affordable Housing	Affordable Housing	CDBG: $ / HOME: $	Rental units constructed	Household Housing Unit	117	105	89.74%	23	23	100.00%
Improve Quality and Increase Affordable Housing	Affordable Housing	CDBG: $ / HOME: $	Rental units rehabilitated	Household Housing Unit	40	11	27.50%	54	0	0.00%
Improve Quality and Increase Affordable Housing	Affordable Housing	CDBG: $ / HOME: $	Homeowner Housing Rehabilitated	Household Housing Unit	90	79	87.78%	20	13	65.00%
Improve Quality and Increase Affordable Housing	Affordable Housing	CDBG: $ / HOME: $	Housing for Homeless added	Household Housing Unit	103	111	107.77%			
Work Towards Ending Homelessness	Homeless	CDBG: $ / HOME: $ / ESG: $	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	9400	23127	246.03%	47	99	210.64%

Work Towards Ending Homelessness	Homeless	CDBG: $ / HOME: $ / ESG: $	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	0	42		5	42	840.00%
Work Towards Ending Homelessness	Homeless	CDBG: $ / HOME: $ / ESG: $	Homeless Person Overnight Shelter	Persons Assisted	0	892		1124	892	79.36%

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

In April 2019 the City was awarded CARES Act funding as a direct entitlement community. Because the PY 2021 Annual Action Plan was not in place at that time, HUD directed the City to amend the PY 2019 Annual Action Plan. The PY 2019 Annual Action Plan was the 5th year of the 2015-2020 Consolidated Plan and therefore the outcomes associated with the CARES Act funds are not associated to the PY 2023 goals outlined in Table 1; however, HUD has instructed the City to report CARES Act accomplishments in the PY 2023 CAPER. As a result, the Actual Program year numbers and related percentage completion numbers reflected on Table 1 - Accomplishments may far exceed the annual goals due to the increase in CARES Act funding and services.

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

The City of Modesto's Consolidated Plan identified a total of 5 Priority Need areas broadly categorized as:

- Affordable Housing
- Addressing and Preventing Homelessness
- Enhance Infrastructure and Public Facilities
- Public Services
- Community and Economic Development

Each CDBG funded activity funded was appropriately vetted to ensure that it met one of the above listed priority needs, and, more importantly, that it met a CDBG National Objective.

The City of Modesto's overall priority is to increase self-sufficiency and economic opportunity for lower- income residents and individuals with special needs so that they can achieve a reasonable standard of living. The City of Modesto's approach to assist lower-income individuals achieve increased self-sufficiency and economic opportunity has been through the provision of a combination of the following: affordable housing; supportive services to maintain independence; investment in lower-income and deteriorating neighborhoods; and in facilities that serve lower-income populations.

The City of Modesto, by focusing on these overall priorities, seeks to address community concerns such as:

- A need for additional affordable housing to address housing problems such as overcrowding, affordability, homelessness, and substandard housing conditions for the City of Modesto's lowest income residents such as acquisition/rehabilitation or construction of multi-family housing projects for large families, homeless, and/or special needs populations;
- Supportive services that increase the ability of seniors, persons with disabilities, and others with special needs to live independently and avoid institutional living situations;
- A network of shelter, housing, and support services to prevent homelessness, move the homeless to permanent housing and independence, and decrease the number of homeless households with children; and Programs that promotes economic development and creates jobs, and that increase the job skills of potential employees from the targeted lower-income groups.

This Program Year, the City funded activities that addressed the following Consolidated Plan priority areas:

- **Affordable Housing:**
    - The City funded 13 homeowner housing rehabilitation loans to low-income households.
    - 835 California Ave: This is an ongoing project in which the City partnered with Stanislaus County Affordable Housing Corporation for the acquisition of 835 California Ave, Modesto to house COVID-19 vulnerable individuals. The project provides seven permanent supportive housing units for Very Low-Income families,) with family members with serious mental illness. The project was completed in the Fall of 2024.
    - 7th Street Village: This is another ongoing project in which the City partnered with Visionary Builders for the acquisition of 5 parcels on 7th Street between I and J Street. This project will develop a mixed-use apartment of 79 units of affordable housing.
    - Vine Street: Partnered with the Housing Authority to construct 34 units of affordable housing in two separate housing complexes as well as Vine Street infrastructure and road improvements. One complex, King Kennedy Cottages, 23 units serves as a permanent supportive housing for Behavioral Health clients and veterans with income restrictions for designated units at or below 30% of the area median income (AMI). The second development Helen White provides 12 units to low income seniors. The project was completed Fall of 2024.
    - 1121 Needham St. Motel Rehabilitation/Conversion: The project is in the planning and development phase to fully convert 48 units from hotel occupancy to permanent supportive housing apartment units and one manager's unit. This project will target the individuals and veterans with behavioral health challenges experiencing homelessness. The project proposes 48 of the permanent supportive housing units will be serving those with an income of 30% Area Median Income (AMI).
- **Addressing and Preventing Homelessness**
    - The City continues working within the Camp2Home program to break the circle of homelessness, from outreach, shelter services, robust job training, permanent employment, and permanent rehousing. This initiative was supported by partnerships with several homeless service.
        - Outreach to build relationships with the unhoused to help them connect to resources for permanent housing, and interim housing projects that provide temporary safe housing while they are eliminating barriers to

permanent housing Outreach efforts are being conducted by CHAT and Center for Human Services outreach program.

- Shelter Operations that provide a short-term operation. Shelter partners include the Salvation Army and HAVEN
- Homeless prevention that provides support so residents can remain in their home and not enter homelessness.
- Rapid Rehousing that assists the unhoused residents of our community quickly and securing obtain permanent housing. Assistance provided by Community Housing and Shelter services, Downtown Streets Team, and Turning Point.

- **Enhance Infrastructure and Public Facilities:**
  - Vine Street Road Repairs: The City partnered with Stanislaus Regional Housing Authority to perform road repairs for the beautification efforts along Vine Street. These repairs include curbing, gutter, drive approach, ADA access ramps, and sidewalk improvements along the Vine Street project frontage.
  - The Dr. Martin Luther King Jr. Park project include complete renovation to the existing park and additional new construction on approximately 8 acres. The project includes the construction of a gymnasium/multipurpose building, fitness stations, splash pad, game plaza, stage with events plaza, baseball field, soccer field, basketball court, restroom, parking lots, landscaping, lighting, security cameras, walking paths and other general park amenities.
  -
- **Public Services:**
  - Provided CDBG public service grants to 6 non-profit service providers to provide essential services to low-income individuals and households.
  - Fair Housing: Partnered with Project Sentinel to provide services such as fair housing discrimination investigation and tenant-landlord dispute resolution.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted). 91.520(a)

	CDBG	HOME
White	2106	0
Black or African American	393	0
Asian	40	0

American Indian or American Native	16	0
Native Hawaiian or Other Pacific Islander	16	0
Other	653	0
Total	**3224**	0

Hispanic	356	0
Not Hispanic	2868	0

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

The demographic numbers reported in this table represent unduplicated individuals served via all PY 2024-2025 funded activities, including but not limited to, public services housing programs, and homeless services.

The City of Modesto offers services and programs to eligible households regardless of race or ethnicity of Modesto. Beneficiary demographic data is collected and validated throughout the program year. The demographic data reported in this table is a representation of beneficiaries served through each entitlement program during Program Year 2024-2025.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	CDBG	$3,216,808	$2,661,931.44*
HOME	HOME	$7,677,956	$159,328.50
ESG	ESG	$156,831	$183,110.91*
HOME ARP	HOME ARP	$3,414,872	

Table 3 - Resources Made Available

Narrative

Table 3 identifies the resources made available and expended during the program year. Resources made available in PY 2024-2025 include program income received and carryover funds from previous program years. Any unexpended resources will be carried over into the following program year.

Identify the geographic distribution and location of investments.

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
LOW INCOME CENSUS TRACTS	-	-	See Narrative description below

Table 4 – Identify the geographic distribution and location of investments.

Narrative

The City of Modesto did not Identify target areas for the geographic distribution of investments. However, the City of Modesto uses all CDBG, ESG, and HOME funds to primarily benefit low-income households and individuals (at or below 80% of the Area Median Income). Area based projects are distributed only within low-income Census Block Groups as designated by HUD.

If 51 percent or more of the households in a given Census Block Group qualify as low- or moderate-income, or 51 percent or more of the population are members of minority groups, then the Block Group is defined as an area of low-income concentration.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the

needs identified in the plan.

The City was able to leverage additional resources in several of its projects. Leverage amounts are listed under each program section below:

CDBG Leverage:

Project Name	CDBG Funds Committed	Leverage Amount	Leverage Source
Public Services	**$226,000**	**$289,872**	**Federal, State, Local, Private, Other**
Total	**$226,000**	**$225,908.82**	

HOME – 25% Match Requirement

There were no HOME funded projects completed in program year 2024-2025.

ESG – 100% Match Requirement

For the ESG program, the City of Modesto required that ESG sub-recipients provide a dollar-for-dollar match for ESG funds received. Typically, the City of Modesto is able to generate significantly more match than the amount required through its allocation of CDBG funds for ESG activities and primarily through the cash and non-cash contributions provided by ESG sub-recipients as a result of the generosity of their donors, supporters, and other funders.

The City awarded $136,000 in ESG grants and a total of $452,978 was contributed as match in PY 24-25 from ESG entitlement.

Publicly Owned land to address needs identified in the Consolidated Plan

In 2019, the State of California took several actions to make state and local public lands available for affordable housing development including:

- An executive order to make excess state land available for affordable housing
- Connecting affordable housing developers to local surplus land and strengthening enforcement of the Surplus Lands Act
- Requiring cities and counties to inventory and report surplus and excess local public lands to include in a statewide inventory

In compliance with the Surplus Lands Act, the City is currently compiling an inventory of all city owned surplus properties. Staff have is reviewing the inventory of city owned surplus property and actively meeting with developers to discuss inventory development potential.

In addition, the City of Modesto partnered with the Stanislaus County Behavioral Health and Recovery Services (BHRS) Department to develop a 42-unit bridge housing village located on City owned property at 402 9th Street. BHRS was awarded $10,819,200 in noncompetitive predetermined Behavioral Health Bridge Housing (BHBH) Program Grant funds from the California Department of Health Care Services (DHCS). BHBH funds will enable BHRS to operate this bridge housing project to address the immediate and sustainable housing needs of people experiencing homelessness who have serious behavioral health conditions, including serious mental illness (SMI) and/or substance use disorder (SUD). This project completed construction in December 2024.The City of Modesto has continued to partner with Stanislaus County Affordable Housing Corporation and BHRS to serve households with at least one person who has a Serious Mental Illness (SMI) and are either homeless or at risk of homelessness with temporary shelter located at 308 Locust Ave, Modesto. BHRS screens and places qualifying tenants in the home on a temporary basis, provides case management and supportive services as the tenant transitions into a permanent housing opportunity.

HOME Program

Fiscal Year Summary – HOME Match	
1. Excess match from prior Federal fiscal year	$42,277,643.14
2. Match contributed during current Federal fiscal year	0
3. Total match available for current Federal fiscal year (Line 1 plus Line 2)	$42,277,643.14
4. Match liability for current Federal fiscal year	$17,718.07
5. Excess match carried over to next Federal fiscal year (Line 3 minus Line 4)	$42,259,925.07

Table 5 – Fiscal Year Summary - HOME Match Report

* Match Liability per PR33 Report.

PY 24-25 HOME Match Reductions Waiver

The City of Modesto applied for and was approved for 100% match reductions granted for PY 2020 due to fiscal distress, severe fiscal distress, Presidential disaster declarations, and reductions due to the COVID-19 pandemic. These match reductions were made available to affected states and local jurisdictions through CPD Memo: Suspension of the HOME Commitment and CHDO Reservation Deadline , dated November 7, 2023. The suspension of the 24-month commitment requirement waiver is in effect until December 31, 2025 and applies to any CHDO funds that were de-obligated in 2018 or that would be de-obligating through 2025 due to a participating jurisdictions failure to commit the funds to a CHDO project within 24 months.

HOME Match Contribution for the Federal Fiscal Year								
Project No. or Other ID	**Date of Contribution**	**Cash (non-Federal sources)**	**Foregone Taxes, Fees, Charges**	**Appraised Land/Real Property**	**Required Infrastructure**	**Site Preparation, Construction Materials, Donated labor**	**Bond Financing**	**Total Match**
N/A								

HOME PROGRAM INCOME

Program Income – Enter the program amounts for the reporting period				
Balance on hand at beginning of reporting period $	**Amount received during reporting period $**	**Total amount expended during reporting period $**	**Amount expended for TBRA $**	**Balance on hand at end of reporting period $**
$1,174,949	$125,608.95	$30,647.83	$0.00	$1,269,910.12

Table 6 – HOME Program Income

Balance Reported per IDIS PR09 Report

Minority Business Enterprises and Women Business Enterprises – Indicate the number and dollar value of contracts for HOME projects completed during the reporting period

	Total	**Minority Business Enterprises**				**White Non-Hispanic**
		Alaskan Native or American Indian	**Asian or Pacific Islander**	**Black Non-Hispanic**	**Hispanic**	
Contracts						
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0
Sub-Contracts						
Number		0	0	0		0
Dollar Amount		0	0	0		0

	Total	Women Business Enterprises	Male
Contracts			
Number	0	0	0
Dollar Amount	0	0	0
Sub-Contracts			
Number	0	0	0
Dollar Amount	0	0	0

Table 7 - Minority Business and Women Business Enterprises

Minority Owners of Rental Property – Indicate the number of HOME assisted rental property owners and the total amount of HOME funds in these rental properties assisted

	Total	Minority Property Owners				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	**0**	**0**	**0**	**0**	**0**	**0**
Dollar Amount	**0**	**0**	**0**	**0**	**0**	**0**

Table 8 – Minority Owners of Rental Property

Relocation and Real Property Acquisition – Indicate the number of persons displaced, the cost of relocation payments, the number of parcels acquired, and the cost of acquisition

Parcels Acquired	0	0
Businesses Displaced	0	0
Nonprofit Organizations Displaced	0	0
Households Temporarily Relocated, not Displaced	0	0

Households Displaced	Total	Minority Property Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	**0**	**0**	**0**	**0**	**0**	**0**
Cost	**0**	**0**	**0**	**0**	**0**	**0**

Table 9 – Relocation and Real Property Acquisition

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served

Population Type	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	82	23
Number of Non-Homeless households to be provided affordable housing units	20	13
Number of Special-Needs households to be provided affordable housing units	0	65
Total	**102**	**101**

Table 10 – Number of Households

Service Type	One-Year Goal	Actual
Number of households supported through Rental Assistance	5	65
Number of households supported through The Production of New Units	23	23
Number of households supported through Rehab of Existing Units	20	13
Number of households supported through Acquisition of Existing Units	54	0
Total	**102**	**101**

Table 11 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting

these goals.

Tables 10 and 11 represent households served or units generated with the CDBG, ESG, and HOME funding resources.

Table 10 represents the various households that were provided new units of housing through rental assistance, new construction, and/or rehabilitation of funded units. Households served in table 10 are broken out as follows:

- Rental Assistance (households; homeless/ non-homeless): 42 Households
  - Turning Point will assist 24 households with Rapid Rehousing Rental Assistance.
  - Community Housing and Shelter Services assisted 18 households with Rapid Rehousing Rental Assistance.
- Production of new Units (households): 23 Units
  - King Kennedy Veteran's Cottages – 413 Vine Street will provide 23 permanent supportive housing units that also served special needs populations.
- Rehab of Existing Units (households): 20 Units
  - The City will assist 13 households via the City's owner-occupied housing rehabilitation program.

Table 11 represents the various households that were provided new units of housing through newly rented, new construction, and/or rehabilitation of units. Households served in table 11 are broken out as follows:
During the PY 24-25, it was anticipated that new units would be produced through the following projects:

- Hotel Conversion at 710 N 9th Street will produced 53 units of permanent supportive housing.
- 1121 Needham St. Motel Rehab/Conversion will produce 48 units of permanent supportive housing

Due to construction delay, these units are anticipated to be completed in PY 24-25.
Discuss how these outcomes will impact future annual action plans.

The City of Modesto will continue working with its partners to expand the supply of affordable housing units in the coming annual action plan program year. The City continues to have dialogue with affordable housing developers and the local Continuum of Care to identify potential resources and housing projects to address the housing needs of homeless and non-homeless population within the low-income spectrum in the City of Modesto.

The following projects are in various stages of development and pre-development underwriting:

- 710 N 9th Street will produce 53 units of permanent supportive housing.
- 7th Street Village will produce 79 units of affordable housing
- 1121 Needham St, Motel Rehabilitation/Conversion will produce 48 units of affordable housing.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of persons Served	CDBG Actual	HOME Actual
Extremely Low-income	3022	0
Low-income	116	0
Moderate-income	86	0
Non-Moderate-Income	0	0
Total	**3224**	0

Table 12 – Number of Persons Served

Narrative Information

The figures on this table reflect individuals served via the City's CDBG Public Service Program persons), Housing Rehabilitation program (13 households),

Worst-Case Housing Needs

Worst-case housing needs are defined as low-income renter households who pay more than half their income for rent or live in seriously substandard housing (includes people experiencing homelessness) or have been involuntarily displaced. The City of Modesto serves the worst-case needs by working with the Housing Authority, public service agencies, and with the Community System of Care to maintain an umbrella of services to assist residents in their time of need. The City works with dozens of community partners to leverage funds, maximize the impact, and help more residents. These partnerships, and the programs and initiatives developed by the city, provide a path to a promising future by creating affordable housing, facilitating essential health and educational services, and investing in community improvements.

Through the Camp2Home initiative, the City's Community Development Division has continued its partnership with the City of Modesto Police Department to expand the Community Health and Assistance Team (CHAT) to engage and build relationships with unsheltered individuals and provide immediate support, intervention, and connections with mainstream social services, shelters, and housing programs. CHAT works closely with uniformed police officers to respond to non-violent calls. This alternative response allows uniformed officers to focus more on higher priority calls and the alternate response model allows CHAT to connect worst case housing needs individuals with appropriate and alternative resources. During the program year 2024-2025, the CHAT Team made outreach contact with 5,920 individuals experiencing unsheltered homelessness and a total of 4,940 accepted services.

Further, the City's efforts to address the worst-case needs included the assistance to low-income households via the City's Homeowner Rehabilitation Program. Prior to participating in the program, many of the units assisted were considered substandard housing units in need of major health and safety related improvements and/or improvements to assist persons with disabilities in making their homes more accessible.

In a local rental housing market where, rental costs have significantly increased, lower income households have a higher likelihood of being cost burdened, paying more than half their income for rent, and/or living in substandard housing. For worst-case housing needs, households that are paying more than half their income for rent, the City's efforts at addressing their needs consisted of partnerships with local affordable housing providers and/or public service providers through the investment of federal resources to assist such households via rental assistance programs, and/or programs that assist households realize cost savings such as childcare programs, and food assistance.

Helping Needs of Persons with Disabilities

All program partners are dedicated to serving all people regardless of physical or mental

impairment, includes, but is not limited to, examples of conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus (HIV), developmental disabilities, mental illness, drug addiction, and alcoholism. Below are some of the programs that specialize in addressing this need:

The City of Modesto continues to partner with STANCO on affordable housing projects that serve mental health clients, a population at high-risk of homelessness. The units they produce and manage are ADA accessible and are tailored with the tenants' medical team to meet these accommodations.

Further, ESG funds were used to partner with Center for Human Services, Turning Point Community Programs, , and the Salvation Army to assist households at risk of homelessness or those who are homeless. The services provided were related to shelter and rapid rehousing.

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of Modesto is a partner in the Stanislaus Community System of Care's (CSOC) (the local Continuum of Care - CoC) effort to move all population types from homelessness towards permanent housing and independent living opportunities through a network of affordable housing options linked to wraparound supportive services. During this past year, the City continued to partner with the CSOC to continue local participation with the community wide coordinated entry system (CES) under which ongoing street outreach is being conducted to assess and determine the needs of unsheltered persons. The following programs were carried out within the community with relation to reaching out to homeless persons:

- ***Center for Human Services – Street Outreach***

The City partnered with Center for Human Services by awarding ESG funds to assist with the street outreach program targeting youth experiencing homelessness within the community. The program provided street outreach and navigation/case management services specifically targeted toward Modesto youth, ages 13-24 years of age who are homeless and unsheltered. Program staff worked directly with the CSOC's Homeless Outreach & Engagement team through the Access Center. The program's objective is to become

familiar with youth hangouts and become a consistent presence among the youth with the end goal of engaging youth experiencing homelessness and connecting them to services including access to shelter, housing, and/or support services. During this program year the program was able to contact 60 unduplicated youth and engage 21 into support services.

- ***Community Assessment, Response, and Engagement (CARE) Multidisciplinary (MDT) personnel strategy:***

The Community Assessment, Response, and Engagement (CARE) Multidisciplinary (MDT) personnel strategy is a joint City of Modesto and Stanislaus County strategy.

The CARE Team mission is to facilitate the expedited identification, assessment, and linkage of homeless individuals to housing and supportive services within Stanislaus County subject to the provisions of the Welfare and Institutions Code (WIC) section 18999.8. This WIC Code section was added effective January 1, 2018, to authorize California counties to establish multidisciplinary personnel teams to address homelessness within the County.

Every CARE Team member is tasked with conducting outreach and engagement. The strength of the CARE Team comes from the ability to leverage experience and expertise from multiple disciplines when assisting a CARE client. During the initial and on-going client contacts, rapport is developed, and client issues are identified and prioritized. When issues are general, CARE Team members will link the client to a resource; whereas when the need is more specific, the relevant team member provides specialized care. For example, when the CARE Team identifies a CARE client who has agreed to take a mental health assessment, the CARE Team clinician will respond to the location to provide brief counseling, and schedule and conduct the mental health assessment. The need for this type of service was identified during the CARE planning process, and by implementing this, the CARE program is utilizing an innovative approach to meet the needs of the CARE population.

CalAIM (California Advancing and Innovating Medi-Cal)

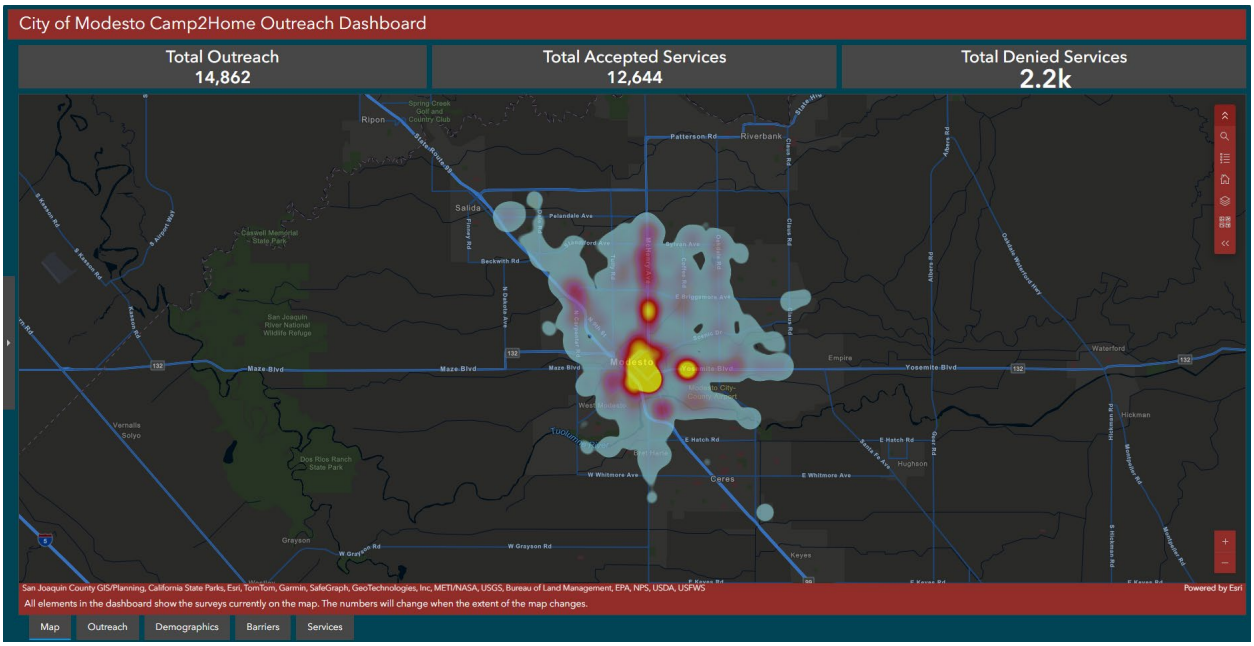
- CalAIM is a long-term initiative to improve California's Medi-cal program, that state's Medicaid health insurance system. With CalAIM, members will have access to new and improved services and receive well-rounded care that goes beyond the doctor's office or hospital and addresses all of their physical and mental health needs. This includes Community Supports that address the needs of securing and maintaining housing and Enhanced Case Management that introduces a new way to coordinate care and access a single care manager who provides comprehensive care management. CalAIM services are offered through the 3 managed care plans in Stanislaus County, Healthnet, Health Plan of San Joaquin, and Kaiser.

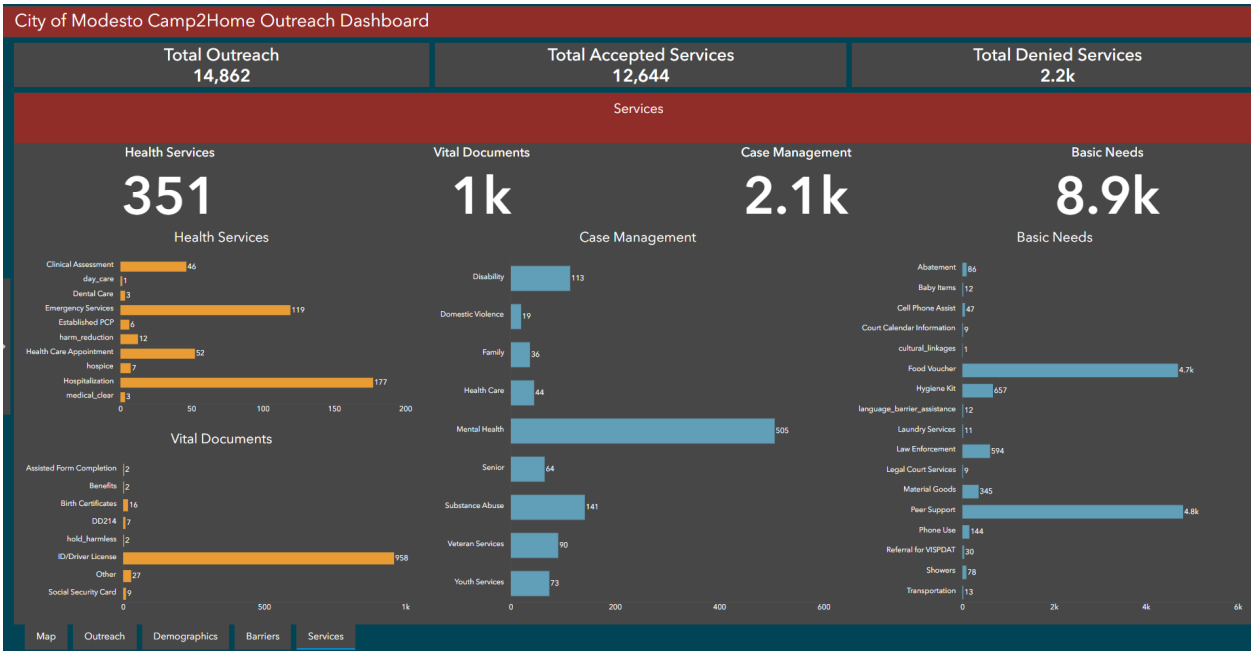
- **Community Health and Assistance Team (CHAT)**

Through a partnership with the City's Community Development Division, the Modesto Police Department created the Community Health and Assistance Team (CHAT). CHAT engages with individuals experiencing homelessness to build relationships, links them to mainstream services, and connects them with shelter and housing programs. CHAT works with sworn police officers to respond to non-violent calls allowing sworn officers to focus on higher risk calls. As part of the strategic approach, the City implemented a data collection tool utilizing GIS technology using the ArcGIS Survey123 application. A planning work group of service providers, shelter providers, behavioral health and mental health providers, Sherriff, and Probation departments, developed the survey. The application allows a fully customizable data collection tool which not only collects federally mandated data but assists the City to make strategic decisions to address homelessness.

An interaction with an individual experiencing homelessness previously took 20-30 minutes per interaction. Outreach workers can now ask targeted questions that assess an individual's situation and record responses that can be analyzed in a few minutes. CHAT made 5,920contacts with unsheltered individuals and provided services to 4,940 of those contacted throughout the City for the 2024-2025 Program Year. The implementation of the ArcGIS Survey123 has increased productivity and efficiency resulting in time saved per transaction. Previously this engagement would have been done by sworn officers, taking time away from more serious calls. The diversion of calls has resulted in significant resource savings and improved response times for calls that require the attention of a sworn officer.

CHAT Outreach Data
Services and Needs





Images Dated August 1, 2025
https://www.arcgis.com/apps/dashboards/8578237107ea4d0484508e191e0124b7

Sheltered

Addressing the emergency shelter and transitional housing needs of homeless persons

As the county seat of Stanislaus County, the City of Modesto is where most services (including shelter and transitional housing) are located in Stanislaus County. Therefore, many people experiencing homelessness, who utilize available services, congregate in Modesto. The City of Modesto uses CDBG public service and ESG funds to support emergency shelter providers and has utilized CDBG funds to acquire new properties for additional transitional housing beds.

Emergency Shelter:

In Program Year 2024-2025, the City of Modesto continued its partnership with Salvation Army by awarding ESGgrant funds to support the Salvation Army's 9th Street Berberian emergency shelter. The Salvation Army has a Case Management Team designed to interrupt the cycle of homelessness and recidivism utilizing case management techniques and partnerships to move individuals from homelessness to permanent housing. This program utilizes the different resources of the Salvation Army Shelter and Transitional Living Center as well as partnerships with Community Impact Central Valley, Stanislaus County Affordable Housing Corporation, the Stanislaus County Sheriff's Department, and many other collaborated resources to identify clients who show stability and desire to move from homelessness to permanent housing.

Youth Shelter – Youth Navigation Center:

The City continues to work closely with the Center for Human Services in the operations of the Youth Navigation Center. The Youth Navigation Center offers a continuum of youth services for homeless and runaway youth aged 13-24 years old. This shelter offers the following wrap-around services for youth:

- Street outreach and engagement services
- Homelessness prevention & diversion services
- Coordinated entry and assessment.
- Crisis/Drop-in and Shelter for 13–17-year-old (8 beds)
- Crisis/Drop-in and Low-Barrier Shelter for 18–24-year-old (24 beds)
- Transitional housing for 18–24-year-old (15 beds)
- Access to housing services including permanent housing slots designed for youth with diverse circumstances.
- On-site education and employment services

During fiscal year 24-25, a total of 340 unduplicated youth have been served.

Youth Housing – Pathways Program:

The City continues its support of Center for Human Services Pathways program by awarding a CDBG grant in the amount of $40,000 to help with essential program services. Pathways is a 15-bed transitional housing program that addresses the need for shelter and support services for homeless youth 18 to 21 years of age for up to 24 months. Using a positive youth development and trauma informed approach, Pathways promotes the social and emotional wellbeing of the young people it serves. Program goals for youth served at Pathways are obtaining employment, locating stable housing, and having supportive relationships. Additional support services available to youth include basic life skills, job acquisition and maintenance skills training, assistance with obtaining medical care and advancing educational opportunities, service-learning opportunities, recreation, referral and after care services. During fiscal year 24-25, 39 unduplicated youth have been served with shelter and case management.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City of Modesto, its ESG subrecipients, the CSOC, and other partners have been especially strategic in creating housing opportunities that will stably house and promote the self-sufficiency of these subpopulations of persons experiencing homelessness. ESG subrecipients have also had to find strategic ways to assist clients find housing and keep their housing. Through coordinated entry and consistent communication, the following are key highlights of the CSOC's efforts in 2024-2025.

Coordinated Entry:
The CSOC continues to manage the Coordinated Entry System (CES) to coordinate the intake, assessment, and referral process within the Continuum of Care (CoC) and efficiently expand the system's ability to deliver the appropriate resources to individuals and families who are experiencing homelessness.

This system is used to guide the evaluation of individuals' and families' eligibility for assistance, and to direct the determination and prioritization of how eligible individuals and families will be referred to services through a monitored assessment. The assessment then determines housing match & prioritization, documentation & housing navigation, and housing placement. The CES ensures that homeless individuals and families are placed in the appropriate housing model for their individual needs and access level.

The CoC uses the CES to prepare individuals experiencing homelessness to be housed and to match individuals and families with housing opportunities. During the 2024-2025 program year 3,689 total unduplicated individuals were enrolled into the Community's CES. Many of the housing opportunities included services supported by local service providers, including budgeting, behavior health, and general counseling. In addition, these individuals and families received a housing choice voucher that can be used to obtain housing in other areas. Through intensive case management, these individuals and families will have the opportunity to remain and retain permanent affordable housing.

CES meetings are held weekly with all local housing providers and outreach staff where CoC homeless service providers can assist with housing placement.

Empire Migrant Center:

Supported by the CSOC and Stanislaus Homeless Alliance, the Stanislaus County Community Services Agency's (CSA) in partnership with the Housing Authority, sheltered homeless families during the cold-weather months in vacant family units at the Empire Migrant Center. The Empire Migrant center consists of 90 dwelling units used for farmworker housing from April to October each year. This project allowed CSA to serve 21 families experiencing homelessness, for a total of 87 individual members during the months of November through March. This project is a multi-year partnership allowing the County's Community Services agency to place homeless families each winter in housing and provide case management services with a goal to permanently house homeless households.

The Family Housing Facility:

In coordination with the countywide strategy to address the critical issue of homelessness especially as it affects families with school aged children, Stanislaus County entered into a five-year lease with a motel located at 1128 South 9th Street in Modesto. The property has 21 units and a three-room office space.

In November 2019, the Community Services Agency began operations of a year-round shelter for families using the successful model implemented at the Empire Cold Weather Family Shelter. The Family Housing Facility (FHF) operates 24 hours a day with onsite property management. CSA has contracted with the Stanislaus County Affordable Housing Corporation for property management that includes security.

The target population served at FHF are families who meet the following criteria: currently being case managed in CSA's HSP unit, have used all available temporary shelter nights, are still engaged in permanent housing search and have been unsheltered the longest from date of referral to the HSP program. Due to the room capacity, consideration is made to match small-sized families.

Community Services Agency works in partnership with Community Housing and Shelter Services (CHSS) for placement at FHF. CHSS services include primary case management oversight which include, assisting participants with household budget, understanding their income, housing options, completing housing application), landlord outreach and housing search workshops, working with families to remove barriers to self-sufficiency, and connecting families to applicable and relevant community resources.

During the 2024-2025 program, year 47 families were served, consisting of a total of 118 individuals served with case management and employment services/employment connections were provided to program participants.

Street Outreach: **Street Outreach:** Through the street outreach component, the Community Health and Assistance Team (CHAT), formed as an alternative response to handling calls for service and assisting officers with quality of life situations. CHAT has continued to engage and build relationships with unsheltered individuals and provide immediate support, intervention, and connections with mainstream social services, shelters, and housing programs. CHAT works closely with sworn police officers to respond to non-violent calls. This alternative response allows sworn officers to focus more on higher priority calls. During the program year 2024-2025, the CHAT Team made 5,920 outreach contacts to individuals experiencing homelessness.

Emergency Shelter: Emergency shelter was prioritized within the Camp2Home initiative to create a pipeline for unsheltered individuals to connect to shelter services. The City provided funding to support and bolster operations of the community's largest shelter, which also includes a low barrier shelter wing. The shelter was able to serve the maximum number of individuals and still adhere to public health guidelines and maintain social distancing requirements. During the program year of 2024-2025 the shelter served 1,363 unduplicated individuals.

Job Training: Job training is a key component of the Camp2Home program in helping individuals to secure permanent employment and permanent housing. The Downtown Streets Team (DST) program aims to end homelessness through workforce training, employment, and employer pipelines.

DST's goal is to end homelessness by restoring dignity and rebuilding the lives of unhoused men and women by helping team members activate skills and attributes that are necessary to move toward employment, housing, and overall, a better quality of living. This is attained through things like maintaining a schedule, teamwork, accountability, self-confidence and more. Through a Structured Daily Activity (SDA) model, DST team members rebuild all of these as well as regain a sense of pride in, and

stewardship of, their community and at the same time gain valuable experience they can list at the top of their resume to overcome long work experience gaps. During the program year 2024-2025, 173 unduplicated individuals participated in this program.

Stanislaus Community Response Guidelines for Individuals Experiencing Homelessness (SCRG).

The City and County have continued to partner in a multijurisdictional agreement called the Stanislaus Community Response Guidelines for Individuals Experiencing Homelessness (SCRG).

Certain locations within the City are under the jurisdiction and control of the State or County, which complicates the procedure for enforcing encampments on the City's side.

This agreement standardizes how to address encampments crossing City or County lines to significantly increase the probability of successful outcomes for all involved: those experiencing homelessness, responding staff, and the community.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are:

- **likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and**
- **receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.**

The City of Modesto has been working in collaboration with the local Continuum of Care (now named CSOC) to improve services to the homeless and those at risk of becoming homeless. The following are key highlights of the work being conducted in our community to assist individuals and families avoid becoming homeless:

CARE Team

The City of Modesto Police Department's CHAT team works closely with the CARE Team, Stanislaus County Sheriff's Office, and Stanislaus County Probation Office to help avoid homelessness for those that have been released from incarceration.

Stanislaus Homeless Alliance

In May 2019, the regional governments, local CSOC, Focus on Prevention, as well as representatives from various shelters and homeless interests came together to form the Stanislaus Homeless Alliance (SHA). This body provides insight and recommendations on

homeless issues and other regional homeless projects to the local CoC and federal funding organizations. This body of representatives created a global conversation to the homeless issues at a regional level that provides a barometer for what programs and ideas are working and help improve on the overall response to homelessness in the Region. The City of Modesto's Mayor is a voting member on this board.

Homeless Discharge Coordination:
The City of Modesto continues to be engaged in homeless discharge coordination from health care facilities through the Stanislaus County Hospital & Shelter Partners (SCHSP) meetings. Since April 2019, the Hospital Council of Northern California has coordinated SCHSP monthly meetings with representatives from local hospitals, homeless shelters, public agencies, and stakeholder groups to plan for the discharge of homeless individuals from health care facilities to comply with SB 1152. The objective has been to create a community standard of care and greater connection and cooperation between discharging and receiving providers of services for the homeless.

Center for Human Services - Youth Navigation Center
The City continues to partner with Center for Human Services to coordinate the needs of homeless and emancipated youth. This partnership included the development and operations of the Youth Navigation Center that serves to help local youth avoid homelessness through outreach, emergency shelter, housing, and other services. The Youth Navigation Center starting in 2021 formed a Youth Advisory Board to encourage youth and lived experience to inform operational improvements to the programs managed by the Navigation Center.

Stanislaus County Behavioral Health and Recovery Services Agency
The City consults and partners with Stanislaus County Behavioral Health and Recovery Services Agency (BHRS) when funding the development of permanent supportive housing projects that are to meet the needs of those with mental health issues to assist in maintaining stabilized housing for this population. The City has also partnered with BHRS for the development of bridge housing units to serve those most in need to bridge the gap from living on the streets to housing.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

The City of Modesto and Stanislaus Regional Housing Authority (Stan Regional) continue to partner on furthering decent, safe, and affordable housing within the City of Modesto. Stan Regional is the largest affordable housing property manager of multi-family and single household public housing units for lower income people in Stanislaus County. According to Stan Regionals' 2024 PHA Plan, Stan Regional currently provides rental subsidy and /or operates 7,645 affordable and subsidized housing units:

- 2,290 Owned and Managed Units
    - 737 Public Housing units, (Includes 647 units in Stanislaus and 90 units City of Riverbank Public Housing units)
    - 250 Managed Affordable Housing Units
    - 1553 Owned and Managed Affordable Units
- 4980 Housing Choice Vouchers
    - 288 VASH Vouchers
    - 217 Family Unification Program Vouchers
    - 4005 Freestanding Housing Choice Vouchers
    - 470 Project Based Vouchers
- 111 Continuum of Care Vouchers
- 150 Emergency Housing Vouchers
- 114 Mainstream Vouchers
- 1,134 project-based Section 8 units in the County, and (The Housing Authority has 470 project-based units)

The City of Modesto worked in collaboration with the Stanislaus Regional Housing Authority (Stan Regional) by seeking ways to increase and support the maintenance level of permanent supportive housing for special populations and persons with disabilities. The City and Stan Regional have partnered on several housing projects to provide decent and safe affordable housing to low-income families.
In the upcoming program years, the City is planning to continue its partnership with the Housing Authority. Currently pending projects including the following:

- 1500 Robertson Road: Parque Rio – 102 units of family and senior housing
- 1612 Sisk Rd Phase III - 12 senior/veteran
- Edward Estates - 33 Single Family Homes

The City of Modesto participates in the County wide CSOC (CoC) along with the local Housing Authority, the CHDOs, and other local agencies to Identify housing needs within the county, including resident initiatives. The CoC Housing and Homeless Populations Committee is

inventorying and identifying all affordable housing stock designated to serve this population in order to assess needs and gaps in advance of new State one-time funding designations for affordable housing.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

Stan Regional has a Resident Advisory Board which is comprised of Public Housing Authority (PHA) and Housing Voucher program participants. This Resident Advisory Board is engaged when there are proposed policy changes. The Resident Advisory Board is notified of substantial policy changes and is given the opportunity to support or reject subject policy changes.

Stan Regional provides homeownership resources to participants in the Housing Choice Voucher (HCV) Program. The Family Self-Sufficiency (FSS) Program has established partnerships with a variety of community resources to refer participants for services including pre- and post-secondary education, health care, childcare, employment development, supported employment, and small business development (including micro-loans). The FSS Program also encourages families to participate in financial wellness programs, including financial literacy and credit repair with an emphasis on long-term financial stability for the purposes of homeownership.

The Stan Regional is actively engaging FSS participants by promoting homeownership opportunities such as the two Edwards Estates units funded with HOME funds and built by Great Valley Housing Development Corporation, a non-profit arm of the Stan Regional. In 2023, Great Valley Housing Development Corporation, took the proceeds from the HOME funded units to continue the development of 21 additional homes within this subdivision, encouraging the expansion of homeownership opportunities.

Actions taken to provide assistance to troubled PHAs

Not Applicable. According to the 2023 PHA plan, Stanislaus Regional Housing Authority is a High Performer, not a troubled Public Housing Authority.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

In order to ameliorate the negative effects of public policies that serve as barriers to affordable housing, the City of Modesto has policies in its capital facility fee (CFF) program to encourage the construction of very low- and low-income housing development projects. The current CFF Policies and Procedures provide CFF exemptions to the following projects:

- **Housing Authority projects:** Low to very low-income housing projects constructed or expanded by the Housing Authority of Stanislaus County or a major partner of the Housing authority.
- **CHDO Projects:** A Community Housing and Development Organization (CHDO) may apply and request CFF be waived on new affordable units for households earning sixty (60%) or less of the Area Median Income. Affordability requirements must be maintained for at least a ten (10) year period.
- **Very Low-Income Housing Projects:** Housing projects constructed or expanded that will be made affordable to households earning fifty (50%) or less of the Area Median Income. The units must be maintained as affordable to very low-income households for at least a ten (10) year period.
- **Affordable Housing Projects:** Housing projects constructed or expanded that will be made affordable to households earning eighty percent (80%) of the Area Median Income. The units must be maintained as affordable households for at least a ten (10) year period.

The above-mentioned exemptions require the developer to submit an application requesting the CFF exemption.

In Fiscal year 2024-2025, a total of 163 residential building permits were issued, of which none were granted CFF exemptions as an affordable housing project.

Through the following measures, the City of Modesto attempts to ameliorate the effects of public policies that may act as barriers to affordable housing:

City of Modesto Housing Element: Modesto's 6th Cycle Housing Element, which the Department of Housing and Community Development (HCD) deemed substantially in compliance with State Housing Element Law on April 10, 2024, identified a number of programs and practices to assess and eliminate barriers to housing, particularly those related to government constraints. As of July 2023, the City has reasonable accommodation applications in place. These applications allow for a staff-level review instead of requiring a variance through the Board of Zoning Adjustment, which reduces time and expense for individuals with Americans with Disabilities Act (ADA) access issues. Additionally, the City's Building and Safety Division includes an Accessibility Review at the discretion of the Chief Building Official and/or the Community and Economic Development Director. This review covers compliance with the

Americans with Disabilities Act (ADA) and California Building Code Chapter 11, as well as a certified access specialist review and inspection. The City supports equal access to housing for persons with disabilities and promotes reasonable accommodations to property owners.

Pursuant to SB 35 and SB 330, the City has established and implemented an expedited permit processing system for qualifying affordable housing projects and created checklists and instructions for reviewing and approving such projects. Additionally, the City will amend the Zoning Ordinance to require that any demolished residential units located on Sites Inventory properties be replaced, as outlined in Government Code Sections 65915(c)(3) and 65583.2(g). In addition, the City will also add information about the expedited permit process on the City's website.

In 2019, the City of Modesto adopted a Rental Housing Safety program to safeguard rental housing. The program requires annual self-inspections of rental housing units. These inspections encourage preventative maintenance and allow landlords and property managers to identify poor conditions more easily. The awareness provides opportunities for preventative maintenance, which protects rental housing and the value of adjacent properties. Code Enforcement continues to follow up on complaints, but the Program conducts proactive inspections of up to 10% of rental units. This proactive approach reduces the need for tenants to request help from City officials and eliminates the fear of retribution from landlords.

1. Mobile Home Rental Ordinance: The City of Modesto enacted a Mobile Home Rent Stabilization (MHRS) ordinance in 2007. The MHRS ordinance imposes rent increase limits (100% of the annual Consumer Price Index (CPI), but no more than 6% of base rent annually) on mobile home park owners who do not enter into a city Memorandum of Understanding (MOU). Mobile home park owners who voluntarily enter into the MOU must offer a City-approved long-term lease to certain groups of residents and allow park owners to raise mobile home space rents 100% of the CPI, and as much as 15% of the existing rent when a mobile home is vacated. The goal of the MHRS ordinance and MOU is to limit park owners' ability to raise rents to unaffordable levels, especially to those who are low-income.

Accessory Dwelling Unit Ordinance: In 2020, the City made amendments to its Municipal Code regarding accessory dwelling units, accessory buildings, and second story units. These amendments allowed the City to align State of California's AB-881 and AB-68. This allows individuals to generate income or house family members that should increase affordable units, decrease the number of unhoused or underhoused individuals, and allow homeowners to increase personal revenue. The City has also partnered with Stanislaus County to provide preapproved ADU plans for applicants, saving valuable time and money for applicants. This program continues to update its ADU regulations in accordance with State Law and HCD

guidance with more programs to encourage development planned for 2024. Impact fees (CFFs) are waived for ADUs under 750 sf and in 2024 the City of Modesto partnered with Valley First Credit Union to establish a revolving loan program to encourage the construction of ADUs. The program provides up to $50,000 in funding at rates five points below the prime rate with a minimum interest rate of 3%.

SB2 Housing Plan: In 2019 the City of Modesto applied for and was awarded $625,000 in State of California SB2 Planning Grants Program (PGP). The PGP is intended for the preparation, adoption, and implementation of plans that streamline housing approvals and accelerate housing production. These grant funds will be partially used for the development of a Housing Plan to establish a vision for the future of Modesto's residential neighborhoods and development activity and to identify ways to realize that vision. Throughout 2021, Opticos Design Inc and City Planning conducted a series of education and stakeholder sessions to develop the Housing Plan. This Housing Plan analyzed Opportunity Sites for housing development, reviewed and made recommendations for infrastructure development needed to encourage housing, looked at opportunities for increased housing density, and relieve barriers. The City utilized the recommendation within this plan to implement many programs enacted through the Housing Element.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

Each year, the CSOC brings approximately $3.9 million to Stanislaus County. The funds are used by non-profit organizations to provide permanent housing, transitional housing, and supportive services.

The City of Modesto has worked to eliminate barriers to the development of affordable housing through the following ongoing efforts:

- The City of Modesto's CDBG Public Services and ESG allocations reflect the City of Modesto's priorities in meeting underserved needs, such as emergency shelter and street outreach (individuals, survivors of domestic violence, families, and children), homelessness prevention and rapid re-housing, food security, neighborhood revitalization, foster youth, seniors, youth, and persons with disabilities.
- Providing funding for land acquisition, secondary financing, or infrastructure costs;
- Assisting qualified households to purchase homes utilizing the homebuyer assistance programs;
- Exemption or deferral of Capital Facilities Fees for projects providing low-income housing;
- Using the adopted streamlining process for environmental review and the development

of programmatic environmental review records where applicable to reduce program down time;
- Continuing to work with non-profit housing agencies in the provision of supportive services and programs;
- Using streamlined application review and permit processing; and
- Reduction of parking standards for affordable housing projects.

The City, in partnership with the CSOC, continues to actively work on closing any gaps in the availability of services across all categories of underserved needs, including but not limited to seniors, persons with disabilities, individuals with chronic illness, persons with other conditions affecting their ability to function independently and productively, foster youth and homeless.

The community is currently working on improved data collection standards and more effective communication efforts between funding agencies to better position the community to begin reducing these needs and gaps, by mutually aligning and focusing efforts.

Stanislaus 2021 Regional Plan to Address Homelessness
In late 2020, the CSOC and SHA, led by the SHA/CSOC Strategic Plan Workgroup, partnered with Homebase to begin work on a strategic planning process to collect information and feedback to help draft a community wide strategic plan to address homelessness. This strategic plan outlines community barriers in order to effectively address homelessness and gaps in resources, recommends goals, strategies, and action steps to address barriers and fill gaps, and make recommendations on how to make the homeless system of care more equitable and inclusive. The plan was adopted by the City and all cities within the County. The City of Modesto continues to actively participate with the Homeless Plan Implementation team.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

The City of Modesto has adopted policies to be implemented in its housing programs, which comply with HUD requirements relating to lead-based paint hazards. In alignment with HUD's requirements, lead-based paint remediation actions will depend on the level of subsidy provided on a project-by-project basis.

Most housing rehabilitation projects are subject to federal regulations for lead-based paint and contractors must be certified in safe work practices when completing the rehabilitation work. This effort has resulted in more contractors being able to bid on and participate in the projects that contain lead-based paint.

The following is a summary of lead-based paint activity in the City's housing programs during PY 2024-2025:

- 6 homeowners received *"Protect Your Family from Lead in Your Home, March 2021"* lead-based paint informational packets as their homes were built prior to 1978;
    - 1 projects were exempt with no paint disturbance or negative testing prior to any construction activities.

The City's Housing Rehabilitation Loan Program includes the cost of lead-based paint stabilization, while lead inspection and clearance testing costs are covered by HUD entitlement funds. The City of Modesto remains committed to including lead-based paint evaluation and remediation in its housing rehabilitation efforts where required. Due to the age and condition of much of the local housing stock, lead testing continues to be a necessary and routine component of project planning and implementation.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

The City of Modesto, through its engagement in the local CSOC, played a key role in the development of a Coordinated Entry system. Coordinated entry (also known as coordinated assessment system) is a consistent, community wide process to match people experiencing homelessness or at-risk of homelessness to community resources that are the best fit for their situation. In a community using Coordinated Entry, homeless individuals and families complete a standard triage assessment survey that identifies the best type of services for that household. Participating programs accept referrals from the system, reducing the need for people to traverse the county seeking assistance at every provider separately. The process helps prioritize housing and homeless assistance based on vulnerability and severity of service needs to ensure that people who need assistance the most can receive it in a timely manner. The process also provides information about service needs and gaps to help plan assistance and Identify needed resources in our community. The community has worked hard to improve on this process and ensure that we are assisting poverty-level families, not only by prioritizing them for their housing needs but assessing all other needs. Now that these needs are assessed, case managers continue reaching out to the members to connect to applicable services until housing becomes available.

The City of Modesto has partnered with the Downtown Streets Team (DST), a non-profit organization that creates a safe and engaging space to train individuals experiencing homelessness. DST's goal is to end homelessness by restoring dignity and rebuilding the lives of unhoused men and women by helping team members activate skills and attributes that are necessary to move toward employment, housing, and overall, a better quality of living. This is attained through things like maintaining a schedule, teamwork, accountability, self-confidence and more. Through a Structured Daily Activity (SDA) model, DST team members rebuild all of these as well as regain a sense of pride in, and stewardship of, their community and at the same time gain valuable experience they can list at the top of their resume to overcome long work experience gaps.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

The City of Modesto has a well-developed institutional structure and service delivery system. The City is the lead agency responsible for preparation of the Consolidated Annual Performance Plan (CAPER) and for administration of each grant program and its associated funding source(s). Primary oversight of the City of Modesto's HUD entitlement grant programs comes from the Citizens' Housing and Community Development Committee (CH&CDC). This 13-member committee is appointed by the City of Modesto Council and is comprised of representatives from the City of Modesto Council, Planning Commission, Housing Rehabilitation Loan Committee, Human Relations Commission, and several citizens-at-large. The CH&CDC provides overall review of the City of Modesto's housing programs, policies and makes funding recommendations to the City of Modesto Council regarding HUD CDBG, ESG and HOME Grant programs as well as other one-time HUD funded programs.

To avoid a perceived conflict of interest, any individual who is a member of a board of directors or is employed by an agency that applies for or receives CDBG, ESG, HOME, or other HUD funding, is ineligible to vote on funding decisions involving their respective agencies.

The CH&CDC meets once a month. These meetings are publicly noticed, open to the public and are held at Tenth Street Place, 1010 Tenth Street, Modesto, California. To lessen the impact and exposure to the public and committee members. Public comments are encouraged and welcome. All HUD documents are vetted through the CH&CDC for review, approval, and forwarding to the City Council.

CEDD Housing Staff and Finance Department personnel continue to meet monthly to review processes and to monitor Federal program expenditures. Staff verified and cross-referenced the information on the monthly budget activity reports with supporting documentation maintained by the Division. For easy identification on both the City of Modesto's financial reporting system and the Federal Integrated Disbursement and Information System (IDIS), Staff assigned an IDIS Activity number to all financial transactions.

Staff work closely with Finance, Public Works Departments and Parks Planning and Development Division to ensure:

- Capital Improvement Projects (CIPs) and Multi-Year Projects were on schedule and consistent with Federal program requirements (both statutory and regulatory), and
- Program Year 2024-2025 accomplishments were reported to several community groups as well as the CSOC.

The City continues to carefully monitor subrecipients' expenditures, and to address this commitment, staff will continue to work closely with every subrecipient to develop expenditure

plans, if needed, to address potential expenditure deadlines in the future.

City staff provide ongoing technical assistance and/or training opportunities including but not limited to HMIS compliance; as well as Capacity Building sessions for grant applicants who may lack the expertise to apply for grant funding opportunities effectively (as explained in further detail below).

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

Actions taken to enhance coordination between public and private housing and social services agencies included the following:

- Close consultation with the CSOC, which is made up of community representative stakeholders including but not limited to HUD entitlement jurisdictions, City and County service agencies, and non-profit service providers;
- Monthly meetings with its public and private housing development partners, which include local private CHDOs (e.g., Habitat for Humanity, Stanislaus County, Stanislaus Affordable Housing Corporation (STANCO), Great Valley Housing Development Corporation (GVHDC),the Housing Authority, Upholdings , and Visionary Home Builders (to enhance coordination in the areas of community housing and social services;
- Continuous meetings held with Stanislaus County Behavioral Health and Recovery Services and Veterans Administration.
- Participation in the Stanislaus Homeless Alliance;
- CSOC membership efforts toward landlord engagement to secure additional housing units for the low-income population;
- Public and private partnerships built through the Camp2Home program implemented in FY 2023-2024 and carried throughout FY2024-2025.

Identify actions taken to overcome the effects of any impediments identified in the jurisdiction's analysis of impediments to fair housing choice. 91.520(a)

The City of Modesto's Analysis of Impediments (AI) identified the following potential fair housing concerns:

- Access to information about housing availability and choices among recent immigrants who are disproportionately lower-income;
    - Actions Taken: The Stanislaus Regional Housing Authority (Stan Regional) operates seasonal migrant housing units throughout multiple communities within the county. The Stan Regional works with local government agencies and family resource centers to promote migrant housing opportunities. Staff also

periodically meet with migrant service providers to educate their staff about affordable housing resources and how to access those resources (if not restricted to this population).

- Lack of access to adequate housing due to poor credit history, insufficient funds for moving expenses, and other factors among financially vulnerable groups, such as female-headed households with children and the homeless:
    - Actions Taken: The City of Modesto supported non-profit housing developers in their efforts to make housing more affordable to lower income households. These efforts include the support of intensive case management services to clients on a one-to-one basis to better ensure long-term housing success. In addition, the City partners with local public service providers that offer credit counseling and case management services as an effort to position families in securing adequate housing. The City supports through the waivers land lord engagement activities that creates a build a stronger housing support system for individuals facing these barriers.
- Barriers faced by large, low-income and moderate-income families due to occupancy restrictions imposed by rental property owners:
    - Actions Taken: The City of Modesto contracts with Project Sentinel, the local fair housing service provider within Stanislaus County, that educates families/individuals of their rights under the law. Community Housing and Shelter Services partnered with a local for-profit housing developer to provide leased units to assist families unable to find any other affordable housing options due to occupancy restrictions. The City supports this project through landlord engagement activities that promotes building a stronger housing support system for individuals facing these barriers. In addition, the Community System of Care continues to explore ways to provide landlord incentives to entice landlords to participate in subsidized housing programs.
- The need to assist homeowners who have experienced foreclosure, who are disproportionately minority households, to find alternative living arrangements:
    - Actions Taken: This is no longer a major impediment since foreclosure rates have significantly decreased since the recovery of the housing market. The City continues to observe housing market conditions in light of the foreclosure and eviction moratoriums due to the pandemic and will work with local partners to provide assistance if foreclosure rates increase, depending on what transpires in the housing market.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

As the lead agency for City of Modesto HUD entitlement funds, staff monitors all subrecipients on a regular basis through written contacts, phone conversations, electronic information transfers, face-to-face monitoring visits and project file review, pursuant to applicable regulations. Monitoring is conducted to ensure statutory and regulatory requirements are met and that information submitted to City of Modesto is accurate and complete.

The City uses several project checklists to serve as project monitoring tools during project funding consideration, implementation, and completion. The first checklist is a project proposal checklist that identifies all agency and project related documentation needed for consideration of a project application for HUD funding. The information collected through this checklist is used to gauge and determine organizational capacity and project feasibility.

If awarded, a "project implementation" checklist is used to monitor the project from inception to completion and to ensure all project implementation documentation is collected for the project file including but not limited to procurement documentation, Section 3 New Rule and MBE/WBE compliance, Davis Bacon Act labor standards compliance, progress inspections, and collection of quarterly project status reports.

Minority Business Outreach Related to Monitoring: The City conducts due diligence in reaching out to minority owned businesses, also known as minority business enterprises (MBE), and encourages participation in HUD funded projects by such businesses. All HUD project proposal requests include information relating to compliance with Minority Business Enterprise and Woman Business Enterprise (MBE/WBE) reporting. MBE/WBE documentation is included in all Homeowner Rehabilitation Program bid solicitation packets and MBE solicitation is required of all City subrecipients. Monitoring is normally conducted utilizing a three (3) tiered approach. Depending upon the risk involved the following approaches are undertaken to monitor HUD funded projects:

Limited Review: A limited review is conducted of all contracts and projects on an annual basis. The timing of this monitoring will be in alignment with an organization's submittal of a Quarterly Performance Report and an Invoice for Payment for expenses incurred against their City grant over the previous 90 days.

On-Site Monitoring Review: An on-site monitoring review will be a site visit to a contract program assisted with HUD funds and will achieve a balance between programmatic and fiscal reviews, and much documentation review can be done prior to the on-site visit. The on-site monitoring includes a visit of the program facilities as appropriate, an explanation of the services provided, discussions with program and administrative staff, and introduction to one or more actual beneficiaries, if possible. As a result of this visit, staff will determine whether an in-depth review is needed for further clarification of one or more issues identified during the on-site visit.

In-Depth Review: An in-depth review will be a concentrated and focused review around a particular activity or program area. This will typically be a concentrated review of a known high-risk area or critical function, such as but not limited to: a financial review for expenditures for eligible activities; financial review for expenditures that cannot be traced through sampling randomly selected files that includes supporting documentation; a program that requires donations as a condition of receiving service; management practices in affordable housing; section 504 and ADA compliance reviews upon receipt of a complaint; a fair housing complaint; denial of services for no valid reason; or failure to meet prevailing wage requirements in construction activities subject to Davis Bacon or other federal requirements.

In response to the COVID-19 pandemic, the City made slight adjustments to its monitoring process in order to eliminate or minimize in person contact for the safety of the public. These adjustments were conducted as follows:

Limited Review: All subrecipients were required to submit an electronic self-checklist review of 10% of their client files served during this program year.

On-Site Monitoring Review: For high risk subrecipients identified by award amounts or new to executing the identified program design, was required to send secured electronic files for City staff to review. City staff still conducted on-site reviews for subrecipients with no experience with federal funds.

In-Depth Review: No In-depth reviews were conducted this program year. Projects that would fall in this category were required to attend weekly project meetings.

The City's overall monitoring efforts include tools that assist in the oversight of the City's progress toward meeting its comprehensive planning requirements. The City assesses its progress toward Consolidated Plan goals on an annual basis and plans the following year's objectives according to the progress made toward meeting its goals.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

Reasonable notice and opportunity to comment was provided to citizens in the following ways:

The City of Modesto followed its citizen participation plan by releasing the Draft CAPER for public review on September , 2025**,** with a public review period to begin September , 2025, and end on September 24, 2024. A public hearing notice was published in both English and Spanish in The Modesto Bee on September , 2025, defining the CAPER review process and how persons, agencies, and interested groups may participate; as well as instructions on how to submit written comments. As part of the public review process, the Draft CAPER was distributed to the Stanislaus Community System of Care (also known as the Continuum of Care), the Stanislaus Homeless Alliance, and to those that subscribe to their listserv that includes over 400 individuals.

Also, the Draft CAPER was available on September 9, for public review and input, via the internet, on the City's Community Development Division's Publications and Reports website and copies of the Draft CAPER were made available for review at the Community Development Division's office. A final public hearing to consider approval of the CAPER will be held September 23, 2025, before the Modesto City Council.

The City of Modesto's CH&CDC will review and discuss the draft CAPER on August 14, 2025, and consider recommending that the CAPER be forwarded to the City of Modesto Council for review and approval. The public review period to review and comment on the draft document will be closed with a public hearing at the City of Modesto Council meeting on Tuesday, September 23, 2025.

The following table represents the meetings held for the 2024-2025 CAPER Citizen Participation:

Date/Time	Meeting Name/Location	Council District	Public Comments

September 23, 2025, at 5:30 p.m.	City Council Meeting/CAPER Public Hearing 1010 10th Street Council Chambers, Basement Modesto, CA, 95354	Citywide	No Comments

Spanish-speaking translators are available at all meetings. If a request for other language translators is made at least five (5) working days prior to a public meeting, translators will be provided.

The Citizens Housing & Community Development Committee (CH&CDC) provides an overall review of the City of Modesto's HUD funds. This Council-appointed committee provides policy and funding recommendations to the City of Modesto Council regarding the City of Modesto's use of HUD entitlement funds.

In FY 2024-2025, the City conducted citizen participation meetings in disadvantaged communities to engage low-income residents.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

There were no amendment to Program Year 2024-2025.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

Not Applicable. The City of Modesto does not have any open Brownfields Economic Development Initiatives.

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

Not Applicable.

CR-50 - HOME 91.520(d)

Include the results of on-site inspections of affordable rental housing assisted under the program to determine compliance with housing codes and other applicable regulations

Please list those projects that should have been inspected on-site this program year based upon the schedule in §92.504(d). Indicate which of these were inspected and a summary of issues that were detected during the inspection. For those that were not inspected, please indicate the reason and how you will remedy the situation.

It is the intent of the City of Modesto that HOME-assisted rental units are inspected for rent, income, housing quality, and other affordability criteria in accordance with the schedule provided in 24 CFR Part 92.252 as follows:

- Properties must be maintained to meet applicable State and local laws and be free of all health and safety defects all defects will be clearly identified for correction.
- Housing must meet lead-based paint requirement in 24 CRF part 35.
- Procedures put into place to ensure owner addresses deficiencies in a timely manner.
- Establish written inspection standards that include detailed inspection checklist, a description of how and by whom inspections will be carried out.
- All HOME- assisted rental projects must be inspected at least once every three years during the affordability period.

Our new software system Neighborly Software has been a beneficial centralized location for City of Modesto HUD funded projects and manages the regulatory monitoring schedule.

During Program year 2024-2025, the City was required to conduct on site Housing Quality Standard inspections (HQS) on 307 of the City's 307 HOME assisted rental housing units and identified 72 units that failed inspection. The main reasoning for units not passing was due to not being accessible to enter and impeding access/fire hazard (collecting) of belongings by resident. We are working closely with the property owners to rectify the issue of resident collection. We will have follow-up inspections and have scheduled additional inspections for the units that were not accessible to enter. The City is working with each of the property managers to bring the units into compliance and ensure that the properties are maintained to the standards outlined within the HOME policy.

Provide an assessment of the jurisdiction's affirmative marketing actions for HOME units. 92.351(b)

The City's HOME Program Policies and Procedures include an Affirmative Marketing Policy for use in its HOME funded projects. The policy reads:

- The City shall use a variety of public service announcements to inform persons of all genders, races, ages, ethnic groups, religious orientation, employment status, sources of income, marital status and sexual orientation of the availability of the housing opportunities made under the HOME Program.

To enforce this policy, the City:

- Publishes information about programs it is implementing. Such information will include reference to the Affirmative Marketing Policy; Federal, State and local fair housing laws; and contain information on the program and housing units.
- Includes the requirements of an Affirmative Marketing Policy in its contractual agreements with subrecipients in the HOME Program.
- Use the Equal Housing Opportunity logo, slogan, or statement in all advertising.

Both the borrowers/developers and the City of Modesto share the responsibility to inform the public about federal fair housing laws and affirmative marketing efforts. The City of Modesto, through its monitoring of the HOME units, evaluates the effectiveness of the marketing efforts. The beneficiaries are held to the terms of the policy by reference in the HOME Loan Agreement and Trust Deed executed to secure the HOME loan.

Additionally, the City of Modesto Council appoints representative members of the community to serve on a joint Equal Opportunity/Disability and Human Relations Commission, whose primary responsibility is to advise and assist the City of Modesto Manager and staff in matters that relate to equal opportunity and persons with disabilities, and to make recommendations for furthering human relations and fair housing in the community, respectively. These commissions are comprised of members of protected classes, such as women, racial and ethnic minorities, persons with disabilities, etc.

Refer to IDIS reports to describe the amount and use of program income for projects, including the number of projects and owner and tenant characteristics.

In PY 2024-2025, a total of $128,605.95 in HOME program income was received. The program income received will assist with the future HOME projects. . that will serve youth and general homeless. In addition, there were several projects identified in the pipeline and funds will be committed once all other sources are committed. These projects consist of 42 permanent

supportive housing units and standard affordable housing units. The City will report beneficiary data upon project completion in IDIS.

Describe other actions taken to foster and maintain affordable housing. 91.220(k) (STATES ONLY: Including the coordination of LIHTC with the development of affordable housing). 91.320(j)

Per 24 CFR 91.220(k) the goal in the coming year to address obstacles to meeting underserved needs, foster and maintain affordable housing, evaluate and reduce lead-based paint hazards, reduce the number of poverty-level families, develop institutional structure, and enhance coordination between public and private housing and social service agencies will be to reach out to our Entitlement Community Partners like Stanislaus County, the City of Turlock, and the Stanislaus Regional Housing Authority so that we can work together to combine efforts in the development that alleviates the items identified within the Analysis of Impediments to Fair Housing.

Through the City's homeowner rehabilitation program, we were able to address health and safety concerns of 13 housing units in the City of Modesto. We continue to partner with our Code Enforcement Team. All code enforcement violations are given further information regarding our Homeowner Rehabilitation Program, so the City can assist with addressing these code concerns and maintaining the affordable housing stock.

The City continues to review its loan profile affordability periods. For those projects which are approaching their affordability period, we intend to reach out to our community partners to see if we can extend the affordability on those units to ensure that we foster and maintain the affordable housing stock. The City works closely with public and private partners to renew or extend periods off affordability for housing complexes for which their affordability periods are nearing expiration.

CR-60 - ESG 91.520(g) (ESG Recipients only)

CR-60 - ESG 91.520(g) (ESG Recipients only)

ESG Supplement to the CAPER in *e-snaps*

For Paperwork Reduction Act

1. Recipient Information—All Recipients Complete

Basic Grant Information

Recipient Name	MODESTO
Organizational DUNS Number	060125051
UEI	
EIN/TIN Number	946000374
Identify the Field Office	SAN FRANCISCO
Identify CoC(s) in which the recipient or subrecipient(s) will provide ESG assistance	Turlock/Modesto/Stanislaus County CoC

ESG Contact Name

Prefix	Ms
First Name	Jessica
Middle Name	
Last Name	Hill
Suffix	
Title	Director of Community and Economic Development

ESG Contact Address

Street Address 1	1010 10th Street
Street Address 2	Suite 3100
City	Modesto
State	CA
ZIP Code	95353-
Phone Number	2095775321
Extension	
Fax Number	
Email Address	jhill@modestogov.com

ESG Secondary Contact

Prefix	Mr
First Name	Edgar
Last Name	Garcia
Suffix	
Title	Community Development Manager
Phone Number	2095715101
Extension	
Email Address	edgarcia@modestogov.com

2. Reporting Period—All Recipients Complete

Program Year Start Date	07/01/2023
Program Year End Date	06/30/2024

3a. Subrecipient Form – Complete one form for each subrecipient

Subrecipient or Contractor Name: TURNING POINT OF CENTRAL CALIFORNIA
City: Fresno
State: CA
Zip Code: ,
DUNS Number: 941719862
UEI:
Is subrecipient a victim services provider: N
Subrecipient Organization Type: Other Non-Profit Organization
ESG Subgrant or Contract Award Amount: 15000

Subrecipient or Contractor Name: COMMUNITY HOUSING AND SHELTER SERVICES
City: Modesto
State: CA
Zip Code: 95350, 5417
DUNS Number: 835658782
UEI:
Is subrecipient a victim services provider: N
Subrecipient Organization Type: Other Non-Profit Organization
ESG Subgrant or Contract Award Amount: 35000

Subrecipient or Contractor Name: Center for Human Services
City: Modesto
State: CA
Zip Code: 95350, 4373
DUNS Number: 038119202
UEI:
Is subrecipient a victim services provider: N
Subrecipient Organization Type: Other Non-Profit Organization
ESG Subgrant or Contract Award Amount: 40000

Subrecipient or Contractor Name: THE SALVATION ARMY - MODESTO CA
City: Modesto
State: CA
Zip Code: 95354, 2225
DUNS Number: 074629460
UEI:
Is subrecipient a victim services provider: N
Subrecipient Organization Type: Other Non-Profit Organization
ESG Subgrant or Contract Award Amount: 48000

Narrative:

Subrecipient award amounts reflected in the Subrecipient Form above are inclusive of both CARES Act and Entitlement awards for PY 2023.

CR-65 - Persons Assisted

4. Persons Served

Per HUD instructions, CR-65 data (tables 16 to 23) are to be reported via the Sage report. The Sage report is included as part of this document as Attachment 1.

4a. Complete for Homelessness Prevention Activities

Number of Persons in Households	Total
Adults	See SAGE Report
Children	See SAGE Report
Don't Know/Refused/Other	See SAGE Report
Missing Information	See SAGE Report
Total	See SAGE Report

Table 16 – Household Information for Homeless Prevention Activities

4b. Complete for Rapid Re-Housing Activities

Number of Persons in Households	Total
Adults	See SAGE Report
Children	See SAGE Report
Don't Know/Refused/Other	See SAGE Report
Missing Information	See SAGE Report
Total	See SAGE Report

Table 17 – Household Information for Rapid Re-Housing Activities

4c. Complete for Shelter

Number of Persons in Households	Total
Adults	See SAGE Report
Children	See SAGE Report
Don't Know/Refused/Other	See SAGE Report
Missing Information	See SAGE Report
Total	See SAGE Report

Table 18 – Shelter Information

4d. Street Outreach

Number of Persons in Households	Total
Adults	See SAGE Report
Children	See SAGE Report
Don't Know/Refused/Other	See SAGE Report
Missing Information	See SAGE Report
Total	See SAGE Report

Table 19 – Household Information for Street Outreach

4e. Totals for all Persons Served with ESG

Number of Persons in Households	Total
Adults	See SAGE Report
Children	See SAGE Report
Don't Know/Refused/Other	See SAGE Report
Missing Information	See SAGE Report
Total	See SAGE Report

Table 20 – Household Information for Persons Served with ESG

5. Gender—Complete for All Activities

	Total
Male	See SAGE Report
Female	See SAGE Report
Transgender	See SAGE Report
Don't Know/Refused/Other	See SAGE Report
Missing Information	See SAGE Report
Total	See SAGE Report

Table 21 – Gender Information

6. Age—Complete for All Activities

	Total
Under 18	See SAGE Report
18-24	See SAGE Report
25 and over	See SAGE Report
Don't Know/Refused/Other	See SAGE Report
Missing Information	See SAGE Report
Total	See SAGE Report

Table 22 – Age Information

7. Special Populations Served—Complete for All Activities

Number of Persons in Households

Subpopulation	Total	Total Persons Served – Prevention	Total Persons Served – RRH	Total Persons Served in Emergency Shelters
Veterans	**See SAGE Report**			
Victims of Domestic Violence				
Elderly				
HIV/AIDS				
Chronically Homeless				
Persons with Disabilities:				
Severely Mentally Ill				
Chronic Substance Abuse				
Other Disability				
Total (unduplicated if possible)	**See SAGE Report**			

Table 23 – Special Population Served

CR-70 – ESG 91.520(g) - Assistance Provided and Outcomes

10. Shelter Utilization

Number of New Units – Rehabbed	**See SAGE Report**
Number of New Units – Conversion	
Total Number of bed - nights available	
Total Number of bed - nights provided	
Capacity Utilization	

Table 24 – Shelter Capacity

CAPER.

CR-75 – Expenditures

11. Expenditures

11a. ESG Expenditures for Homelessness Prevention

	Dollar Amount of Expenditures in Program Year
	See SAGE Report
Expenditures for Rental Assistance	
Expenditures for Hazard Pay (Cares Act Only)	
Expenditures for Housing Relocation and Stabilization Services - Financial Assistance	
Expenditures for Housing Relocation & Stabilization Services - Services	
Expenditures for Homeless Prevention under Emergency Shelter Grants Program	
Subtotal Homelessness Prevention	

Table 25 – ESG Expenditures for Homelessness Prevention

11b. ESG Expenditures for Rapid Re-Housing

	Dollar Amount of Expenditures in Program Year
	See SAGE Report
Expenditures for Rental Assistance	
Expenditures for Housing Relocation and Stabilization Services - Financial Assistance	
Expenditures for Housing Relocation & Stabilization Services - Services	
Expenditures for Homeless Assistance under Emergency Shelter Grants Program	
Subtotal Rapid Re-Housing	

Table 26 – ESG Expenditures for Rapid Re-Housing

11c. ESG Expenditures for Emergency Shelter

	Dollar Amount of Expenditures in Program Year
	See SAGE Report
Essential Services	
Operations	
Hazard Pay (Cares Act Only)	
Renovation	
Major Rehab	
Conversion	
Subtotal	

Table 27 – ESG Expenditures for Emergency Shelter

11d. Other Grant Expenditures

	Dollar Amount of Expenditures in Program Year
	See SAGE Report
Street Outreach	
HMIS	
Administration	
Subtotal	

Table 28 - Other Grant Expenditures

11e. Total ESG Grant Funds

Total ESG Funds Expended			
	See SAGE Report		

Table 29 - Total ESG Funds Expended

11f. Match Source

Other Non-ESG HUD Funds	**See SAGE Report**
Other Federal Funds	
State Government	
Local Government	
Private Funds	
Other	
Fees	
Program Income	
Total Match Amount	

Table 30 - Other Funds Expended on Eligible ESG Activities

11g. Total

Total Amount of Funds Expended on ESG Activities	See SAGE Report
ESG + Total Match (11e+11f)	

Table 31 - Total Amount of Funds Expended on ESG Activities

2024-2025 Draft SAGE/HMIS Reports

2024 v1.2 CAPER Report

7/25/2025 4:01:58 PM

Brooke Swan

Report Criteria

Report	CAPER
Date Range	07/01/2024 - 06/30/2025
Organization(s)	Center For Human Services,Turning Point
Funding Source(s)	MOD/CITY ESG OUTREACH,MOD/CITY ESG OUTREACH FY23 -25,MOD/CITY ESG OUTREACH FY24-26
Project(s)	CHS RHY HUTTON OUTREACH
Include Details	Yes

Q4a Project Identifiers in HMIS

Full Detail

Organization Name	Center For Human Services
Organization ID	CHS
Project Name	CHS RHY HUTTON OUTREACH
ProjectID	19676
HMIS Project Type	Street outreach (4)
RRH Subtype	
Coordinated Entry Access Point	Yes (1)
Affiliated with a residential project	
Project IDs of affiliations	
CoC Number	CA-510
Geocode	062292
Victim Service Provider	No (0)
HMIS Software Name and Version Number	ClientTrack by Eccovia v20
Report Start Date	7/1/2024
Report End Date	6/30/2025
Total Active Clients	21
Total Active Households	20

Q5a - Report Validations Table

Category	Count Of Clients For DQ	Count Of Clients
Total Number of Persons Served	13	21
Number of adults (age 18 or over)	13	20
Number of children (under age 18)	0	1
Number of persons with Unknown Age	0	0
Number of leavers	8	12
Number of adult leavers	8	11

Number of adult and head of household leavers	8	11
Total Number of Stayers	5	9
Number of Adult Stayers	5	9
Number of Veterans	0	0
Number of Chronically Homeless Persons	6	10
Number of youth under age 25	13	20
Number of parenting youth under age 25 with children	0	1
Number of Adult Heads of Household	13	20
Number of child and unknown-age heads of household	0	0
Heads of households and adult stayers in the project 365 days or more	0	0

Q6a - Data Quality: Personally Identifiable Information

Data Element	Client Doesn't Know Prefers Not to Answer	Information Missing	Data Issues	Total	% of Issue Rate
Name (3.01)	0	0	0	0	0.00%
Social Security Number (3.02)	0	0	0	0	0.00%
Date of Birth (3.03)	0	0	0	0	0.00%
Race and Ethnicity (3.04)	0	0		0	0.00%
Gender (3.06)	0	0		0	0.00%
Overall Score				0	0.00%

Q6b - Data Quality: Universal Data Elements

Data Element	Client Doesn't Know Prefers Not to Answer	Information Missing	Data Issues	Total	% of Issue Rate
Veteran Status (3.07)	0	0	0	0	0.00%
Project Start Date (3.10)			0	0	0.00%
Relationship to Head of Household (3.15)		0	0	0	0.00%
Enrollment CoC (3.16)		0	0	0	0.00%
Disabling Condition (3.08)	0	0	0	0	0.00%

Q6c - Data Quality: Income and Housing Data Quality

Data Element	Client Doesn't Know Prefers Not to Answer	Information Missing	Data Issues	Total	% of Issue Rate
Destination (3.12)	0	2		2	25.00%
Income and Sources (4.2) at Start	0	0	0	0	0.00%
Income and Sources (4.2) at Annual Assessment	0	0	0	0	0.00%
Income and Sources (4.2) at Exit	0	2	0	2	25.00%

Q6d - Data Quality: Chronic Homelessness

Starting into project type	Count of total records	Missing time in institution (3.917.2)	Missing time in housing (3.917.2)	Approximate Date started (3.91.3) **Missing**	Number of times (3.917.4) DK/PNTA/ missing	Number of months (3.917.5) DK/PNTA/ missing	% of records unable to calculate
ES-EE, ES-NbN, SH, Street Outreach	13			0	0	0	0.00%
TH	0	0	0	0	0	0	0.00%
PH (all)	0	0	0	0	0	0	0.00%
CE	0	0	0	0	0	0	0.00%
SSO, Day Shelter, HP	0	0	0	0	0	0	0.00%
Total	13						0.00%

Q6e - Data Quality: Timeliness

A Time for Record Entry	B Number of Project Start Records	C Number of Project Exit Records
< 0 days	0	0
0 days	7	0
1-3 Days	2	2
4-6 days	2	0
7-10 days	0	0
11+ days	0	6

Q6f - Data Quality: Inactive Records: Street Outreach and Emergency Shelter

Data Element	# of Records	# of Inactive Records	%of Inactive Records
Contact (Adults and Heads of Household in Street Outreach or ES - NbN)	0	0	0.00%
Bed Night (All clients in ES - NbN)	0	0	0.00%

Q7a - Number of Persons Served

Number Of Persons Served	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Adults	20	19	1		0
Children	1		1	0	0
Client Doesn't Know / Prefers Not to Answer	0	0	0	0	0
Data Not Collected	0	0	0	0	0
Total	21	19	2	0	0
For PSH & RRH - the total persons served who moved into housing	0	0	0	0	0

Q7b - Point in Time Count Of Persons on the Last Wednesday

Point in Time Count Of Persons on the Last Wednesday	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
January	0	0	0	0	0
April	6	6	0	0	0
July	2	2	0	0	0
October	2	0	2	0	0

Q8a - Number Of Households Served

Number Of Households Served	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Total Households	20	19	1	0	0
For PSH & RRH - the total persons served who moved into housing	0	0	0	0	0

Q8b - Point in Time Count of Households on the Last Wednesday

Point in Time Count of Households on the Last Wednesday	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
January	0	0	0	0	0
April	6	6	0	0	0
July	2	2	0	0	0

October	1	0	1	0	0

Q9a - Number of Persons Contacted

Number of Persons Contacted	All Persons Contacted	First contact NOT Staying on the Streets ES or SH	First contact WAS Staying on the Streets ES or SH	First Contact Worker unable to determine
Once	12	2	8	2
2-5 Times	4	1	3	0
6-9 Times	0	0	0	0
10+ Times	0	0	0	0
Total Persons Contacted	16	3	11	2

Q9b - Number of Persons Engaged

Number of Persons Engaged	All Persons Contacted	First contact NOT Staying on the Streets ES or SH	First contact WAS Staying on the Streets ES or SH	First Contact Worker unable to determine
Once	10	1	7	2
2-5 Contacts	1	0	1	0
6-9 Contacts	0	0	0	0
10+ Contacts	0	0	0	0
Total Persons Engaged	11	1	8	2
Rate Of Engagement	61.11%	33.33%	72.73%	50.00%

Q10a - Gender

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Woman	11	9	2	0	0
Man	7	7	0	0	0
Culturally Specific Identity	0	0	0	0	0
Transgender	0	0	0	0	0
Non-Binary	1	1	0	0	0
Questioning	0	0	0	0	0
Different Identity	0	0	0	0	0
Woman/Man	0	0	0	0	0
Woman/Culturally Specific Identity	0	0	0	0	0
Woman/Transgender	0	0	0	0	0
Woman/Non-Binary	0	0	0	0	0
Woman/Questioning	0	0	0	0	0

Woman/Different Identity	0	0	0	0	0
Man/Culturally Specific Identity	0	0	0	0	0
Man/Transgender	1	1	0	0	0
Man/Non-Binary	0	0	0	0	0
Man/Questioning	0	0	0	0	0
Man/Different Identity	0	0	0	0	0
Culturally Specific Identity/Transgender	0	0	0	0	0
Culturally Specific Identity/Non-Binary	0	0	0	0	0
Culturally Specific Identity/Questioning	0	0	0	0	0
Culturally Specific Identity/Different Identity	0	0	0	0	0
Transgender/Non-Binary	0	0	0	0	0
Transgender/Questioning	0	0	0	0	0
Transgender/Different Identity	0	0	0	0	0
Non-Binary/Questioning	0	0	0	0	0
Non-Binary/Different Identity	0	0	0	0	0
Questioning/Different Identity	0	0	0	0	0
More than 2 Gender Identities Selected	0	0	0	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected	1	1	0	0	0
Total	21	19	2	0	0

Q10d - Gender by Age Ranges

Gender by Age Ranges	Total	Under Age 18	Age 18 - 24	Age 25 - 64	Age 65+	Client Doesn't Know/ Prefers Not to Answer	Data Not Collected
Woman	11	1	10	0	0	0	0
Man	7	0	7	0	0	0	0

Culturally Specific Identity	0	0	0	0	0	0	0
Transgender	0	0	0	0	0	0	0
Non-Binary	1	0	1	0	0	0	0
Questioning	0	0	0	0	0	0	0
Different Identity	0	0	0	0	0	0	0
Woman/Man	0	0	0	0	0	0	0
Woman/Culturally Specific Identity	0	0	0	0	0	0	0
Woman/Transgender	0	0	0	0	0	0	0
Woman/Non-Binary	0	0	0	0	0	0	0
Woman/Questioning	0	0	0	0	0	0	0
Woman/Different Identity	0	0	0	0	0	0	0
Man/Culturally Specific Identity	0	0	0	0	0	0	0
Man/Transgender	1	0	1	0	0	0	0
Man/Non-Binary	0	0	0	0	0	0	0
Man/Questioning	0	0	0	0	0	0	0
Man/Different Identity	0	0	0	0	0	0	0
Culturally Specific Identity/Transgender	0	0	0	0	0	0	0
Culturally Specific Identity/Non-Binary	0	0	0	0	0	0	0
Culturally Specific Identity/Questioning	0	0	0	0	0	0	0
Culturally Specific Identity/Different Identity	0	0	0	0	0	0	0
Transgender/Non-Binary	0	0	0	0	0	0	0
Transgender/Questioning	0	0	0	0	0	0	0
Transgender/Different Identity	0	0	0	0	0	0	0
Non-Binary/Questioning	0	0	0	0	0	0	0
Non-Binary/Different Identity	0	0	0	0	0	0	0
Questioning/Different Identity	0	0	0	0	0	0	0
More than 2 Gender Indentities Selected	0	0	0	0	0	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0	0	0
Data Not Collected	1	0	1	0	0	0	0
Total	21	1	20	0	0	0	0

Q11- Age

Age	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Under 5	1		1	0	0
5-12	0		0	0	0
13-17	0		0	0	0
18-24	20	19	1		0
25-34	0	0	0		0
35-44	0	0	0		0
45-54	0	0	0		0
55-64	0	0	0		0
65+	0	0	0		0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected	0	0	0	0	0
Total	21	19	2	0	0

Q12 - Race and Ethnicity

Race	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
American Indian, Alaska Native, or Indigenous	0	0	0	0	0
Asian or Asian American	0	0	0	0	0
Black, African American, or African	2	2	0	0	0
Hispanic/Latina/e/o	7	6	1	0	0
Middle Eastern or North African	0	0	0	0	0
Native Hawaiian or Pacific Islander	0	0	0	0	0
White	4	4	0	0	0
Asian or Asian American & American Indian, Alaska Native, or Indigenous	0	0	0	0	0

Black, African American, or African & American Indian, Alaska Native, or Indigenous	0	0	0	0	0
Hispanic/Latina/e/o & American Indian, Alaska Native, or Indigenous	1	1	0	0	0
Middle Eastern or North African & American Indian, Alaska Native, or Indigenous	0	0	0	0	0
Native Hawaiian or Pacific Islander & American Indian, Alaska Native, or Indigenous	0	0	0	0	0
White & American Indian, Alaska Native, or Indigenous	0	0	0	0	0
Black, African American, or African & Asian or Asian American	0	0	0	0	0
Hispanic/Latina/e/o & Asian or Asian American	0	0	0	0	0
Middle Eastern or North African & Asian or Asian American	0	0	0	0	0
Native Hawaiian or Pacific Islander & Asian or Asian American	0	0	0	0	0
White & Asian or Asian American	0	0	0	0	0
Hispanic/Latina/e/o & Black, African American, or African	0	0	0	0	0

Middle Eastern or North African & Black, African American, or African	0	0	0	0	0
Native Hawaiian or Pacific Islander & Black, African American, or African	0	0	0	0	0
White & Black, African American, or African	0	0	0	0	0
Middle Eastern or North African & Hispanic/Latina/e/o	0	0	0	0	0
Native Hawaiian or Pacific Islander & Hispanic/Latina/e/o	0	0	0	0	0
White & Hispanic/Latina/e/o	2	2	0	0	0
Native Hawaiian or Pacific Islander & Middle Eastern or North African	0	0	0	0	0
White & Middle Eastern or North African	0	0	0	0	0
White & Native Hawaiian or Pacific Islander	0	0	0	0	0
Multiracial - more than 2 races/ethnicity, with one being Hispanic/Latina/e/o	3	2	1	0	0
Multiracial - more than 2 races, where no option is Hispanic/Latina/e/o	1	1	0	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0

Data Not Collected	1	1	0	0	0
Total	21	19	2	0	0

Q13a1 - Physical and Mental Health Conditions at Start

Physical and Mental Health Conditions at Start	Total Persons	Without Children	Adults in HH with Children and Adults	Children in HH with Children and Adults	With Only Children	Unknown Household Type
Mental Health Disorder	12	11	1	0	0	0
Alcohol Use Disorder	0	0	0	0	0	0
Drug Use Disorder	2	2	0	0	0	0
Both Alcohol and Drug Use Disorder	0	0	0	0	0	0
Chronic Health Condition	7	6	1	0	0	0
HIV/AIDS	0	0	0	0	0	0
Developmental Disability	9	8	1	0	0	0
Physical Disability	4	3	1	0	0	0

Q13b1 - Physical and Mental Health Conditions at Exit

Physical and Mental Health Conditions at Exit	Total Persons	Without Children	Adults in HH with Children and Adults	Children in HH with Children and Adults	With Only Children	Unknown Household Type
Mental Health Disorder	5	5	0	0	0	0
Alcohol Use Disorder	0	0	0	0	0	0
Drug Use Disorder	1	1	0	0	0	0
Both Alcohol and Drug Use Disorder	0	0	0	0	0	0
Chronic Health Condition	3	3	0	0	0	0
HIV/AIDS	0	0	0	0	0	0
Developmental Disability	4	4	0	0	0	0
Physical Disability	1	1	0	0	0	0

Q13c1 - Physical and Mental Health Conditions for Stayers

Physical and Mental Health Conditions for Stayers	Total Persons	Without Children	Adults in HH with Children and Adults	Children in HH with Children and Adults	With Only Children	Unknown Household Type
Mental Health Disorder	5	5	0	0	0	0
Alcohol Use Disorder	0	0	0	0	0	0
Drug Use Disorder	1	1	0	0	0	0
Both Alcohol and Drug Use Disorder	0	0	0	0	0	0
Chronic Health Condition	3	3	0	0	0	0
HIV/AIDS	0	0	0	0	0	0
Developmental Disability	3	3	0	0	0	0
Physical Disability	2	2	0	0	0	0

Q14a - History of Domestic Violence, Sexual Assault, Dating Violence, Stalking, or Human Trafficking

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Yes	13	12	1	0	0
No	6	6	0	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected	1	1	0	0	0
Total	20	19	1	0	0

Q14b - Most recent experience of domestic violence, sexual assault, dating violence, stalking, or human trafficking

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Within the past three months	0	0	0	0	0
Three to six months ago	1	1	0	0	0
Six months to one year	3	3	0	0	0
One year ago, or more	9	8	1	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0

Data Not Collected	0	0	0	0	0
Total	13	12	1	0	0

Q15 - Living Situation

Living Situation	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Homeless Situations					
Place not meant for human habitation	12	12	0	0	0
Emergency shelter, including hotel or motel paid for with emergency shelter voucher, Host Home shelter	5	5	0	0	0
Safe Haven	0	0	0	0	0
Subtotal	17	17	0	0	0
Institutional Situations					
Foster care home or foster care group home	0	0	0	0	0
Hospital or other residential non-psychiatric medical facility	0	0	0	0	0
Jail, prison, or juvenile detention facility	0	0	0	0	0
Long-term care facility or nursing home	0	0	0	0	0
Psychiatric hospital or other psychiatric facility	0	0	0	0	0
Substance abuse treatment facility or detox center	0	0	0	0	0
Subtotal	0	0	0	0	0
Temporary Situations					
Transitional housing for homeless persons (including homeless youth)	0	0	0	0	0
Residential project or halfway house with no homeless criteria	0	0	0	0	0
Hotel or motel paid for without emergency shelter voucher	0	0	0	0	0

Host Home (non-crisis)	0	0	0	0	0
Staying or living in a friend's room, apartment, or house	1	1	0	0	0
Staying or living in a family member's room, apartment, or house	2	1	1	0	0
Subtotal	3	2	1	0	0
Permanent Situations					
Rental by client, no ongoing housing subsidy	0	0	0	0	0
Rental by client, with ongoing housing subsidy	0	0	0	0	0
Owned by client, with ongoing housing subsidy	0	0	0	0	0
Owned by client, no ongoing housing subsidy	0	0	0	0	0
Subtotal	0	0	0	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected	0	0	0	0	0
Subtotal	0	0	0	0	0
Total	20	19	1	0	0

Q16 - Cash Income - Ranges

	Income at Start	Income at Latest Annual Assessment for Stayers	Income at Exit for Leavers
No Income	10	0	6
$1 - $150	0	0	0
$151 - $250	1	0	0
$251 - $500	2	0	0
$501 - $1,000	1	0	0
$1,001 - $1,500	2	0	0
$1,501 - $2,000	0	0	0
$2,001+	2	0	1

Client Doesn't Know/Prefers Not to Answer	0	0	0
Data Not Collected	2	0	4
Number of adult stayers not yet required to have an annual assessment		9	
Number of adult stayers without required annual assessment		0	
Total Adults	20	9	11

Q17 - Cash Income Sources

Cash Income Sources	Income at Start	Income at Latest Annual Assessment for Stayers	Income at Exit for Leavers
Earned Income	5	0	1
Unemployment Insurance	1	0	0
Supplemental Security Income (SSI)	2	0	0
Social Security Disability Insurance (SSDI)	0	0	0
VA Service - Connected Disability Compensation	0	0	0
VA Non-Service Connected Disability Pension	0	0	0
Private Disability Insurance	0	0	0
Worker's Compensation	0	0	0
Temporary Assistance for Needy Families (TANF)	0	0	0
General Assistance (GA)	0	0	0
Retirement Income from Social Security	0	0	0
Pension or retirement income from a former job	0	0	0
Child Support	0	0	0
Alimony and other spousal support	0	0	0
Other Source	0	0	0
Adults with Income Information at Start and Annual Assessment/Exit		0	7

Q19b - Disabling Conditions and Income for Adults at Exit

	AO: Adult with Disabling Condition	AO: Adult without Disabling Condition	AO: Total Adults	AO: % with Disabling Condition by Source	AC: Adult with Disabling Condition	AC: Adult without Disabling Condition	AC: Total Adults	AC: % with Disabling Condition by Source	UK: Adult with Disabling Condition	UK: Adult without Disabling Condition	UK: Total Adults	UK: % with Disabling Condition by Source
Earned Income	0	1	1	0.00	0	0	0	0.00	0	0	0	0.00
Unemployment Insurance	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
Supplemental Security Income (SSI)	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
Social Security Disability Insurance (SSDI)	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
VA Service-Connected Disability Compensation	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
VA Non-Service-Connected Disability Pension	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
Private Disability Insurance	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
Worker's Compensation	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
Temporary Assistance for Needy Families (TANF)	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
General Assistance (GA)	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
Retirement Income from Social Security	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00

Pension or retirement income from a former job	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
Child Support	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
Alimony and other spousal support	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
Other source	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
No Sources	6	0	6	100.00	0	0	0	0.00	0	0	0	0.00
Unduplicated Total Adults	6	1	7		0	0	0		0	0	0	

Q20a - Type Of Non-Cash Benefit Sources

	Benefit At Start	Benefit At Latest Annual Assessment For Stayers	Benefit At Exit For Leavers
Supplemental Nutrition Assistance Program (SNAP) (Previously known as Food Stamps)	9	0	2
Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)	1	0	0
TANF Child Care Services	2	0	0
TANF Transportation Services	0	0	0
Other TANF-Funded Services	0	0	0
Other Source	0	0	0

Q21 - Health Insurance

	At Start	At Annual Assessment for Stayers	At Exit for Leavers
MEDICAID	0	0	0
MEDICARE	0	0	0
State Children's Health Insurance Program	1	0	0
Veteran's Health Administration (VHA)	0	0	0
Employer Provided Health Insurance	0	0	0

Health Insurance through COBRA	0	0	0
Private Pay Health Insurance	2	0	1
State Health Insurance for Adults	10	0	4
Indian Health Services Program	0	0	0
Other	1	0	0
No Health Insurance	6	0	2
Client Doesn't Know/Prefers Not to Answer	0	0	0
Data not Collected	1	0	5
Number of Stayers not yet Required To Have an Annual Assessment		9	
1 Source of Health Insurance	14	0	5
More than 1 Source of Health Insurance	0	0	0

Q22a2 - Length of Participation ESG Projects

	Total	Leavers	Stayers
0 to 7 days	8	5	3
8 to 14 days	0	0	0
15 to 21 days	0	0	0
22 to 30 days	2	1	1
31 to 60 days	2	2	0
61 to 90 days	7	2	5
91 to 180 days	2	2	0
181 to 365 days	0	0	0
366 to 730 days (1-2 Yrs)	0	0	0
731 to 1,095 days (2-3 Yrs)	0	0	0
1,096 to 1,460 days (3-4 Yrs)	0	0	0
1,461 to 1,825 days (4-5 Yrs)	0	0	0
More than 1,825 days (>5 Yrs)	0	0	0
Total	21	12	9

Q22c - Length of Time between Project Start Date and Housing Move in Date

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
7 days or less	0	0	0	0	0

8 to 14 days	0	0	0	0	0
15 to 21 days	0	0	0	0	0
22 to 30 days	0	0	0	0	0
31 to 60 days	0	0	0	0	0
61 to 90 days	0	0	0	0	0
91 to 180 days	0	0	0	0	0
181 to 365 days	0	0	0	0	0
366 to 730 days (1-2 Yrs)	0	0	0	0	0
Total (persons moved into housing)	0	0	0	0	0
Average length of time to housing	0.00	0.00	0.00	0.00	0.00
Persons who were exited without move-in	0	0	0	0	0
Total Persons	0	0	0	0	0

Q22d - Length of Participation by Household Type

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
7 days or less	8	8	0	0	0
8 to 14 days	0	0	0	0	0
15 to 21 days	0	0	0	0	0
22 to 30 days	2	2	0	0	0
31 to 60 days	2	2	0	0	0
61 to 90 days	7	7	0	0	0
91 to 180 days	2	0	2	0	0
181 to 365 days	0	0	0	0	0
366 to 730 days (1-2 Yrs)	0	0	0	0	0
731 days or more	0	0	0	0	0
Total	21	19	2	0	0

Q22e - Length of Time Prior to Housing - based on 3.917 Date Homelessness Started

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
7 days or less	2	2	0	0	0
8 to 14 days	2	2	0	0	0
15 to 21 days	2	2	0	0	0
22 to 30 days	0	0	0	0	0
31 to 60 days	3	3	0	0	0

61 to 90 days	0	0	0	0	0
91 to 180 days	1	1	0	0	0
181 to 365 days	4	3	1	0	0
366 to 730 days (1-2 years)	4	3	1	0	0
731 Days or more	3	3	0	0	0
Total (persons moved into housing)	21	19	2	0	0
Not yet moved into housing	0	0	0	0	0
Data not collected	0	0	0	0	0
Total Persons	21	19	2	0	0

Q22f - Length of Times between Project Start Date and Housing Move-in Date by Race and Ethnicity

	American Indian, Alaska Native, or Indigenous	Asian or Asian American	Black, African American, or African	Hispanic/Latina/e/o	Middle Eastern or North African	Native Hawaiian or Pacific Islander	White	At Least 1 Race and Hispanic/Latina/e/o	Multi-racial (does not include Hispanic/Latina/e/o)	Unknown (Doesn't Know, Prefers not to Answer, Data not Collected)
Persons Moved Into Housing	0	0	0	0	0	0	0	0	0	0
Persons Exited Without Move-In	0	0	0	0	0	0	0	0	0	0
Average time to Move-In	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Median time to Move-In	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Q22g - Length of Time Prior to Housing by Race and Ethnicity - based on 3.917 Date Homelessness Started

	American Indian Alaska Native or Indigenous	Asian or Asian American	Black African American or African	Hispanic Latina e o	Middle Eastern or North African	Native Hawaiian or Pacific Islander	White	At Least 1 Race and Hispanic Latina e o	Multi racial does not include Hispanic Latina e o	Unknown Doesn t Know Prefers not to Answer Data not Collected
Persons Moved Into Housing	0	0	0	0	0	0	0	0	0	0
Persons Not Yet Moved Into Housing	0	0	0	0	0	0	0	0	0	0
Average time to Move-In	0	0	0	0	0	0	0	0	0	0
Median time to Move-In	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Q23c - Exit Destination

Data Element	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Homeless Situations					
Place not meant for habitation (e.g., a vehicle, an abandoned building, bus/train/subway station/airport or anywhere outside)	0	0	0	0	0
Emergency shelter, including hotel or motel paid for with emergency shelter voucher, Host Home shelter	4	4	0	0	0
Safe Haven	0	0	0	0	0
Subtotal	4	4	0	0	0
Institutional Situations					
Foster care home or foster care group home	0	0	0	0	0
Hospital or other residential non-psychiatric medical facility	0	0	0	0	0
Jail, prison, or juvenile detention facility	0	0	0	0	0
Long-term care facility or nursing home	0	0	0	0	0
Psychiatric hospital or other psychiatric facility	0	0	0	0	0
Substance abuse treatment facility or detox center	0	0	0	0	0
Subtotal	0	0	0	0	0
Temporary Situations					
Transitional housing for homeless persons (including homeless youth)	2	2	0	0	0
Residential project or halfway house with no homeless criteria	0	0	0	0	0
Hotel or motel paid for without emergency shelter voucher	0	0	0	0	0
Host Home (non-crisis)	0	0	0	0	0
Staying or living with family, temporary tenure (e.g. room, apartment or house)	1	1	0	0	0
Staying or living with friends, temporary tenure (e.g. room, apartment or house)	0	0	0	0	0

Moved from one HOPWA funded project to HOPWA TH	0	0	0	0	0
Subtotal	3	3	0	0	0
Permanent Situations					
Staying or living with family, permanent tenure	0	0	0	0	0
Staying or living with friends, permanent tenure	0	0	0	0	0
Moved from one HOPWA funded project to HOPWA PH	0	0	0	0	0
Rental by client, no ongoing housing subsidy	0	0	0	0	0
Rental by client, with ongoing housing subsidy	0	0	0	0	0
Owned by client, with ongoing housing subsidy	0	0	0	0	0
Owned by client, no ongoing housing subsidy	0	0	0	0	0
Subtotal	0	0	0	0	0
Other Situations					
No Exit Interview completed	5	3	2	0	0
Other	0	0	0	0	0
Deceased	0	0	0	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected	0	0	0	0	0
Subtotal	5	3	2	0	0
TOTAL	12	10	2	0	0
Total persons exiting to positive housing destinations	7	7	0	0	0
Total persons exiting to destinations that excluded them from the calculation	0	0	0	0	0
Percentage of persons exiting to positive housing destinations	0.5833	0.7000	0.0000	0.0000	0.0000

Q23d - Exit Destination - Rental Subsidy Type

Data Element	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
GPD TIP housing subsidy	0	0	0	0	0
VASH housing subsidy	0	0	0	0	0

RRH or equivalent subsidy	0	0	0	0	0
HCV voucher (tenant or project based)(not dedicated)	0	0	0	0	0
Public housing unit	0	0	0	0	0
Rental by client, with other ongoing housing subsidy	0	0	0	0	0
Housing Stability Voucher	0	0	0	0	0
Family Unification Program Voucher (FUP)	0	0	0	0	0
Foster Youth to Independence Initiative (FYI)	0	0	0	0	0
Permanent Supportive Housing	0	0	0	0	0
Other permanent housing dedicated for formerly homeless persons	0	0	0	0	0
TOTAL	0	0	0	0	0

Q23e - Exit Destination Type by Race and Ethnicity

	Total	American Indian Alaska Native or Indigenous	Asian or Asian American	Black African American or African	Hispanic Latina e o	Middle Eastern or North African	Native Hawaiian or Pacific Islander	White	At Least 1 Race and Hispanic Latina e o	Multi racial does not include Hispanic Latina e o	Unknown Doesn t Know Prefers not to Answer Data not Collected
Homeless Situations	4	0	0	1	2	0	0	0	1	0	0
Institutional Situations	0	0	0	0	0	0	0	0	0	0	0
Temporary Situations	3	0	0	0	1	0	0	1	1	0	0
Permanent Situations	0	0	0	0	0	0	0	0	0	0	0
Other Situations	5	0	0	0	1	0	0	1	1	1	1
Total	12	0	0	1	4	0	0	2	3	1	1

Q24a - Homelessness Prevention Housing Assessment at Exit

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Able to maintain the housing they had at project start--Without a subsidy	0	0	0	0	0
Able to maintain the housing they had at project start--With the subsidy they had at project start	0	0	0	0	0

Able to maintain the housing they had at project start--With an on-going subsidy acquired since project start	0	0	0	0	0
Able to maintain the housing they had at project start--Only with financial assistance other than a subsidy	0	0	0	0	0
Moved to new housing unit--With on-going subsidy	0	0	0	0	0
Moved to new housing unit--Without an on-going subsidy	0	0	0	0	0
Moved in with family/friends on a temporary basis	0	0	0	0	0
Moved in with family/friends on a permanent basis	0	0	0	0	0
Moved to a transitional or temporary housing facility or program	0	0	0	0	0
Client became homeless - moving to a shelter or other place unfit for human habitation	0	0	0	0	0
Jail/prison	0	0	0	0	0
Deceased	0	0	0	0	0
Client doesn't know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected (no exit interview completed)	0	0	0	0	0
Total	0	0	0	0	0

Q24d - Language of Persons Requiring Translation Assistance

Language Response (Top 20 Languages Selected)	Total Persons Requiring Translation Assistance
Different Preferred Language	0
Total	0

Q25a - Number of Veterans

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Chronically Homeless Veteran	0	0	0		0
Non-Chronically Homeless Veteran	0	0	0		0
Not a Veteran	19	18	1		0

Client Doesn't Know/Prefers Not to Answer	0	0	0		0
Data Not Collected	1	1	0		0
Total	20	19	1		0

Q26b - Number of Chronically Homeless Persons by Household

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Chronically Homeless	10	8	2	0	0
Not Chronically Homeless	10	10	0	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected	1	1	0	0	0
Total	21	19	2	0	0

2024 v1.2 CAPER Report

7/25/2025 3:37:11 PM

Brooke Swan

Report Criteria

Report	CAPER
Date Range	07/01/2024 - 06/30/2025
Organization(s)	Community Housing and Shelter Services
Funding Source(s)	MOD/CITY ESG RRH,MOD/CITY ESG RRH FY23-25
Project(s)	CHSS MOD RA RRH
Include Details	Yes

Q4a Project Identifiers in HMIS

Full Detail

Organization Name	Community Housing and Shelter Services
Organization ID	CSS
Project Name	CHSS MOD RA RRH
ProjectID	19627
HMIS Project Type	PH - Rapid Re-Housing (13)
RRH Subtype	RRH: Housing with or without services (2)
Coordinated Entry Access Point	Yes (1)
Affiliated with a residential project	
Project IDs of affiliations	
CoC Number	CA-510
Geocode	062292
Victim Service Provider	No (0)
HMIS Software Name and Version Number	ClientTrack by Eccovia v20
Report Start Date	7/1/2024
Report End Date	6/30/2025
Total Active Clients	18
Total Active Households	15

Q5a - Report Validations Table

Category	Count Of Clients For DQ	Count Of Clients
Total Number of Persons Served	18	18
Number of adults (age 18 or over)	16	16
Number of children (under age 18)	2	2
Number of persons with Unknown Age	0	0
Number of leavers	18	18
Number of adult leavers	16	16

Number of adult and head of household leavers	16	16
Total Number of Stayers	0	0
Number of Adult Stayers	0	0
Number of Veterans	0	0
Number of Chronically Homeless Persons	4	4
Number of youth under age 25	1	1
Number of parenting youth under age 25 with children	1	1
Number of Adult Heads of Household	15	15
Number of child and unknown-age heads of household	0	0
Heads of households and adult stayers in the project 365 days or more	0	0

Q6a - Data Quality: Personally Identifiable Information

Data Element	Client Doesn't Know Prefers Not to Answer	Information Missing	Data Issues	Total	% of Issue Rate
Name (3.01)	0	0	0	0	0.00%
Social Security Number (3.02)	0	0	0	0	0.00%
Date of Birth (3.03)	0	0	0	0	0.00%
Race and Ethnicity (3.04)	0	0		0	0.00%
Gender (3.06)	0	0		0	0.00%
Overall Score				0	0.00%

Q6b - Data Quality: Universal Data Elements

Data Element	Client Doesn't Know Prefers Not to Answer	Information Missing	Data Issues	Total	% of Issue Rate
Veteran Status (3.07)	0	0	0	0	0.00%
Project Start Date (3.10)			0	0	0.00%
Relationship to Head of Household (3.15)		0	0	0	0.00%
Enrollment CoC (3.16)		0	0	0	0.00%
Disabling Condition (3.08)	0	0	0	0	0.00%

Q6c - Data Quality: Income and Housing Data Quality

Data Element	Client Doesn't Know Prefers Not to Answer	Information Missing	Data Issues	Total	% of Issue Rate
Destination (3.12)	0	0		0	0.00%
Income and Sources (4.2) at Start	0	0	0	0	0.00%
Income and Sources (4.2) at Annual Assessment	0	0	0	0	0.00%
Income and Sources (4.2) at Exit	0	0	0	0	0.00%

Q6d - Data Quality: Chronic Homelessness

Starting into project type	Count of total records	Missing time in institution (3.917.2)	Missing time in housing (3.917.2)	Approximate Date started (3.91.3) **Missing**	Number of times (3.917.4) DK/PNTA/ missing	Number of months (3.917.5) DK/PNTA/ missing	% of records unable to calculate
ES-EE, ES-NbN, SH, Street Outreach	0			0	0	0	0.00%
TH	0	0	0	0	0	0	0.00%
PH (all)	16	0	0	0	0	0	0.00%
CE	0	0	0	0	0	0	0.00%
SSO, Day Shelter, HP	0	0	0	0	0	0	0.00%
Total	16						0.00%

Q6e - Data Quality: Timeliness

A Time for Record Entry	B Number of Project Start Records	C Number of Project Exit Records
< 0 days	0	3
0 days	3	1
1-3 Days	7	5
4-6 days	5	0
7-10 days	0	5
11+ days	1	4

Q6f - Data Quality: Inactive Records: Street Outreach and Emergency Shelter

Data Element	# of Records	# of Inactive Records	%of Inactive Records
Contact (Adults and Heads of Household in Street Outreach or ES - NbN)	0	0	0.00%
Bed Night (All clients in ES - NbN)	0	0	0.00%

Q7a - Number of Persons Served

Number Of Persons Served	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Adults	16	15	1		0
Children	2		2	0	0
Client Doesn't Know / Prefers Not to Answer	0	0	0	0	0
Data Not Collected	0	0	0	0	0
Total	18	15	3	0	0
For PSH & RRH - the total persons served who moved into housing	18	15	3	0	0

Q7b - Point in Time Count Of Persons on the Last Wednesday

Point in Time Count Of Persons on the Last Wednesday	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
January	8	8	0	0	0
April	0	0	0	0	0
July	2	2	0	0	0
October	0	0	0	0	0

Q8a - Number Of Households Served

Number Of Households Served	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Total Households	15	14	1	0	0
For PSH & RRH - the total persons served who moved into housing	15	14	1	0	0

Q8b - Point in Time Count of Households on the Last Wednesday

Point in Time Count of Households on the Last Wednesday	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
January	8	8	0	0	0
April	0	0	0	0	0
July	2	2	0	0	0

October	0	0	0	0	0

Q9a - Number of Persons Contacted

Number of Persons Contacted	All Persons Contacted	First contact NOT Staying on the Streets ES or SH	First contact WAS Staying on the Streets ES or SH	First Contact Worker unable to determine
Once	0	0	0	0
2-5 Times	0	0	0	0
6-9 Times	0	0	0	0
10+ Times	0	0	0	0
Total Persons Contacted	0	0	0	0

Q9b - Number of Persons Engaged

Number of Persons Engaged	All Persons Contacted	First contact NOT Staying on the Streets ES or SH	First contact WAS Staying on the Streets ES or SH	First Contact Worker unable to determine
Once	0	0	0	0
2-5 Contacts	0	0	0	0
6-9 Contacts	0	0	0	0
10+ Contacts	0	0	0	0
Total Persons Engaged	0	0	0	0
Rate Of Engagement	0.00%	0.00%	0.00%	0.00%

Q10a - Gender

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Woman	7	6	1	0	0
Man	11	9	2	0	0
Culturally Specific Identity	0	0	0	0	0
Transgender	0	0	0	0	0
Non-Binary	0	0	0	0	0
Questioning	0	0	0	0	0
Different Identity	0	0	0	0	0
Woman/Man	0	0	0	0	0
Woman/Culturally Specific Identity	0	0	0	0	0
Woman/Transgender	0	0	0	0	0
Woman/Non-Binary	0	0	0	0	0
Woman/Questioning	0	0	0	0	0

Woman/Different Identity	0	0	0	0	0
Man/Culturally Specific Identity	0	0	0	0	0
Man/Transgender	0	0	0	0	0
Man/Non-Binary	0	0	0	0	0
Man/Questioning	0	0	0	0	0
Man/Different Identity	0	0	0	0	0
Culturally Specific Identity/Transgender	0	0	0	0	0
Culturally Specific Identity/Non-Binary	0	0	0	0	0
Culturally Specific Identity/Questioning	0	0	0	0	0
Culturally Specific Identity/Different Identity	0	0	0	0	0
Transgender/Non-Binary	0	0	0	0	0
Transgender/Questioning	0	0	0	0	0
Transgender/Different Identity	0	0	0	0	0
Non-Binary/Questioning	0	0	0	0	0
Non-Binary/Different Identity	0	0	0	0	0
Questioning/Different Identity	0	0	0	0	0
More than 2 Gender Identities Selected	0	0	0	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected	0	0	0	0	0
Total	18	15	3	0	0

Q10d - Gender by Age Ranges

Gender by Age Ranges	Total	Under Age 18	Age 18 - 24	Age 25 - 64	Age 65+	Client Doesn't Know/ Prefers Not to Answer	Data Not Collected
Woman	7	0	1	5	1	0	0
Man	11	2	0	8	1	0	0

Culturally Specific Identity	0	0	0	0	0	0	0
Transgender	0	0	0	0	0	0	0
Non-Binary	0	0	0	0	0	0	0
Questioning	0	0	0	0	0	0	0
Different Identity	0	0	0	0	0	0	0
Woman/Man	0	0	0	0	0	0	0
Woman/Culturally Specific Identity	0	0	0	0	0	0	0
Woman/Transgender	0	0	0	0	0	0	0
Woman/Non-Binary	0	0	0	0	0	0	0
Woman/Questioning	0	0	0	0	0	0	0
Woman/Different Identity	0	0	0	0	0	0	0
Man/Culturally Specific Identity	0	0	0	0	0	0	0
Man/Transgender	0	0	0	0	0	0	0
Man/Non-Binary	0	0	0	0	0	0	0
Man/Questioning	0	0	0	0	0	0	0
Man/Different Identity	0	0	0	0	0	0	0
Culturally Specific Identity/Transgender	0	0	0	0	0	0	0
Culturally Specific Identity/Non-Binary	0	0	0	0	0	0	0
Culturally Specific Identity/Questioning	0	0	0	0	0	0	0
Culturally Specific Identity/Different Identity	0	0	0	0	0	0	0
Transgender/Non-Binary	0	0	0	0	0	0	0
Transgender/Questioning	0	0	0	0	0	0	0
Transgender/Different Identity	0	0	0	0	0	0	0
Non-Binary/Questioning	0	0	0	0	0	0	0
Non-Binary/Different Identity	0	0	0	0	0	0	0
Questioning/Different Identity	0	0	0	0	0	0	0
More than 2 Gender Indentities Selected	0	0	0	0	0	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0	0	0
Data Not Collected	0	0	0	0	0	0	0
Total	18	2	1	13	2	0	0

Q11- Age

Age	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Under 5	2		2	0	0
5-12	0		0	0	0
13-17	0		0	0	0
18-24	1	0	1		0
25-34	2	2	0		0
35-44	5	5	0		0
45-54	2	2	0		0
55-64	4	4	0		0
65+	2	2	0		0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected	0	0	0	0	0
Total	18	15	3	0	0

Q12 - Race and Ethnicity

Race	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
American Indian, Alaska Native, or Indigenous	1	1	0	0	0
Asian or Asian American	0	0	0	0	0
Black, African American, or African	3	3	0	0	0
Hispanic/Latina/e/o	4	1	3	0	0
Middle Eastern or North African	0	0	0	0	0
Native Hawaiian or Pacific Islander	0	0	0	0	0
White	8	8	0	0	0
Asian or Asian American & American Indian, Alaska Native, or Indigenous	0	0	0	0	0

Black, African American, or African & American Indian, Alaska Native, or Indigenous	0	0	0	0	0
Hispanic/Latina/e/o & American Indian, Alaska Native, or Indigenous	0	0	0	0	0
Middle Eastern or North African & American Indian, Alaska Native, or Indigenous	0	0	0	0	0
Native Hawaiian or Pacific Islander & American Indian, Alaska Native, or Indigenous	0	0	0	0	0
White & American Indian, Alaska Native, or Indigenous	0	0	0	0	0
Black, African American, or African & Asian or Asian American	0	0	0	0	0
Hispanic/Latina/e/o & Asian or Asian American	0	0	0	0	0
Middle Eastern or North African & Asian or Asian American	0	0	0	0	0
Native Hawaiian or Pacific Islander & Asian or Asian American	0	0	0	0	0
White & Asian or Asian American	0	0	0	0	0
Hispanic/Latina/e/o & Black, African American, or African	0	0	0	0	0

Middle Eastern or North African & Black, African American, or African	0	0	0	0	0
Native Hawaiian or Pacific Islander & Black, African American, or African	0	0	0	0	0
White & Black, African American, or African	0	0	0	0	0
Middle Eastern or North African & Hispanic/Latina/e/o	0	0	0	0	0
Native Hawaiian or Pacific Islander & Hispanic/Latina/e/o	0	0	0	0	0
White & Hispanic/Latina/e/o	2	2	0	0	0
Native Hawaiian or Pacific Islander & Middle Eastern or North African	0	0	0	0	0
White & Middle Eastern or North African	0	0	0	0	0
White & Native Hawaiian or Pacific Islander	0	0	0	0	0
Multiracial - more than 2 races/ethnicity, with one being Hispanic/Latina/e/o	0	0	0	0	0
Multiracial - more than 2 races, where no option is Hispanic/Latina/e/o	0	0	0	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0

Data Not Collected	0	0	0	0	0
Total	18	15	3	0	0

Q13a1 - Physical and Mental Health Conditions at Start

Physical and Mental Health Conditions at Start	Total Persons	Without Children	Adults in HH with Children and Adults	Children in HH with Children and Adults	With Only Children	Unknown Household Type
Mental Health Disorder	14	14	0	0	0	0
Alcohol Use Disorder	0	0	0	0	0	0
Drug Use Disorder	2	2	0	0	0	0
Both Alcohol and Drug Use Disorder	0	0	0	0	0	0
Chronic Health Condition	6	6	0	0	0	0
HIV/AIDS	0	0	0	0	0	0
Developmental Disability	4	4	0	0	0	0
Physical Disability	6	6	0	0	0	0

Q13b1 - Physical and Mental Health Conditions at Exit

Physical and Mental Health Conditions at Exit	Total Persons	Without Children	Adults in HH with Children and Adults	Children in HH with Children and Adults	With Only Children	Unknown Household Type
Mental Health Disorder	14	14	0	0	0	0
Alcohol Use Disorder	0	0	0	0	0	0
Drug Use Disorder	2	2	0	0	0	0
Both Alcohol and Drug Use Disorder	0	0	0	0	0	0
Chronic Health Condition	6	6	0	0	0	0
HIV/AIDS	0	0	0	0	0	0
Developmental Disability	4	4	0	0	0	0
Physical Disability	6	6	0	0	0	0

Q13c1 - Physical and Mental Health Conditions for Stayers

Physical and Mental Health Conditions for Stayers	Total Persons	Without Children	Adults in HH with Children and Adults	Children in HH with Children and Adults	With Only Children	Unknown Household Type
Mental Health Disorder	0	0	0	0	0	0
Alcohol Use Disorder	0	0	0	0	0	0
Drug Use Disorder	0	0	0	0	0	0
Both Alcohol and Drug Use Disorder	0	0	0	0	0	0
Chronic Health Condition	0	0	0	0	0	0
HIV/AIDS	0	0	0	0	0	0
Developmental Disability	0	0	0	0	0	0
Physical Disability	0	0	0	0	0	0

Q14a - History of Domestic Violence, Sexual Assault, Dating Violence, Stalking, or Human Trafficking

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Yes	4	3	1	0	0
No	12	12	0	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected	0	0	0	0	0
Total	16	15	1	0	0

Q14b - Most recent experience of domestic violence, sexual assault, dating violence, stalking, or human trafficking

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Within the past three months	0	0	0	0	0
Three to six months ago	1	1	0	0	0
Six months to one year	0	0	0	0	0
One year ago, or more	3	2	1	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0

Data Not Collected	0	0	0	0	0
Total	4	3	1	0	0

Q15 - Living Situation

Living Situation	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Homeless Situations					
Place not meant for human habitation	1	1	0	0	0
Emergency shelter, including hotel or motel paid for with emergency shelter voucher, Host Home shelter	3	3	0	0	0
Safe Haven	0	0	0	0	0
Subtotal	4	4	0	0	0
Institutional Situations					
Foster care home or foster care group home	0	0	0	0	0
Hospital or other residential non-psychiatric medical facility	0	0	0	0	0
Jail, prison, or juvenile detention facility	0	0	0	0	0
Long-term care facility or nursing home	0	0	0	0	0
Psychiatric hospital or other psychiatric facility	0	0	0	0	0
Substance abuse treatment facility or detox center	0	0	0	0	0
Subtotal	0	0	0	0	0
Temporary Situations					
Transitional housing for homeless persons (including homeless youth)	10	9	1	0	0
Residential project or halfway house with no homeless criteria	0	0	0	0	0
Hotel or motel paid for without emergency shelter voucher	0	0	0	0	0

Host Home (non-crisis)	0	0	0	0	0
Staying or living in a friend's room, apartment, or house	0	0	0	0	0
Staying or living in a family member's room, apartment, or house	1	1	0	0	0
Subtotal	11	10	1	0	0
Permanent Situations					
Rental by client, no ongoing housing subsidy	0	0	0	0	0
Rental by client, with ongoing housing subsidy	1	1	0	0	0
Owned by client, with ongoing housing subsidy	0	0	0	0	0
Owned by client, no ongoing housing subsidy	0	0	0	0	0
Subtotal	1	1	0	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected	0	0	0	0	0
Subtotal	0	0	0	0	0
Total	16	15	1	0	0

Q16 - Cash Income - Ranges

	Income at Start	Income at Latest Annual Assessment for Stayers	Income at Exit for Leavers
No Income	3	0	3
$1 - $150	0	0	0
$151 - $250	1	0	1
$251 - $500	0	0	0
$501 - $1,000	4	0	4
$1,001 - $1,500	8	0	8
$1,501 - $2,000	0	0	0
$2,001+	0	0	0

Client Doesn't Know/Prefers Not to Answer	0	0	0
Data Not Collected	0	0	0
Number of adult stayers not yet required to have an annual assessment		0	
Number of adult stayers without required annual assessment		0	
Total Adults	16	0	16

Q17 - Cash Income Sources

Cash Income Sources	Income at Start	Income at Latest Annual Assessment for Stayers	Income at Exit for Leavers
Earned Income	1	0	1
Unemployment Insurance	0	0	0
Supplemental Security Income (SSI)	8	0	8
Social Security Disability Insurance (SSDI)	2	0	2
VA Service - Connected Disability Compensation	0	0	0
VA Non-Service Connected Disability Pension	0	0	0
Private Disability Insurance	0	0	0
Worker's Compensation	0	0	0
Temporary Assistance for Needy Families (TANF)	2	0	2
General Assistance (GA)	1	0	1
Retirement Income from Social Security	0	0	0
Pension or retirement income from a former job	0	0	0
Child Support	0	0	0
Alimony and other spousal support	0	0	0
Other Source	0	0	0
Adults with Income Information at Start and Annual Assessment/Exit		0	16

Q19b - Disabling Conditions and Income for Adults at Exit

	AO: Adult with Disabling Condition	AO: Adult without Disabling Condition	AO: Total Adults	AO: % with Disabling Condition by Source	AC: Adult with Disabling Condition	AC: Adult without Disabling Condition	AC: Total Adults	AC: % with Disabling Condition by Source	UK: Adult with Disabling Condition	UK: Adult without Disabling Condition	UK: Total Adults	UK: % with Disabling Condition by Source
Earned Income	1	0	1	100.00	0	0	0	0.00	0	0	0	0.00
Unemployment Insurance	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
Supplemental Security Income (SSI)	8	0	8	100.00	0	0	0	0.00	0	0	0	0.00
Social Security Disability Insurance (SSDI)	2	0	2	100.00	0	0	0	0.00	0	0	0	0.00
VA Service-Connected Disability Compensation	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
VA Non-Service-Connected Disability Pension	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
Private Disability Insurance	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
Worker's Compensation	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
Temporary Assistance for Needy Families (TANF)	1	0	1	100.00	0	1	1	0.00	0	0	0	0.00
General Assistance (GA)	1	0	1	100.00	0	0	0	0.00	0	0	0	0.00
Retirement Income from Social Security	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00

Pension or retirement income from a former job	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
Child Support	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
Alimony and other spousal support	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
Other source	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
No Sources	3	0	3	100.00	0	0	0	0.00	0	0	0	0.00
Unduplicated Total Adults	15	0	15		0	1	1		0	0	0	

Q20a - Type Of Non-Cash Benefit Sources

	Benefit At Start	Benefit At Latest Annual Assessment For Stayers	Benefit At Exit For Leavers
Supplemental Nutrition Assistance Program (SNAP) (Previously known as Food Stamps)	16	0	16
Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)	0	0	0
TANF Child Care Services	0	0	0
TANF Transportation Services	0	0	0
Other TANF-Funded Services	0	0	0
Other Source	0	0	0

Q21 - Health Insurance

	At Start	At Annual Assessment for Stayers	At Exit for Leavers
MEDICAID	1	0	1
MEDICARE	3	0	3
State Children's Health Insurance Program	2	0	2
Veteran's Health Administration (VHA)	0	0	0
Employer Provided Health Insurance	0	0	0

Health Insurance through COBRA	0	0	0
Private Pay Health Insurance	0	0	0
State Health Insurance for Adults	13	0	13
Indian Health Services Program	0	0	0
Other	0	0	0
No Health Insurance	1	0	1
Client Doesn't Know/Prefers Not to Answer	0	0	0
Data not Collected	0	0	0
Number of Stayers not yet Required To Have an Annual Assessment		0	
1 Source of Health Insurance	15	0	15
More than 1 Source of Health Insurance	2	0	2

Q22a2 - Length of Participation ESG Projects

	Total	Leavers	Stayers
0 to 7 days	0	0	0
8 to 14 days	0	0	0
15 to 21 days	2	2	0
22 to 30 days	5	5	0
31 to 60 days	5	5	0
61 to 90 days	4	4	0
91 to 180 days	2	2	0
181 to 365 days	0	0	0
366 to 730 days (1-2 Yrs)	0	0	0
731 to 1,095 days (2-3 Yrs)	0	0	0
1,096 to 1,460 days (3-4 Yrs)	0	0	0
1,461 to 1,825 days (4-5 Yrs)	0	0	0
More than 1,825 days (>5 Yrs)	0	0	0
Total	18	18	0

Q22c - Length of Time between Project Start Date and Housing Move in Date

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
7 days or less	8	5	3	0	0

8 to 14 days	1	1	0	0	0
15 to 21 days	2	2	0	0	0
22 to 30 days	0	0	0	0	0
31 to 60 days	6	6	0	0	0
61 to 90 days	0	0	0	0	0
91 to 180 days	0	0	0	0	0
181 to 365 days	0	0	0	0	0
366 to 730 days (1-2 Yrs)	0	0	0	0	0
Total (persons moved into housing)	17	14	3	0	0
Average length of time to housing	18.18	20.79	6.00	0.00	0.00
Persons who were exited without move-in	0	0	0	0	0
Total Persons	17	14	3	0	0

Q22d - Length of Participation by Household Type

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
7 days or less	0	0	0	0	0
8 to 14 days	0	0	0	0	0
15 to 21 days	2	2	0	0	0
22 to 30 days	5	2	3	0	0
31 to 60 days	5	5	0	0	0
61 to 90 days	4	4	0	0	0
91 to 180 days	2	2	0	0	0
181 to 365 days	0	0	0	0	0
366 to 730 days (1-2 Yrs)	0	0	0	0	0
731 days or more	0	0	0	0	0
Total	18	15	3	0	0

Q22e - Length of Time Prior to Housing - based on 3.917 Date Homelessness Started

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
7 days or less	0	0	0	0	0
8 to 14 days	0	0	0	0	0
15 to 21 days	0	0	0	0	0
22 to 30 days	0	0	0	0	0
31 to 60 days	0	0	0	0	0

61 to 90 days	0	0	0	0	0
91 to 180 days	0	0	0	0	0
181 to 365 days	0	0	0	0	0
366 to 730 days (1-2 years)	1	1	0	0	0
731 Days or more	3	3	0	0	0
Total (persons moved into housing)	4	4	0	0	0
Not yet moved into housing	0	0	0	0	0
Data not collected	14	11	3	0	0
Total Persons	18	15	3	0	0

Q22f - Length of Times between Project Start Date and Housing Move-in Date by Race and Ethnicity

	American Indian, Alaska Native, or Indigenous	Asian or Asian American	Black, African American, or African	Hispanic/Latina/e/o	Middle Eastern or North African	Native Hawaiian or Pacific Islander	White	At Least 1 Race and Hispanic/Latina/e/o	Multi-racial (does not include Hispanic/Latina/e/o)	Unknown (Doesn't Know, Prefers not to Answer, Data not Collected)
Persons Moved Into Housing	1	0	3	4	0	0	7	2	0	0
Persons Exited Without Move-In	0	0	0	0	0	0	0	0	0	0
Average time to Move-In	37.00	0.00	17.67	14.00	0.00	0.00	16.71	23.00	0.00	0.00
Median time to Move-In	37.00	0.00	17.00	6.00	0.00	0.00	14.00	23.00	0.00	0.00

Q22g - Length of Time Prior to Housing by Race and Ethnicity - based on 3.917 Date Homelessness Started

	American Indian Alaska Native or Indigenous	Asian or Asian American	Black African American or African	Hispanic Latina e o	Middle Eastern or North African	Native Hawaiian or Pacific Islander	White	At Least 1 Race and Hispanic Latina e o	Multi racial does not include Hispanic Latina e o	Unknown Doesn t Know Prefers not to Answer Data not Collected
Persons Moved Into Housing	0	0	0	0	0	0	3	1	0	0
Persons Not Yet Moved Into Housing	0	0	0	0	0	0	0	0	0	0
Average time to Move-In	0.00	0.00	0.00	0.00	0.00	0.00	2631.00	1904.00	0.00	0.00
Median time to Move-In	0.00	0.00	0.00	0.00	0.00	0.00	1140.00	1904.00	0.00	0.00

Q23c - Exit Destination

Data Element	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Homeless Situations					
Place not meant for habitation (e.g., a vehicle, an abandoned building, bus/train/subway station/airport or anywhere outside)	0	0	0	0	0
Emergency shelter, including hotel or motel paid for with emergency shelter voucher, Host Home shelter	0	0	0	0	0
Safe Haven	0	0	0	0	0
Subtotal	0	0	0	0	0
Institutional Situations					
Foster care home or foster care group home	0	0	0	0	0
Hospital or other residential non-psychiatric medical facility	0	0	0	0	0
Jail, prison, or juvenile detention facility	0	0	0	0	0
Long-term care facility or nursing home	0	0	0	0	0
Psychiatric hospital or other psychiatric facility	0	0	0	0	0
Substance abuse treatment facility or detox center	0	0	0	0	0
Subtotal	0	0	0	0	0
Temporary Situations					
Transitional housing for homeless persons (including homeless youth)	0	0	0	0	0
Residential project or halfway house with no homeless criteria	0	0	0	0	0
Hotel or motel paid for without emergency shelter voucher	0	0	0	0	0
Host Home (non-crisis)	0	0	0	0	0
Staying or living with family, temporary tenure (e.g. room, apartment or house)	0	0	0	0	0
Staying or living with friends, temporary tenure (e.g. room, apartment or house)	0	0	0	0	0

Moved from one HOPWA funded project to HOPWA TH	0	0	0	0	0
Subtotal	0	0	0	0	0
Permanent Situations					
Staying or living with family, permanent tenure	0	0	0	0	0
Staying or living with friends, permanent tenure	0	0	0	0	0
Moved from one HOPWA funded project to HOPWA PH	0	0	0	0	0
Rental by client, no ongoing housing subsidy	2	2	0	0	0
Rental by client, with ongoing housing subsidy	16	13	3	0	0
Owned by client, with ongoing housing subsidy	0	0	0	0	0
Owned by client, no ongoing housing subsidy	0	0	0	0	0
Subtotal	18	15	3	0	0
Other Situations					
No Exit Interview completed	0	0	0	0	0
Other	0	0	0	0	0
Deceased	0	0	0	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected	0	0	0	0	0
Subtotal	0	0	0	0	0
TOTAL	18	15	3	0	0
Total persons exiting to positive housing destinations	18	15	3	0	0
Total persons exiting to destinations that excluded them from the calculation	0	0	0	0	0
Percentage of persons exiting to positive housing destinations	1.0000	1.0000	1.0000	0.0000	0.0000

Q23d - Exit Destination - Rental Subsidy Type

Data Element	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
GPD TIP housing subsidy	0	0	0	0	0
VASH housing subsidy	0	0	0	0	0

RRH or equivalent subsidy	0	0	0	0	0
HCV voucher (tenant or project based)(not dedicated)	1	1	0	0	0
Public housing unit	10	10	0	0	0
Rental by client, with other ongoing housing subsidy	2	2	0	0	0
Housing Stability Voucher	0	0	0	0	0
Family Unification Program Voucher (FUP)	0	0	0	0	0
Foster Youth to Independence Initiative (FYI)	0	0	0	0	0
Permanent Supportive Housing	0	0	0	0	0
Other permanent housing dedicated for formerly homeless persons	3	0	3	0	0
TOTAL	16	13	3	0	0

Q23e - Exit Destination Type by Race and Ethnicity

	Total	American Indian Alaska Native or Indigenous	Asian or Asian American	Black African American or African	Hispanic Latina e o	Middle Eastern or North African	Native Hawaiian or Pacific Islander	White	At Least 1 Race and Hispanic Latina e o	Multi racial does not include Hispanic Latina e o	Unknown Doesn t Know Prefers not to Answer Data not Collected
Homeless Situations	0	0	0	0	0	0	0	0	0	0	0
Institutional Situations	0	0	0	0	0	0	0	0	0	0	0
Temporary Situations	0	0	0	0	0	0	0	0	0	0	0
Permanent Situations	18	1	0	3	4	0	0	8	2	0	0
Other Situations	0	0	0	0	0	0	0	0	0	0	0
Total	18	1	0	3	4	0	0	8	2	0	0

Q24a - Homelessness Prevention Housing Assessment at Exit

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Able to maintain the housing they had at project start--Without a subsidy	0	0	0	0	0
Able to maintain the housing they had at project start--With the subsidy they had at project start	0	0	0	0	0

Able to maintain the housing they had at project start--With an on-going subsidy acquired since project start	0	0	0	0	0
Able to maintain the housing they had at project start--Only with financial assistance other than a subsidy	0	0	0	0	0
Moved to new housing unit--With on-going subsidy	0	0	0	0	0
Moved to new housing unit--Without an on-going subsidy	0	0	0	0	0
Moved in with family/friends on a temporary basis	0	0	0	0	0
Moved in with family/friends on a permanent basis	0	0	0	0	0
Moved to a transitional or temporary housing facility or program	0	0	0	0	0
Client became homeless - moving to a shelter or other place unfit for human habitation	0	0	0	0	0
Jail/prison	0	0	0	0	0
Deceased	0	0	0	0	0
Client doesn't know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected (no exit interview completed)	0	0	0	0	0
Total	0	0	0	0	0

Q24d - Language of Persons Requiring Translation Assistance

Language Response (Top 20 Languages Selected)	Total Persons Requiring Translation Assistance
Different Preferred Language	0
Total	0

Q25a - Number of Veterans

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Chronically Homeless Veteran	0	0	0		0
Non-Chronically Homeless Veteran	0	0	0		0
Not a Veteran	16	15	1		0

Client Doesn't Know/Prefers Not to Answer	0	0	0		0
Data Not Collected	0	0	0		0
Total	16	15	1		0

Q26b - Number of Chronically Homeless Persons by Household

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Chronically Homeless	4	4	0	0	0
Not Chronically Homeless	14	11	3	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected	0	0	0	0	0
Total	18	15	3	0	0

2024 v1.2 CAPER Report

7/23/2025 3:17:03 PM

Brooke Swan

Report Criteria

Report	CAPER
Date Range	07/01/2024 - 06/30/2025
Organization(s)	Salvation Army ESG
Funding Source(s)	MOD/CITY ESG,MOD/CITY ESG ES FY23-25
Project(s)	TSA Emergency Shelter
Grant Program	HUD: ESG (Emergency Solutions Grant)
Grant Component	TSA Emergency Shelter
Include Details	Yes

Q4a Project Identifiers in HMIS

Full Detail

Organization Name	Salvation Army ESG
Organization ID	SAL
Project Name	TSA Emergency Shelter
ProjectID	19611
HMIS Project Type	Emergency Shelter - Entry Exit (0)
RRH Subtype	
Coordinated Entry Access Point	Yes (1)
Affiliated with a residential project	
Project IDs of affiliations	
CoC Number	CA-510
Geocode	062292
Victim Service Provider	No (0)
HMIS Software Name and Version Number	ClientTrack by Eccovia v20
Report Start Date	7/1/2024
Report End Date	6/30/2025
Total Active Clients	786
Total Active Households	786

Q5a - Report Validations Table

Category	Count Of Clients For DQ	Count Of Clients
Total Number of Persons Served	786	786
Number of adults (age 18 or over)	786	786
Number of children (under age 18)	0	0
Number of persons with Unknown Age	0	0

Number of leavers	645	645
Number of adult leavers	645	645
Number of adult and head of household leavers	645	645
Total Number of Stayers	141	141
Number of Adult Stayers	141	141
Number of Veterans	47	47
Number of Chronically Homeless Persons	385	385
Number of youth under age 25	43	43
Number of parenting youth under age 25 with children	0	0
Number of Adult Heads of Household	786	786
Number of child and unknown-age heads of household	0	0
Heads of households and adult stayers in the project 365 days or more	20	20

Q6a - Data Quality: Personally Identifiable Information

Data Element	Client Doesn't Know Prefers Not to Answer	Information Missing	Data Issues	Total	% of Issue Rate
Name (3.01)	0	0	0	0	0.00%
Social Security Number (3.02)	34	0	0	34	4.33%
Date of Birth (3.03)	0	0	0	0	0.00%
Race and Ethnicity (3.04)	0	0		0	0.00%
Gender (3.06)	0	0		0	0.00%
Overall Score				34	4.33%

Q6b - Data Quality: Universal Data Elements

Data Element	Client Doesn't Know Prefers Not to Answer	Information Missing	Data Issues	Total	% of Issue Rate
Veteran Status (3.07)	0	0	0	0	0.00%
Project Start Date (3.10)			0	0	0.00%
Relationship to Head of Household (3.15)		0	0	0	0.00%
Enrollment CoC (3.16)		0	0	0	0.00%
Disabling Condition (3.08)	0	0	0	0	0.00%

Q6c - Data Quality: Income and Housing Data Quality

Data Element	Client Doesn't Know Prefers Not to Answer	Information Missing	Data Issues	Total	% of Issue Rate
Destination (3.12)	0	0		0	0.00%
Income and Sources (4.2) at Start	0	0	0	0	0.00%
Income and Sources (4.2) at Annual Assessment	0	0	0	0	0.00%
Income and Sources (4.2) at Exit	0	0	0	0	0.00%

Q6d - Data Quality: Chronic Homelessness

Starting into project type	Count of total records	Missing time in institution (3.917.2)	Missing time in housing (3.917.2)	Approximate Date started (3.91.3) **Missing**	Number of times (3.917.4) DK/PNTA/ missing	Number of months (3.917.5) DK/PNTA/ missing	% of records unable to calculate
ES-EE, ES-NbN, SH, Street Outreach	786			0	0	0	0.00%
TH	0	0	0	0	0	0	0.00%
PH (all)	0	0	0	0	0	0	0.00%
CE	0	0	0	0	0	0	0.00%
SSO, Day Shelter, HP	0	0	0	0	0	0	0.00%
Total	786						0.00%

Q6e - Data Quality: Timeliness

A Time for Record Entry	B Number of Project Start Records	C Number of Project Exit Records
< 0 days	0	0
0 days	277	46
1-3 Days	402	567
4-6 days	16	29
7-10 days	1	0
11+ days	1	3

Q6f - Data Quality: Inactive Records: Street Outreach and Emergency Shelter

Data Element	# of Records	# of Inactive Records	%of Inactive Records
Contact (Adults and Heads of Household in Street Outreach or ES - NbN)	0	0	0.00%
Bed Night (All clients in ES - NbN)	0	0	0.00%

Q7a - Number of Persons Served

Number Of Persons Served	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Adults	786	786	0		0
Children	0		0	0	0
Client Doesn't Know / Prefers Not to Answer	0	0	0	0	0
Data Not Collected	0	0	0	0	0
Total	786	786	0	0	0
For PSH & RRH - the total persons served who moved into housing	0	0	0	0	0

Q7b - Point in Time Count Of Persons on the Last Wednesday

Point in Time Count Of Persons on the Last Wednesday	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
January	134	134	0	0	0
April	140	140	0	0	0
July	160	160	0	0	0
October	151	151	0	0	0

Q8a - Number Of Households Served

Number Of Households Served	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Total Households	786	786	0	0	0
For PSH & RRH - the total persons served who moved into housing	0	0	0	0	0

Q8b - Point in Time Count of Households on the Last Wednesday

Point in Time Count of Households on the Last Wednesday	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
January	134	134	0	0	0
April	140	140	0	0	0
July	160	160	0	0	0

October	151	151	0	0	0

Q9a - Number of Persons Contacted

Number of Persons Contacted	All Persons Contacted	First contact NOT Staying on the Streets ES or SH	First contact WAS Staying on the Streets ES or SH	First Contact Worker unable to determine
Once	0	0	0	0
2-5 Times	0	0	0	0
6-9 Times	0	0	0	0
10+ Times	0	0	0	0
Total Persons Contacted	0	0	0	0

Q9b - Number of Persons Engaged

Number of Persons Engaged	All Persons Contacted	First contact NOT Staying on the Streets ES or SH	First contact WAS Staying on the Streets ES or SH	First Contact Worker unable to determine
Once	0	0	0	0
2-5 Contacts	0	0	0	0
6-9 Contacts	0	0	0	0
10+ Contacts	0	0	0	0
Total Persons Engaged	0	0	0	0
Rate Of Engagement	0.00%	0.00%	0.00%	0.00%

Q10a - Gender

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Woman	233	233	0	0	0
Man	547	547	0	0	0
Culturally Specific Identity	0	0	0	0	0
Transgender	2	2	0	0	0
Non-Binary	3	3	0	0	0
Questioning	0	0	0	0	0
Different Identity	0	0	0	0	0
Woman/Man	0	0	0	0	0
Woman/Culturally Specific Identity	0	0	0	0	0
Woman/Transgender	1	1	0	0	0
Woman/Non-Binary	0	0	0	0	0
Woman/Questioning	0	0	0	0	0

Woman/Different Identity	0	0	0	0	0
Man/Culturally Specific Identity	0	0	0	0	0
Man/Transgender	0	0	0	0	0
Man/Non-Binary	0	0	0	0	0
Man/Questioning	0	0	0	0	0
Man/Different Identity	0	0	0	0	0
Culturally Specific Identity/Transgender	0	0	0	0	0
Culturally Specific Identity/Non-Binary	0	0	0	0	0
Culturally Specific Identity/Questioning	0	0	0	0	0
Culturally Specific Identity/Different Identity	0	0	0	0	0
Transgender/Non-Binary	0	0	0	0	0
Transgender/Questioning	0	0	0	0	0
Transgender/Different Identity	0	0	0	0	0
Non-Binary/Questioning	0	0	0	0	0
Non-Binary/Different Identity	0	0	0	0	0
Questioning/Different Identity	0	0	0	0	0
More than 2 Gender Identities Selected	0	0	0	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected	0	0	0	0	0
Total	786	786	0	0	0

Q10d - Gender by Age Ranges

Gender by Age Ranges	Total	Under Age 18	Age 18 - 24	Age 25 - 64	Age 65+	Client Doesn't Know/ Prefers Not to Answer	Data Not Collected
Woman	233	0	11	198	24	0	0
Man	547	0	30	462	55	0	0

Culturally Specific Identity	0	0	0	0	0	0	0
Transgender	2	0	1	1	0	0	0
Non-Binary	3	0	1	2	0	0	0
Questioning	0	0	0	0	0	0	0
Different Identity	0	0	0	0	0	0	0
Woman/Man	0	0	0	0	0	0	0
Woman/Culturally Specific Identity	0	0	0	0	0	0	0
Woman/Transgender	1	0	0	1	0	0	0
Woman/Non-Binary	0	0	0	0	0	0	0
Woman/Questioning	0	0	0	0	0	0	0
Woman/Different Identity	0	0	0	0	0	0	0
Man/Culturally Specific Identity	0	0	0	0	0	0	0
Man/Transgender	0	0	0	0	0	0	0
Man/Non-Binary	0	0	0	0	0	0	0
Man/Questioning	0	0	0	0	0	0	0
Man/Different Identity	0	0	0	0	0	0	0
Culturally Specific Identity/Transgender	0	0	0	0	0	0	0
Culturally Specific Identity/Non-Binary	0	0	0	0	0	0	0
Culturally Specific Identity/Questioning	0	0	0	0	0	0	0
Culturally Specific Identity/Different Identity	0	0	0	0	0	0	0
Transgender/Non-Binary	0	0	0	0	0	0	0
Transgender/Questioning	0	0	0	0	0	0	0
Transgender/Different Identity	0	0	0	0	0	0	0
Non-Binary/Questioning	0	0	0	0	0	0	0
Non-Binary/Different Identity	0	0	0	0	0	0	0
Questioning/Different Identity	0	0	0	0	0	0	0
More than 2 Gender Indentities Selected	0	0	0	0	0	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0	0	0
Data Not Collected	0	0	0	0	0	0	0
Total	786	0	43	664	79	0	0

Q11- Age

Age	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Under 5	0		0	0	0
5-12	0		0	0	0
13-17	0		0	0	0
18-24	43	43	0		0
25-34	147	147	0		0
35-44	164	164	0		0
45-54	171	171	0		0
55-64	182	182	0		0
65+	79	79	0		0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected	0	0	0	0	0
Total	786	786	0	0	0

Q12 - Race and Ethnicity

Race	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
American Indian, Alaska Native, or Indigenous	10	10	0	0	0
Asian or Asian American	14	14	0	0	0
Black, African American, or African	90	90	0	0	0
Hispanic/Latina/e/o	138	138	0	0	0
Middle Eastern or North African	4	4	0	0	0
Native Hawaiian or Pacific Islander	8	8	0	0	0
White	344	344	0	0	0
Asian or Asian American & American Indian, Alaska Native, or Indigenous	0	0	0	0	0

Black, African American, or African & American Indian, Alaska Native, or Indigenous	5	5	0	0	0
Hispanic/Latina/e/o & American Indian, Alaska Native, or Indigenous	13	13	0	0	0
Middle Eastern or North African & American Indian, Alaska Native, or Indigenous	0	0	0	0	0
Native Hawaiian or Pacific Islander & American Indian, Alaska Native, or Indigenous	0	0	0	0	0
White & American Indian, Alaska Native, or Indigenous	15	15	0	0	0
Black, African American, or African & Asian or Asian American	0	0	0	0	0
Hispanic/Latina/e/o & Asian or Asian American	1	1	0	0	0
Middle Eastern or North African & Asian or Asian American	0	0	0	0	0
Native Hawaiian or Pacific Islander & Asian or Asian American	2	2	0	0	0
White & Asian or Asian American	4	4	0	0	0
Hispanic/Latina/e/o & Black, African American, or African	4	4	0	0	0

Middle Eastern or North African & Black, African American, or African	1	1	0	0	0
Native Hawaiian or Pacific Islander & Black, African American, or African	0	0	0	0	0
White & Black, African American, or African	9	9	0	0	0
Middle Eastern or North African & Hispanic/Latina/e/o	3	3	0	0	0
Native Hawaiian or Pacific Islander & Hispanic/Latina/e/o	1	1	0	0	0
White & Hispanic/Latina/e/o	91	91	0	0	0
Native Hawaiian or Pacific Islander & Middle Eastern or North African	0	0	0	0	0
White & Middle Eastern or North African	1	1	0	0	0
White & Native Hawaiian or Pacific Islander	0	0	0	0	0
Multiracial - more than 2 races/ethnicity, with one being Hispanic/Latina/e/o	20	20	0	0	0
Multiracial - more than 2 races, where no option is Hispanic/Latina/e/o	8	8	0	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0

Data Not Collected	0	0	0	0	0
Total	786	786	0	0	0

Q13a1 - Physical and Mental Health Conditions at Start

Physical and Mental Health Conditions at Start	Total Persons	Without Children	Adults in HH with Children and Adults	Children in HH with Children and Adults	With Only Children	Unknown Household Type
Mental Health Disorder	340	340	0	0	0	0
Alcohol Use Disorder	45	45	0	0	0	0
Drug Use Disorder	111	111	0	0	0	0
Both Alcohol and Drug Use Disorder	18	18	0	0	0	0
Chronic Health Condition	312	312	0	0	0	0
HIV/AIDS	7	7	0	0	0	0
Developmental Disability	113	113	0	0	0	0
Physical Disability	304	304	0	0	0	0

Q13b1 - Physical and Mental Health Conditions at Exit

Physical and Mental Health Conditions at Exit	Total Persons	Without Children	Adults in HH with Children and Adults	Children in HH with Children and Adults	With Only Children	Unknown Household Type
Mental Health Disorder	297	297	0	0	0	0
Alcohol Use Disorder	39	39	0	0	0	0
Drug Use Disorder	101	101	0	0	0	0
Both Alcohol and Drug Use Disorder	18	18	0	0	0	0
Chronic Health Condition	262	262	0	0	0	0
HIV/AIDS	7	7	0	0	0	0
Developmental Disability	100	100	0	0	0	0
Physical Disability	261	261	0	0	0	0

Q13c1 - Physical and Mental Health Conditions for Stayers

Physical and Mental Health Conditions for Stayers	Total Persons	Without Children	Adults in HH with Children and Adults	Children in HH with Children and Adults	With Only Children	Unknown Household Type
Mental Health Disorder	47	47	0	0	0	0
Alcohol Use Disorder	7	7	0	0	0	0
Drug Use Disorder	14	14	0	0	0	0
Both Alcohol and Drug Use Disorder	0	0	0	0	0	0
Chronic Health Condition	55	55	0	0	0	0
HIV/AIDS	0	0	0	0	0	0
Developmental Disability	14	14	0	0	0	0
Physical Disability	47	47	0	0	0	0

Q14a - History of Domestic Violence, Sexual Assault, Dating Violence, Stalking, or Human Trafficking

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Yes	192	192	0	0	0
No	594	594	0	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected	0	0	0	0	0
Total	786	786	0	0	0

Q14b - Most recent experience of domestic violence, sexual assault, dating violence, stalking, or human trafficking

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Within the past three months	37	37	0	0	0
Three to six months ago	10	10	0	0	0
Six months to one year	11	11	0	0	0
One year ago, or more	134	134	0	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0

Data Not Collected	0	0	0	0	0
Total	192	192	0	0	0

Q15 - Living Situation

Living Situation	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Homeless Situations					
Place not meant for human habitation	455	455	0	0	0
Emergency shelter, including hotel or motel paid for with emergency shelter voucher, Host Home shelter	151	151	0	0	0
Safe Haven	4	4	0	0	0
Subtotal	610	610	0	0	0
Institutional Situations					
Foster care home or foster care group home	0	0	0	0	0
Hospital or other residential non-psychiatric medical facility	31	31	0	0	0
Jail, prison, or juvenile detention facility	22	22	0	0	0
Long-term care facility or nursing home	0	0	0	0	0
Psychiatric hospital or other psychiatric facility	14	14	0	0	0
Substance abuse treatment facility or detox center	5	5	0	0	0
Subtotal	72	72	0	0	0
Temporary Situations					
Transitional housing for homeless persons (including homeless youth)	2	2	0	0	0
Residential project or halfway house with no homeless criteria	1	1	0	0	0
Hotel or motel paid for without emergency shelter voucher	27	27	0	0	0

Host Home (non-crisis)	1	1	0	0	0
Staying or living in a friend's room, apartment, or house	39	39	0	0	0
Staying or living in a family member's room, apartment, or house	30	30	0	0	0
Subtotal	100	100	0	0	0
Permanent Situations					
Rental by client, no ongoing housing subsidy	4	4	0	0	0
Rental by client, with ongoing housing subsidy	0	0	0	0	0
Owned by client, with ongoing housing subsidy	0	0	0	0	0
Owned by client, no ongoing housing subsidy	0	0	0	0	0
Subtotal	4	4	0	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected	0	0	0	0	0
Subtotal	0	0	0	0	0
Total	786	786	0	0	0

Q16 - Cash Income - Ranges

	Income at Start	Income at Latest Annual Assessment for Stayers	Income at Exit for Leavers
No Income	503	14	416
$1 - $150	2	0	2
$151 - $250	5	0	4
$251 - $500	20	1	13
$501 - $1,000	73	3	61
$1,001 - $1,500	134	2	112
$1,501 - $2,000	28	0	20
$2,001+	21	0	17

Client Doesn't Know/Prefers Not to Answer	0	0	0
Data Not Collected	0	0	0
Number of adult stayers not yet required to have an annual assessment		121	
Number of adult stayers without required annual assessment		0	
Total Adults	786	141	645

Q17 - Cash Income Sources

Cash Income Sources	Income at Start	Income at Latest Annual Assessment for Stayers	Income at Exit for Leavers
Earned Income	45	2	28
Unemployment Insurance	4	0	4
Supplemental Security Income (SSI)	130	2	105
Social Security Disability Insurance (SSDI)	65	1	62
VA Service - Connected Disability Compensation	0	0	0
VA Non-Service Connected Disability Pension	8	0	7
Private Disability Insurance	1	0	0
Worker's Compensation	1	0	1
Temporary Assistance for Needy Families (TANF)	3	0	3
General Assistance (GA)	12	0	9
Retirement Income from Social Security	16	1	13
Pension or retirement income from a former job	6	0	4
Child Support	3	0	2
Alimony and other spousal support	2	0	1
Other Source	8	0	7
Adults with Income Information at Start and Annual Assessment/Exit		20	645

Q19b - Disabling Conditions and Income for Adults at Exit

	AO: Adult with Disabling Condition	AO: Adult without Disabling Condition	AO: Total Adults	AO: % with Disabling Condition by Source	AC: Adult with Disabling Condition	AC: Adult without Disabling Condition	AC: Total Adults	AC: % with Disabling Condition by Source	UK: Adult with Disabling Condition	UK: Adult without Disabling Condition	UK: Total Adults	UK: % with Disabling Condition by Source
Earned Income	18	10	28	64.00	0	0	0	0.00	0	0	0	0.00
Unemployment Insurance	2	2	4	50.00	0	0	0	0.00	0	0	0	0.00
Supplemental Security Income (SSI)	91	14	105	87.00	0	0	0	0.00	0	0	0	0.00
Social Security Disability Insurance (SSDI)	60	2	62	97.00	0	0	0	0.00	0	0	0	0.00
VA Service-Connected Disability Compensation	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
VA Non-Service-Connected Disability Pension	6	1	7	86.00	0	0	0	0.00	0	0	0	0.00
Private Disability Insurance	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
Worker's Compensation	1	0	1	100.00	0	0	0	0.00	0	0	0	0.00
Temporary Assistance for Needy Families (TANF)	0	3	3	0.00	0	0	0	0.00	0	0	0	0.00
General Assistance (GA)	6	3	9	67.00	0	0	0	0.00	0	0	0	0.00
Retirement Income from Social Security	10	3	13	77.00	0	0	0	0.00	0	0	0	0.00

Pension or retirement income from a former job	3	1	4	75.00	0	0	0	0.00	0	0	0	0.00
Child Support	2	0	2	100.00	0	0	0	0.00	0	0	0	0.00
Alimony and other spousal support	0	1	1	0.00	0	0	0	0.00	0	0	0	0.00
Other source	4	3	7	57.00	0	0	0	0.00	0	0	0	0.00
No Sources	285	131	416	69.00	0	0	0	0.00	0	0	0	0.00
Unduplicated Total Adults	474	171	645		0	0	0		0	0	0	

Q20a - Type Of Non-Cash Benefit Sources

	Benefit At Start	Benefit At Latest Annual Assessment For Stayers	Benefit At Exit For Leavers
Supplemental Nutrition Assistance Program (SNAP) (Previously known as Food Stamps)	517	13	447
Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)	0	0	0
TANF Child Care Services	1	0	1
TANF Transportation Services	1	0	1
Other TANF-Funded Services	0	0	0
Other Source	2	0	2

Q21 - Health Insurance

	At Start	At Annual Assessment for Stayers	At Exit for Leavers
MEDICAID	9	1	9
MEDICARE	85	2	76
State Children's Health Insurance Program	0	0	1
Veteran's Health Administration (VHA)	9	0	9
Employer Provided Health Insurance	0	0	1

Health Insurance through COBRA	0	0	0
Private Pay Health Insurance	2	0	2
State Health Insurance for Adults	616	16	515
Indian Health Services Program	0	0	0
Other	38	0	33
No Health Insurance	99	3	71
Client Doesn't Know/Prefers Not to Answer	1	0	0
Data not Collected	0	0	0
Number of Stayers not yet Required To Have an Annual Assessment		121	
1 Source of Health Insurance	622	15	511
More than 1 Source of Health Insurance	64	2	63

Q22a2 - Length of Participation ESG Projects

	Total	Leavers	Stayers
0 to 7 days	294	281	13
8 to 14 days	110	91	19
15 to 21 days	70	59	11
22 to 30 days	55	45	10
31 to 60 days	87	67	20
61 to 90 days	33	25	8
91 to 180 days	62	46	16
181 to 365 days	44	20	24
366 to 730 days (1-2 Yrs)	23	9	14
731 to 1,095 days (2-3 Yrs)	7	2	5
1,096 to 1,460 days (3-4 Yrs)	1	0	1
1,461 to 1,825 days (4-5 Yrs)	0	0	0
More than 1,825 days (>5 Yrs)	0	0	0
Total	786	645	141

Q22c - Length of Time between Project Start Date and Housing Move in Date

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
7 days or less	0	0	0	0	0

8 to 14 days	0	0	0	0	0
15 to 21 days	0	0	0	0	0
22 to 30 days	0	0	0	0	0
31 to 60 days	0	0	0	0	0
61 to 90 days	0	0	0	0	0
91 to 180 days	0	0	0	0	0
181 to 365 days	0	0	0	0	0
366 to 730 days (1-2 Yrs)	0	0	0	0	0
Total (persons moved into housing)	0	0	0	0	0
Average length of time to housing	0.00	0.00	0.00	0.00	0.00
Persons who were exited without move-in	0	0	0	0	0
Total Persons	0	0	0	0	0

Q22d - Length of Participation by Household Type

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
7 days or less	294	294	0	0	0
8 to 14 days	110	110	0	0	0
15 to 21 days	70	70	0	0	0
22 to 30 days	55	55	0	0	0
31 to 60 days	87	87	0	0	0
61 to 90 days	33	33	0	0	0
91 to 180 days	62	62	0	0	0
181 to 365 days	44	44	0	0	0
366 to 730 days (1-2 Yrs)	23	23	0	0	0
731 days or more	8	8	0	0	0
Total	786	786	0	0	0

Q22e - Length of Time Prior to Housing - based on 3.917 Date Homelessness Started

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
7 days or less	111	111	0	0	0
8 to 14 days	23	23	0	0	0
15 to 21 days	13	13	0	0	0
22 to 30 days	16	16	0	0	0
31 to 60 days	35	35	0	0	0

61 to 90 days	26	26	0	0	0
91 to 180 days	62	62	0	0	0
181 to 365 days	55	55	0	0	0
366 to 730 days (1-2 years)	74	74	0	0	0
731 Days or more	371	371	0	0	0
Total (persons moved into housing)	786	786	0	0	0
Not yet moved into housing	0	0	0	0	0
Data not collected	0	0	0	0	0
Total Persons	786	786	0	0	0

Q22f - Length of Times between Project Start Date and Housing Move-in Date by Race and Ethnicity

	American Indian, Alaska Native, or Indigenous	Asian or Asian American	Black, African American, or African	Hispanic/Latina/e/o	Middle Eastern or North African	Native Hawaiian or Pacific Islander	White	At Least 1 Race and Hispanic/Latina/e/o	Multi-racial (does not include Hispanic/Latina/e/o)	Unknown (Doesn't Know, Prefers not to Answer, Data not Collected)
Persons Moved Into Housing	0	0	0	0	0	0	0	0	0	0
Persons Exited Without Move-In	0	0	0	0	0	0	0	0	0	0
Average time to Move-In	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Median time to Move-In	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Q22g - Length of Time Prior to Housing by Race and Ethnicity - based on 3.917 Date Homelessness Started

	American Indian Alaska Native or Indigenous	Asian or Asian American	Black African American or African	Hispanic Latina e o	Middle Eastern or North African	Native Hawaiian or Pacific Islander	White	At Least 1 Race and Hispanic Latina e o	Multi racial does not include Hispanic Latina e o	Unknown Doesn t Know Prefers not to Answer Data not Collected
Persons Moved Into Housing	10	14	90	138	4	8	344	133	45	0
Persons Not Yet Moved Into Housing	0	0	0	0	0	0	0	0	0	0
Average time to Move-In	1505.90	654.00	1849.44	990.67	606.75	949.75	1764.41	1418.64	1223.98	0.00
Median time to Move-In	88.50	89.50	597.00	180.00	716.00	542.00	771.50	877.00	812.00	0.00

Q23c - Exit Destination

Data Element	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Homeless Situations					
Place not meant for habitation (e.g., a vehicle, an abandoned building, bus/train/subway station/airport or anywhere outside)	548	548	0	0	0
Emergency shelter, including hotel or motel paid for with emergency shelter voucher, Host Home shelter	71	71	0	0	0
Safe Haven	0	0	0	0	0
Subtotal	619	619	0	0	0
Institutional Situations					
Foster care home or foster care group home	0	0	0	0	0
Hospital or other residential non-psychiatric medical facility	8	8	0	0	0
Jail, prison, or juvenile detention facility	1	1	0	0	0
Long-term care facility or nursing home	0	0	0	0	0
Psychiatric hospital or other psychiatric facility	0	0	0	0	0
Substance abuse treatment facility or detox center	1	1	0	0	0
Subtotal	10	10	0	0	0
Temporary Situations					
Transitional housing for homeless persons (including homeless youth)	0	0	0	0	0
Residential project or halfway house with no homeless criteria	0	0	0	0	0
Hotel or motel paid for without emergency shelter voucher	2	2	0	0	0
Host Home (non-crisis)	0	0	0	0	0
Staying or living with family, temporary tenure (e.g. room, apartment or house)	3	3	0	0	0
Staying or living with friends, temporary tenure (e.g. room, apartment or house)	3	3	0	0	0

Moved from one HOPWA funded project to HOPWA TH	0	0	0	0	0
Subtotal	8	8	0	0	0
Permanent Situations					
Staying or living with family, permanent tenure	0	0	0	0	0
Staying or living with friends, permanent tenure	0	0	0	0	0
Moved from one HOPWA funded project to HOPWA PH	0	0	0	0	0
Rental by client, no ongoing housing subsidy	1	1	0	0	0
Rental by client, with ongoing housing subsidy	6	6	0	0	0
Owned by client, with ongoing housing subsidy	0	0	0	0	0
Owned by client, no ongoing housing subsidy	0	0	0	0	0
Subtotal	7	7	0	0	0
Other Situations					
No Exit Interview completed	0	0	0	0	0
Other	0	0	0	0	0
Deceased	1	1	0	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected	0	0	0	0	0
Subtotal	1	1	0	0	0
TOTAL	645	645	0	0	0
Total persons exiting to positive housing destinations	7	7	0	0	0
Total persons exiting to destinations that excluded them from the calculation	9	9	0	0	0
Percentage of persons exiting to positive housing destinations	0.0110	0.0110	0.0000	0.0000	0.0000

Q23d - Exit Destination - Rental Subsidy Type

Data Element	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
GPD TIP housing subsidy	0	0	0	0	0
VASH housing subsidy	0	0	0	0	0

RRH or equivalent subsidy	0	0	0	0	0
HCV voucher (tenant or project based)(not dedicated)	0	0	0	0	0
Public housing unit	0	0	0	0	0
Rental by client, with other ongoing housing subsidy	3	3	0	0	0
Housing Stability Voucher	0	0	0	0	0
Family Unification Program Voucher (FUP)	0	0	0	0	0
Foster Youth to Independence Initiative (FYI)	0	0	0	0	0
Permanent Supportive Housing	3	3	0	0	0
Other permanent housing dedicated for formerly homeless persons	0	0	0	0	0
TOTAL	6	6	0	0	0

Q23e - Exit Destination Type by Race and Ethnicity

	Total	American Indian Alaska Native or Indigenous	Asian or Asian American	Black African American or African	Hispanic Latina e o	Middle Eastern or North African	Native Hawaiian or Pacific Islander	White	At Least 1 Race and Hispanic Latina e o	Multi racial does not include Hispanic Latina e o	Unknown Doesn t Know Prefers not to Answer Data not Collected
Homeless Situations	619	9	12	79	104	2	7	267	102	37	0
Institutional Situations	10	0	1	0	0	0	0	6	2	1	0
Temporary Situations	8	0	0	0	3	0	0	3	1	1	0
Permanent Situations	7	0	0	0	0	0	0	5	2	0	0
Other Situations	1	0	0	0	0	0	0	1	0	0	0
Total	645	9	13	79	107	2	7	282	107	39	0

Q24a - Homelessness Prevention Housing Assessment at Exit

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Able to maintain the housing they had at project start--Without a subsidy	0	0	0	0	0
Able to maintain the housing they had at project start--With the subsidy they had at project start	0	0	0	0	0

Able to maintain the housing they had at project start--With an on-going subsidy acquired since project start	0	0	0	0	0
Able to maintain the housing they had at project start--Only with financial assistance other than a subsidy	0	0	0	0	0
Moved to new housing unit--With on-going subsidy	0	0	0	0	0
Moved to new housing unit--Without an on-going subsidy	0	0	0	0	0
Moved in with family/friends on a temporary basis	0	0	0	0	0
Moved in with family/friends on a permanent basis	0	0	0	0	0
Moved to a transitional or temporary housing facility or program	0	0	0	0	0
Client became homeless - moving to a shelter or other place unfit for human habitation	0	0	0	0	0
Jail/prison	0	0	0	0	0
Deceased	0	0	0	0	0
Client doesn't know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected (no exit interview completed)	0	0	0	0	0
Total	0	0	0	0	0

Q24d - Language of Persons Requiring Translation Assistance

Language Response (Top 20 Languages Selected)	Total Persons Requiring Translation Assistance
367	30
384	1
346	1
Different Preferred Language	2
Total	34

Q25a - Number of Veterans

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Chronically Homeless Veteran	30	30	0		0

Non-Chronically Homeless Veteran	17	17	0		0
Not a Veteran	739	739	0		0
Client Doesn't Know/Prefers Not to Answer	0	0	0		0
Data Not Collected	0	0	0		0
Total	786	786	0		0

Q26b - Number of Chronically Homeless Persons by Household

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Chronically Homeless	385	385	0	0	0
Not Chronically Homeless	401	401	0	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected	0	0	0	0	0
Total	786	786	0	0	0

2024 v1.2 CAPER Report

7/25/2025 3:37:14 PM

Brooke Swan

Report Criteria

Report	CAPER
Date Range	07/01/2024 - 06/30/2025
Organization(s)	Turning Point
Funding Source(s)	MOD/CITY ESG RRH,MOD/CITY ESG RRH FY23-25
Project(s)	TP HAT MOD RRH
Include Details	Yes

Q4a Project Identifiers in HMIS

Full Detail

Organization Name	Turning Point
Organization ID	TUP
Project Name	TP HAT MOD RRH
ProjectID	19683
HMIS Project Type	PH - Rapid Re-Housing (13)
RRH Subtype	RRH: Housing with or without services (2)
Coordinated Entry Access Point	Yes (1)
Affiliated with a residential project	
Project IDs of affiliations	
CoC Number	CA-510
Geocode	062292
Victim Service Provider	No (0)
HMIS Software Name and Version Number	ClientTrack by Eccovia v20
Report Start Date	7/1/2024
Report End Date	6/30/2025
Total Active Clients	49
Total Active Households	22

Q5a - Report Validations Table

Category	Count Of Clients For DQ	Count Of Clients
Total Number of Persons Served	49	49
Number of adults (age 18 or over)	30	30
Number of children (under age 18)	19	19
Number of persons with Unknown Age	0	0
Number of leavers	47	47
Number of adult leavers	28	28

Number of adult and head of household leavers	28	28
Total Number of Stayers	2	2
Number of Adult Stayers	2	2
Number of Veterans	0	0
Number of Chronically Homeless Persons	11	11
Number of youth under age 25	4	4
Number of parenting youth under age 25 with children	2	2
Number of Adult Heads of Household	22	22
Number of child and unknown-age heads of household	0	0
Heads of households and adult stayers in the project 365 days or more	0	0

Q6a - Data Quality: Personally Identifiable Information

Data Element	Client Doesn't Know Prefers Not to Answer	Information Missing	Data Issues	Total	% of Issue Rate
Name (3.01)	0	0	0	0	0.00%
Social Security Number (3.02)	3	0	0	3	6.12%
Date of Birth (3.03)	0	0	0	0	0.00%
Race and Ethnicity (3.04)	0	0		0	0.00%
Gender (3.06)	0	0		0	0.00%
Overall Score				3	6.12%

Q6b - Data Quality: Universal Data Elements

Data Element	Client Doesn't Know Prefers Not to Answer	Information Missing	Data Issues	Total	% of Issue Rate
Veteran Status (3.07)	0	0	0	0	0.00%
Project Start Date (3.10)			0	0	0.00%
Relationship to Head of Household (3.15)		0	0	0	0.00%
Enrollment CoC (3.16)		0	0	0	0.00%
Disabling Condition (3.08)	0	0	0	0	0.00%

Q6c - Data Quality: Income and Housing Data Quality

Data Element	Client Doesn't Know Prefers Not to Answer	Information Missing	Data Issues	Total	% of Issue Rate
Destination (3.12)	0	10		10	21.28%
Income and Sources (4.2) at Start	0	0	0	0	0.00%
Income and Sources (4.2) at Annual Assessment	0	0	0	0	0.00%
Income and Sources (4.2) at Exit	0	4	0	4	14.29%

Q6d - Data Quality: Chronic Homelessness

Starting into project type	Count of total records	Missing time in institution (3.917.2)	Missing time in housing (3.917.2)	Approximate Date started (3.91.3) **Missing**	Number of times (3.917.4) DK/PNTA/ missing	Number of months (3.917.5) DK/PNTA/ missing	% of records unable to calculate
ES-EE, ES-NbN, SH, Street Outreach	0			0	0	0	0.00%
TH	0	0	0	0	0	0	0.00%
PH (all)	30	0	0	0	0	0	0.00%
CE	0	0	0	0	0	0	0.00%
SSO, Day Shelter, HP	0	0	0	0	0	0	0.00%
Total	30						0.00%

Q6e - Data Quality: Timeliness

A Time for Record Entry	B Number of Project Start Records	C Number of Project Exit Records
< 0 days	0	0
0 days	21	37
1-3 Days	0	2
4-6 days	0	0
7-10 days	0	1
11+ days	0	7

Q6f - Data Quality: Inactive Records: Street Outreach and Emergency Shelter

Data Element	# of Records	# of Inactive Records	%of Inactive Records
Contact (Adults and Heads of Household in Street Outreach or ES - NbN)	0	0	0.00%
Bed Night (All clients in ES - NbN)	0	0	0.00%

Q7a - Number of Persons Served

Number Of Persons Served	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Adults	30	15	15		0
Children	19		19	0	0
Client Doesn't Know / Prefers Not to Answer	0	0	0	0	0
Data Not Collected	0	0	0	0	0
Total	49	15	34	0	0
For PSH & RRH - the total persons served who moved into housing	13	7	6	0	0

Q7b - Point in Time Count Of Persons on the Last Wednesday

Point in Time Count Of Persons on the Last Wednesday	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
January	5	2	3	0	0
April	1	1	0	0	0
July	3	0	3	0	0
October	2	2	0	0	0

Q8a - Number Of Households Served

Number Of Households Served	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Total Households	22	12	10	0	0
For PSH & RRH - the total persons served who moved into housing	7	5	2	0	0

Q8b - Point in Time Count of Households on the Last Wednesday

Point in Time Count of Households on the Last Wednesday	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
January	3	2	1	0	0
April	1	1	0	0	0
July	1	0	1	0	0

October	2	2	0	0	0

Q9a - Number of Persons Contacted

Number of Persons Contacted	All Persons Contacted	First contact NOT Staying on the Streets ES or SH	First contact WAS Staying on the Streets ES or SH	First Contact Worker unable to determine
Once	0	0	0	0
2-5 Times	0	0	0	0
6-9 Times	0	0	0	0
10+ Times	0	0	0	0
Total Persons Contacted	0	0	0	0

Q9b - Number of Persons Engaged

Number of Persons Engaged	All Persons Contacted	First contact NOT Staying on the Streets ES or SH	First contact WAS Staying on the Streets ES or SH	First Contact Worker unable to determine
Once	0	0	0	0
2-5 Contacts	0	0	0	0
6-9 Contacts	0	0	0	0
10+ Contacts	0	0	0	0
Total Persons Engaged	0	0	0	0
Rate Of Engagement	0.00%	0.00%	0.00%	0.00%

Q10a - Gender

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Woman	29	7	22	0	0
Man	20	8	12	0	0
Culturally Specific Identity	0	0	0	0	0
Transgender	0	0	0	0	0
Non-Binary	0	0	0	0	0
Questioning	0	0	0	0	0
Different Identity	0	0	0	0	0
Woman/Man	0	0	0	0	0
Woman/Culturally Specific Identity	0	0	0	0	0
Woman/Transgender	0	0	0	0	0
Woman/Non-Binary	0	0	0	0	0
Woman/Questioning	0	0	0	0	0

Woman/Different Identity	0	0	0	0	0
Man/Culturally Specific Identity	0	0	0	0	0
Man/Transgender	0	0	0	0	0
Man/Non-Binary	0	0	0	0	0
Man/Questioning	0	0	0	0	0
Man/Different Identity	0	0	0	0	0
Culturally Specific Identity/Transgender	0	0	0	0	0
Culturally Specific Identity/Non-Binary	0	0	0	0	0
Culturally Specific Identity/Questioning	0	0	0	0	0
Culturally Specific Identity/Different Identity	0	0	0	0	0
Transgender/Non-Binary	0	0	0	0	0
Transgender/Questioning	0	0	0	0	0
Transgender/Different Identity	0	0	0	0	0
Non-Binary/Questioning	0	0	0	0	0
Non-Binary/Different Identity	0	0	0	0	0
Questioning/Different Identity	0	0	0	0	0
More than 2 Gender Identities Selected	0	0	0	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected	0	0	0	0	0
Total	49	15	34	0	0

Q10d - Gender by Age Ranges

Gender by Age Ranges	Total	Under Age 18	Age 18 - 24	Age 25 - 64	Age 65+	Client Doesn't Know/ Prefers Not to Answer	Data Not Collected
Woman	29	12	2	14	1	0	0
Man	20	7	4	7	2	0	0

Culturally Specific Identity	0	0	0	0	0	0	0
Transgender	0	0	0	0	0	0	0
Non-Binary	0	0	0	0	0	0	0
Questioning	0	0	0	0	0	0	0
Different Identity	0	0	0	0	0	0	0
Woman/Man	0	0	0	0	0	0	0
Woman/Culturally Specific Identity	0	0	0	0	0	0	0
Woman/Transgender	0	0	0	0	0	0	0
Woman/Non-Binary	0	0	0	0	0	0	0
Woman/Questioning	0	0	0	0	0	0	0
Woman/Different Identity	0	0	0	0	0	0	0
Man/Culturally Specific Identity	0	0	0	0	0	0	0
Man/Transgender	0	0	0	0	0	0	0
Man/Non-Binary	0	0	0	0	0	0	0
Man/Questioning	0	0	0	0	0	0	0
Man/Different Identity	0	0	0	0	0	0	0
Culturally Specific Identity/Transgender	0	0	0	0	0	0	0
Culturally Specific Identity/Non-Binary	0	0	0	0	0	0	0
Culturally Specific Identity/Questioning	0	0	0	0	0	0	0
Culturally Specific Identity/Different Identity	0	0	0	0	0	0	0
Transgender/Non-Binary	0	0	0	0	0	0	0
Transgender/Questioning	0	0	0	0	0	0	0
Transgender/Different Identity	0	0	0	0	0	0	0
Non-Binary/Questioning	0	0	0	0	0	0	0
Non-Binary/Different Identity	0	0	0	0	0	0	0
Questioning/Different Identity	0	0	0	0	0	0	0
More than 2 Gender Indentities Selected	0	0	0	0	0	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0	0	0
Data Not Collected	0	0	0	0	0	0	0
Total	49	19	6	21	3	0	0

Q11- Age

Age	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Under 5	7		7	0	0
5-12	10		10	0	0
13-17	2		2	0	0
18-24	6	2	4		0
25-34	5	2	3		0
35-44	7	0	7		0
45-54	5	4	1		0
55-64	4	4	0		0
65+	3	3	0		0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected	0	0	0	0	0
Total	49	15	34	0	0

Q12 - Race and Ethnicity

Race	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
American Indian, Alaska Native, or Indigenous	0	0	0	0	0
Asian or Asian American	1	0	1	0	0
Black, African American, or African	5	3	2	0	0
Hispanic/Latina/e/o	14	0	14	0	0
Middle Eastern or North African	0	0	0	0	0
Native Hawaiian or Pacific Islander	0	0	0	0	0
White	9	4	5	0	0
Asian or Asian American & American Indian, Alaska Native, or Indigenous	0	0	0	0	0

Black, African American, or African & American Indian, Alaska Native, or Indigenous	0	0	0	0	0
Hispanic/Latina/e/o & American Indian, Alaska Native, or Indigenous	4	1	3	0	0
Middle Eastern or North African & American Indian, Alaska Native, or Indigenous	0	0	0	0	0
Native Hawaiian or Pacific Islander & American Indian, Alaska Native, or Indigenous	0	0	0	0	0
White & American Indian, Alaska Native, or Indigenous	0	0	0	0	0
Black, African American, or African & Asian or Asian American	0	0	0	0	0
Hispanic/Latina/e/o & Asian or Asian American	0	0	0	0	0
Middle Eastern or North African & Asian or Asian American	0	0	0	0	0
Native Hawaiian or Pacific Islander & Asian or Asian American	0	0	0	0	0
White & Asian or Asian American	3	3	0	0	0
Hispanic/Latina/e/o & Black, African American, or African	0	0	0	0	0

Middle Eastern or North African & Black, African American, or African	0	0	0	0	0
Native Hawaiian or Pacific Islander & Black, African American, or African	0	0	0	0	0
White & Black, African American, or African	5	0	5	0	0
Middle Eastern or North African & Hispanic/Latina/e/o	0	0	0	0	0
Native Hawaiian or Pacific Islander & Hispanic/Latina/e/o	0	0	0	0	0
White & Hispanic/Latina/e/o	3	2	1	0	0
Native Hawaiian or Pacific Islander & Middle Eastern or North African	0	0	0	0	0
White & Middle Eastern or North African	0	0	0	0	0
White & Native Hawaiian or Pacific Islander	0	0	0	0	0
Multiracial - more than 2 races/ethnicity, with one being Hispanic/Latina/e/o	4	2	2	0	0
Multiracial - more than 2 races, where no option is Hispanic/Latina/e/o	1	0	1	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0

Data Not Collected	0	0	0	0	0
Total	49	15	34	0	0

Q13a1 - Physical and Mental Health Conditions at Start

Physical and Mental Health Conditions at Start	Total Persons	Without Children	Adults in HH with Children and Adults	Children in HH with Children and Adults	With Only Children	Unknown Household Type
Mental Health Disorder	13	9	3	1	0	0
Alcohol Use Disorder	3	3	0	0	0	0
Drug Use Disorder	3	1	2	0	0	0
Both Alcohol and Drug Use Disorder	1	1	0	0	0	0
Chronic Health Condition	10	7	2	1	0	0
HIV/AIDS	0	0	0	0	0	0
Developmental Disability	9	5	0	4	0	0
Physical Disability	9	8	1	0	0	0

Q13b1 - Physical and Mental Health Conditions at Exit

Physical and Mental Health Conditions at Exit	Total Persons	Without Children	Adults in HH with Children and Adults	Children in HH with Children and Adults	With Only Children	Unknown Household Type
Mental Health Disorder	11	8	2	1	0	0
Alcohol Use Disorder	3	3	0	0	0	0
Drug Use Disorder	3	1	2	0	0	0
Both Alcohol and Drug Use Disorder	0	0	0	0	0	0
Chronic Health Condition	8	5	2	1	0	0
HIV/AIDS	0	0	0	0	0	0
Developmental Disability	6	3	0	3	0	0
Physical Disability	8	7	1	0	0	0

Q13c1 - Physical and Mental Health Conditions for Stayers

Physical and Mental Health Conditions for Stayers	Total Persons	Without Children	Adults in HH with Children and Adults	Children in HH with Children and Adults	With Only Children	Unknown Household Type
Mental Health Disorder	1	1	0	0	0	0
Alcohol Use Disorder	0	0	0	0	0	0
Drug Use Disorder	0	0	0	0	0	0
Both Alcohol and Drug Use Disorder	0	0	0	0	0	0
Chronic Health Condition	2	2	0	0	0	0
HIV/AIDS	0	0	0	0	0	0
Developmental Disability	1	1	0	0	0	0
Physical Disability	2	2	0	0	0	0

Q14a - History of Domestic Violence, Sexual Assault, Dating Violence, Stalking, or Human Trafficking

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Yes	11	6	5	0	0
No	19	9	10	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected	0	0	0	0	0
Total	30	15	15	0	0

Q14b - Most recent experience of domestic violence, sexual assault, dating violence, stalking, or human trafficking

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Within the past three months	2	0	2	0	0
Three to six months ago	4	2	2	0	0
Six months to one year	0	0	0	0	0
One year ago, or more	5	4	1	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0

Data Not Collected	0	0	0	0	0
Total	11	6	5	0	0

Q15 - Living Situation

Living Situation	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Homeless Situations					
Place not meant for human habitation	9	4	5	0	0
Emergency shelter, including hotel or motel paid for with emergency shelter voucher, Host Home shelter	10	9	1	0	0
Safe Haven	0	0	0	0	0
Subtotal	19	13	6	0	0
Institutional Situations					
Foster care home or foster care group home	0	0	0	0	0
Hospital or other residential non-psychiatric medical facility	0	0	0	0	0
Jail, prison, or juvenile detention facility	0	0	0	0	0
Long-term care facility or nursing home	0	0	0	0	0
Psychiatric hospital or other psychiatric facility	0	0	0	0	0
Substance abuse treatment facility or detox center	0	0	0	0	0
Subtotal	0	0	0	0	0
Temporary Situations					
Transitional housing for homeless persons (including homeless youth)	1	1	0	0	0
Residential project or halfway house with no homeless criteria	0	0	0	0	0
Hotel or motel paid for without emergency shelter voucher	0	0	0	0	0

Host Home (non-crisis)	0	0	0	0	0
Staying or living in a friend's room, apartment, or house	2	1	1	0	0
Staying or living in a family member's room, apartment, or house	5	0	5	0	0
Subtotal	8	2	6	0	0
Permanent Situations					
Rental by client, no ongoing housing subsidy	1	0	1	0	0
Rental by client, with ongoing housing subsidy	2	0	2	0	0
Owned by client, with ongoing housing subsidy	0	0	0	0	0
Owned by client, no ongoing housing subsidy	0	0	0	0	0
Subtotal	3	0	3	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected	0	0	0	0	0
Subtotal	0	0	0	0	0
Total	30	15	15	0	0

Q16 - Cash Income - Ranges

	Income at Start	Income at Latest Annual Assessment for Stayers	Income at Exit for Leavers
No Income	8	0	5
$1 - $150	0	0	0
$151 - $250	0	0	1
$251 - $500	0	0	0
$501 - $1,000	6	0	2
$1,001 - $1,500	9	0	10
$1,501 - $2,000	3	0	1
$2,001+	4	0	5

Client Doesn't Know/Prefers Not to Answer	0	0	0
Data Not Collected	0	0	4
Number of adult stayers not yet required to have an annual assessment		2	
Number of adult stayers without required annual assessment		0	
Total Adults	30	2	28

Q17 - Cash Income Sources

Cash Income Sources	Income at Start	Income at Latest Annual Assessment for Stayers	Income at Exit for Leavers
Earned Income	10	0	9
Unemployment Insurance	0	0	0
Supplemental Security Income (SSI)	6	0	7
Social Security Disability Insurance (SSDI)	3	0	3
VA Service - Connected Disability Compensation	0	0	0
VA Non-Service Connected Disability Pension	0	0	0
Private Disability Insurance	0	0	0
Worker's Compensation	0	0	0
Temporary Assistance for Needy Families (TANF)	7	0	3
General Assistance (GA)	0	0	0
Retirement Income from Social Security	0	0	1
Pension or retirement income from a former job	0	0	0
Child Support	1	0	0
Alimony and other spousal support	0	0	0
Other Source	0	0	0
Adults with Income Information at Start and Annual Assessment/Exit		0	24

Q19b - Disabling Conditions and Income for Adults at Exit

	AO: Adult with Disabling Condition	AO: Adult without Disabling Condition	AO: Total Adults	AO: % with Disabling Condition by Source	AC: Adult with Disabling Condition	AC: Adult without Disabling Condition	AC: Total Adults	AC: % with Disabling Condition by Source	UK: Adult with Disabling Condition	UK: Adult without Disabling Condition	UK: Total Adults	UK: % with Disabling Condition by Source
Earned Income	2	2	4	50.00	1	4	5	20.00	0	0	0	0.00
Unemployment Insurance	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
Supplemental Security Income (SSI)	6	1	7	86.00	0	0	0	0.00	0	0	0	0.00
Social Security Disability Insurance (SSDI)	3	0	3	100.00	0	0	0	0.00	0	0	0	0.00
VA Service-Connected Disability Compensation	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
VA Non-Service-Connected Disability Pension	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
Private Disability Insurance	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
Worker's Compensation	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
Temporary Assistance for Needy Families (TANF)	0	0	0	0.00	2	1	3	67.00	0	0	0	0.00
General Assistance (GA)	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
Retirement Income from Social Security	1	0	1	100.00	0	0	0	0.00	0	0	0	0.00

Pension or retirement income from a former job	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
Child Support	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
Alimony and other spousal support	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
Other source	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
No Sources	0	0	0	0.00	2	3	5	40.00	0	0	0	0.00
Unduplicated Total Adults	10	3	13		4	7	11		0	0	0	

Q20a - Type Of Non-Cash Benefit Sources

	Benefit At Start	Benefit At Latest Annual Assessment For Stayers	Benefit At Exit For Leavers
Supplemental Nutrition Assistance Program (SNAP) (Previously known as Food Stamps)	17	0	14
Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)	1	0	0
TANF Child Care Services	0	0	0
TANF Transportation Services	0	0	0
Other TANF-Funded Services	0	0	0
Other Source	0	0	0

Q21 - Health Insurance

	At Start	At Annual Assessment for Stayers	At Exit for Leavers
MEDICAID	0	0	0
MEDICARE	3	0	1
State Children's Health Insurance Program	20	0	13
Veteran's Health Administration (VHA)	0	0	0
Employer Provided Health Insurance	0	0	0

Health Insurance through COBRA	0	0	0
Private Pay Health Insurance	0	0	0
State Health Insurance for Adults	28	0	21
Indian Health Services Program	0	0	0
Other	0	0	0
No Health Insurance	1	0	3
Client Doesn't Know/Prefers Not to Answer	0	0	0
Data not Collected	0	0	10
Number of Stayers not yet Required To Have an Annual Assessment		2	
1 Source of Health Insurance	45	0	33
More than 1 Source of Health Insurance	3	0	1

Q22a2 - Length of Participation ESG Projects

	Total	Leavers	Stayers
0 to 7 days	0	0	0
8 to 14 days	0	0	0
15 to 21 days	0	0	0
22 to 30 days	0	0	0
31 to 60 days	1	0	1
61 to 90 days	0	0	0
91 to 180 days	20	20	0
181 to 365 days	22	21	1
366 to 730 days (1-2 Yrs)	6	6	0
731 to 1,095 days (2-3 Yrs)	0	0	0
1,096 to 1,460 days (3-4 Yrs)	0	0	0
1,461 to 1,825 days (4-5 Yrs)	0	0	0
More than 1,825 days (>5 Yrs)	0	0	0
Total	49	47	2

Q22c - Length of Time between Project Start Date and Housing Move in Date

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
7 days or less	0	0	0	0	0

8 to 14 days	0	0	0	0	0
15 to 21 days	1	1	0	0	0
22 to 30 days	0	0	0	0	0
31 to 60 days	5	2	3	0	0
61 to 90 days	3	0	3	0	0
91 to 180 days	0	0	0	0	0
181 to 365 days	4	4	0	0	0
366 to 730 days (1-2 Yrs)	0	0	0	0	0
Total (persons moved into housing)	13	7	6	0	0
Average length of time to housing	128.15	183.14	64.00	0.00	0.00
Persons who were exited without move-in	35	7	28	0	0
Total Persons	48	14	34	0	0

Q22d - Length of Participation by Household Type

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
7 days or less	0	0	0	0	0
8 to 14 days	0	0	0	0	0
15 to 21 days	0	0	0	0	0
22 to 30 days	0	0	0	0	0
31 to 60 days	1	1	0	0	0
61 to 90 days	0	0	0	0	0
91 to 180 days	20	1	19	0	0
181 to 365 days	22	11	11	0	0
366 to 730 days (1-2 Yrs)	6	2	4	0	0
731 days or more	0	0	0	0	0
Total	49	15	34	0	0

Q22e - Length of Time Prior to Housing - based on 3.917 Date Homelessness Started

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
7 days or less	0	0	0	0	0
8 to 14 days	0	0	0	0	0
15 to 21 days	0	0	0	0	0
22 to 30 days	0	0	0	0	0
31 to 60 days	0	0	0	0	0

61 to 90 days	0	0	0	0	0
91 to 180 days	1	1	0	0	0
181 to 365 days	0	0	0	0	0
366 to 730 days (1-2 years)	3	3	0	0	0
731 Days or more	3	3	0	0	0
Total (persons moved into housing)	7	7	0	0	0
Not yet moved into housing	20	6	14	0	0
Data not collected	22	2	20	0	0
Total Persons	49	15	34	0	0

Q22f - Length of Times between Project Start Date and Housing Move-in Date by Race and Ethnicity

	American Indian, Alaska Native, or Indigenous	Asian or Asian American	Black, African American, or African	Hispanic/Latina/e/o	Middle Eastern or North African	Native Hawaiian or Pacific Islander	White	At Least 1 Race and Hispanic/Latina/e/o	Multi-racial (does not include Hispanic/Latina/e/o)	Unknown (Doesn't Know, Prefers not to Answer, Data not Collected)
Persons Moved Into Housing	0	0	1	6	0	0	2	1	3	0
Persons Exited Without Move-In	0	1	3	8	0	0	7	10	6	0
Average time to Move-In	0.00	0.00	301.00	64.00	0.00	0.00	50.00	17.00	288.00	0.00
Median time to Move-In	0.00	0.00	301.00	64.00	0.00	0.00	50.00	17.00	288.00	0.00

Q22g - Length of Time Prior to Housing by Race and Ethnicity - based on 3.917 Date Homelessness Started

	American Indian Alaska Native or Indigenous	Asian or Asian American	Black African American or African	Hispanic Latina e o	Middle Eastern or North African	Native Hawaiian or Pacific Islander	White	At Least 1 Race and Hispanic Latina e o	Multi racial does not include Hispanic Latina e o	Unknown Doesn t Know Prefers not to Answer Data not Collected
Persons Moved Into Housing	0	0	1	0	0	0	2	1	3	0
Persons Not Yet Moved Into Housing	0	0	2	5	0	0	4	8	1	0
Average time to Move-In	0.00	0.00	1406.50	0.00	0.00	0.00	974.50	2355.00	583.00	0.00
Median time to Move-In	0.00	0.00	1406.50	0.00	0.00	0.00	974.50	2355.00	583.00	0.00

Q23c - Exit Destination

Data Element	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Homeless Situations					
Place not meant for habitation (e.g., a vehicle, an abandoned building, bus/train/subway station/airport or anywhere outside)	9	0	9	0	0
Emergency shelter, including hotel or motel paid for with emergency shelter voucher, Host Home shelter	7	1	6	0	0
Safe Haven	0	0	0	0	0
Subtotal	16	1	15	0	0
Institutional Situations					
Foster care home or foster care group home	0	0	0	0	0
Hospital or other residential non-psychiatric medical facility	0	0	0	0	0
Jail, prison, or juvenile detention facility	0	0	0	0	0
Long-term care facility or nursing home	0	0	0	0	0
Psychiatric hospital or other psychiatric facility	0	0	0	0	0
Substance abuse treatment facility or detox center	1	1	0	0	0
Subtotal	1	1	0	0	0
Temporary Situations					
Transitional housing for homeless persons (including homeless youth)	1	1	0	0	0
Residential project or halfway house with no homeless criteria	0	0	0	0	0
Hotel or motel paid for without emergency shelter voucher	1	1	0	0	0
Host Home (non-crisis)	0	0	0	0	0
Staying or living with family, temporary tenure (e.g. room, apartment or house)	4	2	2	0	0
Staying or living with friends, temporary tenure (e.g. room, apartment or house)	3	2	1	0	0

Moved from one HOPWA funded project to HOPWA TH	0	0	0	0	0
Subtotal	9	6	3	0	0
Permanent Situations					
Staying or living with family, permanent tenure	0	0	0	0	0
Staying or living with friends, permanent tenure	0	0	0	0	0
Moved from one HOPWA funded project to HOPWA PH	0	0	0	0	0
Rental by client, no ongoing housing subsidy	9	3	6	0	0
Rental by client, with ongoing housing subsidy	2	2	0	0	0
Owned by client, with ongoing housing subsidy	0	0	0	0	0
Owned by client, no ongoing housing subsidy	0	0	0	0	0
Subtotal	11	5	6	0	0
Other Situations					
No Exit Interview completed	10	0	10	0	0
Other	0	0	0	0	0
Deceased	0	0	0	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected	0	0	0	0	0
Subtotal	10	0	10	0	0
TOTAL	47	13	34	0	0
Total persons exiting to positive housing destinations	11	5	6	0	0
Total persons exiting to destinations that excluded them from the calculation	0	0	0	0	0
Percentage of persons exiting to positive housing destinations	0.2340	0.3846	0.1765	0.0000	0.0000

Q23d - Exit Destination - Rental Subsidy Type

Data Element	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
GPD TIP housing subsidy	0	0	0	0	0
VASH housing subsidy	0	0	0	0	0

RRH or equivalent subsidy	0	0	0	0	0
HCV voucher (tenant or project based)(not dedicated)	1	1	0	0	0
Public housing unit	0	0	0	0	0
Rental by client, with other ongoing housing subsidy	1	1	0	0	0
Housing Stability Voucher	0	0	0	0	0
Family Unification Program Voucher (FUP)	0	0	0	0	0
Foster Youth to Independence Initiative (FYI)	0	0	0	0	0
Permanent Supportive Housing	0	0	0	0	0
Other permanent housing dedicated for formerly homeless persons	0	0	0	0	0
TOTAL	2	2	0	0	0

Q23e - Exit Destination Type by Race and Ethnicity

	Total	American Indian Alaska Native or Indigenous	Asian or Asian American	Black African American or African	Hispanic Latina e o	Middle Eastern or North African	Native Hawaiian or Pacific Islander	White	At Least 1 Race and Hispanic Latina e o	Multi racial does not include Hispanic Latina e o	Unknown Doesn t Know Prefers not to Answer Data not Collected
Homeless Situations	16	0	1	1	5	0	0	2	4	3	0
Institutional Situations	1	0	0	0	0	0	0	0	1	0	0
Temporary Situations	9	0	0	1	0	0	0	2	5	1	0
Permanent Situations	11	0	0	1	6	0	0	1	0	3	0
Other Situations	10	0	0	1	3	0	0	4	0	2	0
Total	47	0	1	4	14	0	0	9	10	9	0

Q24a - Homelessness Prevention Housing Assessment at Exit

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Able to maintain the housing they had at project start--Without a subsidy	0	0	0	0	0
Able to maintain the housing they had at project start--With the subsidy they had at project start	0	0	0	0	0

Able to maintain the housing they had at project start--With an on-going subsidy acquired since project start	0	0	0	0	0
Able to maintain the housing they had at project start--Only with financial assistance other than a subsidy	0	0	0	0	0
Moved to new housing unit--With on-going subsidy	0	0	0	0	0
Moved to new housing unit--Without an on-going subsidy	0	0	0	0	0
Moved in with family/friends on a temporary basis	0	0	0	0	0
Moved in with family/friends on a permanent basis	0	0	0	0	0
Moved to a transitional or temporary housing facility or program	0	0	0	0	0
Client became homeless - moving to a shelter or other place unfit for human habitation	0	0	0	0	0
Jail/prison	0	0	0	0	0
Deceased	0	0	0	0	0
Client doesn't know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected (no exit interview completed)	0	0	0	0	0
Total	0	0	0	0	0

Q24d - Language of Persons Requiring Translation Assistance

Language Response (Top 20 Languages Selected)	Total Persons Requiring Translation Assistance
Different Preferred Language	0
Total	0

Q25a - Number of Veterans

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Chronically Homeless Veteran	0	0	0		0
Non-Chronically Homeless Veteran	0	0	0		0
Not a Veteran	30	15	15		0

Client Doesn't Know/Prefers Not to Answer	0	0	0		0
Data Not Collected	0	0	0		0
Total	30	15	15		0

Q26b - Number of Chronically Homeless Persons by Household

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Chronically Homeless	11	8	3	0	0
Not Chronically Homeless	38	7	31	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected	0	0	0	0	0
Total	49	15	34	0	0

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-347

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE RIVER TRUNK REALIGNMENT – PUMP STATION PROJECT; ACCEPTING THE BID AND AWARDING A CONSTRUCTION CONTRACT TO SHIMMICK CONSTRUCTION COMPANY, INC, OF IRVINE, CA, IN THE AMOUNT OF $115,560,000, AUTHORIZING THE DIRECTOR OF ENGINEERING SERVICES TO APPROVE CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF $11,556,000, 10% OF THE ORIGINAL CONTRACT PRICE, FOR A TOTAL PAYMENT AMOUNT NOT TO EXCEED $127,116,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the River Trunk Realignment was one of the main priority projects identified in the 2016 Wastewater Collection System Master Plan and addresses deficiencies in the River Trunk, Sutter Trunks, and Beard Brook Siphon, and

WHEREAS, the River Trunk consists of a pipeline that ranges from 24-inch to 60-inch in diameter that conveys flow from the Beard Industrial Park to the City of Modesto Regional Water Recycling Facility – Sutter Campus, and

WHEREAS, the current location of the River Trunk, adjacent to the Tuolumne River, poses access limitations to operations staff and could be subject to catastrophic damage in the event of elevated river flows, and

WHEREAS, consideration was given to realigning the River Trunk away from its current location to an alternate route within the public right-of-way and replacing the Beard Brook Siphon with a gravity system, and

WHEREAS, consistent with the requirements of Public Contract Code section 20101, the City issued a Request for Qualifications to evaluate and prequalify prospective bidders; and

WHEREAS, the City received nine (9) responses and following an evaluation by City Staff and Carollo, the consulting engineering firm, seven (7) contractors were deemed qualified to bid on the project; and

WHEREAS, the Project was advertised for bids to the prequalified contractors on April 30, 2025, and

WHERAS, on July 1, 2025, bids were publicly opened, pursuant to City Charter Section 1307, four bids were received, and

WHERAS, Shimmick Construction Company, Inc, of Irvine, CA, was the responsible bidder with the lowest responsive bid, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to follow the formal bid procedures, and

WHEREAS, the award of a Contract for the construction of the River Trunk Realignment – Pump Station Project to Shimmick Construction Company, Inc, of Irvine, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and Shimmick Construction Company, Inc, was the responsible bidder with the lowest responsive bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the River Trunk Realignment – Pump Station Project, accepts the bid and awards a Construction Contract to Shimmick Construction Company, Inc., of Irvine, CA, in the amount of $115,560,000, authorizes the Director of Engineering Services to approve change orders up to the cumulative

amount of $11,556,000, 10% of the original contract price, for a total payment amount not to exceed $127,166,000.

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 September, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	Ricci
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-348

RESOLUTION APPROVING AN AGREEMENT WITH WEST YOST ASSOCIATES, OF DAVIS, CA, FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE RIVER TRUNK REALIGNMENT – PUMP STATION PROJECT IN AN AMOUNT NOT TO EXCEED $8,500,000 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $850,000 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED $9,350,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS; on November 13, 2023, by Resolution No. 2023-511, Council approved an Agreement with Carollo to complete the design and offer bidding assistance for the River Trunk Realignment – Pump Station Project; and

WHEREAS; considering the size and complexity of the project, staff recommends utilizing a consultant to provide Construction Management and Inspection Services; and

WHEREAS; in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants who Provide Architectural and Engineering Services for Capital Projects, a Request for Proposals was issued on May 29, 2024 to the four (4) firms on the City's Prequalified Consultant list; and

WHEREAS; on July 23, 2024, staff received submissions from two (2) of the four (4) firms; and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) "Exceptions to Formal Bidding Requirements", Agreements for Professional Services are exempt from the bidding requirements of Modesto Municipal Code 8-3.203 if competitive quotations or proposals have been sought informally from at least three (3) qualified entities.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with West Yost Associates, in the amount of $8,500,000, plus $850,000 in additional services (if needed), for a total amount not to exceed $9,350,000 for Construction Management and Inspection Services for the River Trunk Realignment - Pump Station 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 23rd day of September, 2025, by Councilmember Escutia-Braaton, 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:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	Ricci
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSÉ M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-349

RESOLUTION APPROVING AN AGREEMENT WITH CAROLLO ENGINEERS INC., OF WALNUT CREEK, CA, FOR ENGINEERING SUPPORT DURING CONSTRUCTION FOR THE RIVER TRUNK REALIGNMENT – PUMP STATION PROJECT, IN AN AMOUNT NOT TO EXCEED $5,675,000 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $567,500 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED $6,242,500 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on April 1st, 2014, by Resolution No. 2014-121, Council approved an agreement with Carollo Engineers, Inc., (Carollo) for the preparation of a Preliminary Design Report, which serves as the basis of design for the Project, and

WHEREAS, on March 22nd, 2016 by Resolution No. 2016-125, Council approved an Agreement with Carollo for Final Design Services for the River Trunk Realignment Project, and

WHEREAS, on November 13, 2023, by Resolution No. 2023-511, Council approved an Agreement with Carollo to complete the design and offer bidding assistance for River Trunk Realignment – Pump Station Project, and

WHEREAS, considering the size and complexity of the project and that Carollo is the Engineer-of-Record, Engineering Support During Construction services will be needed from Carollo to ensure construction of the facilities meets the original design described in the plans and specifications, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to follow formal bid procedures, and

WHEREAS, exceptions to the formal bidding process are granted in Modesto Municipal Code Section 8-3.204(d) “Where the Purchasing Manager, in his or 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, due to the professional liability involved, recruiting and engineering firm to transition a project from the design phase to the construction phase would most likely generate little interest, unless provisions were made in the Request for Proposal that the City was willing to cover the costs associated with the review, approval and modification if necessary, of the previous firms documents, and

WHEREAS, retaining the Engineer of Record throughout the course of the design, bid, build process is beneficial in that it results in a time and cost savings for the City along with maintaining a consistent level of professional service and project specific expertise.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Carollo Engineers, Inc., for Engineering Support During Construction for the River Trunk Realignment - Pump Station Project in an amount not to exceed $5,675,000 for the identified scope of services, plus $567,500 for additional services, if needed, for a maximum total amount of $6,242,500.

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 September, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	Ricci
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-350

RESOLUTION AMENDING THE FISCAL YEAR 2025-26 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $132,560,000 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER RESERVES TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE RIVER TRUNK REALIGNMENT – PUMP STATION PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, on July 1, 2025, bids were publicly opened, pursuant to City Charter Section 1307, and

WHEREAS, four bids were received, and

WHEREAS, due to the size and complexity of the project and the associated construction costs, certain budgetary transactions are necessary in the amount of $132,560,000 in order to fully fund the construction, contingency, construction administration and design support during construction for the River Trunk Realignment – Pump Station Project, and

WHEREAS, the Fiscal Year Fiscal Year 2025-26 Multi-Year 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 2025-26 Capital Improvement Project Program Budget in the amount of $132,560,000 to be transferred into the project from Wastewater Fund 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 23rd day of September, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	Ricci
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-351

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $60,000,000 PRINCIPAL AMOUNT OF WASTEWATER REVENUE BONDS, SERIES 2025, AUTHORIZING AND DIRECTING EXECUTION OF A SIXTH SUPPLEMENTAL WASTEWATER REVENUE BOND INDENTURE PURSUANT TO WHICH SUCH BONDS ARE ISSUED, APPROVING A BOND PURCHASE AGREEMENT, AN OFFICIAL STATEMENT AND A CONTINUING DISCLOSURE AGREEMENT, AND AUTHORIZING OTHER OFFICIAL ACTIONS TO EXECUTE THE BOND ISSUANCE

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 (as defined in the Master Indenture) of the Enterprise (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 Wastewater Revenue Bond Indenture, dated as of April 1, 2005 (the "First Supplemental Indenture"), a Second Supplemental Wastewater Revenue Bond Indenture, dated as of April 1, 2005 (the "Second Supplemental Indenture"), a Third Supplemental Wastewater Revenue Bond Indenture, dated as of December 1, 2006 (the "Third Supplemental Indenture"), a Fourth Supplemental Wastewater Revenue Bond Indenture, dated as of April 1, 2018 (the "Fourth Supplemental Indenture") and a Fifth Supplemental Wastewater Revenue Bond Indenture, dated as of November 1, 2020 (the "Fifth Supplemental Indenture," and together with the Master Indenture, the First Supplemental Indenture, the Second Supplemental Indenture, the Third Supplemental Indenture and the Fourth 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) (the "Series 2005B Bonds"), its City of Modesto, California Wastewater Revenue Bonds, Series 2006A (the "Series 2006 Bonds"), its City of Modesto, California Wastewater Revenue Refunding Bonds, Series 2018A (the "Series 2018A Bonds"), its City of Modesto, California Wastewater Revenue Refunding Bonds, Series 2020A (Federally Taxable) (the "Series 2020A Bonds") and its City of Modesto, California Wastewater Revenue Refunding Bonds, Series 2020B (the "Series 2020B Bonds" and, together with the Series 2005A Bonds, the Series 2005B Bonds, the Series 2006 Bonds, the Series 2018A Bonds and the Series 2020A Bonds, the "Prior 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 outstanding 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 outstanding 2011 State Loan was refunded with a portion of the proceeds of the Series 2020A Bonds and the Series 2020B Bonds and is no longer outstanding; 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 finance certain improvements to the Enterprise, in a principal amount not to exceed $60,000,000, to be designated "City of Modesto, California Wastewater Revenue Bonds, Series 2025" (the "Series 2025 Bonds"), to be issued pursuant to the Indenture, as supplemented and amended by the Sixth Supplement (defined below); and

WHEREAS the Series 2025 Bonds are proposed to be sold to Siebert Williams Shank & Co., LLC (the "Underwriter") 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 Underwriter 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 (the "Rule"), 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 2025 Bonds and the Official Statement to the actual purchasers of the Series 2025 Bonds; and

WHEREAS, the forms of the Preliminary Official Statement, the Bond Purchase Agreement, the Continuing Disclosure Agreement and the Sixth Supplement are on file with the City Clerk; and

WHEREAS, in accordance with Government Code Section 5852.1, the City Council of the City has obtained and wishes to disclose the information set forth in **Exhibit A** hereto; 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 2025 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 2025 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:

Section 1. Recitals. The above recitals are true and correct.

Section 2. Approval of the Series 2025 Bonds. The City Council hereby authorizes the issuance of its Wastewater Revenue Bonds, Series 2025 in an aggregate principal amount not to exceed $60,000,000. The Series 2025 Bonds may be issued in one or more series or subseries, on a tax-exempt or taxable basis, with corresponding

other or additional designations, as an Authorized Officer (defined below) shall determine.

Section 3. Sixth Supplement; Form of Series 2025 Bonds. The City Council hereby approves the form of the Sixth Supplemental Wastewater Revenue Bond Indenture (the "Sixth Supplement") by and between the City and the Trustee, in substantially the form on file with the City Clerk together with any additions thereto or changes therein deemed necessary or advisable by 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 Director of Finance, 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 Sixth Supplement for and in the name and on behalf of the City. The City hereby authorizes the delivery and performance of the Sixth Supplement. The proposed form of the Series 2025 Bonds as set forth in the Sixth 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 2025 Bonds in substantially such forms and the City Clerk is authorized and directed to attest to said signature on the Series 2025 Bonds, and the Trustee is hereby authorized and directed to authenticate and deliver the Series 2025 Bonds to the Underwriter in accordance with the Sixth Supplement and the Bond Purchase Agreement approved herein, subject to the limitations set forth in Section 4 hereof.

Section 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 the Underwriter in substantially the form on file with the City Clerk together with any additions thereto or changes, therein deemed necessary or advisable by 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 0.75% of the principal amount of the Series 2025 Bonds and the final maturity of the Series 2025 Bonds shall be not later than November 1, 2055. 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.

Section 5. Official Statement. The City Council hereby approves the form of Preliminary Official Statement of the City relating to the Series 2025 Bonds 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 the Rule. 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 2025 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 Underwriter is authorized to distribute copies of the Preliminary Official Statement to persons who may be interested in the purchase of the Series 2025 Bonds, and the Underwriter is directed to deliver copies of any final Official Statement to all actual purchasers of the Series 2025 Bonds.

Section 6. Continuing Disclosure Agreement. The City Council hereby approves the form of the Disclosure Dissemination Agent 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

Section 7. Good Faith Estimates. In accordance with Government Code Section 5852.1, good faith estimates of the following are set forth on **Exhibit A attached** hereto: (a) the true interest cost of the Series 2025 Bonds, (b) the sum of all fees and charges paid to third parties with respect to the Series 2025 Bonds, (c) the amount of proceeds of the Series 2025 Bonds expected to be received net of the fees and charges paid to third parties and any reserves or capitalized interest paid or funded with proceeds of the Series 2025 Bonds, and (d) the sum total of all debt service payments on the

Series 2025 Bonds calculated to the final maturity of the Series 2025 Bonds plus the fees and charges paid to third parties not paid with the proceeds of the Series 2025 Bonds.

Section 8. Other Actions. All actions heretofore taken by the officers and agents of the City with respect to the issuance of the Series 2025 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 2025 Bonds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	Ricci
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

GOOD FAITH ESTIMATES

The good faith estimates set forth herein are provided with respect to the Series 2025 Bonds in accordance with California Government Code Section 5852.1. Such good faith estimates have been provided to the City by PFM Financial Advisors LLC (the "Municipal Advisor").

For the purpose of the estimates:

Principal Amount. The Municipal Advisor has informed the City that, based on the financing plan and current market conditions, its good faith estimate of the aggregate principal amount of the Series 2025 Bonds to be sold is $57,375,000 (the "Estimated Principal Amount").

True Interest Cost of the Series 2025 Bonds. The Municipal Advisor has informed the City that, assuming that the Estimated Principal Amount of the Series 2025 Bonds is sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the true interest cost of the Series 2025 Bonds, which means the rate necessary to discount the amounts payable on the respective principal and interest payment dates to the purchase price received for the Series 2025 Bonds, is 4.615%.

Finance Charge of the Series 2025 Bonds. The Municipal Advisor has informed the City that, assuming that the Estimated Principal Amount of Series 2025 Bonds is sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the finance charge for the Series 2025 Bonds, which means the sum of all fees and charges paid to third parties (or costs associated with the Series 2025 Bonds), is $410,000.

Amount of Proceeds to be Received. The Municipal Advisor has informed the City that, assuming that the Estimated Principal Amount of the Series 2025 Bonds is sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the amount of proceeds expected to be received by the City for the sale of the Series 2025 Bonds, less the finance charge of the Series 2025 Bonds, as estimated above, and any reserve fund or capitalized interest paid or funded with proceeds of the Series 2025 Bonds is $60,000,000.

Total Payment Amount. The Municipal Advisor has informed the City that, assuming that the Estimated Principal Amount of the Series 2025 Bonds is sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the total payment amount, which means the sum total of all payments the City will make to pay debt service on the Series 2025 Bonds, plus the finance charge for the Series 2025 Bonds, as described above, not paid with the proceeds of the Series 2025 Bonds, calculated to the final maturity of the Series 2025 Bonds, together with the sum of annual ongoing costs to administer the Series 2025 Bonds not paid with proceeds of the Series 2025 Bonds (such as fiscal agent fees) is $112,225,000.

The foregoing estimates constitute good faith estimates only and are based on market conditions prevailing at the time of preparation of such estimates on August 29, 2025. The actual principal amounts of the Series 2025 Bonds issued and sold, the true interest cost thereof, the finance charges thereof, the amount of proceeds received therefrom and total payment amount with respect thereto may differ from such good faith estimates due to (a) the actual date of the sale of the Series 2025 Bonds being different than the date assumed for purposes of such estimates, (b) the actual principal amount of Series 2025 Bonds sold being different from the Estimated Principal Amount, (c) the actual amortization of the Series 2025 Bonds being different than the amortization assumed for purposes of such estimates, (d) the actual market interest rates at the time of sale of the Series 2025 Bonds being different than those estimated for purposes of such estimates, (e) other market conditions, or (f) alterations in the City's financing plan, or a combination of such factors. The actual date of sale of the Series 2025 Bonds and the actual principal amount of Series 2025 Bonds sold will be determined by the City based on various factors. The actual interest rates borne by the Series 2025 Bonds will depend on market interest rates at the time of sale thereof. The actual amortization of the Series 2025 Bonds will also depend, in part, on market interest rates at the time of sale thereof. Market interest rates are affected by economic and other factors beyond the control of the City.

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-352

RESOLUTION ACCEPTING THE RESIGNATION OF DAVID BARBER FROM THE CITIZEN'S HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

WHEREAS, the Citizen's Housing and Community Development Committee was established to provide overall review of the City's Housing and Urban Development (HUD) funds, and

WHEREAS, on July 9, 2024, by Resolution No. 2024-248, David Barber was appointed to serve as a member of the Citizen's Housing and Community Development Committee, and

WHEREAS, David Barber has tendered his resignation from the Citizen's Housing and Community Development Committee effective August 25, 2025.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby accepts the resignation of David Barber from the Citizen's Housing and Community Development Committee with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of October, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-353

RESOLUTION ACCEPTING THE RESIGNATION OF JENNIFER ANNE AOYAMA VALENZUELA FROM THE ENTERTAINMENT COMMISSION

WHEREAS, the Entertainment Commission was established to oversee the entertainment permit process, including dance and processing of special event requests within the City of Modesto; and

WHEREAS, on January 14, 2025, by Resolution No. 2025-18, Jennifer Anne Aoyama Valenzuela was appointed to serve as a member of the Entertainment Commission; and

WHEREAS, Jennifer Anne Aoyama Valenzuela has tendered her resignation from the Entertainment Commission effective September 9, 2025.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto hereby accepts the resignation of Jennifer Anne Aoyama Valenzuela from the Entertainment Commission with regret.

BE IT FURTHER RESOLVED, the City Clerk is hereby directed to transmit a copy of this resolution to the CAG Liaisons, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of October, 2025, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-354

RESOLUTION ACCEPTING THE RESIGNATION OF HELDA PAULES FROM THE VISIT MODESTO BOARD OF DIRECTORS AND APPROVING THE APPOINTMENT OF KELLY TALLANT TO FILL THE PARTIAL UNEXPIRED TERM ENDING DECEMBER 31, 2025, FOLLOWED BY A FULL FOUR-YEAR TERM FROM JANUARY 1, 2026, TO DECEMBER 31, 2029

WHEREAS, in 2020 the Modesto Convention and Visitors Bureau (CVB) is a re-established independent California Nonprofit Mutual Benefit Corporation; and

WHEREAS, although operating independently from the City of Modesto, the organization is allocated a portion of Transient Occupancy Taxes to attract visitors to the area, provide coordination and leadership for the community relating to convention activity and tourism, gather community information designed to convey the status of the visitor industry, and to work with stakeholders to structure and implement suitable financing plans; and

WHEREAS, on May 7, 2019, by Resolution No. 2019-201, Council approved a First Amendment to the bylaws of the CVB stating that appointments to serve on the Board will be formally made by the City Council from persons nominated by the CVB Board of Directors; and

WHEREAS, in accordance with the applicable bylaws, the Board of Directors (BOD) shall be comprised of a minimum of seven and no more than nine (9) members in the following categories:

- Entertainment: three (3) members shall represent a major entertainment, restaurant, sports venue, retail business or attraction,
- Lodging: two (2) shall represent the lodging industry within the City of Modesto,

- Residents: two (2) shall be residents of the City of Modesto which may or may not be directly associated with the tourism, hospitality, or entertainment industries, but shall have demonstrated an interest in the City (Resident),
- At-Large: two (2) additional Board Members, if appointed, shall meet a minimum of one of the previous qualifications; and

WHEREAS, on December 5, 2023, the organization's Board of Directors amended its bylaws to formally change the organization's name to Visit Modesto, revising Board Member terms from a two (2) year period to four (4) years, and adjusting allowable consecutive terms from three (3) to two (2); and

WHEREAS, a Director that has been appointed to fill an unexpired term of another Director may serve two (2) full additional four (4) year terms following the end of the unexpired term; and

WHEREAS, on February 6, 2024, by Resolution No. 2024-035, Helda Paules was appointed to the Visit Modesto Board of Directors with a term expiration date of December 31, 2025; and

WHEREAS, on July 1, 2025, Helda Paules resigned her position on the Visit Modesto Board. Kelly Tallant applied to serve on the Board on August 1, 2025, and was approved by the Visit Modesto Board of Directors on August 7, 2025. Following Kelly Tallant's nomination by the Visit Modesto Board, her appointment now qualifies for formal approval.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby accepts the resignation of Helda Paules from the Visit Modesto Board of Directors and approves the appointment of Kelly Tallant to fill the partial unexpired term

ending December 31, 2025, followed by a full four (4) year term from January 1, 2026, to December 31, 2029.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of October, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSÉ M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-355

RESOLUTION APPROVING THE EXTENSION OF THE CURRENT TWO-YEAR TERMS FOR BEHZAD (BERT) TABRIZI, RODNEY CORDOVA, AND CHAD HILLIGUS TO FOUR-YEAR TERMS ON THE VISIT MODESTO BOARD OF DIRECTORS, RETROACTIVE TO JANUARY 1, 2023 THROUGH DECEMBER 31, 2026; AND FOR CHRIS MURPHY, PERVEZ KHAN, AND ANGELA CANGIAMILLA RETROACTIVE TO JANUARY 1, 2024 THROUGH DECEMBER 31, 2027

WHEREAS, the Modesto Convention and Visitors Bureau (CVB) is a re-established independent California Nonprofit Mutual Benefit Corporation; and

WHEREAS, although operating independently from the City of Modesto, the organization is allocated a portion of Transient Occupancy Taxes to attract visitors to the area, provide coordination and leadership for the community relating to convention activity and tourism, gather community information designed to convey the status of the visitor industry, and to work with stakeholders to structure and implement suitable financing plans; and

WHEREAS, on May 7, 2019, by Resolution No. 2019-201, the Council approved a First Amendment to the bylaws of the CVB. The amended byways stated that appointments to serve on the Board will be formally made by the City Council from persons nominated by the CVB Board of Directors; and

WHEREAS, in accordance with the applicable bylaws, the Board of Directors (BOD) shall be comprised of a minimum of seven and no more than nine (9) members in the following categories:

- Entertainment: three (3) members shall represent a major entertainment, restaurant, sports venue, retail business or attraction,
- Lodging: two (2) shall represent the lodging industry within the City of

Modesto,

- Residents: two (2) shall be residents of the City of Modesto which may or may not be directly associated with the tourism, hospitality, or entertainment industries, but shall have demonstrated an interest in the City (Resident),
- At-Large: two (2) additional Board Members, if appointed, shall meet a minimum of one of the previous qualifications; and

WHEREAS, on December 5, 2023, the organization's Board of Directors amended its bylaws to formally change the organization's name to Visit Modesto, revising Board Member terms from a two (2) year period to four (4) years, and adjusting allowable consecutive terms from three (3) years to two (2); and

WHEREAS, a Director that has been appointed to fill an unexpired term of another Director may serve two (2) full additional four (4) year terms following the end of the unexpired term; and

WHEREAS, there are current Board Members that require an extension of their term to comply with the restated bylaws listed below with each authorizing Resolution and term:

Board Member	Category	Appointing Resolutions	Appointed Term	Term Expiration (Approved Under Previous Bylaw)	Term Expiration (Proposed Under Bylaw Update)
Behzad (Bert) Tabrizi	Hospitality	• Resolution No. 2019-202 • Resolution No. 2021-003 • Resolution No. 2023-159	•One (1) year Eight (8) months • Two (2) years • Two (2) years	12/31/2024	12/31/2026
Rodney Cordova	Resident	• Resolution No. 2019-202 • Resolution No. 2021-003 • Resolution No. 2023-159	• One (1) year Eight (8) months • Two (2) years • Two (2) years	12/31/2024	12/31/2026
Chad Hilligus	Entertainment	• Resolution No. 2023-158	• Two (2) years	12/31/2024	12/31/2026
Chris Murphy	Entertainment	• Resolution No. 2019-202 • Resolution No. 2020-118 • Resolution No. 2022-002 • Resolution No. 2024-034	• Eight (8) months • Two (2) years • Two (2) years • Two (2) years	12/31/2025	12/31/2027
Pervez Khan	Lodging	• Resolution No. 2019-202 • Resolution No. 2020-118 • Resolution No. 2022-002 • Resolution No. 2024-034	• Eight (8) months • Two (2) years • Two (2) years • Two (2) years	12/31/2025	12/31/2027
Angela Cangiamilla	Resident	• Resolution No. 2020-408 • Resolution No. 2024-034	• Four (4) years • Two (2) years	12/31/2025	12/31/2027

WHEREAS, based on the provisions of the current bylaws, Tabrizi, Cordova, Murphy, Khan, and Cangiamilla have served roughly two (2) full two (2) year terms or one (1) full four (4) year term and are to serve a second two (2) year term under the previous bylaws. Extending from their previous appointment would fulfill their second four (4) year term obligations under the current bylaws.; and

WHEREAS, Chad Hilligus requires a two (2) year extension of his first term in order to complete a full four (4) year term; and

WHEREAS, term extension are necessary to prevent disruptions of the operations of the Visit Modesto organization as well as to comply with the current version of the bylaws.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby extends the terms of Behzad (Bert) Tabrizi, Rodney Cordova, and Chad Hilligus, to the Visit Modesto Board of Directors for a full four (4) year term, retroactive to January 1, 2023 through December 31, 2026; and extends the terms of Chris Murphy, Pervez Khan, and Angela Cangiamilla to the Visit Modesto Board of Directors for a full four (4) year term, retroactive to January 1, 2024 through December 31, 2027.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of October, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-356

RESOLUTION APPROVING THE APPOINTMENT OF ERICK WINCHESTER AS FINANCIAL INSTITUTION REPRESENTATIVE AND CYNTHIA FRAZE AS THE CITIZEN-AT-LARGE TO THE HOUSING AND REHABILITATION LOAN COMMITTEE (HRLC), WITH A TERM EXPIRATION OF DECEMBER 31, 2029

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 Housing and Rehabilitation Loan Committee includes seven (7) members that are appointed by the City Council for a four-year term, one (1) alternate member from the Citizens Housing and Community Development Committee (CH&CDC); and

WHEREAS, Erick Winchester and Cynthia Fraze expressed an interest in serving on the Housing and Rehabilitation Loan Committee (HRLC); and

WHEREAS, Erick Winchester will serve in the seat designation of Financial Institution Representative and will serve for the period of November 2025 to December 31, 2029; and

WHEREAS, Cynthia Fraze will serve in the seat designation of Citizen at Large and will serve for the period of November 2025 to December 31, 2029; and

WHEREAS,this item was presented to the Appointments Committee on September 10, 2025, and was recommended to forward to Council for approval.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby approves the appointment of Erick Winchester as Financial Institution Representative and Cynthia Fraze as the Citizen-at-Large to the Housing and Rehabilitation Loan Committee (HRLC), with a term expiration of December 31, 2029.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of October, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-357

RESOLUTION REAPPOINTING HANS HAUSELMANN TO THE CITY OF MODESTO PLANNING COMMISSION WITH A TERM EXPIRING DECEMBER 31, 2029

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, Board Member Hans Hauselmann' s partial term expires on December 31, 2025; and

WHEREAS, the Appointments Committee met on September 10, 2025, and recommended the reappointment of Hans Hauselmann to the Planning Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it herby reappoints Hans Hauselmann to the City of Modesto Planning Commission with a term expiring December 31, 2029.

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 14th day of October, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-358

RESOLUTION APPROVING THE REAPPOINTMENT OF THEODORE MILLS AND THE APPOINTMENT OF ANALISA FREITAS TO THE MEASURE L CITIZEN'S TRANSPORTATION SALES TAX COMMISSION FOR A FOUR-YEAR TERM FROM OCTOBER 14, 2025 TO JUNE 30, 2029

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, by Resolution No. 2023-169 adopted the Bylaws for the Measure L Citizen's Transportation Sales Tax Commission; and

WHEREAS, the adopted Bylaws provide the terms of office and allow for the reappointment for up to two (2) terms; and

WHEREAS, by Ordinance No. 3796-C.S. and Resolution No. 2025-197 the Ordinance and Bylaws for the Measure L Citizen's Transportation Sales Tax Commission were amended to change the Commission from eleven (11) members to nine (9) members and includes extending the number of consecutive four-year terms to three from two under the Terms of Office section; and

WHEREAS, Citizen's Transportation Sales Tax Commission has five seats open for new appointments; and

WHEREAS, staff has initiated the recruitment process to fill the vacancies resulting in three new applications to fill two At-Large seats; and

WHEREAS, one applicant, Theodore Mills is seeking re-appointment for his third and final 4-year term and has attended all the scheduled meetings over the last year; and

WHEREAS, applicants, Analisa Freitas meet the minimum requirements for the commission; and

WHEREAS, on September 10, 2025, the Appointments Committee recommended the reappointment of Theodore Mills and the appointment of Analisa Freitas, the vacant seats to the Measure L Citizen's Transportation Sales Tax Commission for a 4-year term from October 14,2025 to June 30, 2029.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby re-appoints Theodore Mills and appoints Analisa Freitas to the Measure L Citizen's Transportation Sales Tax Commission for a four-year term from October 14, 2025 to June 30, 2029.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Citizen's Transportation Sales Tax Commission, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of October, 2025, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-359

RESOLUTION APPROVING THE APPOINTMENTS OF MAGDALENA SIORDIA TAPIA, GURNOOR JHATU, JACOB LOPEZ, EDEN CHEN, KARLA ENRIQUEZ, LAVANYA BANSAL, RAIDEN MANABAT, AND SADE DIAZ MARTINEZ TO THE CITY OF MODESTO YOUTH COMMISSION FOR A TWO-YEAR TERM WITH AN EXPIRATION DATE OF AUGUST 31, 2027

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards, Commissions, and Committees with the recommendation of the City's Appointments Committee; and

WHEREAS, the Modesto Youth Commission shall be comprised of seventeen (17) members who attend high school within the boundaries of the City of Modesto and are enrolled full-time in high school; and

WHEREAS, the Modesto Youth Commission shall serve in an advisory capacity to the City Council and the City Manager in matters pertaining to youth, and to initiatives, policies, and programs impact youth; and

WHEREAS, Youth Commissioners shall be appointed for a two-year term; and

WHEREAS, the Appointments Committee met on September 10, 2025, and recommended the appointments of Magdalena Siordia Tapia, Gurnoor Jhatu, Jacob Lopez, Eden Chen, Karla Enriquez, Lavanya Bansal, Raiden Manabat, and Sade Diaz Martinez to the Modesto Youth Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointments of Magdalena Siordia Tapia, Gurnoor Jhatu, Jacob Lopez, Eden Chen, Karla Enriquez, Lavanya Bansal, Raiden Manabat, and Sade Diaz Martinez to the City of Modesto Youth Commission for a two-year term with an expiration date of August 31, 2027.

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 Youth Commission, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of October, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-360

RESOLUTION APPROVING THE REAPPOINTMENTS OF SABRINA TOOR AND MARTIN MONTEZ TO THE CITY OF MODESTO YOUTH COMMISSION FOR A TWO-YEAR TERM WITH AN EXPIRATION DATE OF AUGUST 31, 2027

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards, Commissions, and Committees with the recommendation of the City's Appointments Committee; and

WHEREAS, the Modesto Youth Commission shall be comprised of seventeen (17) members who attend high school within the boundaries of the City of Modesto and are enrolled full-time in high school; and

WHEREAS, the Modesto Youth Commission shall serve in an advisory capacity to the City Council and the City Manager in matters pertaining to youth, and to initiatives, policies, and programs impact youth; and

WHEREAS, Youth Commissioners shall be appointed for a two-year term; and

WHEREAS, the Appointments Committee met on September 10, 2025, and recommended the reappointments of Sabrina Toor and Martin Montez to the Modesto Youth Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the reappointments of Sabrina Toor and Martin Montez to the City of Modesto Youth Commission for a two-year term with an expiration date of August 31, 2027.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members of the Modesto Youth Commission, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of October, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-361

RESOLUTION AMENDING THE FISCAL YEAR 2025-26 ANNUAL OPERATING AND CAPITAL IMPROVEMENT PROJECT 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 2025-26.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2025-26 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 14th day of October, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2025-26

COMMUNITY AND ECONOMIC DEVELOPMENT

- A budget adjustment in the amount of $950,000 is needed in the John Thurman Capital Improvement Fund (3125) for Project 101689 – JTF Tenant Improvements. The project is being established to track the City funded tenant improvements per the agreement approved by the Council on September 9, 2025, per Resolution 2025-331. The adjustment will establish a transfer out from the General Fund (0100) to the project and amend the project discretionary expenditure accounts. The increase in the General Fund transfer out will come from General Fund carryover reserves.

PUBLIC WORKS

- A budget adjustment in the amount of $85,000 is needed in the Capital Grants – Streets CIP Projects Fund (3160) for Project 101489 – Traffic Operations Center Upgrade. The project was recently approved to use Measure L Traffic Management funds on September 4, 2025. The adjustment will establish a transfer out from the Measure L – Local Road Tax Fund (1410) to the project and amend the project discretionary expenditure accounts.

UTILITIES

- A budget adjustment in the amount of $112,410 is needed in the Water Fund – CIP Projects Fund (4180) for Project 101666 – Salida Water Supply Assessment. The project was recently approved to enter a Memorandum of Understanding (MOU) with Stanislaus which allows reimbursement of up to $112,410 on the project. The adjustment will recognize the revenue from Stanislaus County on the project.

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-362

RESOLUTION APPROVING ANNEXATION #2 TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2024-1 (TIVOLI) AND AUTHORIZING THE LEVY OF SPECIAL TAXES ON APPROXIMATELY 19.95 ACRES OF PROPERTY LOCATED WITHIN THE ANNEXATION MAP BOUNDARY

WHEREAS, the Tivoli Specific Plan was approved by City Council in 2008 by Ordinance No. 3479-C.S, as a 454-acre site bounded by the planned Claratina Avenue on the north, Oakdale Road on the west, Sylvan Avenue on the south, and Roselle Avenue on the east; and

WHEREAS, on August 13, 2024, by Resolution No. 2024-279, the City Council declared the Resolution of Intention to Form City of Modesto Community Facilities District (CFD) No. 2024-1 (Tivoli) to establish improvement area No. 1, designate a future annexation area and authorize the levy of a special tax. The formation map was recorded on August 16, 2024; and

WHEREAS, on August 13, 2024, the City Council also approved a Resolution to Incur Debt by Resolution No. 2024-280, for CFD No. 2024-1 (Tivoli) to determine if Bonds will be issued to pay for the facilities required for the CFD; and

WHEREAS, on September 24, 2024, by Resolution No. 2024-354, the City Council approved the formation of City of Modesto Community Facilities District No. 2024-1 (Tivoli) ("CFD No. 2024-1") pursuant to the Mello-Roos Community Facilities Act of 1982 and conditionally authorized staff to levy special taxes therein and conditionally establishing annual appropriations limits; and

WHEREAS, on June 13, 2025, SB Builders LLC filed a completed application package requesting that certain parcels by annexed into CFD No. 2024-1 (Tivoli); and

WHEREAS, annexation #2 will consist of APN 083-004-057, totaling approximately 19.95 acres. This parcel is within the future annexation area as demonstrated in the initial formation boundary map; and

WHEREAS, because this parcel to be annexed was included in those designated for future annexation to CFD No. 2024-1 (Tivoli) at the time of initial formation, the parcel can be annexed with the unanimous approval of the owners pursuant to the provisions of section 53328.1 of the Mello-Roos Community Facilities Act of 1982; and

WHEREAS, a map entitled "Boundary of Proposed Annexation#2 to the City of Modesto Community Facilities District No 2024-1, City of Modesto, County of Stanislaus, State of California" (Annexation Map No. 2), showing the boundary of the Subject Property, has been filed with the City Clerk of the City of Modesto and a copy thereof was presented to City Council at the October 14, 2025 meeting; and

WHEREAS, pursuant to Section 5339.8 of the Mell-Roos Act, the Unanimous Approval Forms request that the City execute and record a notice of special tax lien and authorizes the incurrence of bonded indebtedness pertaining to the Subject Property in the official records of the County Recorder; and

WHEREAS, annexation #2 to CFD No. 2024-1 (Tivoli) was presented to the Economic Development Committee on September 8, 2025, and was recommended to forward to Council for approval; and

WHEREAS, the City Council wished by this resolution to approve and direct the recordation of Annexation Map No. 2, and to direct as soon as practicable following the

recordation of Annexation Map No. 2, the preparation, execution and recordation of the Notice of Special Tax Lien, with provision to cross-reference the recorded Annexation Map No. 2.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds and determines as follows:

1. The above recitals are true and correct.

2. The City Council hereby approves Annexation Map No. 2 and authorizes and directs the City Clerk to cause the execution and recordation thereof in the official records of the County Recorder in accordance with the provisions of Section 3113 of the California Streets and Highways Code.

3. This City Council hereby levies the Special Tax on the property located within Annexation Map No. 2 and directs the City Clerk, following the recordation of Annexation Map No. 2, to cause the preparation, execution and recordation of the Notice in the official records of the County Recorder in accordance with the provisions of Section 53339.8 and Streets and Highways Code section 3114.5(b). Upon recordation of the Notice, the Subject Property shall be subject to the levy of the special tax of CFD No. 2024-1 in accordance with the rate and method of apportionment of special tax for said CFD No. 2024-1, as approved by the Resolution of Formation and **attached** thereto as **Exhibit B** thereof.

4. This resolution shall take effect immediately upon its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of October, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2024- 354

RESOLUTION DECLARING THE FORMATION OF CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2024-1 (TIVOLI), CONDITIONALLY AUTHORIZING THE LEVY OF SPECIAL TAXES THEREIN, AND CONDITIONALLY ESTABLISHING AN ANNUAL APPROPRIATIONS LIMIT

WHEREAS, on August 13, 2024, pursuant to a petition filed by Dasco Development Company, LLC, a California Limited Partnership, (the "Petitioner") this City Council adopted Resolution No. 2024-279 (the "Resolution of Intention"), stating its intention to form City of Modesto Community Facilities District No. 2024-1 (Tivoli) (the "Community Facilities District"), with the initial parcels to be designated as Improvement Area No. 1 (the "Improvement Area No. 1") within the Community Facilities District, and designate certain property within the Tivoli Specific Plan, as amended, as future annexation to the Community Facilities District (the "Future Annexation Area"), all pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"); and

WHEREAS, a copy of the Resolution of Intention, setting forth (a) the description of the proposed boundaries of the Community Facilities District, Improvement Area No. 1 within the Community Facilities District and the Future Annexation Area for the Community Facilities District, (b) the description of the proposed facilities and services to be financed by the Community Facilities District, (c) the rate and method of apportionment of the annual facilities and maintenance special taxes and one-time facilities special tax proposed to be levied within the Community Facilities District, and (d) setting a public hearing to consider this matter, is on file with the City Clerk and is incorporated herein by reference; and

WHEREAS, on August 13, 2024, this City Council adopted Resolution No. 2024-280 (the "Resolution of Intention to Incur Debt"), stating its intention to authorize the Community Facilities District to incur bonded indebtedness in an amount not to exceed $120,000,000, pursuant to the Act, and setting a public hearing to consider this matter, a copy of which is on file with the City Clerk and is incorporated herein by reference; and

WHEREAS, the City Clerk has confirmed that a notice was published and mailed as required by law relative to the intention of the City to form the Community Facilities District and the incurrence of debt by the Community Facilities District at a public hearing to be held on September 24, 2024 (the petitioner having waived the 30-day waiting period of holding the public hearing in the petition); and

WHEREAS, on September 24, 2024, at the time and place specified in the required noticed, the City Council received public comment and continued the public hearing to September 24, 2024; and

WHEREAS, there has been filed with the City Clerk a report containing a description of the facilities and services necessary to meet the needs of the Community Facilities District and an estimate of the cost of such facilities and services as required by Section 53321.5 of the Government Code (the "Report"); and

WHEREAS, the City Council has held a public hearing on this same date as required by law to determine whether it should proceed with the formation of the Community Facilities District, the designation of Improvement Area No. 1 and the Future Annexation Area, the authorization of the rate and method of apportionment of special taxes to be levied within the Community Facilities District for the purposes described in

the aforesaid resolutions and the incurrence of bonded indebtedness for the Community Facilities District in an amount not to exceed $120,000,000; and

WHEREAS, at said hearing all persons desiring to be heard on all matters pertaining to the Community Facilities District were heard, and a full and fair hearing was held; and

WHEREAS, at the public hearing evidence was presented to the City Council on the matters before it, and there was not precluded by a majority protest of the type described in Government Code Sections 53324 and 53339.6, and the City Council is sufficiently advised as to all matters relating to the formation of the Community Facilities District, the designation of Improvement Area No. 1 and the Future Annexation Area, the levy of special taxes and the incurrence of bonded indebtedness for the Community Facilities District ; and

WHEREAS, there have been fewer than twelve (12) registered voters residing in the proposed boundaries of Improvement Area No. 1 of the Community Facilities District for the statutory period, and the qualified electors in the Community Facilities District are the landowners within Improvement Area No. 1, being the initial boundaries of the Community Facilities District; and

WHEREAS, on the basis of all of the foregoing, the City Council has determined at this time to proceed with the establishment of the Community Facilities District and to call an election therein to authorize (i) the levy of special taxes pursuant to the rate and method of apportionment of special tax, as set forth in the Rate and Method of Apportionment of Special Tax (the “Rate and Method”) **attached** hereto as **Attachment**

A, and (ii) the establishment of an appropriations limit for the Community Facilities District; and

WHEREAS, pursuant to Sections 53313.5 and 53314.9 of the Act, there has been submitted to this City Council an Acquisition and Shortfall Agreement, by and between the City, acting on behalf of the District, and developers (the "Acquisition and Shortfall Agreement"), relating to the construction, acquisition, payment and reimbursement of the Facilities (as defined herein), and this City Council, with the aid of its staff, has reviewed said document and found it to be in proper order; and

WHEREAS, pursuant to Sections 53313.5 and 53314.9 of the Act, there has been submitted to this City Council an Acquisition and Credit Agreement, by and between the City, acting on behalf of the District, and developers (the "Acquisition and Credit Agreement"), relating to the construction, acquisition, payment and credit for the Facilities (as defined herein), and this City Council, with the aid of its staff, has reviewed said document and found it to be in proper order.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds and determines as follows:

SECTION 1. The above recitals are true and correct.

SECTION 2. A community facilities district designated "City of Modesto Community Facilities District No. 2024-1 (Tivoli)" is hereby established pursuant to the Act, with the initial parcels to be further designated as "Improvement Area No. 1." The City Council hereby finds and determines that all prior proceedings taken with respect to the establishment of the Community Facilities District were valid and in conformity with

the requirements of law, including the Act. This finding is made in accordance with the provisions of Section 53325.1(b) of the Act.

SECTION 3. The boundaries of the Community Facilities District, including Improvement Area No. 1, and the Future Annexation Area to the Community Facilities District are established as shown on the map designated "Map of Proposed Boundaries and Future Annexation Area of the City of Modesto Community Facilities District No. 2024-1 (Tivoli)," which map is on file in the office of the City Clerk and, pursuant to Sections 3111 and 3113 of the Streets and Highways Code, was recorded in the Book of Maps of Assessment and Community Facilities Districts in the Office of the County Recorder of Stanislaus County in Book No. 7, at Page 29 as Instrument No. 2024-0038785.

SECTION 4. The facilities and services authorized to be paid for by each improvement area within the Community Facilities District, including Improvement Area No. 1, are services or facilities, as the case may be, which the City is authorized by law to construct, acquire, own and operate, or to provide, as set forth in Appendix A to the Resolution of Intention (the "Facilities and Services"), including all costs associated with the creation of the Community Facilities District and administering the Community Facilities District and any debt obligations of the Community Facilities District (collectively, the "Incidental Expenses"). The City Council hereby finds that the Facilities and Services are necessary to meet increased demands put upon the City as a result of the new development within the Community Facilities District, including Improvement Area No. 1, and when annexed, the Future Annexation Area.

SECTION 5. It is the intention of the City Council, subject to the approval of the qualified electors within Improvement Area No. 1 of the Community Facilities District, to levy the proposed special taxes at the rates set forth in the Rate and Method on all non-exempt property within Improvement Area No. 1 of the Community Facilities District sufficient to pay for all or a portion of (i) the Facilities, (ii) the Services, and (iii) the Incidental Expenses.

The description of the Facilities and Services may be modified upon the annexation of property into the Community Facilities District, provided such modified description shall only apply to such annexed areas. Additional improvement areas may be designated when property is annexed into the Community Facilities District.

The City expects to incur, and in certain cases has already incurred, Incidental Expenses in connection with the creation of the Community Facilities District, the levying and collecting of the facilities special taxes, the provision of the Services, the completion and inspection of the Facilities and the annual administration of the Community Facilities District. The Rate and Method is described in detail on **Attachment A** hereto and incorporated herein by this reference, and the City Council hereby finds that the Rate and Method contains sufficient detail to allow each landowner within the Community Facilities District, including Improvement Area No. 1, to estimate the maximum amount that may be levied against each parcel. As described in greater detail in the Report, which is incorporated by reference herein, the special taxes are based generally on area of each parcel of real property within the Community Facilities District, including Improvement Area No. 1, (except to the extent that certain single family detached lots may be taxed at the same rate regardless of land area) and, accordingly, is

hereby determined to be reasonable. The special taxes are apportioned to each parcel on the foregoing basis pursuant to Section 53325.3 of the Act, and such special taxes are not on or based upon the ownership of real property.

Under no circumstances shall the special taxes against any parcel used for private residential purposes be increased by more than 10% as a consequence of delinquency or default by the owner of any other parcel or parcels within Improvement Area No. 1 of the Community Facilities District, or within each additional improvement area from the Future Annexation Area, when annexed.

The City's Community Development Manager, located at 1010 Tenth Street, Modesto, California 95353, telephone number (209) 577-5211, will be responsible for preparing annually, or authorizing a designee to prepare, a current roll of special tax levy obligations by assessor's parcel number and will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Act.

SECTION 6. In the event that a portion of the property within the Community Facilities District shall become for any reason exempt, wholly or partially, from the levy of the special taxes specified in the Rate and Method, the City Council shall, on behalf of the Community Facilities District, increase the levy (to the extent necessary and permitted by law and these proceedings) upon the remaining property within Improvement Area No. 1 of the Community Facilities District, or within each additional improvement area from the Future Annexation Area, when annexed, if applicable, which is not exempt in order to prevent the Community Facilities District from defaulting on any of its other obligations or liabilities. The amount of the special taxes will be set in accordance with the Rate and Method.

Pursuant to Section 53340 of the Act, and except as provided in Section 53317.3 of the Act or in the Rate and Method, properties of entities of the state, federal, and local governments shall be exempt from the levy of the special taxes.

SECTION 7. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code, a continuing lien to secure each levy of the special taxes shall attach to all non-exempt real property in Improvement Area No. 1 of the Community Facilities District, and when annexed, the Future Annexation Area, and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the special tax by the Community Facilities District ceases.

SECTION 8. The City may accept advances of funds or work-in-kind from any source, including, but not limited to, the Petitioner and other private persons or private entities, for any authorized purpose, including, but not limited to, paying any cost incurred by it in creating the Community Facilities District.

The City may enter into an agreement with the person or entity advancing the funds or work-in-kind, to repay all or a portion of the funds advanced, or to reimburse the person or entity for the value, or cost, whichever is less, of the work-in-kind, as determined by the City, with or without interest.

The form of both the Acquisition and Shortfall Agreement and Acquisition and Credit Agreement presented at this meeting and on file with the City Clerk be and is hereby approved, with such changes as may be approved by the Mayor, City Manager or Finance Director, said officer's execution thereof to evidence approval of the changes. The Mayor, City Manager or Finance Director is hereby authorized and directed to

execute either the Acquisition and Shortfall Agreement or Acquisition and Credit Agreement, as appropriate, on behalf of the Community Facilities District with such execution to be attested to by the City Clerk.

SECTION 9. Written protests against the establishment of the Community Facilities District or the designation of the Future Annexation Area have not been filed by one-half or more registered voters within the boundaries of Improvement Area No. 1 of the Community Facilities District, or the Future Annexation Area, as applicable, or by the property owners of one-half (1/2) or more of the area of land within Improvement Area No. 1 of the Community Facilities District or the Future Annexation Area, as applicable. The City Council hereby finds that the proposed special taxes have not been precluded by a majority protest pursuant to Section 53324 of the Act.

SECTION 10. Subject to voter approval required by the Act, the annual appropriations limit (as defined in Section 8(h) of Article XIII B of the California Constitution) of the Community Facilities District is hereby established through the Rate and Method of Apportionment, as adjusted for changes in the cost of living and changes in population.

SECTION 11. An election will be called for the Community Facilities District on the propositions of levying the special taxes on the property within the Community Facilities District and establishing the appropriations limit for the Community Facilities District pursuant to Section 53325.7 of the Act. The City Clerk shall conduct the election.

SECTION 12. Pursuant to and in compliance with the provisions of Government Code Section 50075.1, and the provisions of Article 1.5 (commencing with Section 53410) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code, the City

Council hereby establishes the following accountability measures pertaining to the levy by the Community Facilities District of the special taxes:

a. Such special taxes shall be levied for the specific purposes set forth in Section 4 hereof.

b. The proceeds of the levy of such special taxes shall be applied only to the specific purposes set forth in Sections 4 and 5 hereof.

c. The District shall establish accounts into which the proceeds of such special taxes shall be deposited.

d. The City Manager or Finance Director will provide for such accounting and reporting for the special taxes as required by law.

e. The City Manager, or his or her designee, acting for and on behalf of the Community Facilities District, shall annually file a report with the City Council as required pursuant to Government Code Sections 50075.3 and 53411.

SECTION 13. Pursuant to Section 53339.7(a) of the Act, the City Council provides for the annexation of all or a portion of the Future Annexation Area to the Community Facilities District without additional hearings or further action from the City Council. The Future Annexation Area will be annexed into the Community Facilities District only at such time as the Community Facilities District receives unanimous written approval to be annexed from the owner or owners of each parcel or parcels of the portion of the Future Annexation Area proposed to be annexed at that time. Annexations to the Community Facilities District may include separate and distinct improvement

areas, modified descriptions of facilities and services and/or modified special tax rates as set forth in a modified or separate Rate and Method at the time of annexation.

SECTION 14. The preparation of the Report is hereby ratified. The Report, as submitted, is hereby approved and is made a part of the record of the public hearing regarding the formation of the Community Facilities District, and is ordered to be kept on file with the transcript of these proceedings and open for public inspection. This City Council now finds and determines that all proceedings up to and including the adoption of this resolution were and are valid and in conformity with the requirements of the Act.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2024, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

APPENDIX A

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

IMPROVEMENT AREA NO. 1 OF THE
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-1(TIVOLI)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES

Special Taxes applicable to each Assessor's Parcel in Improvement Area No. 1 of the City of Modesto Community Facilities District No. 2024-1 (Tivoli) shall be levied and collected according to the tax liability determined by the City Council through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in Improvement AreaNo. 1, unless exempted by law or by the provisions of Section H below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed into Improvement Area No. 1 unless a separate Rate and Method of Apportionment is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre" or "Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown onthe applicable Final Map or other Development Plan.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5,(commencing with Section 53311), Division 2 of Title 5 of the California Government Code.

"Administrative Expenses" means any or all of the following: the fees and expenses of any fiscalagent or trustee (including any fees or expenses of its counsel) employed in connection with any Bonds, and the expenses of the City in carrying out its duties with respect to Improvement Area No. 1, the CFD and the Bonds, including, but not limited to, the levy and collection of Special Taxes, the fees and expenses of its counsel, charges levied by the County in connection with the levy and collection of Special Taxes, costs related to property owner inquiries regarding the Special Taxes, costs associated with appeals or requests for interpretation associated with the

Special Taxes and this RMA, amounts needed to pay rebate to the federal government with respect to Bonds, costs associated with complying with continuing disclosure requirements for the City and any major property owners or other obligated parties, costs associated with foreclosure and collection of delinquent Special Taxes, and all other costs and expenses of the City in any way related to the establishment or administration of Improvement Area No. 1 and the CFD.

"Administrator" shall mean the person or firm designated by the City to administer the Special Tax according to this RMA.

"Annual Facilities Special Tax" means a special tax levied in any Fiscal Year to pay the Annual Facilities Special Tax Requirement, as defined below.

"Annual Facilities Special Tax Requirement" means the amount necessary in any Fiscal Year to: (i) pay principal and interest on Bonds that are due in the calendar year that begins in such

Fiscal Year; (ii) pay periodic costs on the Bonds, including but not limited to, credit enhancement,liquidity support, and rebate payments on the Bonds; (iii) replenish reserve funds created for the Bonds under the Indenture to the extent such replenishment has not been included in the computation of the Special Tax Requirement in a previous Fiscal Year; (iv) cure any delinquenciesin the payment of principal or interest on Bonds which have occurred in the prior Fiscal Year; (v)pay Administrative Expenses; and (vi) pay directly for Authorized Facilities and Authorized Services, so long as such levy under this clause (vi) does not increase the Special Tax levied on Undeveloped Property. The amounts referred to in clauses (i) and (ii) of the definition of SpecialTax Requirement may be reduced in any Fiscal Year by: (a) interest earnings on or surplus balancesin funds and accounts for the Bonds to the extent that such earnings or balances are available to apply against such costs pursuant to the Indenture; (b) in the sole and absolute discretion of the City, proceeds received from the collection of penalties associated with delinquent Special Taxes;and (c) any other revenues available to pay such costs, each as determined in the sole discretion ofthe City.

"Annual Maintenance Special Tax" means a special tax levied in any Fiscal Year to pay the Annual Maintenance Special Tax Requirement, as defined below.

"Annual Maintenance Special Tax Requirement" means the amount of revenue needed in any Fiscal Year to pay for: (i) Authorized Services, (ii) establishment of reserves, (iii) AdministrativeExpenses, and (iv) amounts needed to cure any delinquencies in the payment of Annual Maintenance Special Taxes which have occurred in prior Fiscal Years.

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

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

"Assessor's Parcel Number" means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Facilities" means the public facilities authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

"Authorized Services" means the public services authorized to be funded by the CFD as set forthin the documents adopted by the City Council when the CFD was formed.

"Bonds" means bonds or other debt (as defined in the Act), whether in one or more series, securedby the Annual Facilities Special Tax and issued or assumed by the CFD to fund Authorized Facilities.

"Building Permit" means a permit that allows for vertical construction of a building or buildings,which shall not include a separate permit issued for construction of the foundation thereof.

"Capitalized Interest" means funds in any capitalized interest account available to pay debt service on Bonds.

"Certificate of Occupancy" means the first certificate, including any temporary certificate of occupancy, issued by the City to confirm that a building or a portion of a building has met all of the building codes and can be occupied for residential and/or non-residential use.

"CFD" means the City of Modesto Community Facilities District No. 2024-1 (Tivoli).

"CFD Formation" means the date on which the Resolution of Formation to form the CFD was adopted by the City Council.

"City" means the City of Modesto.

"City Council" means the City Council of the City of Modesto, acting as the legislative body of the CFD.

"County" means the County of Stanislaus.

"Density Category" means, individually, Very Low Density Residential Property, Low Density Residential Property, Medium Density Residential Property, or Medium High Density ResidentialProperty.

"Developed Property" means, in any Fiscal Year, the following:

For purposes of levying the Annual Maintenance Special Tax and Annual Facilities Special Tax:

- for Single Family Detached Property, all Parcels for which a Final Map was recorded prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2023;

- for Multi-Family Property, all Parcels for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2023; and

- for Non-Residential Property, all Parcels for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2023.

For purposes of levying the One-Time Facilities Special Tax, all Parcels for which a Certificate of Occupancy was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2023.

"Development Class" means, individually, Developed Property, Taxable Owners Association Property, Taxable Welfare Exemption Property, and Taxable Public Property.

"Escalation Factor" means, in any Fiscal Year, the greater of (i) the percentage increase, if any,in the construction cost index for the San Francisco region for the prior twelve (12) month periodas published in the Engineering News Record or other comparable source if the Engineering NewsRecord is discontinued or otherwise not available, or (ii) four percent (4.0%).

"Expected Land Uses" means the Net Taxable Acreage of each Land Use Class expected on an Original Parcel based on reference to the Land Use Diagram and Attachment 2 hereto, the latter of which will be updated with each annexation of property into Improvement Area No. 1.

"Final Map" means a final map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq*) that creates SFD Lots. The term "Final Map" shall not include any large-lot subdivision map, Assessor's Parcel Map, or subdivision map or portion thereof, that does not create SFD Lots, including Assessor's Parcels that are designated as remainder parcels.

"First Bond Sale" means issuance of the first series of Bonds secured, in whole or in part, by Annual Facilities Special Taxes levied and collected from Parcels of Taxable Property in Improvement Area No. 1.

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

"Future Annexation Area" means that geographic area that, at the time of CFD Formation, was considered potential annexation area for the CFD and which was, therefore, identified as "future annexation area" on the recorded CFD boundary map. Such designation does not mean that any or all of the Future Annexation Area will annex into the CFD, but should property designated as Future Annexation Area choose to annex, the annexation may be processed pursuant to the streamlined annexation procedures provided in the Act.

"Improvement Area No. 1" means Improvement Area No. 1 of the CFD.

"Indenture" means an indenture, fiscal agent agreement, or other agreement authorizing issuanceof the Bonds.

"Land Use Class" means one of the five mutually-exclusive land use classes identified in Table 1 and Table 2 in Section C below. The City shall, in its sole discretion, determine the appropriateLand Use Class for a Parcel of Taxable Property.

"Land Use Diagram" means the exhibit in the Tivoli Specific Plan entitled "Tivoli Specific PlanLand Use Diagram", as may be amended from time to time. The Land Use Diagram at CFD Formation is included as **Attachment 1** hereto.

"Low Density Residential Property" means all Parcels of Taxable Property that are developed or expected to be developed at an average density range of 4 to 6 dwelling units per gross acre. Such Parcels are identified by an LDR designation in the Land Use Diagram.

"**Maximum Annual Facilities Special Tax"** means the greatest amount of Annual Facilities Special Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordancewith Sections C and D below.

"**Maximum Annual Facilities Special Tax Revenues"** means the aggregate amount that could be generated at any point in time if the Maximum Annual Facilities Special Tax was levied and collected on all Parcels of Taxable Property in Improvement Area No. 1.

"**Maximum Annual Maintenance Special Tax"** means the greatest amount of Annual Maintenance Special Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordance with Sections C and D below.

"**Maximum One-Time Facilities Special Tax"** means the greatest amount of One-Time FacilitiesSpecial Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordancewith Sections C and D below.

"Maximum Special Taxes" means, collectively for any Parcel, the Maximum One-Time Facilities Special Tax, Maximum Annual Facilities Special Tax, and Maximum Annual Maintenance Special Tax.

"Medium Density Residential Property" means all Parcels of Taxable Property that are developed or expected to be developed at an average density range of 7 to 17 dwelling units per gross acre. Such Parcels are identified by an MDR designation in the Land Use Diagram.

"Medium High Density Residential Property" means all Parcels of Taxable Property that are developed or expected to be developed at an average density range of 18 to 24 dwelling units pergross acre. Such Parcels are identified by an MDHR designation in the Land Use Diagram. For purposes of this RMA, Medium High Density Residential Property shall also include any propertythat is zoned at an average density range higher than 18 to 24 dwelling units per acre, regardless of the designation that is assigned to such Parcel(s).

"Multi-Family Property" means all Parcels of Developed Property for which Building Permits have been issued for construction of a residential structure consisting of two or more residential units that share common walls, including but not limited to, townhomes, condominiums, duplexes,triplexes, fourplexes, and apartment units. If a Building Permit has not yet been issued on the Parcel, the Administrator shall reference the Tivoli Specific Plan and/or the Parcel's zoning designation to determine whether the Parcel is Multi-Family Property.

"Net Taxable Acreage" or **"Net Taxable Acre"** means the total acreage within a Final Map or Parcel less arterial road right-of-ways and property that is defined in the Final Map for use as a park site, school site, or City-owned storm drainage basin. If a Subdivision Map is recorded whichis not a Final Map for some or all Parcels created by the subdivision, the Administrator shall calculate the Net Taxable Acreage of such unsubdivided Parcels by identifying the Acreage of the Parcel and (i) adding a portion of the acreage of any non-arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way, and (ii) subtracting a portion of the acreage of any arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way. The Net Taxable Acreage of a Parcel or Final Map shall be determined in the sole discretion of the City.

"Non-Residential Property" means any Parcel of Taxable Property in the CFD that does not fit within the definition of Residential Property, Taxable Owners Association Property, Taxable Public Property, or Taxable Welfare Exemption Property, as determined by the Administrator.

"One-Time Facilities Special Tax" means a Special Tax levied and collected in full by the City prior to issuance of a Certificate of Occupancy for a Parcel of Taxable Property.

"Original Parcel" means an Assessor's Parcel in Improvement Area No. 1 at the time of CFD Formation, or added to Improvement Area No. 1 upon annexation, as identified in **Attachment 3** (which shall be updated after each annexation). A Successor Parcel that is being further subdividedshall also be considered an Original Parcel for purposes of determining the Maximum Special Taxes pursuant to Section C below.

"Owners Association" means a homeowners association or property owners association that provides services to, and collects assessments, fees, dues, or charges from, property within Improvement Area No. 1.

"Owners Association Property" means any property within the boundaries of Improvement AreaNo. 1 that is owned in fee or through easement by the Owners Association, not including any suchproperty that is located directly under a residential structure.

"Per-Acre Special Taxes" means the per-acre Special Taxes identified in Table 1 and Table 2 in Section C below.

"Proportionately" means, for each Development Class, that the ratio of the actual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Yearis equal for all parcels assigned to the Development Class.

"Public Property" means any property within the boundaries of Improvement Area No. 1 that isowned by the federal government, State of California, County, City, or other public agency.

"RMA" means this Rate and Method of Apportionment of Special Taxes.

"Required Coverage" means the amount by which the Maximum Annual Facilities Special TaxRevenues must exceed the Bond debt service and priority Administrative Expenses (if any), as setforth in the Indenture, Certificate of Special Tax Consultant, or other formation or bond documentthat sets forth the minimum required debt service coverage.

"Residential Property" in any Fiscal Year means, collectively, all Very Low Density ResidentialProperty, Low Density Residential Property, Medium Density Residential Property, and MediumHigh Density Residential Property.

"SFD Lot" means an individual residential lot, identified and numbered on a recorded Final Map,on which a Building Permit has been or is permitted to be issued for construction of an SFD Unitwithout further subdivision of the lot and for which no further subdivision of the lot is anticipatedpursuant to an approved Tentative Map.

"SFD Unit" means a residential dwelling unit that does not share a common wall with another residential dwelling unit.

"Special Taxes" means, collectively, the One-Time Facilities Special Tax, the Annual Facilities Special Tax, and the Annual Maintenance Special Tax.

"Special Tax Category" means, individually, the One-Time Facilities Special Tax, the Annual Facilities Special Tax, and the Annual Maintenance Special Tax.

"Subdivision Map" means a Final Map, large lot subdivision map, or other map recorded with the County that results in the subdivision of an Original Parcel into two or more Successor Parcels.

"Successor Parcel" means an Assessor's Parcel of Taxable Property created by the subdivision or reconfiguration of an Original Parcel on which construction of a residential or non-residential structure is permitted.

"Taxable Owners Association Property" means, in any Fiscal Year after the First Bond Sale, any Parcel of Owners Association Property that satisfies all three of the following conditions: (i) the Parcel had not been Owners Association Property on the date of the First Bond Sale; (ii) based on reference to **Attachments 1 and 2**, the Parcel was not anticipated to be Owners Association Property as determined by the Administrator; and (iii) if the Parcel were to be exempt from the Special Tax because it is Owners Association Property, the Maximum Annual Facilities Special Tax Revenues would be reduced to a point at which Required Coverage could not be maintained.

"Taxable Property" means all of the Assessor's Parcels within the boundaries of Improvement Area No. 1 that are not exempt from the Special Taxes pursuant to law or Section H below.

"Taxable Public Property" means in any Fiscal Year after the First Bond Sale, any Parcel of Public Property that satisfies all three of the following conditions: (i) the Parcel had not been PublicProperty on the date of the First Bond Sale; (ii) based on reference to **Attachments 1 and 2**, the Parcel was not anticipated to be Public Property as determined by the Administrator; and (iii) if the Parcel were to be exempt from the Special Tax because it is Public Property, the Maximum Annual Facilities Special Tax Revenues would be reduced to a point at which Required Coveragecould not be maintained.

"Taxable Welfare Exemption Property" means in any Fiscal Year after the First Bond Sale, anyParcel of Welfare Exemption Property that satisfies all three of the following conditions: (i) the Parcel had not been Welfare Exemption Property on the date of issuance of the First Bond Sale;

(ii) based on reference to **Attachments 1 and 2**, the Parcel was not anticipated to be Welfare Exemption Property based on the Expected Land Uses, as determined by the Administrator; and (iii) if the Parcel were to be exempt from the Special Tax because it has become Welfare Exemption Property, the Maximum Annual Facilities Special Tax Revenues would be reduced to a point at which Required Coverage could not be maintained.

"Tentative Map" means a tentative map or substantial conformance exhibit for property in the CFD, including any adjustments or amendments thereto.

"Tivoli Specific Plan" means the specific plan for development within the Tivoli project that was originally adopted by the City Council on February 26, 2008, further updated on September 27, 2016, and as may be amended from time to time.

"Transition Event" shall be deemed to have occurred when the Administrator determines that thefollowing events have occurred: (i) all Bonds secured by the levy and collection of Facilities Special Taxes in the CFD have been fully repaid; (ii) all Administrative Expenses from prior Fiscal Years have been paid or reimbursed to the City; and (iii) there are no other Authorized Facilities that the City intends to fund with Bonds or Facilities Special Taxes.

"Transition Year" means the first Fiscal Year in which the Administrator determines that the Transition Event occurred in the prior Fiscal Year.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property that are notDeveloped Property, Taxable Owners Association Property, Taxable Public Property, or TaxableWelfare Exemption Property as defined herein.

"Very Low Density Residential Property" means all Parcels of Taxable Property that are developed or expected to be developed as large lot, rural-oriented estate homes with an average density range of 1 to 3 dwelling units per acre. Such Parcels are identified by a VLDR designation in the Land Use Diagram.

"Welfare Exemption Property" means, in any Fiscal Year, any Parcels in Improvement Area No. 1 that have received a welfare exemption under subdivision (g) of Section 214 of the Revenueand Taxation Code and for which such welfare exemption is still in place.

B. DATA FOR ANNUAL ADMINISTRATION

On or about July 1 of each Fiscal Year, the Administrator shall identify the current Assessor's Parcel Numbers for all Parcels of Taxable Property in Improvement Area No. 1. The Administrator shall also: (i) assign each Parcel of Taxable Property to the appropriate Development Class; (ii) categorize each Parcel of Residential Property into the appropriate Density Category; (iii) determine the Net Taxable Acreage of each Parcel; (iv) determine the Annual Facilities Special Tax Requirement and Annual Maintenance Special Tax Requirement, and (v) determine whether the Transition Event has occurred in a prior Fiscal Year.

In any Fiscal Year, if it is determined that: (i) a Subdivision Map for property in Improvement Area No. 1 was recorded after January 1 of the prior Fiscal Year (or any other date after which theAssessor will not incorporate the newly-created Parcels into the then current tax roll), (ii) becauseof the date the Subdivision Map was recorded, the Assessor does not yet recognize the new Parcelscreated by the Subdivision Map, and (iii) one or more of the newly-created Parcels is in a differentDevelopment Class than other Parcels created by the subdivision, the Administrator shall calculatethe Special Taxes for the property affected by recordation of the Subdivision Map by determiningthe Special Taxes that apply separately to the property within each Development Class, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordationof the Subdivision Map.

C. MAXIMUM SPECIAL TAXES

The Administrator shall use the procedures set forth below to calculate the Maximum Special Taxes for each Parcel in Improvement Area No. 1 in each Fiscal Year. The Per-Acre Special Taxesset forth in Table 1 and Table 2 below shall be used for purposes of Sections C.1 and C.2 below:

Table 1
Per-Acre Special Taxes Prior to the Transition Year
Fiscal Year 2024-25 *

Land Use Class	Per-Acre Special Tax: One-Time Facilities Special Tax	Per-Acre Special Tax: Annual Facilities Special Tax	Per-Acre Special Tax: Annual Maintenance Special Tax
Very Low Density Residential Property	$100,000 per Net Taxable Acre	$5,724 per Net Taxable Acre	$5,166 per Net Taxable Acre
Low Density Residential Property	$100,000 per Net Taxable Acre	$10,260 per Net Taxable Acre	$5,166 per Net Taxable Acre
Medium Density Residential Property	$100,000 per Net Taxable Acre	$13,725 per Net Taxable Acre	$5,166 per Net Taxable Acre
Medium High Density Residential Property	$100,000 per Net Taxable Acre	$13,087 per Net Taxable Acre	$5,166 per Net Taxable Acre
Non-Residential Property	$100,000 per Net Taxable Acre	$7,375 per Net Taxable Acre	$5,166 per Net Taxable Acre

* All Per-Acre Special Taxes shown in Table 1 are subject to the annual adjustments described in Section D below.

Table 2
Per-Acre Special Taxes In and After the Transition Year
Fiscal Year 2024-25 *

Land Use Class	Per-Acre Special Tax: One-Time Facilities Special Tax	Per-Acre Special Tax: Annual Facilities Special Tax	Per-Acre Special Tax: Annual Maintenance Special Tax
Very Low Density Residential Property	$100,000 per Net Taxable Acre	$0 per Net Taxable Acre	$6,597 per Net Taxable Acre
Low Density Residential Property	$100,000 per Net Taxable Acre	$0 per Net Taxable Acre	$7,731 per Net Taxable Acre
Medium Density Residential Property	$100,000 per Net Taxable Acre	$0 per Net Taxable Acre	$8,597 per Net Taxable Acre
Medium High Density Residential Property	$100,000 per Net Taxable Acre	$0 per Net Taxable Acre	$8,438 per Net Taxable Acre
Non-Residential Property	$100,000 per Net Taxable Acre	$0 per Net Taxable Acre	$7,010 per Net Taxable Acre

* All Per-Acre Special Taxes shown in Table 2 are subject to the annual adjustments described in Section D below.

1. Original Parcels

The Maximum Special Taxes prior to the Transition Year for each Land Use Class expected on the Original Parcels as of CFD Formation are identified in **Attachment 2**, which will be updated by the Administrator as needed to reflect Original Parcels added to Improvement Area No. 1 due to annexations. Until an Original Parcel is subdivided, the Maximum Special Taxes shown in **Attachment 2** (escalated as set forth herein) shall be the Maximum Special Taxes for the Parcel unless the zoning on the Original Parcel changes to

a Land Use Class that has higher Per-Acre Special Taxes based on reference to Table 1and Table 2 above. Upon approval of such a change in zoning by the City Council, the Administrator shall multiply the applicable Per-Acre Special Taxes by the Net Taxable

Acreage of each Land Use Class that is expected on the Parcel based on the rezone. The Administrator shall then update **Attachment 2** to reflect the higher Maximum Special Taxesfor the Parcel. If a rezone results in a Land Use Class that has a lower Per-Acre Special Tax than the previous Expected Land Uses, there shall be no corresponding reduction in the Maximum Special Taxes for the Parcel. The potential reduction in Maximum Special Tax revenues must be considered separately for each Special Tax Category. If the rezonewould cause a reduction in the Maximum Special Tax revenues in any Special Tax Category, the Maximum Special Tax identified for that Special Tax Category shall remainthe same as originally assigned to the Original Parcel.

2. Successor Parcels

a. All Successor Parcels are SFD Lots

If all Parcels created by a recorded Subdivision Map are SFD Lots, the Administrator shallapply the following steps to allocate the Maximum Special Taxes for the Original Parcel to each of the Successor Parcels created by the subdivision:

Step 1. Determine the greater of: (i) the sum of the Maximum Special Taxes assigned to each Expected Land Use for the Original Parcel, or (ii) the sumof the Net Taxable Acreage of each Density Category within the Subdivision Map multiplied by the Per-Acre Special Taxes for each DensityCategory.

Step 2. Separately for each Density Category created by the Subdivision Map, divide the Maximum Special Taxes from Step 1 by the number of SuccessorParcels to determine the Maximum Special Taxes for each SFD Lot.

b. No Successor Parcels are SFD Lots

If none of the Successor Parcels created by recordation of a Subdivision Map are SFD Lots,the Administrator shall apply the following steps to allocate the Maximum Special Taxes assigned to the Original Parcel to each of the Successor Parcels:

Step 1. Identify the Expected Land Uses for the Original Parcel.

Step 2. Determine the Net Taxable Acreage within each Land Use Class created by the Subdivision Map.

Step 3. If the Net Taxable Acreage of each Land Use Class from Step 2 is the sameas the Expected Land Uses, the Maximum Special Taxes assigned to each of the Expected Land Uses on the Original Parcel shall be allocated to the Successor Parcels based on the Acreage of each Land Use Class that occurs on each Successor Parcel.

Step 4. If the Net Taxable Acreage within each Land Use Class from Step 2 is different than the Expected Land Uses for the Original Parcel, the Administrator shall apply the following steps **separately for each Special Tax Category**:

Step 4a. Multiply the applicable Per-Acre Special Tax by the Net Taxable Acreage of each Land Use Class created by the Subdivision Map.

Step 4b. If the amount calculated in Step 4a is ***greater than*** the Maximum Special Tax assigned to the Original Parcel, multiply the Net Taxable Acreage of each Land Use Class on each Successor Parcel by the applicable Per-Acre Special Tax from Table 1 (pre-Transition Year) and Table 2 (in and after Transition Year) above to determine the Maximum Special Tax for each Successor Parcel.

Step 4c. If the amount calculated in Step 4a is ***less than*** the Maximum Special Tax assigned to the Original Parcel: (i) identify the Maximum Special Tax that was assigned to each of the Expected Land Uses on the Parcel, (ii) divide the Maximum Special Tax for each Land Use Class by the Net Taxable Acreage of each Land Use Class actually created by the Subdivision Map, and (iii) multiply the per-acre Maximum Special Tax calculated in (ii) by the Net Taxable Acreage of each Land Use Class on each Successor Parcel to determine the Maximum Special Tax for each Parcel.

If the Land Use Classes on a Successor Parcel or Parcels are different than the Expected Land Uses for that Parcel(s) and such difference would result in a reduction in the Maximum Special Tax assigned to the Original Parcel for any Special Tax Category, the Maximum Special Tax assigned to the Original Parcel shall either be distributed equally on a per-acre basis to the SuccessorParcels or, if multiple Land Use Classes are created by the Subdivision Map, the Maximum Special Tax from the Original Parcel shall be distributed to each Land Use Class so that the per- acre tax for each Land Use Class has the same proportional relationship as the Per-Acre Special Taxes in Table 1 and Table 2 above.

c. Some, But Not All, Successor Parcels are SFD Lots

If a Subdivision Map divides an Original Parcel into Successor Parcels, of which some areSFD Lots and some are not, the Administrator shall (i) break out the aggregate Net TaxableAcreage of all SFD Lots separately from the Net Taxable Acreage of other Land

Use Classes, (ii) for the aggregate Net Taxable Acreage of the SFD Lots, apply the steps in Section C.2a to determine the Maximum Special Taxes for each SFD Lot, and (iii) apply the steps in Section C.2b above to determine the Maximum Special Taxes for the other Land Use Classes on the Parcel.

If, after subdivision of an Original Parcel, a Successor Parcel is further subdivided, the SuccessorParcel shall be treated as an Original Parcel for purposes of allocating Maximum Special Taxes pursuant to Section C.2a, C.2b, or C.2c, as appropriate. After each reallocation of the Maximum

Special Taxes upon subdivision or reconfiguration of Original Parcels, the sum of the Maximum Special Taxes assigned to Successor Parcels shall never be less, but may be more, than the Maximum Special Taxes assigned to the Original Parcels prior to such reallocation.

D. CHANGES TO THE MAXIMUM SPECIAL TAXES

1. Escalation of Special Taxes

1a. One-Time Special Tax

On July 1, 2025 and on each July 1 thereafter, the Maximum One-Time Facilities Special Tax assigned to each Parcel and the Per-Acre Special Tax shown in Table 1 and Table 2 above shall be adjusted annually by the Escalation Factor.

1b. Annual Facilities Special Tax

On July 1, 2025 and on each July 1 thereafter, the Maximum Annual Facilities SpecialTax assigned to each Parcel and the Per-Acre Special Tax shown in Table 1 and Table2 above shall be increased by two percent (2%) of the amount in effect in the prior Fiscal Year.

1c. Annual Maintenance Special Tax

On July 1, 2025 and on each July 1 thereafter, the Maximum Annual Maintenance Special Tax assigned to each Parcel and the Per-Acre Special Tax shown in Table 1 and Table 2 above shall be adjusted annually by the Escalation Factor. Each annual adjustment of the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

2. Partial Prepayment of Maximum Annual Facilities Special Tax

If a Parcel makes a partial prepayment of the Annual Facilities Special Tax pursuant to Section I below, the Administrator shall recalculate the Maximum Annual Facilities Special Tax for the Parcel pursuant to Section I. In addition, the Administrator shall update **Attachment 2** to reflect the prepayment and the revised Maximum Annual Facilities Special Tax Revenues for Improvement Area No. 1. Such updates shall be maintained internally by the Administrator and shall not require recordation of an amended RMA. After the prepayment has been received, the application of Sections F and I of this RMA shall be based on the adjusted Expected Maximum Annual Facilities Special Tax Revenues after the prepayment.

3. Conversion of a Parcel of Public Property to Private Use

If, in any Fiscal Year, a Parcel of Public Property is converted to private use, such Parcel shall be subject to the levy of the Special Taxes, and the Administrator shall determine the appropriate Maximum Special Taxes for the Parcel based on the Net Taxable Acreage of the Parcel.

E. ANNEXATIONS

If, in any Fiscal Year, a property owner within the Future Annexation Area wants to annex propertyinto Improvement Area No. 1, the Administrator shall apply the following steps as part of the annexation proceedings:

Step 1. Working with City staff and the landowner, the Administrator shall determine the Land Use Classes that are expected within the area to be annexed.

Step 2. The Administrator shall prepare and keep on file an updated **Attachment 2** that identifies the Assessor's Parcel Number(s), Expected Land Use, Expected Net Taxable Acreage, One-Time Facilities Special Tax, Maximum Annual Facilities Special Tax, and Maximum Annual Maintenance Special Tax for the annexed property.

Step 3. The Administrator shall prepare and keep on file an updated **Attachment 3** that adds the Assessor's Parcel(s) in the annexed area to the Original Parcels in Improvement Area No. 1.

Step 4. The Administrator shall ensure that a Notice of Special Tax Lien is recorded against all Parcels that are annexed to Improvement Area No. 1.

Step 5. The Administrator shall recalculate the Public Facilities Requirement used in the prepayment calculation in Section I below to include the estimated net proceeds that can be generated to fund Authorized Facilities based on the Maximum Annual Facilities Special Tax capacity from the annexed area. The adjusted Public Facilities Requirement shall be calculated by (i) dividing the increased Maximum Annual Facilities Special Tax Revenues that can be collected after the annexation by the Maximum Annual Facilities Special Tax Revenues that were in place prior to the annexation, and (ii) multiplying the quotient by the Public Facilities Requirement that was in place prior to the annexation.

F. METHOD OF LEVY OF THE SPECIAL TAXES

1. One-Time Facilities Special Tax

The Maximum One-Time Facilities Special Tax determined pursuant to Sections C and D above shall be levied on all Taxable Property in Improvement Area No. 1 and shall be collected as set forth in Section G below.

2. Annual Facilities Special Tax

Each Fiscal Year until the Transition Year, the Administrator shall determine the Annual Facilities Special Tax Requirement for the Fiscal Year and levy the Annual Facilities SpecialTax on all Parcels of Taxable Property as follows:

Step 1: The Annual Facilities Special Tax shall be levied Proportionately on each Parcel of Developed Property within Improvement Area No. 1 up to 100% of

the Maximum Annual Facilities Special Tax for each Parcel for such Fiscal Year until the amount levied on Developed Property is equal to the Annual Facilities Special Tax Requirement prior to applying any Capitalized Interestthat is available in the CFD accounts.

Step 2: If additional revenue is needed after Step 1, the Annual Facilities Special Tax shall be levied Proportionately on each Parcel of Taxable Welfare Exemption Property up to 100% of the Maximum Annual Facilities Special Tax for each Parcel of Taxable Welfare Exemption Property for such Fiscal Year until the amount levied is equal to the Annual Facilities Special Tax Requirement.

Step 3: If additional revenue is needed after Step 2, the Annual Facilities Special Tax shall be levied Proportionately on each Parcel of Taxable Owners Association Property up to 100% of the Maximum Annual Facilities Special Tax for each Parcel of Taxable Owners Association Property until the amount levied is equal to the Annual Facilities Special Tax Requirement.

Step 4: If additional revenue is needed after Step 3, the Annual Facilities Special Tax shall be levied Proportionately on each Parcel of Taxable Public Property up to 100% of the Maximum Annual Facilities Special Tax for each Parcel of Taxable Public Property until the amount levied is equal to the Annual Facilities Special Tax Requirement.

No Annual Facilities Special Tax shall be levied in any Fiscal Year on Parcels of Undeveloped Property.

3. Annual Maintenance Special Tax

Each Fiscal Year, the Administrator shall determine the Annual Maintenance Special TaxRequirement for the Fiscal Year and levy the Annual Maintenance Special Tax on Parcelsof Taxable Property as follows:

Step 1: The Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Developed Property within Improvement Area No. 1 up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel for such Fiscal Year until the amount levied on Developed Property is equal to the Annual Maintenance Special Tax Requirement.

Step 2: If additional revenue is needed after Step 1, the Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Taxable Welfare Exemption Property up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Taxable Welfare Exemption Property for such Fiscal Year until the amount levied is equal to the Annual Maintenance Special Tax Requirement.

Step 3: If additional revenue is needed after Step 2 the Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Taxable OwnersAssociation Property up to 100% of the Maximum Annual Maintenance

Special Tax for each Parcel of Taxable Owners Association Property until the amount levied is equal to the Annual Maintenance Special Tax Requirement.

Step 4: If additional revenue is needed after Step 3, the Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Taxable Public Property up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Taxable Public Property until the amount levied is equal to the Annual Maintenance Special Tax Requirement.

No Annual Maintenance Special Tax shall be levied in any Fiscal Year on Parcels of Undeveloped Property.

G. MANNER OF COLLECTION OF SPECIAL TAXES

The Maximum One-Time Facilities Special Tax shall be collected prior to a Certificate of Occupancy being issued for any residential or non-residential structure on Taxable Property within Improvement Area No. 1 and shall be immediately delinquent if not so paid.

The Annual Facilities Special Tax and Annual Maintenance Special Tax shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, thatprepayments are permitted as set forth in Section I below and provided further that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Annual Facilities Special Taxes and Annual Maintenance Special Taxes through foreclosure or other available methods.

The Annual Facilities Special Tax shall be levied and collected until principal and interest on Bonds have been repaid, costs of constructing or acquiring Authorized Facilities from Annual Facilities Special Tax proceeds have been paid, and all Administrative Expenses have been reimbursed. However, in no event shall Annual Facilities Special Taxes be levied after Fiscal Year 2074-75. The Annual Maintenance Special Tax shall be levied in perpetuity unless and until the City determines that the Annual Maintenance Special Tax is no longer needed to pay for Authorized Services. Under no circumstances may the Annual Facilities Special Tax on a Parcel of Developed Property in residential use be increased in any Fiscal Year as a consequence of delinquency or default in payment of the Annual Facilities Special Tax levied on another Parcel or Parcels by more than ten percent (10%) above the amount that would have been levied in that Fiscal Year had there never been any such delinquencies or defaults.

H. EXEMPTIONS

Notwithstanding any other provision of this RMA, no One-Facilities Special Tax or Annual Facilities Special Tax shall be levied in any Fiscal Year on the following: (i) Public Property, except Taxable Public Property, (ii) Owners Association Property, except Taxable Owners Association Property, (iii) Welfare Exemption Property, except Taxable Welfare Exemption Property, and (iv) Parcels of Undeveloped Property. In addition, no Annual Facilities Special Tax shall be levied on (i) Parcels that are owned by a public utility for an unmanned facility, and (ii) Parcels that are subject to an easement that precludes any other use on the Parcel.

No Annual Maintenance Special Tax shall be levied on the following: (i) Public Property, including Taxable Public Property, (ii) Owners Association Property, including Taxable Owners Association Property, and (iii) Welfare Exemption Property, including Taxable Welfare Exemption Property.

I. PARTIAL PREPAYMENT OF THE ANNUAL FACILITIES SPECIAL TAX

The following definitions apply to this Section I:

"Outstanding Bonds" means all Previously Issued Bonds which remain outstanding, withthe following exception: if an Annual Facilities Special Tax has been levied against, or already paid by, an Assessor's Parcel making a prepayment, and a portion of the Annual Facilities Special Tax will be used to pay a portion of the next principal payment on the Bonds that remain outstanding (as determined by the Administrator), that next principal payment shall be subtracted from the total Bond principal that remains outstanding, and the difference shall be used as the amount of Outstanding Bonds for purposes of this prepayment formula.

"Previously Issued Bonds" means all Bonds that have been issued prior to the date of prepayment.

"Public Facilities Requirement" means either $7.3 million in 2024 dollars, which shall increase on January 1, 2025, and on each January 1 thereafter by two percent (2%) of the amount in effect in the prior year, or such other number as shall be determined by the Cityas sufficient to fund improvements that are authorized to be funded by the CFD. The Public Facilities Requirements shown above will be adjusted each time there is an annexation of property into Improvement Area No. 1.

"Remaining Facilities Costs" means the Public Facilities Requirement minus public facility costs funded by Previously Issued Bonds, developer equity, and any other source of funding.

A property owner may prepay up to 75% of the Annual Facilities Special Tax obligation applicableto a Parcel, thereby reducing the Maximum Annual Facilities Special Tax applicable to the Parcel,provided that a prepayment may be made only if (i) there are no delinquent Special Taxes with respect to such Parcel at the time of prepayment, and (ii) there has not in any prior Fiscal Year been a partial prepayment of the Annual Facilities Special Tax assigned to the Parcel. The AnnualMaintenance Special Tax may not be prepaid. An owner of an Assessor's Parcel intending to prepay a portion of the Annual Facilities Special Tax obligation shall provide the City

with writtennotice of intent to prepay. Within 30 days of receipt of such written notice, the City or its designee shall notify such owner of the prepayment amount for such Assessor's Parcel. Prepayment must be made not less than 75 days prior to any redemption date for Bonds to be redeemed with the proceeds of such prepaid Annual Facilities Special Taxes. The Prepayment Amount shall be calculated as follows: (capitalized terms as defined below):

Bond Redemption Amount

plus Remaining Facilities Amount

plus Redemption Premium

plus Defeasance Requirement

plus Administrative Fees and Expenses

less Reserve Fund Credit

equals Prepayment Amount

As of the proposed date of prepayment, the Prepayment Amount shall be determined by applicationof the following steps:

Step 1. Compute the amount that could be collected from the Parcel prepaying the Annual Facilities Special Tax in the Fiscal Year in which prepayment would be received by the City.

Step 2. Divide the Maximum Annual Facilities Special Tax from Step 1 by the current Maximum Annual Facilities Special Tax Revenues.

Step 3. Multiply the quotient computed in Step 2 by the percentage of the Maximum Annual Facilities Special Tax that the property owner wants to prepay, which percentage shall not exceed 75%.

Step 4. Multiply the quotient computed pursuant to Step 3 by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid (*the "**Bond Redemption Amount**"*).

Step 5. Compute the current Remaining Facilities Costs (if any).

Step 6. Multiply the quotient computed pursuant to Step 3 by the amount determined pursuant to Step 5 to compute the amount of Remaining Facilities Costs to be prepaid (*the "**Remaining Facilities Amount**"*).

Step 7. Multiply the Bond Redemption Amount computed pursuant to Step 4 by the applicable redemption premium, if any, on the Outstanding Bonds to be redeemed (*the "**Redemption Premium"***).

Step 8. Compute the amount needed to pay interest on the Bond Redemption Amount starting with the first Bond interest payment date after which the prepayment will be received until the earliest redemption date for the Outstanding Bonds. However, if Bonds are callable at the first interest payment date after the prepayment has been received, Steps 8, 9, and 10 of this prepayment formula will not apply.

Step 9: Compute the amount of interest the City reasonably expects to derive from reinvestment of the Bond Redemption Amount plus the Redemption Premium from the first Bond interest payment date after which the prepayment has been received until the redemption date for the Outstanding Bonds.

Step 10: Subtract the amount computed pursuant to Step 9 from the amount computed pursuant to Step 8 (the ***"Defeasance Requirement"***).

Step 11. The administrative fees and expenses associated with the prepayment will be determined by the Administrator and include the costs of computing the prepayment, redeeming Bonds, and recording any notices to evidence the prepayment and the redemption (the *"**Administrative Fees and Expenses"***).

Step 12. If and to the extent so provided in the Bond Indenture, a reserve fund creditshall be calculated as a reduction in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (the "***Reserve Fund Credit"***).

Step 13. The Facilities Special Tax prepayment is equal to the sum of the amounts computed pursuant to Steps 4, 6, 7, 10, and 11, less the amount computed pursuant to Step 12 (the *"**Prepayment Amount"***).

Step 14. From the Prepayment Amount, the amounts computed pursuant to Steps 4,7, and 10 shall be deposited into the appropriate fund as established under the Indenture and be used to retire Outstanding Bonds or make debt service payments. The amount computed pursuant to Step 6 shall be deposited into the Improvement Fund. The amount computed pursuant to Step 11 shall be retained in the account or fund that is established to pay Administrative Expenses.

Once a partial prepayment has been received, an Amendment to Notice of Facilities Special Tax Lien shall be recorded against the Parcel to reflect the reduced Facilities Special Tax lien for the Parcel, which shall be equal to the portion of the Maximum Annual Facilities Special Tax that wasnot prepaid, and the Administrator shall update **Attachment 2** to show the revised Expected Maximum Annual Facilities Special Tax Revenues. However, an Amendment to Notice of Facilities Special Tax Lien shall not be recorded until all Special Taxes levied on the Parcel in the current or prior Fiscal Years have been collected.

If an owner that has partially prepaid the Annual Facilities Special Tax obligation assigned to a Parcel subsequently rezones the Parcel to a Land Use Class that has a higher Per-Acre Annual Facilities Special Tax, the City may, in its sole discretion and as a condition of approval of the rezoning, collect the additional Annual Facilities Special Tax prepayment that would have applied had the Parcel been rezoned at the time of the original partial prepayment for the Parcel.

Notwithstanding the foregoing, if at any point in time the Administrator determines that the Maximum Annual Facilities Special Tax Revenue that can be collected from Taxable Property that remains subject to the Annual Facilities Special Tax after the proposed prepayment is less than the Required Coverage on Bonds that will remain outstanding after defeasance or redemption of Bonds from proceeds of the estimated prepayment, the amount of the prepayment shall be increased until the amount of Bonds defeased or redeemed is sufficient to reduce remaining annual debt service to a point at which Required Coverage is maintained.

J. INTERPRETATION OF SPECIAL TAX FORMULA

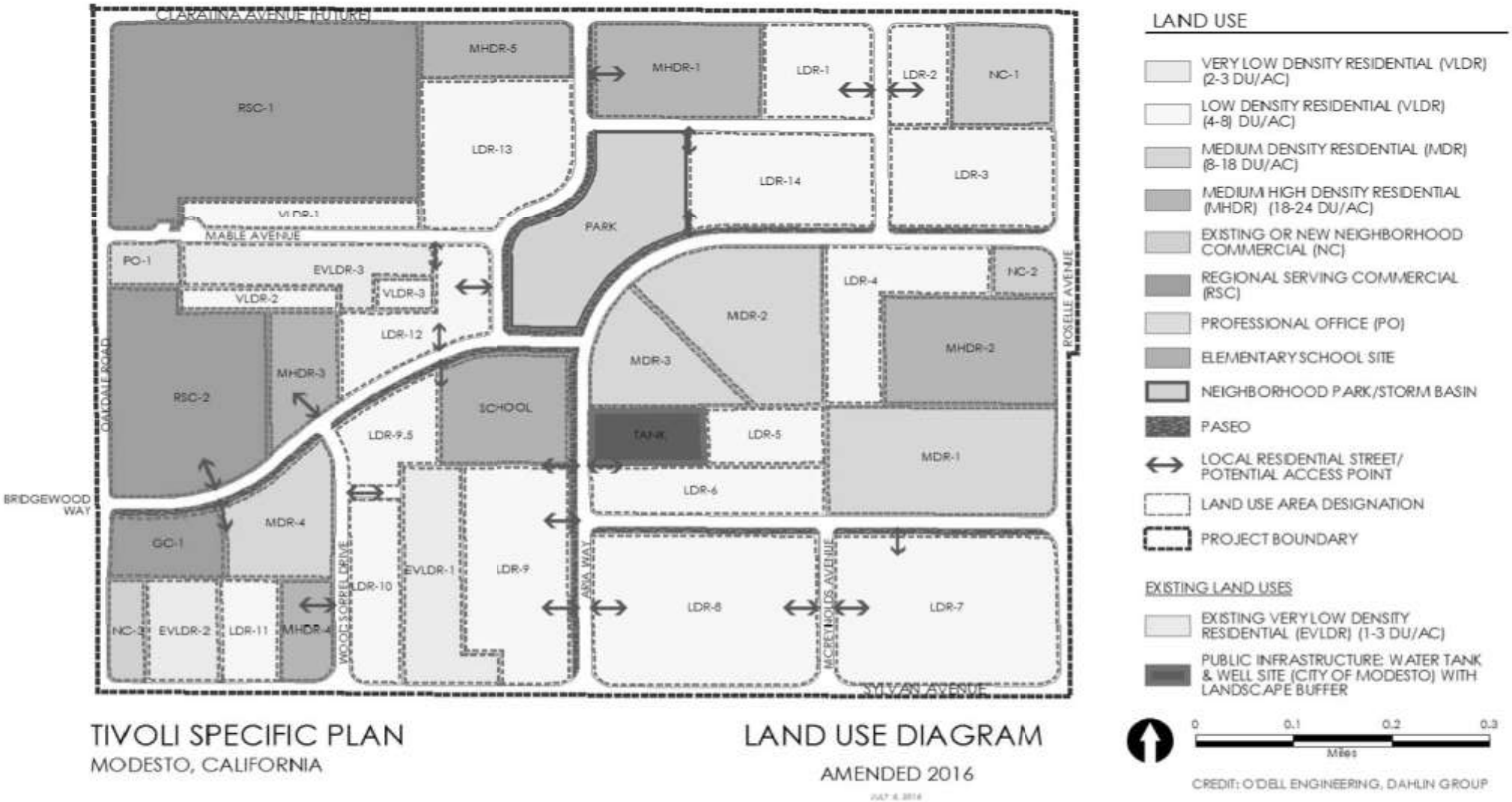
The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the rates or method of apportioning Special Taxes. In addition, theinterpretation and application of any section of this document shall be left to the City's discretion.Interpretations may be made by the City by ordinance or resolution for purposes of clarifying anyvagueness or ambiguity in this RMA.

ATTACHMENT 1

IMPROVEMENT AREA NO. 1 OF THE
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-1(TIVOLI)

Tivoli Specific Plan
Land Use Diagram

EXHIBIT 3.1 - LAND USE DIAGRAN (LUD)



LAND USE

- VERY LOW DENSITY RESIDENTIAL (VLDR) (2-3 DU/AC)
- LOW DENSITY RESIDENTIAL (VLDR) (4-8) DU/AC)
- MEDIUM DENSITY RESIDENTIAL (MDR) (8-18 DU/AC)
- MEDIUM HIGH DENSITY RESIDENTIAL (MHDR) (18-24 DU/AC)
- EXISTING OR NEW NEIGHBORHOOD COMMERCIAL (NC)
- REGIONAL SERVING COMMERCIAL (RSC)
- PROFESSIONAL OFFICE (PO)
- ELEMENTARY SCHOOL SITE
- NEIGHBORHOOD PARK/STORM BASIN
- PASEO
- LOCAL RESIDENTIAL STREET/ POTENTIAL ACCESS POINT
- LAND USE AREA DESIGNATION
- PROJECT BOUNDARY

EXISTING LAND USES

- EXISTING VERY LOW DENSITY RESIDENTIAL (EVLDR) (1-3 DU/AC)
- PUBLIC INFRASTRUCTURE: WATER TANK & WELL SITE (CITY OF MODESTO) WITH LANDSCAPE BUFFER

0 0.1 0.2 0.3
Miles

CREDIT: O'DELL ENGINEERING, DAHLIN GROUP

TIVOLI SPECIFIC PLAN
MODESTO, CALIFORNIA

LAND USE DIAGRAM
AMENDED 2016

JULY 6, 2016

ATTACHMENT 2 IMPROVEMENT AREA

NO. 1 OF THE
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-1(TIVOLI)

Maximum Special Taxes Assigned to Expected Land Uses Within Each Original Parcel Prior to the Transition Year

Event Adding Parcel to CFD	Assessor's Parcel Number	Expected Land Use /1	Expected Net Taxable Acreage	Maximum One-Time Facilities Special Tax (FY 2024-25) /2	Maximum Annual Facilities Special Tax (FY 2024-25) /2	Maximum Annual Maintenance Special Tax (FY 2024-25) /2
CFD Formation	083-004-059-000	MDR	4.50	$450,000	$61,761	$23,247
CFD Formation	083-004-060-000	MDR	4.78	$478,000	$65,604	$24,693
CFD Formation	083-004-068-000	LDR	35.89	$3,589,000	$368,244	$185,408

1. VLDR = Very Low Density Residential, LDR = Low Density Residential, MDR = Medium Density Residential, MHDR = Medium High Density Residential, and NR = Non-Residential

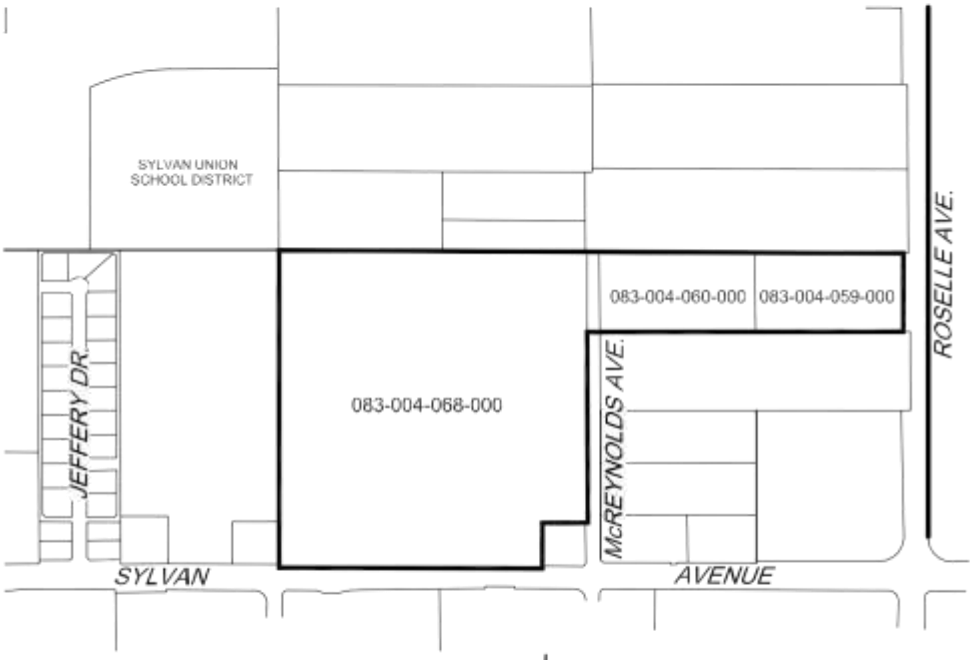
2. The Maximum Special Taxes set forth above shall be adjusted pursuant to Section D of the RMA.

ATTACHMENT 3

IMPROVEMENT AREA NO. 1 OF THE
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-1(TIVOLI)

Original Parcels in Improvement Area No. 1

ATTACHMENT 3
ORIGINAL PARCELS IN CFD
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-1
(TIVOLI)



NTS

LEGEND

———	ASSESSOR'S PARCEL LOT LINE
083-003-017-000	ASSESSORS PARCEL NUMBER
▬▬▬	COMMUNITY FACILITIES DISTRICT NO. 2024-1 AND IMPROVEMENT AREA NO. 1

GCG
GOODWIN CONSULTING GROUP

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-363

RESOLUTION APPROVING A FIRST AMENDMENT TO THE MEMORANDUM OF AGREEMENT BETWEEN THE COUNTY OF STANISLAUS COMMUNITY SERVICES AGENCY (CSA) AND THE CITY OF MODESTO TO INCREASE THE FUNDING AMOUNT BY $342,626 FROM $1,775,077 TO A NEW TOTAL AWARD OF $2,117,703, FOR THE OPERATIONS OF THE PERMANENT SUPPORTIVE HOUSING UNITS PROJECT LOCATED AT 710 N. 9TH STREET, MODESTO CA 95350 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE AN AMENDMENT

WHEREAS, on December 5, 2023, the Board of Supervisors for the County of Stanislaus authorized an allocation of Stanislaus Community System of Care's (SCOC) Homeless Housing Assistance and Prevention Program (HHAP) funding, in the amount of $1,775,077 in the form of a grant to be managed by the City for this project; and

WHEREAS, on January 23, 2024, by Resolution 2024-030 the City approved an agreement with Stanislaus Community Services Agency (CSA) for the acceptance of the Homeless Housing, Assistance and Prevention (HHAP) funding in the amount of $1,775,077 and approved a grant to Modesto Homekey LP for the development at 710 N. 9th Street; and

WHEREAS, to support housing stabilization the initial Homekey application included operating subsidies through housing vouchers from local partners; and

WHEREAS, since the initial application regulatory changes have affected the availability of housing vouchers due to federal budget uncertainties and shifting priorities; and

WHEREAS, the significant reduction of voucher availability created a gap in the operating budget for the project; and

WHEREAS, the City approached the Stanislaus Community System of Care

(CSOC) to request support in long term solutions to ensure the placement and affordability of the project; and

WHEREAS, on June 26, 2025, the CSOC approved to increase the HHAP funding allocation by $342,626 from $1,775,077 to $2,117,703, for the provision of funding for the Travelers Motel for the rehabilitation and operations of Permanent Supportive Housing Units.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it approves a First Amendment to the Memorandum of Agreement between the County of Stanislaus Community Services Agency (CSA) and the City of Modesto to increase the funding amount by $342,626 from $1,775,077 to a new total award of $2,117,703, for the operations of the Permanent Supportive Housing Units for the project located at 710 N. 9th Street, Modesto CA 95350.

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 14th day of October, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-364

RESOLUTION APPROVING A FIRST AMENDMENT TO THE GRANT AGREEMENT WITH MODESTO HOMEKEY, L.P. OF FRESNO, CA TO INCREASE THE FUNDING AMOUNT BY $342,626 FROM $1,775,077 TO A NEW TOTAL AWARD OF $2,117,703, FOR THE OPERATIONS OF THE PERMANENT SUPPORTIVE HOUSING FOR THE PROJECT LOCATED AT 710 N. 9TH STREET, MODESTO CA 95350 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE AN AMENDMENT

WHEREAS, on December 5, 2023, the Board of Supervisors for the County of Stanislaus authorized an allocation of Stanislaus Community System of Care's (SCOC) Homeless Housing Assistance and Prevention Program (HHAP) funding, in the amount of $1,775,077 in the form of a grant to be managed by the City for this project; and

WHEREAS, on January 23,2024, by Resolution 2024-030 the City approved an agreement with Stanislaus Community Services Agency (CSA) for the acceptance of the Homeless Housing, Assistance and Prevention (HHAP) funding in the amount of $1,775,077 and approved a grant to Modesto Homekey LP for the development at 710 N. 9th Street; and

WHEREAS, to support housing stabilization the initial Homekey application included operating subsidies through housing vouchers from local partners; and

WHEREAS, since the initial application regulatory changes have affected the availability of housing vouchers due to federal budget uncertainties and shifting priorities; and

WHEREAS, the significant reduction of voucher availability created a gap in the operating budget for the project; and

WHEREAS, the development team presented to the Stanislaus Community

System of Care (CSOC) to request support in long term solutions to ensure the placement and affordability of the project; and

WHEREAS, on June 26, 2025 the CSOC approved to increase the HHAP funding allocation by $342,626 from $1,775,077 to $2,117,703, for the provision of funding for the Travelers Motel for the rehabilitation and operations of Permanent Supportive Housing Units.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it approves a First Amendment to the Grant Agreement with Modesto Homekey, L.P. of Fresno, CA to increase the funding amount by $342,626 from $1,775,077 to a new total award of $2,117,703, for the operations of the Permanent Supportive Housing Units for the project located at 710 N. 9th Street, Modesto CA 95350.

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 14th day of October, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-365

RESOLUTION AMENDING PROJECT (101575) TO INCREASE THE HOMELESS HOUSING ASSISTANCE AND PREVENTION PROGRAM (HHAP) BUDGET NEW TOTAL AMOUNT OF $2,117,703 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, on January 23, 2024, by Resolution 2024-030 the City approved an agreement with Stanislaus Community Services Agency (CSA) for the acceptance of the Homeless Housing, Assistance and Prevention (HHAP) funding in the amount of $1,775,077 and to issue a grant to Modesto Homekey LP for the development at 710 N. 9th Street; and

WHEREAS, on June 26, 2025, the Stanislaus Community System of Care (CSOC) approved to increase the HHAP funding allocation by $342,626 from $1,775,077 to a new total amount $2,117,703, for the provision of funding for the Travelers Motel for the rehabilitation and operations of Permanent Supportive Housing Units.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it amends project (101575) to increase the Homeless Housing Assistance and Prevention Program (HHAP) by $342,626 for a new total amount of $2,117,703.

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 14th day of October, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-366

RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO HOSPITALITY, LLC, TO OPERATE THE MODESTO CENTRE PLAZA THROUGH DECEMBER 31, 2026, AND CONTINUING THEREAFTER UNTIL TERMINATED BY ONE OF THE PARTIES, AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO NEGOTIATE AND EXECUTE THE FINAL AGREEMENT

WHEREAS, the City of Modesto ("City") operates and manages the Modesto Centre Plaza ("MCP") as a destination conference center and community facility; and

WHEREAS, in November 2019, by Resolution No. 2019-488, Council approved a new four-year agreement between the City of Modesto and Modesto Hospitality, LLC ("The DoubleTree"), which was set to expire December 31, 2023, to provide catering and concessionaire services for events booked or hosted at MCP; and

WHEREAS, the DoubleTree pays the City catering and concessionaire fees as well as commissions for audiovisual services; and

WHEREAS, on December 12, 2023, by Resolution No. 2023-543, the Modesto City Council approved a First Amendment to the Catering and Concessionaire Agreement to allow MCP to continue operations during ongoing planning for the facility; and

WHEREAS, the First Amendment extended the agreement by six (6) months to June 30, 2024, after which the term continued on a month-to-month basis unless terminated by either party by not less than thirty (30) days written notice prior to the end of an agreement month; and

WHEREAS, since July 1, 2024, the City of Modesto and Modesto Hospitality, LLC have been operating under this month-to-month arrangement; and

WHEREAS, for the last ten (10) years, the Modesto Centre Plaza has been operating at approximately a one (1) million-dollar deficit each year; and

WHEREAS, the City has had to subsidize the operations with General Fund dollars to address the operating deficit; and

WHEREAS, the City has decided to not continue to subsidize the operations; and

WHEREAS, the Modesto Centre Plaza is not booking events after December 31, 2025, and the facility is scheduled to close; and

WHEREAS, Modesto Hospitality LLC approached the City of Modesto to operate the Modesto Centre Plaza on an interim until the facility permanently closes; and

WHEREAS, staff has worked with the Modesto Hospitality, LLC to draft terms of a new Agreement; and

WHEREAS, this new Agreement between the City of Modesto and Modesto Hospitality, LLC shall commence upon execution, and last until December 31, 2026. Thereafter, the Agreement shall remain in effect until terminated by either Party with 180 days prior notice; and

WHEREAS, beginning July 1, 2026, no events shall be booked more than 180 days in advance; and

WHEREAS, the City will have no obligation to make any capital repairs or replacements. If damage occurs during the term that creates a threat to health or safety, the City may elect to repair the damage or terminate the Agreement; and

WHEREAS, Modesto Hospitality, LLC is responsible for all routine maintenance, including janitorial services;

WHEREAS, the City shall continue maintaining all landscaping and pest control

management for the Modesto Centre Plaza facility and surrounding property; and

WHEREAS, the City will pay for all utilities currently provided to the property; and

WHEREAS, the City will maintain property insurance; and

WHEREAS, Modesto Hospitality, LLC shall maintain liability insurance, workers compensation, and insurance for its personal property; and

WHEREAS, Modesto Hospitality, LLC shall be responsible for all bookings of future events at Modesto Centre Plaza at their discretion; and

WHEREAS, Modesto Hospitality, LLC shall pay the City 90% of all revenue associated with the room rental fees associated with the bookings; and

WHEREAS, all existing commission fees shall remain unchanged, and are follows:

1. Catering:
    a. $0-$9,999.99 – 14%
    b. $10,000-$19,999.99 -16%
    c. $20,000 or greater – 18%
2. Concessionaire:
    a. $0-$9,999.99 - 21%
    b. $10,000 or greater – 24%
3. AV Commissions (the Doubletree can utilize Statewide Production):
    a. $0-$70,000 - 70%
    b. $70,000 or greater – 50%

; and

WHEREAS, the City may hold 10 (ten) events per year at Modesto Centre Plaza without charge or fee of any kind (except for catering, if used); and

WHEREAS, the City will pay for fifty percent (50%) of security costs, up to a maximum of five (5) thousand dollars ($5,000) per month for the length of the contract, and specific hours will be identified within the Agreement; and

WHEREAS, Modesto Hospitality, LLC shall charge the City's existing rental fees for entities booking Modesto Centre Plaza; and

WHEREAS, for bookings in 2027, the City shall consider an increase to the amount charged for future bookings.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement between the City of Modesto and Modesto Hospitality, LLC, to operate the Modesto Centre Plaza through December 31, 2026 and shall remain in effect until terminated by either Party with 180 days prior notice.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to negotiate and execute the final 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 October, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-367

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH MARK THOMAS & COMPANY, INC. FOR ADDITIONAL TASKS RELATED TO CONSTRUCTION DOCUMENTATION AND BIDDING & CONSTRUCTION SUPPORT FOR THE TUOLUMNE RIVER REGIONAL PARK (TRRP) RIVERWALK TRAIL – GATEWAY TO NEECE PROJECT, INCREASING THE AGREEMENT AMOUNT BY $62,584 TO A NEW TOTAL AMOUNT NOT TO EXCEED $325,841, PLUS $39,100 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED $364,941, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, on January 10, 2023, by Resolution No. 2023-18, Council approved an Agreement with Mark Thomas & Company, Inc., for $263,257 plus 10% additional services of $26,326, for a total not to exceed $289,583 for the preparation of construction documentation for the TRRP Riverwalk Trail – Gateway to Neece Project; and

WHEREAS, in March of 2025, at the City's request, Mark Thomas & Company, Inc., submitted a budget augmentation for additional tasks exceeding the $289,583 authorized in the Original Agreement; and

WHEREAS, the estimated additional tasks resulted in increased costs, totaling $62,584, to the following:

1. Additional Construction Documentation (including Geotechnical Investigation and Reporting).
2. Additional cost for Bidding and Construction Support beyond what was anticipated in the original Agreement.; and

WHEREAS, staff are recommending increasing the additional services budget to 12%, a total of $39,100, to allow the Department Director to approve any future additional services that are necessary; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid; however, exceptions to the formal bidding process are granted in MMC 8-3.204(f), “Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services.”

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves a First Amendment to the Agreement with Mark Thomas & Company, Inc. for additional tasks related to Construction Documentation and Bidding & Construction Support for the Tuolumne River Regional Park (TRRP) Riverwalk Trail – Gateway to Neece Project, increasing the Agreement amount by $62,584 to a new total amount not to exceed $325,841, plus $39,100 in additional services, if needed, for a total amount not to exceed $364,941.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the First 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 14th day of October, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-368

RESOLUTION APPROVING THE FIFTH AMENDMENT TO THE JOINT POWERS AGREEMENT (JPA) WITH THE CITY OF MODESTO AND COUNTY OF STANISLAUS FOR THE ACQUISITION, DEVELOPMENT, AND OPERATION OF THE TUOLUMNE RIVER REGIONAL PARK, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, in the early 1960's, the community determined the Tuolumne River waterway within Modesto should be restored, preserved, and enhanced as an open space river corridor to provide Stanislaus County residents with conservation and recreation benefits; and

WHEREAS, it was envisioned that the Tuolumne River could contribute to the economics of the region; and

WHEREAS, these preliminary efforts were the basis for the 1972 formation of the Tuolumne River Regional Park (TRRP) Joint Powers Agreement (JPA), consisting of the City of Ceres, City of Modesto and County of Stanislaus; and

WHEREAS, the City of Modesto is responsible for the management of the Tuolumne River Regional Park, with funds contributed by each of the three agencies; and

WHEREAS, on June 26, 2024, the City of Ceres delivered, via email, a notice of withdrawal and termination from the JPA; and

WHEREAS, per Section 18 of the Agreement, any party may terminate the agreement by giving written notice to the other parties at least one year prior to the close of the fiscal year; and

WHEREAS, the City of Ceres has withdrawn and terminated their involvement in

the JPA on June 30, 2025, and as of July 1, 2025, is no longer an active partner of the JPA; and

WHEREAS, in order for the TRRP JPA to continue, the City of Modesto and Stanislaus County will need to approve a Fifth Amendment to the JPA in which they agree to continue the TRRP JPA as it currently is described in the JPA without City of Ceres involvement; and

WHEREAS, nothing in this Fifth Amendment shall modify, eliminate, or otherwise change the duties, rights, and obligations of Ceres under the Agreement which accrued on or before June 30, 2025, and as of July 1, 2025, the City of Ceres will no longer be making an annual financial contribution to the TRRP operating budget.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves a Fifth Amendment to the Joint Powers Agreement (JPA) between the City of Modesto and County of Stanislaus for the Acquisition, Development, and Operation of the Tuolumne River Regional Park (TRRP).

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the Fifth 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 14th day of October, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-369

RESOLUTION ACCEPTING TUOLUMNE RIVER REGIONAL PARK RIVER PAVILION AND LEARNING THEATER PROJECT AS COMPLETE, RELEASING SECURITIES, RELEASING PAYMENTS TOTALING $550,754 TO WESTSIDE LANDSCAPE & CONCRETE, INC. OF NEWMAN, CA, AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, on October 2, 2018, by Resolution No. 2018-427, Council accepted a California Outdoor Environmental Education Facilities (OEEF) grant in the amount of $500,000. This OEEF grant was acquired to fund (in part) the construction of the Tuolumne River Regional Park (TRRP) River Pavilion and Learning Theater; and

WHEREAS, this project created a large group picnic pavilion, outdoor learning classrooms, river educational and safety signage, and additional native landscaping; and

WHEREAS, the project was advertised for bids on September 23, 2024; and

WHEREAS, bids were publicly opened on October 15, 2024, and Westside Landscape & Concrete, Inc. of Newman, CA, was the lowest responsible bidder at 23.8% below the engineers estimate; and

WHEREAS, on December 10, 2024, by Resolution 2024-457, Council awarded a contract to Westside Landscape & Concrete, Inc., in the amount of $552,925; and

WHEREAS,. the Contractor received the Notice to Proceed with a start date of February 18, 2025. All contract work was completed on May 28, 2025; and

WHEREAS, the total project costs were $663,290, which included design, construction, and construction administration costs. The total project amount originally budgeted was $699,002 which included $597,159 for the construction contract and contingency with Westside Landscape & Concrete, Inc; and

WHEREAS, due to change orders delays and several long lead time items, the presentation of this project to City Council was delayed. As such, the Construction Administration and the City Manager's Office authorized the partial release of retention on August 4, 2025; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, updated by Resolution No. 2019-326 on July 9, 2019, and revised a second time September 12, 2023 by Resolution 2023-405 established a contract change order authority of 10% for construction contracts up to $10,000,000. Due to budgetary constraints, staff requested the Engineering Services Director's Authority to issue change orders of 8% (44,234) of the construction contract amount.; and

WHEREAS, there are two (2) change orders resulting in an overall decrease of $2,171 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 City Council of the City of Modesto that the Tuolumne River Regional Park River Pavilion and Learning Theater Project as complete, releasing securities, releasing payments totaling $550,754 to Westside Landscape & Concrete, Inc. of Newman, CA, and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of October, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-370

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM STATE OF CALIFORNIA TO FOLSOM LAKE FORD, FOLSOM, CA FOR THE PURCHASE OF 27 FORD INTERCEPTORS FOR AN AMOUNT NOT TO EXCEED $1,687,144; AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE DIRECTOR OF FINANCE OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, the Public Works Fleet Division provides the maintenance for all City vehicles and equipment; and

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs including the addition of new vehicles due to the operational needs for the city; and

WHEREAS, on June 2, 2025, the City Manager authorized the Purchasing Manager to solicit the procurement for Enforcement Vehicles; and

WHEREAS, in accordance with the Modesto Municipal Code (MMC), 8-3.202(h), the City may utilize other government agencies competitive bidding processes to meet the City's purchasing bidding requirements to solicit goods; and

WHEREAS, on October 25, 2021, State of California, Department of General Services issued Invitation for Bids under Event ID #0000020793 for Enforcement Vehicles, Police Pursuit on the State of California's bidding website; and

WHEREAS, on November 17. 2021, the bid opening was conducted at the State of California, Department of General Services at their Sacramento office; and

WHEREAS, twelve (12) bids were received and based on the lowest cost to a responsive and responsible bid one (1) bid was awarded to Folsom Lake Ford under State Contract #1-22-23-23D which includes the Ford Interceptors; and

WHEREA, City staff recommends to award to Winner Chevrolet, Sacramento, CA for the purchase of 27 Ford Interceptors in the amount not to exceed $1,687,144; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $100,000 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(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; and

WHEREAS, by utilizing the State of California, the City is complying with the requirements defined under this code for Fire Responder Vehicles.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Competitive Bidding Process from State of California to Folsom Lake Ford, Folsom, CA for the purchase of 27 for Ford Interceptors for an amount not to exceed $1,687,144.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is hereby authorized to issue the Purchase Order.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of October, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-371

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM STATE OF CALIFORNIA TO WINNER CHEVROLET, SACRAMENTO, CA FOR THE PURCHASE OF FIVE (5) CHEVY TAHOES FOR AN AMOUNT NOT TO EXCEED $329,894; AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE DIRECTOR OF FINANCE OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, the Public Works Fleet Division provides the maintenance for all City vehicles and equipment; and

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs including the addition of new vehicles due to the operational needs for the city; and

WHEREAS, on June 2, 2025, the City Manager authorized the Purchasing Manager to solicit the procurement for Enforcement Vehicles; and

WHEREAS, in accordance with the Modesto Municipal Code (MMC), 8-3.202(h), the City may utilize other government agencies competitive bidding processes to meet the City's purchasing bidding requirements to solicit goods; and

WHEREAS, on October 25, 2021, State of California, Department of General Services issued Invitation for Bids under Event ID #0000020793 for Enforcement Vehicles, Police Pursuit on the State of California's bidding website; and

WHEREAS, on November 17. 2021, the bid opening was conducted at the State of California, Department of General Services at their Sacramento office; and

WHEREAS, twelve (12) bids were received and based on the lowest cost to a responsive and responsible bid one (1) bid was awarded to Folsom Lake Ford under State Contract #1-22-23-23D which includes Chevy Tahoes; and

WHEREAS, City staff recommends to award to Winner Chevrolet, Sacramento, CA for the purchase of five (5) Chevy Tahoe's in the amount not to exceed $329,894; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $100,000 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(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; and

WHEREAS, by utilizing the State of California, the City is complying with the requirements defined under this code for Fire Responder Vehicles.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Competitive Bidding Process from State of California to Winner Chevrolet, Sacramento, CA for the purchase of five (5) Chevy Tahoes for an amount not to exceed $329,894.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is hereby authorized to issue the Purchase Order.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of October, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-372

RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO ADJUST AGREEMENT TOTALS BETWEEN THE ADMINISTRATIVE INVESTIGATIVE SERVICES AGREEMENTS BASED ON CONSULTANT AVAILABILITY AND DEPARTMENT'S NEEDS, ENSURING THE COMBINED TOTAL DOES NOT EXCEED $500,000 OVER REMAINING TERM OF THE AGREEMENTS

WHEREAS, the City utilizes the services of outside professionals to assist and conduct administrative investigations; and

WHEREAS, on August 13, 2024, by Resolution No. 2024-287, Council approved the Legal Services Agreements with Renne Public Law Group, San Francisco, CA; Oppenheimer Investigations Group LLP, Oakland, CA; and Liebert Cassidy Whitmore, Fresno, CA and Consultant Services Agreements with Municipal Resource Group, LLC, Wilton, CA and DigiStream, Sacramento, CA to conduct citywide Administrative Investigations on an as needed basis, in an amount not to exceed $100,000 each for two (2) years; and

WHEREAS, having various firms makes available specific expertise needed to address the different investigative issues that arise and it is necessary to maintain the ability to adjust agreement totals between vendors based on investigator availability and case by case needs of departments; and

WHEREAS, with the current language of an amount to not exceed $100,000 each for two years, this language does not provide the authority to adjust agreement totals between vendors year; and

WHEREAS, a resolution authorizing the Director of Finance to adjust the agreement totals between vendors is necessary as specific expertise needs differ case by case depending on needs of the departments; and

WHEREAS, given the complexity and variety of cases and vendor availability, staff recommends allowing fund transfers between the multiple Services Agreements for administrative investigations based on City investigation needs so long as the total administrative investigation needs citywide does not exceed $500,000 over the two (2) year term of these contracts; and

WHEREAS, the approval for Administrative Investigations Services Agreements conforms to Modesto Municipal Code 8-3.204, subsection (a) as they are providing professional services; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services”; and

WHEREAS, by including the compensation language “unless additional renumeration is otherwise approved by the Director of Finance”, it will allow funds for the agreements to be assigned based on need.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves authorizing the Director of Finance to adjust Agreement totals between the Administrative Investigative Services Agreements based on consultant

availability and department's needs, ensuring the combined total does not to exceed $500,000 over remaining term of the Agreements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of October, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-373

RESOLUTION RATIFYING THE APPROVAL OF AN ADDITIONAL AGREEMENT WITH TELCION COMMUNICATION GROUP, TURLOCK, CA FOR THE PURCHASE OF A CISCO SECURE NETWORK FIREWALL 3105 NGFW TO REPLACE THE CITY HALL FIREWALL AND ENSURE STRONG SECURITY ACROSS THE CITY'S INFRASTRUCTURE, IN THE AMOUNT OF $28,732, FOR A NEW TOTAL AMOUNT NOT TO EXCEED $ 196,324; AND AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto has identified the urgent need to replace the existing City Hall firewall, which has reached end-of-support and can no longer provide the required level of protection against cybersecurity threats; and

WHEREAS, uninterrupted network security is essential to protect critical public safety systems, financial systems, and internal City operations; and

WHEREAS, staff, under the City Manager's authority, moved forward with procurement to ensure continuity of services and prevent potential vulnerabilities, consistent with past Council practice in ratifying urgent technology purchases; and

WHEREAS, the additional agreement with Telcion Communication Group provides a Cisco Secure Network Firewall 3105 NGFW with a three-year threat defense subscription and Smartnet support, as quoted under Merced County FOCUS Contract pricing (Quote #TCG012072 dated September 22, 2025); and

WHEREAS, this firewall will be integrated with the broader network security infrastructure, ensuring compliance with federal security standards and scalability for future needs; and

WHEREAS, the current city firewall is scheduled to reach end-of-life by the end of 2026. The firewall we intend to acquire meets Federal Information Processing

Standards (FIPS) requirements and has an estimated operational lifespan of eight years; and

WHEREAS, the additional agreement amount of $28,732 brings the revised project total to not exceed $196,324, fully funded by existing IT Department Funding with no impact to the City's General Fund; and

WHEREAS, this initiative supports the City of Modesto's 2025–2026 Strategic Plan Core Commitment to Public Safety by enhancing law enforcement operational capabilities and strengthening the City's cybersecurity defenses; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $100,000 for material, equipment or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) "Where the Purchasing Manager, in her discretion, determines that it is appropriate to amend the goods provided under an existing agreement to include similar goods, of limited quantity, in order to increase efficiency and avoid delays or disruptions to City projects.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the additional agreement with Telcion Communication Group, Turlock, CA, for the purchase of a Cisco Secure Network Firewall 3105 NGFW to replace the City Hall firewall and ensure strong security across the City's infrastructure, in the amount of $28,732, for a new total amount not to exceed $196,324.

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 October, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-374

RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY - COMMUNITY GRANTS PROGRAM FOR THE GRAYSON WATER INFRASTRUCTURE IMPROVEMENTS PROJECT, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO THE ASSOCIATED GRANT AGREEMENT AND EXECUTE ALL RELATED DOCUMENTS

WHEREAS, the Grayson water service area was acquired from Del Este Water Company in 1995 as part of the overall acquisition of Del Este's water system, where the City now operates and maintains two Wells and Storage Tank No. 9; and

WHEREAS, as part of an effort to improve service to the customers of Grayson a hydraulic assessment of the Grayson Water System was performed to evaluate the system's ability to meet the community's current and build-out demands; and

WHEREAS, based on the needs identified in the assessment, the Grayson Water Infrastructure Project will design and construct the following improvements:

- 250,000 Gallon Storage Tank to Replace Tank No. 9
- 1,000,000 Gallon Booster Pump Station
- Replacement Treatment System
- Building Facility to House Chlorination Equipment
- Employee Restroom and Storage Area
- SCADA and Instrumentation Upgrades
- Landscaping, Security Fencing, and Irrigation Upgrades; and

WHEREAS, on March 13, 2018, by Resolution No. 2018-118, Council approved the submittal of grant applications to the Drinking Water State Revolving Fund and State Water

Resources Control Board for Planning/Design and Implementation Funding for the Grayson Water Infrastructure Project; and

WHEREAS, on May 18, 2022, Staff was notified by the State Water Resources Control Board that the Grayson Water Infrastructure Project had been awarded $653,200 in Planning/Design and Implementation funding; and

WHEREAS, on December 29, 2022, President Biden signed the Fiscal Year (FY) 2023 Consolidated Appropriations Act into law; and

WHEREAS, this law included a budget of $1,472,364,541 in funding for Congressionally Directed Spending on drinking water, wastewater and stormwater infrastructure, and water quality protection projects; and

WHEREAS, in April of 2023, the United States Environmental Protection Agency (EPA) published the Community Grants Program FY 2023 Final Implementation Guidance Document, which included a list of projects eligible for planning, design, and construction grants; and

WHEREAS, under the State and Tribal Assistance Grants program, $1,750,000 was appropriated to the Grayson Water Infrastructure Improvements Project; and

WHEREAS, the Engineering Division of the Utilities Department is seeking $1,750,000 in grant funding to offset design and construction costs associated with the Grayson Water Infrastructure Project; and

WHEREAS, per the formula provided in the Implementation Guidance Document a local match of $437,500 would be required.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submission of a grant application to the United States

Environmental Protection Agency – Community Grants Program for the Grayson Water Infrastructure Improvements Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to enter into the associated grant agreement and execute all related 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 14th day of October, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-375

RESOLUTION APPROVING AN ENGINEERING SERVICES AGREEMENT WITH WEST YOST ASSOCIATES, OF SACRAMENTO, CA FOR THE 2025 JOINT URBAN WATER MANAGEMENT PLAN AND WATER CONSERVATION PLAN UPDATE IN THE AMOUNT OF $180,455, PLUS $18,046 IN ADDITIONAL SERVICES, IF NEEDED, FOR AN AGREEMENT TOTAL AMOUNT NOT TO EXCEED $198,501 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) every five years; and

WHEREAS, the 2025 UWMP must be filed with the Department of Water Resources (DWR) by July 1, 2026; and

WHEREAS, as with previous UWMP updates, DWR allows the City and the Modesto Irrigation District (MID) to prepare a joint document where the City's portion is presented from the water supplier's perspective and MID's portion is presented from the surface water wholesaler's perspective as each agency is a provider of water to urban customers; and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants who Provide Architectural and Engineering Services for Capital Projects, a Request for Qualifications and Proposals (RFQ/P) was initiated through OpenGov for the preparation of the 2025 Joint Urban Water Management Plan and Water Conservation Plan update; and

WHEREAS, a selection committee consisting of Utilities Department and MID staff members evaluated the proposals and determined West Yost Associates, Inc. (West

Yost) to be the most qualified to prepare the 2025 Joint Urban Water Management Plan and Water Conservation Plan Update; and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) "Exceptions to Formal Bidding Requirements", Agreements for Professional Services are exempt from the bidding requirements of Modesto Municipal Code 8-3.203 if competitive quotations or proposals have been sought informally from at least three (3) qualified entities. However, staff proceeded with the RFP process pursuant to Administrative Directive 3.1 and two (2) proposals were received as part of this solicitation; and

WHEREAS, the City and MID will each contribute towards the cost of the Consultant Agreement proportionally based on the level of effort outlined in the consulting engineer's Scope of Work; and

WHEREAS, the City will be responsible for managing the Consultant Agreement and will be entering into an associated Cost-Share Agreement with MID; and

WHEREAS, the Cost-Share Agreement acknowledges that the City and MID will cover their individual staff time expenses; and

WHEREAS, a one-time payment will be due to the City in the amount of $54,783 following execution of the Cost-Share Agreement; and

WHEREAS, staff recommends entering into an Engineering Services Agreement with West Yost for the preparation of the 2025 Joint Urban Water Management Plan and Water Conservation Plan Update.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Engineering Services Agreement with West Yost for the preparation of the 2025 Joint Urban Water Management Plan and Water Conservation

Plan Update in the amount of $180,455, plus $18,046 in additional services, if needed, for a total amount not to exceed $198,501.

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 October, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-376

RESOLUTION APPROVING ENTERING INTO A COST-SHARE AGREEMENT WITH MODESTO IRRIGATION DISTRICT REGARDING THE REIMBURSEMENT OF COSTS RELATED TO THE PREPARATION OF THE 2025 JOINT URBAN WATER MANAGEMENT PLAN 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) every five years; and

WHEREAS, the 2025 UWMP must be filed with the Department of Water Resources (DWR) by July 1, 2026; and

WHEREAS, as with previous UWMP updates, DWR allows the City and the Modesto Irrigation District (MID) to prepare a joint document where the City's portion is presented from the water supplier's perspective and MID's portion is presented from the surface water wholesaler's perspective as each agency is a provider of water to urban customers; and

WHEREAS, the City and MID will each contribute towards the cost of the Consultant Agreement proportionally based on the level of effort outlined in the consulting engineer's Scope of Work; and

WHEREAS, the City will be responsible for managing the Consultant Agreement and will be entering into an associated Cost-Share Agreement with MID; and

WHEREAS, the Cost-Share Agreement acknowledges that the City and MID will cover their individual staff time expenses and that a one-time payment will be due to the City in the amount of $54,783 following execution of the Cost-Share Agreement.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves entering into a Cost-Share Agreement with the Modesto Irrigation District regarding the reimbursement of costs related to the preparation of the 2025 Joint Urban Water Management Plan and authorizing the City Manager, or his designee, to execute the 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 14th day of October, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-377

RESOLUTION APPROVING AN AMENDMENT TO THE FISCAL YEAR 2025-26 MULTI-YEAR PROGRAM BUDGET IN THE AMOUNT OF $279,060 TO ESTABLISH THE EXPENSE AND REVENUE BUDGETS FOR THE 2025 JOINT URBAN WATER MANAGEMENT PLAN AND WATER CONSERVATION PLAN UPDATE AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $279,060, in order to establish the expense and revenue budgets for the 2025 Joint Urban Water Management Plan and Water Conservation Plan Update; and

WHEREAS, the Fiscal Year 2025-26 Multi-Year 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 2025-26 Multi-Year Program Budget in the amount of $279,060.

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 October, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-378

RESOLUTION APPROVING THE APPLICATION AND ISSUANCE OF A PERMIT TO OPERATE AS A NON-EMERGENCY MEDICAL TRANSPORT COMPANY TO QUALITY CARE TRANSPORTATION IN THE CITY OF MODESTO

WHEREAS, Quality Care Transportation has submitted an application to provide non-emergency medical transport services within the City of Modesto; and

WHEREAS, the City allows non-emergency medical transport companies to apply for a non-emergency transport permit. In addition to the application, the transport company is required to pay a filing fee of $1,000 and provide all the necessary documents and information as outlined in Modesto Municipal Code 3-9.01 to 3-9.20; and

WHEREAS, once the application, documentation, and necessary fees have been received by the Modesto Police Department (MPD), a background investigation must be completed by the department. Upon successful completion of the background investigation, the application proceeds to a hearing before the City Council to determine whether the public convenience and necessity require the proposed services; and

WHEREAS, the Modesto Police Department has completed background investigations regarding Quality Care Transportation, In per Modesto Municipal Code Section 3-9.05; and

WHEREAS, Council approval is required for Quality Care Transportation 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 October 14, 2025, 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 Quality Care Transportation for a non-emergency medical transport service within the City of Modesto; and

WHEREAS Modesto City Council finds that Quality Care Transportation 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 Quality Care Transportation and issues Quality Care Transportation 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 October, 2025, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-379

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MODESTO AND UNITED WAY FOR A PARTNERSHIP WITH MODESTO GOSPEL MISSION TO PROVIDE OUTREACH, AND EMPLOYMENT SUPPORT FOR INDIVIDUALS EXPERIENCING HOMELESSNESS IN AN AMOUNT NOT TO EXCEED $1,250,000 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE THE MOU

WHEREAS, on December 11, 2018, by Resolution 2018-565, a Memorandum of Understanding (MOU) was entered into by the City of Modesto, County of Stanislaus, Stanislaus Community Foundation, and the United Way to bring the Downtown Streets Team program to Stanislaus County; and

WHEREAS, upon expiration of the initial multi-partner MOU on December 11, 2021, the City approved the expansion of the program from 25 to 68 members in partnership with Stanislaus County Community Services Agency by Resolution 2022-340; and

WHEREAS, the City most recently the City held multiple agreements with the Downtown Streets Team (DST) including: (1) in the amount of seven-hundred thousand ($700,000) in Measure H funds for litter abatement in the Parks as approved by Resolution 2024-384, and (2) an agreement in the amount of four hundred thousand dollars ($400,000) in a Federal grant for rapid rehousing of individuals experiencing homelessness as approved by Resolution 2022-439, and (3) an allocation for a two-year period of one-million dollars ($1,000,000) in a State grant for job training and rapid rehousing, as approved by Resolution 2025-191; and

WHEREAS, these agreements are set to terminate on October 31, 2025 in accordance with the notice to cease operations that DST released on August 29, 2025 that impacts their operations across their 16 communities throughout the State; and

WHEREAS, the DST organization was exceptional in supporting individuals experiencing homelessness by providing daily meaningful activities, building camaraderie, and supporting members in the following areas: securing employment, increasing engagement in mental health treatment, removing barriers to housing and employment, and assisting with vital documents; and

WHEREAS, the City has identified a partnership with the United Way as a viable solution to help fill the critical gap in services for individuals experiencing homelessness with the closure of DST; and

WHEREAS, United Way will hold an agreement with the Modesto Gospel Mission (MGM) to provide citywide litter abatement, graffiti removal, and case management, for individuals who are experiencing homelessness; and

WHEREAS, MGM's proposed scope of work includes part-time employment for sixty-eight (68) individuals, rotating every 3 to 6 months while paid minimum wage, in addition to (1) program manager and two (2) case managers for program oversight and support; and

WHEREAS, the United Way will serve as the fiscal agent to the contract will arrange regular meetings with potential donors and partners to help secure potential funding and will hold regular oversight meetings with partner agencies as well as monthly meetings with MGM to ensure they are adhering to the terms of agreement and meeting their performance metrics; and

WHEREAS, the annual cost of the program is not to exceed $1,250,000 and will be absorbed by (1) a State Earmark in the amount of $1,050,000, (2) Private contribution in the amount of $150,000, and (3) Litter Abatement Fund in the amount of $50,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding (MOU) between the City of Modesto and United Way for a partnership with Modesto Gospel Mission to provide outreach, and employment support for individuals experiencing homelessness.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to negotiate and execute the Memorandum of Understanding (MOU), 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 October, 2025, by Councilmember Alvarez, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSÉ M. SÁNCHEZ, City ~~Attorney~~

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-380

RESOLUTION AMENDING THE FISCAL YEAR 2025-26 ANNUAL OPERATING FUND BUDGETS TO CREATE A MULTI YEAR PROJECT IN AN AMOUNT NOT TO EXCEED $1,250,000 TO APPROPRIATE FUNDS FOR THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN CITY OF MODESTO AND UNITED WAY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, on December 11, 2018, by Resolution 2018-565, a Memorandum of Understanding (MOU) was entered into by the City of Modesto, County of Stanislaus, Stanislaus Community Foundation, and the United Way to bring the Downtown Streets Team (DST) program to Stanislaus County; and

WHEREAS, the City's most recent agreements with DST are set to terminate on October 31, 2025 in accordance with the notice to cease operations that DST released on August 29, 2025 that impacts their operations across their 16 communities throughout the State; and

WHEREAS, the DST organization was exceptional in supporting individuals experiencing homelessness by providing daily meaningful activities, building camaraderie, and supporting members in the following areas: securing employment, increasing engagement in mental health treatment, removing barriers to housing and employment, and assisting with vital documents; and

WHEREAS, the City has identified a partnership with the United Way as a viable solution to help fill the critical gap in services for individuals experiencing homelessness with the closure of DST; and

WHEREAS, United Way will hold an agreement with the Modesto Gospel Mission (MGM) to provide citywide litter abatement, graffiti removal, case management,

and employment support for individuals who are experiencing homelessness; and

WHEREAS, the annual cost of the program is not to exceed $1,250,000 and will be absorbed by (1) a State Earmark in the amount of $1,050,000 (2) Private contribution in the amount of $150,000, and (3) Litter Abatement Fund in the amount of $50,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it amends the Fiscal Year 2025-26 Annual Operating Fund budgets to create a new multi-year project in the amount of $1,250,000 to appropriate the funds for the MOU between City of Modesto and United Way.

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 14th day of October, 2025, by Councilmember Alvarez, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-381

RESOLUTION APPROVING THE APPOINTMENT OF PATRICK CAVANAH AS THE CULTURE COMMISSION REPRESENTATIVE TO THE LANDMARK PRESERVATION COMMISSION WITH A TERM EXPIRATION OF DECEMBER 31, 2025

WHEREAS, the Landmark Preservation Commission advises City Council on matters related to historic structures and other resources in addition to policies and practices pertaining to the preservation of Modesto's landmarks, and

WHEREAS, the Landmark Preservation Commission is comprised of five to seven members, and

WHEREAS, in accordance with Modesto Municipal Code Section 9-10.03(6), one member of the Modesto Culture Commission shall be appointed to serve on the Landmark Preservation Commission (LPC), and

WHEREAS, by Resolution Nos. 2021-475 and 2023-272, Council appointed Patrick Cavanah to the Culture Commission, and

WHEREAS, the Culture Commission met on September 3, 2025, and recommended the appointment of Patrick Cavanah as its representative to the Landmark Preservation Commission for the remainder of 2025, and

WHEREAS, Mr. Cavanah is qualified and willing to act as the Culture Commission representative to the Landmark Preservation Commission for the remainder of 2025.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves the appointment of Patrick Cavanah as the Culture

Commission representative to the Landmark Preservation Commission, with a term expiration of December 31, 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 Landmark Preservation Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-382

RESOLUTION ACCEPTING THE RESIGNATION OF GALEN CARROLL FROM THE MEASURE H OVERSIGHT BOARD

WHEREAS, the Measure H Oversight Board was established to review all revenues and expenditures of funds from the sales tax revenue generated from the passage of Measure H, and

WHEREAS, on June 27, 2023, by Resolution No. 2023-295, Galen Carroll was appointed to serve as a member of the Measure H Oversight Board, and

WHEREAS, Galen Carroll has tendered his resignation from the Measure H Oversight Board effective August 8, 2025.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the resignation of Galen Carroll from the Measure H Oversight Board with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 2025, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-383

RESOLUTION APPROVING THE BYLAWS FOR THE MEASURE H OVERSIGHT BOARD COMMITTEE

WHEREAS, on November 8, 2022, the Modesto voters approved Measure H, a one-cent sales tax for general City services, and

WHEREAS, on November 29, 2022, by Resolution No. 2022-453 the Modesto City Council certified the election results, and

WHEREAS, Modesto Municipal Code (MMC) section 8-2.1215 was codified and defines the requirements around the establishment of the Measure H Oversight Board and its make-up and responsibilities which are as follows for the nine-member board:

1. Meet at least semi-annually to review all revenues and expenditures of funds from the authorized Measure H sales tax.
2. Review annual audit reports related to the Measure H sales tax.
3. Provide at least one written annual report to the City Council at a public meeting summarizing the Measure H Oversight Board findings.

WHEREAS, over the course of several quarterly meetings held between August 2023 and October 2024, the Measure H Oversight Board had multiple conversations concerning the content of the Measure H Oversight Board Bylaws, and

WHEREAS, the Bylaws are intended to clarify and provide additional detail and guidelines as they relate to the governance of the Measure H Oversight Board in particular to the following items that are outlined in the Bylaws:

1. Duties and Responsibilities as Defined by the Measure H Sales Tax Ordinance in the MMC 8-2.1215

2. Makeup of the Membership of the Board as well as Terms for Members
3. Board Attendance Policy
4. Officers and their Duties
5. Quorum and Meeting Guidelines

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Bylaws for the Measure H Oversight Board, a copy of which is **attached as Exhibit A.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 2025, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MEASURE H OVERSIGHT BOARD

BYLAWS

(Approved by City Council: October 28, 2025, Resolution No. 2025-XXX)

Article I. Definitions

Section 1.01 The Measure H Oversight Board was established pursuant to the Measure H Sales Tax ordinance (Modesto Transactions and Use Tax Ordinance), codified as Article 12 to Chapter 2 of Title 8 of the Modesto Municipal Code with the voter's approval of Measure H during General Municipal Election on November 8, 2022.

Section 1.02 As used in these Bylaws, unless a different meaning clearly appears from the context:

(a) "Member" shall mean a member of the Measure H Oversight Board.
(b) "Board" shall mean the Measure H Oversight Board.
(c) "Measure H" shall mean the one-cent transactions and use (sales) tax for general city services that was approved by the voters at the November 8, 2022, general municipal election.
(d) "MMC" shall mean the Modesto Municipal Code.
(e) Modesto Transactions and Use Tax Ordinance is the ordinance that provides the governance for the Measure H approved sales tax as approved by the voters and as incorporated into the MMC.

Article II. Duties

Section 2.01 Pursuant to MMC 8-2.1215:

The Oversight Board shall review all revenues and expenditures of funds from the tax authorized by this Ordinance, review annual audit reports related to the tax measure, and make at least one (1) written report to the City Council at a public meeting summarizing the Oversight Board's findings.

The duties of the Board shall include:

(1) Reviewing all revenues received and all expenditures made related to the Measure H sales tax.

(2) Reviewing all annual audit reports related specifically to the Measure H sales tax.

(3) Preparing at least one (1) annual written report that summarizes the Oversight Board's findings on the City's collection of Measure H tax receipts as well as the expenditure of Measure H funds on approved programs and projects. The reporting period will be done on a fiscal year basis from July 1 to June 30.

(4) Reviewing any other matter or performing any other duty, that the City Council deems appropriate related to the Measure H sales tax.

Article III. Membership of Commission

Section 3.01 Pursuant to MMC 8-2.1215:

The City Council shall appoint a nine (9) -member Oversight Board. The Board shall consist of qualified Members that are registered voters, residing within the City and shall be appointed by the City Council by resolution pursuant to the provisions below:

(a) Pursuant to the provisions withing MMC 8-2.1215 the Board will be composed of:

(1) Six (6) members from the Council districts with one (1) member being selected as a representative from each Council district.

(2) Three (3) “at-large” members chosen from the City as Modesto residents.

(b) City Council shall give strong preference to members that represent a cross-section of the community, possibly including, but not limited to:

(1) Representatives of Schools

(2) Local Trade Associations

(3) Chambers of Commerce

(4) Nonprofit Organizations

(5) Senior Citizen Groups

(6) Non-partisan Political Organizations

(7) Tax-payer Association

(8) Neighborhood Organizations

(c) No Member of the Board shall be a relative by blood or marriage within the second degree of the Mayor, a Member of the Council, any Charter officer, or any department head or deputy department head.

(d) No Member of the Board shall be a current employee of the City nor any bargaining unit for employees of the City.

(e) Members of the Board shall serve without compensation.

(f) Five (5) Members of the Board initially appointed in 2023 shall serve four-year terms and Four (4) shall serve two-year terms. The Board shall determine which members shall serve for a four-year term, and which members shall serve for a two-year term, by

resolution. Thereafter, each member shall be appointed to a four-year term unless the appointment is to fill a vacancy, in which case the member shall serve the remainder of the vacated term.

Section 3.02 All members must complete a Statement of Economic Interest form (Form 700) and AB 1234 ethics training by April 1 of each year and when assuming or leaving Board membership.

Article IV. Terms of Office

No Member shall serve more than two consecutive four-year terms on the Board.

Article V. Attendance at Meetings

Section 5.01 Timely attendance at meetings is expected and necessary to carry out the mission of the Board. It shall be the responsibility of each Member to know the dates and times of all Board meetings. If a Member knows they will not be able to attend a regularly scheduled meeting, it shall be their responsibility to notice the Board Secretary at least forty-eight (48) hours in advance of the meeting, in order for the absence to be recorded as an excused absence. If a Member is absent from three (3) consecutive regular meetings, unless by permission of the Board, expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, the Member's seat shall become vacant and shall be so declared by the Council.

Section 5.02 The minutes of each meeting will list those Members in attendance, those who are excused and those who are unexcused.

Article VI. Officers and Their Duties

Section 6.01 The Board shall elect from among its membership a Chairperson, and a Vice Chairperson. The term of office shall be one year. No person may serve as Chairperson for more than two one-year terms, whether or not such terms are consecutive.

Section 6.02 All Members shall exercise all privileges of membership, including the making of motions, seconding and debate.

Section 6.03 The Chairperson shall preside at all meetings, shall appoint, with the consent of the Board, all ad-hoc commissions as needed, and shall ensure that the bylaws, rules, and regulations as adopted by the Board are properly enforced.

Section 6.04 The Vice Chairperson shall assist the Chairperson in their duties and in the absence of the Chairperson shall perfume all duties usually performed by the Chairperson.

Section 6.05 The Board Secretary shall be a City staff member, appointed by the City Manager's Office, to serve as secretary to the Board. The Board Secretary shall keep a record of the minutes of all Board meetings and such other duties as are usually performed by a secretary. An audio

recording shall be made at all meetings, retained pursuant to the City's record retention policies, and shall be made available to all Members by request.

Article VII. Quorum

Section 7.01 The Board may convene a meeting and transact business only when a quorum is present. A quorum shall consist of a majority of the active members of the Board. Active members are members who have been appointed by the City Council and have not resigned or forfeited their seat based on attendance.

Article VIII. Meetings

Section 8.01 Regular meetings of the Board shall be held not less than at least quarterly, at Tenth Street Place, 1010 Tenth Street Modesto, California.

Section 8.02 Special meetings shall be called by the Chairperson as necessary, in consultation and coordination with the Board Secretary.

Section 8.03 A meeting may be cancelled by agreement of the Chairperson and Vice Chairperson in coordination with the Board Secretary.

Section 8.04 Notices of all meetings, including agendas, shall be given to all Members of the Board, to the City Clerk, to the City Manager, and to all others as provided by law.

Section 8.05 All meeting agendas will be posted at Tenth Street Place.

Section 8.06 All meetings shall comply with the requirements of the Ralph M. Brown Act.

Section 8.07 A quorum is necessary for the Board to transact any business. A quorum is five (5) Members. If there are vacancies amongst the Members of the Board, then a quorum will be defined as a majority of active appointed Members.

Section 8.08 All meetings of the Board shall be open to the public and shall be held at a public facility, which is accessible in accordance with the regulations of the Americans with the Disabilities Act.

Article IX. Order of Proceedings

Section 9.01 Robert's Rules of Order shall be the guide for the parliamentary procedures in the conduct of the Board meetings.

Section 9.02 The order of proceedings of all meetings shall be as follows, subject to majority vote of the Members present:

(a) Roll Call

(b) Declaration of Conflict of Interest

(c) Public Comment Period

(d) Consent Items

(e) Old Business

(f) New Business

(g) Board Comments & Reports

(h) Adjournment

Article X. Amendments

Section 10.01 The Bylaws and any future amendments shall be subject to the approval of the City Council and shall not and are not intended to go beyond any of the powers and duties given to the Board by the City Council nor contradict MMC 8-2.1215.

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-384

RESOLUTION APPROVING THE SECOND AMENDMENT TO THE AGREEMENT WITH HOMEBASE, SAN FRANCISCO, CA, TO CONTINUE CONSULTANT SERVICES TO SUPPORT LOCAL HOMELESS PROGRAMS FOR AN ADDITIONAL $150,000 FOR A REVISED TOTAL AGREEMENT AMOUNT NOT TO EXCEED $245,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, in response to support local homeless service providers, the City of Modesto identified a gap in CalAim nonprofit providers in the community to provide community support services to individuals experiencing homelessness a need for CalAIM technical assistance to eligible nonprofit providers in implementing CalAIM funding; and

WHEREAS, supportive services were also included to build capacity around contracts including interacting with Managed Care Plan (MCP) funders and nonprofit provider staff; and

WHEREAS on July 8th, 2024, the City of Modesto entered into contract with Homebase for consulting services for an amount not to exceed $95,000; Homebase, a qualified and experienced consultant firm, provided hands-on technical assistance support to community-based organizations, selected by the City, to establish the infrastructure needed to implement Enhanced Care Management (ECM) and Community Support (CS) programs; and

WHEREAS, the City selected the Salvation Army and Downtown Streets Team as two organizations guided by Homebase to work towards ECM and CS implementation allowing for more services to be delivered to the City of Modesto; and

WHEREAS, the original term date of the contract was December 31, 2024 and upon evaluating the necessary work and support needed for the two organizations, it was

determined and agreed upon by and between the City and Homebase, more time was necessary to accomplish the identified goals and scope of work; and

WHEREAS, the First Amendment to the agreement extended the terms of the agreement to June 30, 2025 and also modified the scope of work to include two staff members on the Homebase team; and

WHEREAS, to expand and continue the successful work Homebase provided to the non-profit providers, the City and Homebase have agreed to amend the agreement and this Second Amendment includes extending the term to through the full expenditure of allocated funds; and

WHEREAS, Homebase will also support the City with preparing a comprehensive roadmap to guide resource allocation to help ensure that investments are data-informed and aligned with future needs; and

WHEREAS, this roadmap will support the City with understanding the characteristics and trends of its current and projected homeless population, evaluating available planned housing resources, assessing the effectiveness of existing programs, and identifying resource gaps, avoiding duplication, and maximizing the impact of local programs; and

WHEREAS, this amendment also increases the budget by $150,000, to an amount not to exceed $245,000; in addition, the Scope of work is amended to include additional tasks as outlined in **Exhibit A-1**.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment with Homebase, San Francisco, CA to

continue consultant services to assist local homeless providers increasing the agreement by $150,000 for a revised total Agreement amount not to exceed $245,000.

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 28th day of October, 2025, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

SECOND AMENDMENT
TO
CITY OF MODESTO PANDEMIC RECOVERY STRATEGY - MODESTO FORWARD
GRANT AGREEMENT

Reference is made to the City of Modesto Pandemic Recovery Strategy-Modesto Forward Grant Agreement (the "Agreement") dated July 8, 2024, by and between the CITY Of MODESTO, a California charter city ("City") and Homebase, a California nonprofit corporation, hereinafter referred to as ("Consultant"). The Parties enter into this Second Amendment as of _____.

WHEREAS, the parties entered into the Agreement pursuant to which Consultant would perform duties and render services as described in the Scope of Work of the Agreement regarding the need for CalAIM technical assistance to identified nonprofit providers; and

WHEREAS, the Parties previously entered into that First Amendment to the Agreement dated December 23, 2024; and

WHEREAS, the parties have agreed to extend the term for this Agreement; and

WHEREAS, the parties have also agreed to increase the amount of funding for this agreement in order to continue to expand the network of CalAIM providers in our community; and

WHEREAS, the parties have also agree to expand on the current scope of work as outlined in Exhibit A-1.

NOW THEREFORE, the Parties hereby agree to the following revisions:

1. Term. Section 1, "Term of Agreement", is hereby amended to extend the term of the Agreement to December 31, 2026, or until all funds have been expended, whichever occurs first.

2. Compensation. Section 2, "Compensation", is hereby amended to increase by $150,000 to an amount not to exceed Two Hundred Forty-Five Thousand Dollars ($245,000).

3. Budget is hereby amended as referenced in Exhibit F.

4. Scope of Work is hereby amended to include additional tasks as referenced in Exhibit A-1.

5. Except as explicitly provided for herein, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the CITY OF MODESTO and Consultant has caused this second Amendment to be duly executed.

EXHIBIT F
AMENDED PROGRAM BUDGET

Total Agreement Award Amount: Not to exceed $145,000, for a total of approximately 924 billable hours over the grant period term of this Agreement.

Hourly Rates:
Approved hourly rates for Consultant's staff currently approved to work on the project described in Exhibit A are listed below. Hourly rates are different for each individual.

Homebase Staff Person	Hourly Rate through 6/30/2025	Hourly Rate 7/1/25 6/30/26
Garen Nigon	$153	$160
Gillian Morshedi	$195	$203
James Roop	$118	$123
Jean Field	$210	$219
Mary Simons	$156	$163
Shauna Jackson	$128	-
Beile Lindner	$143	-
Jessie Hewins	$178	$186
Jim Kelly	$140	$140

Budget does not include travel which, should it be necessary, would be billed directly outside of hourly rates, and agreed upon by the City prior to travel.

EXHIBIT A-1
SCOPE OF WORK

City of Modesto Proposed 2025-2026 Contract Amendment

About Homebase

Homebase is a mission-driven nonprofit organization dedicated to building community capacity to end homelessness, reduce poverty, and foster thriving communities. For over thirty years, we have worked at the national, state, and local levels supporting the design and implementation of programs and systems needed to help people experiencing or at risk of homelessness achieve housing stability, improve health and wellness, and maximize economic self-sufficiency. We provide customized assistance grounded in the needs of each community and develop responsive solutions for lasting impact.

Project Background and Summary

In July 2024, Homebase contracted with the City of Modesto to provide technical assistance capacity building with the end of goal of supporting nonprofit providers identified by the City to apply for and administer CalAIM Community Supports. The contract was amended to extend the term through June 2025 to support identified nonprofit providers with implementation of CalAIM programs to provide services to the community.

Homebase proposes to amend this contract to extend the term through December 2026, with two tasks:

1. CalAIM Technical Assistance
2. Strategic Roadmap of Homelessness and Housing Resources

Scope of Work

Below are proposed additions to the current scope of work for each task.

Task 1: CalAIM Technical Assistance

The City of Modesto has identified a gap in CalAIM nonprofit providers in the community to provide Community Supports services to individuals experiencing homelessness. There is a need for CalAIM technical assistance to identified nonprofit providers in implementing CalAIM funding, including a better

understanding of eligible costs and participants, and building workflows around invoicing, record keeping, and communications. In addition, technical assistance would include a broad range of support to build capacity around those contracts, including interacting with Managed Care Plan (MCP) funders and nonprofit provider staff, creating policies and procedures, setting, and implementing standard outcome measures for city services, and building capacity for additional CalAIM Community Support applications and contracts.

The City of Modesto will identify nonprofit providers to Homebase for technical assistance capacity building with the end goal of applying for and administering CalAIM Community Supports.

Activities

Technical assistance may include the following services, but not limited to:

1. Working with identified nonprofits to improve its provision of/billing for its currently approved Community Support on short-term post hospitalization housing; such support could include reviewing records and directly interfacing with MCP staff as well as other stakeholders.

2. Working with identified nonprofit staff to provide training on allowable costs and eligible participants, as well as invoicing procedures. a) Write policies and procedures for selected nonprofit providers' existing and future CalAIM Community Supports including implementation, delivery of services and fiscal oversight policies. b) Support identified nonprofit providers in leveraging funding streams in order to most effectively serve clients and build long-term capacity.

3. Support identified nonprofits to become contracted CalAIM Community Supports providers for the first time or for additional MCPs and additional Community Supports.

4. Provide guidance and support for better communicating with funders, staff, and community stakeholder about grant programs, eligibility, and outcomes; may include support on application and grant writing as well as reporting.

5. Provide technical assistance for achieving City-imposed outcomes for delivery of services/housing.

Deliverables

1. Identified nonprofit providers will have implemented policies and procedures for invoicing, record keeping and other required policies.

2. Identified non-profits providers will have implemented Cal-AIM programs to provide services to the community.

Timeline: June 2025 – December 2026

Task 2: Strategic Roadmap of Homelessness and Housing Resources

The City seeks a comprehensive roadmap to guide resource allocation for maximum impact: ensuring that investments are data-informed and aligned with future needs. This roadmap will support the City in:

- Understanding the characteristics and trends of its current and projected homeless population;
- Evaluating available and planned housing resources;
- Assessing the effectiveness of existing programs;
- Identifying resource gaps, avoiding duplication, and maximizing the impact of Measure H funds.

By conducting a comprehensive analysis in these areas, Homebase will equip the City of Modesto with the information necessary to strategically allocate resources, plan for future demand, and invest in programs that most effectively reduce homelessness.

Key Elements to be Addressed

To build a strategic roadmap, we propose to address the following sections and will assess programmatic impact using quantitative and qualitative data, and will identify program types most effective at resolving homelessness, including outreach, shelter, housing, job training, and employment supports:

1. **Introduction and PIT Analysis**
    - PIT Trend Analysis, comparison to other jurisdictions
    - Calls for Service Analysis – Related to Homelessness
    - Analyze demographics, household type and size
    - Evaluate changes in the overall number of people experiencing homelessness
    - Analyze subpopulation trends, including emerging or declining groups
    - Project future homelessness based on current and historical trends
    - Assess housing availability compared to general and subpopulations experiencing homelessness
    - Identify pathways into and out of homelessness based on service availability in the community
    - Impact and volume of work for all City departments (Police, Fire, Parks, CED, etc.)

2. **Camp2Home**
    - Outreach
        1. Services available within the City
            1. CHAT
            2. Park Rangers
            3. Fire Department
            4. Other outreach services
            5. County overlap
        2. Gaps Analysis
            1. Is there something available in another jurisdiction in this area that works well that is not available in Modesto?
        3. Opportunities
            1. Are the city's outreach programs high- impact and are there opportunities to scale?
    - Shelter

1. Services available within the City
    1. Salvation Army – Berberian
    2. Access Center Emergency Shelter
    3. Gospel Mission
    4. Others
2. Gaps Analysis
    1. Is there something available in another jurisdiction in this area that works well that is not available in Modesto?
3. Opportunities
    1. Are the city's shelter programs high- impact and are there opportunities to maintain or scale?

- Job Training
    1. Services available within the City of Modesto
        1. Downtown Streets Team
        2. County workforce development
        3. Others
    2. Gaps Analysis / Constraints
        1. Is there something available in another jurisdiction in this area that works well that is not available in Modesto?
    3. Opportunities
        1. Are the city's job training programs high- impact and are there opportunities to maintain or scale?
- Employment
    1. Services available within the City of Modesto
        1. Downtown Streets Team
        2. County workforce development
        3. Private employer partnerships
        4. Others
    2. Gaps Analysis / Constraints
        1. Is there something available in another jurisdiction in this area that works well that is not available in Modesto?
    3. Opportunities
        1. Are the city's employment programs and partnerships high- impact and are there opportunities to maintain or scale?
- Housing
    1. Services available within the City of Modesto
        1. Units built in the last 5 years and unit pipeline
        2. Funding streams available
        3. Federal and State Funding availability
        4. Other programs
            1. Community Housing Shelter Services
            2. Turning Point
            3. Gospel Mission
            4. Others
    2. Gaps Analysis/ Constraints
        1. Is there something available in another jurisdiction in this area that works well that is not available in Modesto?
    3. Opportunities

1. Are the city's housing programs and partnerships high- impact and are there opportunities to maintain or scale?

3. Moving Forward
    - Summary outlook
        1. Key gaps and recommendations

4. Dashboard Support
    - Homebase shall support the City with building an interactive dashboard to visualize key evaluation findings, support transparency, and equip City staff with a practical tool for monitoring program outcomes.

With this information, Homebase will be able to help the City of Modesto develop a clear, data-driven plan for addressing homelessness that aligns available and future resources with the needs of the community and maximizes the impact of Measure H investments.

Data Sources

The project will primarily use quantitative data, supplemented by targeted qualitative input:

- HMIS data
- Housing Inventory Count (HIC) and secondary administrative data Provider focus groups (1–2 groups) to contextualize data trends
- City official interviews (3–5 interviews) for housing pipeline and funding analysis

Timeline: September 2025 – February 2026

Timeframe	Activities
Months 1–2	Data acquisition, initial stakeholder interviews, background research
Months 2-4	Drafting of strategic roadmap interim findings
Months 4-5	Collaboration with City to build interactive dashboard
Month 6	Delivery of final report, presentation

Deliverables

- **Interim Findings** (in the form of PowerPoint slides) (Month 4):
    - PIT Analysis
    - Camp2Home
        - Outreach
        - Shelter
        - Job Training
        - Employment
        - Housing
- **Interactive Dashboard** (Month 5):
    - A user-friendly, web-based dashboard visualizing program performance and impact to support decision-making and ongoing evaluation
- **Final Report** (Month 6):

- Strategic roadmap with introduction, PIT analysis, Camp2Home evaluation, and a summary outlook with key gaps and recommendations
- Presentation to City leadership and key stakeholders

Proposed Budget

Homebase proposes a budget of $150,000 to fulfill this scope of work, broken down by task as follows:

Task 1: CalAIM Technical Assistance	$50,000
Task 2: Strategic Roadmap	$100,000

We are happy to adjust the scope and budget to align with the City of Modesto's needs and goals.

Contact

Thank you for your consideration of this proposal. We look forward to continuing to work with San Bernardino County. If you have any questions, please contact Jean Field at Jean@Homebaseccc.org or Amanda Wehrman at Amanda@homebaseccc.org.

The information provided in this proposal does not constitute legal advice or advertise legal services. Homebase does not enter into attorney-client relationships.

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-385

RESOLUTION APPROVING AN AGREEMENT WITH HONEYWELL INTERNATIONAL, INC. DBA US DIGITAL DESIGNS BY HONEYWELL TEMPE, ARIZONA FOR SOFTWARE MAINTENANCE AND HARDWARE REPAIR SERVICES FOR THE PHOENIX G2 FIRE STATION ALERTING SYSTEM FOR A FIVE-YEAR AGREEMENT IN AN AMOUNT OF $342,535 WITH A 5% CONTINGENCY IN THE AMOUNT OF $17,127 FOR AN ESTIMATED TOTAL AMOUNT NOT TO EXCEED $359,662 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Fire Department (MFD) currently uses US Digital Designs by Honeywell (USDD Honeywell) hardware and software to facilitate station alerting across all fire stations; and

WHEREAS, the USDD Honeywell platform is fully integrated with the county's newly implemented Computer Aided Dispatch (CAD) program, allowing for seamless, automated triggering of station alerts directly from CAD without manual intervention. This integration enhances inter-agency coordination, increases accuracy, and helps maintain optimal response times during emergencies; and

WHEREAS, until May 2025, the station alerting hardware and software used by the Modesto Fire Department was funded through a grant administered by Stanislaus County. This grant covered the procurement, maintenance, and ongoing operational costs associated with the alerting system, which plays a critical role in ensuring rapid and efficient emergency response by enabling automated dispatch communications to fire stations; and

WHEREAS, the grant funding expired in May 2025 and has not been renewed or replaced. As a result, the responsibility for funding the ongoing costs associated with this

essential technology has shifted to the local level. To maintain operational continuity and avoid service disruptions, the Modesto Fire Department must now assume the full cost of the alerting hardware and software; and

WHEREAS, the department has developed a transition strategy that includes assuming direct payment for software licensing and hardware maintenance beginning in FY 2025-26 when the County's grant funding ended. The commencement date was May 20, 2025, with a 1-year warranty. The commencement date is based on this go-live date and demonstrates continuous service; and

WHEREAS, this transition ensures the Department retains full use of the existing alerting system, maintains compatibility with regional dispatch operations, and continues to meet the department's operational needs without compromising emergency response capabilities. Transitioning to an alternative vendor would introduce substantial challenges, including system reintegration with CAD, retraining of personnel, and additional costs for new hardware; and

WHEREAS, maintaining the current agreement is the most fiscally and operationally sound approach, preserving continuity, maximizing past investments, and sustaining the infrastructure needed to protect lives and property. This agreement ensures uninterrupted emergency alerting services and safeguards public safety operations; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid. However, 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 forth in Section 8-3.203 will result in a procurement for the City at the lowest possible

cost commensurate with the desired quality. Such alternatives may include, but are not limited to, a "two-step" procurement process or a procurement based solely on a technical evaluation.” Here, The City was made financially responsible to take over US Digital Designs by Honeywell’s Software Maintenance and Hardware repair services for the Phoenix G2 Fire Stations Alerting System previously covered under a Stanislaus County grant. Changing to a new service provider would require significant transition costs and prolonged hardware/software updates which pose the potential of disruptions to service; and

WHEREAS, the anticipated annual cost of $68,507 spread across the five-year agreement for a total of $342,535. A five percent contingency of $17,127 is factored into the total amount of $359,662, to cover costs for any additional hardware if needed. The contracts for service with Oakdale, Ceres, and Salida will absorb the cost for each of their stations at a rate of $4,000 per station per year, which will offset the overall total for Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement with Honeywell International, Inc. DBA US Digital Designs by Honeywell Tempe, Arizona for Software Maintenance and Hardware Repair Services for the Phoenix G2 Fire Station Alerting System for a five-year Agreement in an amount of $342,535 with a 5% contingency in the amount of $17,127 for an estimated total amount not to exceed $359,662.

BE IT FURTHER RESOLVED that the City Manager, or 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 28th day of October, 2025, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-386

RESOLUTION APPROVING A PURCHASING AGREEMENT FOR THE PURCHASE OF EQUIPMENT AND VEHICLE PARTS WITH NFI PARTS, LOUISVILLE, KY, FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF $235,060 AND A TOTAL AMOUNT NOT TO EXCEED $1,175,300 OVER FIVE YEARS; AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City Fleet Services Division (Fleet) maintains and services approximately 155 vehicles, within Stanislaus Regional Transit Authority's (StanRTA) fleet of buses; and

WHEREAS, each vehicle or piece of equipment has various components that collectively work to allow proper functioning, including safety and efficiency elements. Failure of parts on any piece of equipment may occur at any time; and

WHEREAS, frequently it is impossible to predict these failures and preparing a list of parts that will be required in any given Fiscal Year is not feasible; and

WHEREAS, downtime for any piece of equipment impacts productivity, adversely impacts operations, and delays service delivery to the community; and

WHEREAS, the approved agreement will allow Fleet to obtain Original Equipment Manufacturers' (OEM) parts required to maintain and repair buses and specialty equipment. The recommended firm is competitively priced for parts and provides proprietary parts and is the sole source for MCI and New Flyer transit buses as well as parts distributor for ADL, ARBOC, NABI and Orion manufacturers. Additionally Fleet staff consistently validate industry pricing and conduct internal audit checks on items that are purchased in alignment with City policies; and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services 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; and

WHEREAS, staff recommends the replacement parts and components of this Agreement to NFI Parts should be exempt from the formal bidding procedures in accordance with Modesto Municipal Code 8-3.204(b) since NFI Parts is the Sole Provider of MCI and New Flyer replacement and repair parts and components; and

WHEREAS, the proposed agreement has an estimated annual amount for years one and two of $220,000 and a combined estimate annual amount for years three, four, and five of $735,300, resulting in a combined estimated five-year not to exceed total of $1,175,300. A 5.5% Consumer Price Index increase has been added for years three, four, and five which are included in the Contracted Services pricing. Funds are budgeted in the Fleet Fund and are reimbursed through invoicing to StanRTA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchasing Agreement for the purchase of equipment and vehicle parts with NFI parts, Louisville, KY, for a two-year Agreement with three one-year extension options, for an annual estimated amount of $235,060 and a total amount not to exceed $1,175,300 over five years.

BE IT FURTHER RESOLVED that the Director of Finance, 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 28th day of October, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-387

RESOLUTION ACCEPTING THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S BUILDING RESILIENT INFRASTRUCTURE AND COMMUNITIES PROGRAM GRANT SUBAWARD THROUGH THE CALIFORNIA OFFICE OF EMERGENCY SERVICES (CAL OES) IN THE AMOUNT OF $475,070.50 FOR THE FLOOD RISK REDUCTION FEASIBILITY STUDY SCOPING PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS AUTHORIZED AGENTS: UTILITIES DIRECTOR, ENGINEERING DIVISION MANAGER OR SENIOR CIVIL ENGINEER, TO ENTER INTO THE ASSOCIATED GRANT AGREEMENT AND EXECUTE ALL RELATED DOCUMENTS, INCLUDING EXHIBIT A, THE ATTACHED CAL OES FORM 130

WHEREAS, the Federal Emergency Management Agency's (FEMA) Building Resilient Infrastructure and Communities (BRIC) Program supports local communities as they undertake mitigation projects, reducing the risks they face from disasters and natural hazards; and

WHEREAS, in 2022, the Utilities Department submitted a BRIC Direct Technical Assistance (DTA) request form to FEMA to be considered for non-financial support from pre-application activities through the grant closeout process at no cost to the City; and

WHEREAS, after receiving notification of having been selected to receive BRIC Program DTA, the City entered into a Memorandum of Understanding with FEMA to accept their services, including assistance with the development of a BRIC Program grant application package; and

WHEREAS, on February 6, 2024, by Resolution No. 2024-048, Council approved the submission of a BRIC Program Grant Application to FEMA to fund the Flood Risk Reduction Feasibility Study Scoping Project, and the submission of a Prepare California Program Grant Application to Cal OES to offset the Federal local match requirement; and

WHEREAS, the Utilities Department actively pursued $623,914.00 in State and Federal grants to fund the Flood Risk Reduction Feasibility Study Scoping Project to protect our communities and infrastructure from the existing Tuolumne River flood risks and to mitigate future risks related to natural disasters including those associated with climate change and were successful in securing a subaward of $475,070.50 to offset the anticipated $623,914.00 in project expenses; and

WHEREAS, this effort will evaluate existing conditions, identify mitigation alternatives, analyze the feasibility of implementation, conduct community engagement for public input and recommend preferred mitigation actions; and

WHEREAS, the funding agency has requested that in addition to the City Manager, the Utilities Director, Engineering Division Manager, and Senior Civil Engineer should also be approved as Authorized Agents.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the acceptance of a Federal Emergency Management Agency's Building Resilient Infrastructure and Communities Program grant subaward through the California Office of Emergency Services in the amount of $475,070.50.

BE IT FURTHER RESOLVED that the City Manager, or his Authorized Agents: Utilities Director, Engineering Division Manager or Senior Civil Engineer, are hereby authorized to enter into the associated grant agreement and execute all related documents, including, **Exhibit A**, the **attached** Cal OES Form 130.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 2025, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

DESIGNATION OF APPLICANT'S AGENT RESOLUTION FOR NON-STATE AGENCIES

BE IT RESOLVED BY THE City Council (Governing Body) OF THE City of Modesto (Name of Applicant)

THAT Utilities Director, City Manager (Title of Authorized Agent), OR

Engineering Division Manager (Title of Authorized Agent), OR

Senior Civil Engineer (Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the City of Modesto (Name of Applicant), a public entity established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining federal financial assistance for any existing or future grant program, including, but not limited to any of the following:

- **Federally declared Disaster (DR), Fire Mitigation Assistance Grant (FMAG), California State Only Disaster (CDAA), Immediate Services Program (ISP), Hazard Mitigation Grant Program (HMGP), Building Resilient Infrastructure and Communities (BRIC), Legislative Pre-Disaster Mitigation Program (LPDM),** under
- Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.
- **Flood Mitigation Assistance Program (FMA)**, under Section 1366 of the National Flood Insurance Act of 1968.
- **National Earthquake Hazards Reduction Program (NEHRP)** 42 U.S. Code 7704 (b) ((2) (A) (ix) and 42 U.S. Code 7704 (b) (2) (B) National Earthquake Hazards Reduction Program, and also The Consolidated Appropriations Act, 2018, Div. F, Department of Homeland Security Appropriations Act, 2018, Pub. L. No. 115-141
- **California Early Earthquake Warning (CEEW)** under CA Gov Code – Gov, Title 2, Div. 1, Chapter 7, Article 5, Sections 8587.8, 8587.11, 8587.12

That the City of Modesto (Name of Applicant), a public entity established under the laws of the State of California, hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

DESIGNATION OF APPLICANT'S AGENT RESOLUTION
NON-STATE AGENCIES

OES-FPD-130 (Rev. 10-2022)

Please check the appropriate box below

☐ This is a universal resolution and is effective for all open and future disasters/grants declared up to three (3) years following the date of approval.

☑ This is a disaster/grant specific resolution and is effective for only disaster/grant number(s): BRIC23-AP01738

Passed and approved this ___ day of _____, 20 25

_____
(Name and Title of Governing Body Representative)

_____
(Name and Title of Governing Body Representative)

_____
(Name and Title of Governing Body Representative)

CERTIFICATION

I, Diane Nayares-Perez (Name), duly appointed and City Clerk (Title) of City of Modesto (Name of Applicant), do hereby certify that the above is a true and correct copy of a resolution passed and approved by the City Council (Governing Body) of the City of Modesto (Name of Applicant) on the ____ day of _____, 20 25.

_____ City Clerk

(Signature) (Title)

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-388

RESOLUTION ACCEPTING THE RESIGNATION OF JAN VISS FROM THE CITIZENS' SALARY SETTING COMMISSION

WHEREAS, the Citizens' Salary Setting Commission was established to recommend compensation for the Mayor and members of the City Council; and

WHEREAS, pursuant to the City of Modesto's Charter, Section 703(a), the Citizens' Salary Setting Commission convenes March 1st through April 30th of even-numbered years; and

WHEREAS, the Commission consists of five members and will meet next year; and

WHEREAS, on November 7,2023, by Resolution No. 2023-482, Jan Viss was appointed to serve as a member of the Citizens' Salary Setting Commission, and

WHEREAS, Jan Viss has tendered her resignation from the Citizens' Salary Setting Commission, effective October 24, 2025.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the resignation of Jan Viss from the Citizens' Salary Setting Commission with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-389

RESOLUTION APPROVING THE 2026 CITY CALENDARS OF REGULARLY SCHEDULED CITY COUNCIL AND COUNCIL STANDING COMMITEE MEETINGS

WHEREAS, the Modesto City Charter, Section 707[1], requires that the City provide for the time, place, and manner of holding meetings by ordinance and requires that the Council hold at least one regular meeting each month; and

WHEREAS, Section 2-1.01[2], of the Modesto Municipal, specifies regular meetings of the City Council be held on the first, second and fourth Tuesday of each month, except for the month of December; and

WHEREAS, in line with established procedures, the City Clerk and City Manager have prepared a meeting calendar for the City Council and Council Standing Committees for the upcoming year.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the 2026 City Council Meeting Calendar, **attached** hereto as **Exhibit "A,"** and the 2026 Council Standing Committee Meeting Calendar **Exhibit "B,"** are hereby approved.

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1 https://library.municode.com/ca/modesto/codes/code_of_ordinances?nodeId=CHTR_ARTVIITHCO_S707MECO

2 https://library.municode.com/ca/modesto/codes/code_of_ordinances?nodeId=TIT2AD_CH1CICOORPR_2-1.01REME

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

City Council Calendar
2026

January 2026

6th	NO MEETING
13th	Council Meeting (regular)
20th	NO MEETING
27th	Council Meeting (regular)

February 2026

3rd	NO MEETING
10th	Council Meeting (regular)
17th	NO MEETING
24th	Council Meeting (regular)

March 2026

3rd	Council Meeting (regular)
10th	Council Meeting (regular)
17th	NO MEETING
24th	NO MEETING

April 2026

7th	Council Meeting (regular)
14th	NO MEETING
21st	NO MEETING
28th	Council Meeting (regular)

May 2026

5th	Council Meeting (regular)
12th	Council Meeting (regular)
19th	NO MEETING
26th	NO MEETING

June 2026

2nd	Council Meeting (regular)
9th	Council Meeting (regular)
16th	NO MEETING
23rd	Council Meeting (regular)
30th	NO MEETING – 5th Tuesday

July 2026

7th	NO MEETING
14th	Council Meeting (regular)
21st	NO MEETING
28th	NO MEETING

August 2026

4th	NO MEETING
11th	Council Meeting (regular)
18th	NO MEETING
25th	Council Meeting (regular)

September 2026

1st	Council Meeting (regular)
8th	NO MEETING
15th	NO MEETING
22nd	Council Meeting (regular)
29th	NO MEETING – 5th Tuesday

October 2026

6th	NO MEETING
13th	Council Meeting (regular)
20th	NO MEETING
27th	Council Meeting (regular)

November 2026

3rd	Council Meeting (regular)
10th	Council Meeting (regular)
17th	NO MEETING
24th	NO MEETING

December 2026

1st	Council Meeting (regular)
8th	Council Meeting (regular)
15th	NO MEETING
22nd	CANCELLED per MMC 2-1.01
29th	NO MEETING – 5th Tuesday

City of Modesto Council and Standing Committees Calendar

2026

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
18	H	20	21	22	23	24
25	26	27	28	29	30	31

FEBRUARY						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	H	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	H				

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
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	H	26	27	28	29	30
31						

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	H	20
21	22	23	24	25	26	27
28	29	30				

JULY						
S	M	T	W	T	F	S
			1	2	H	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	

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
6	H	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
25	26	27	28	29	30	31

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	25	H	H	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	24	H	26
27	28	29	30	31		

Council 5:30 PM

Economic Development Committee 4:00 PM

Appointments Committee 4:00 PM

Cannabis Permit Review as needed

Safety & Communities Committee 4:00 PM

Finance Committee 4:00 PM

Audit Committee 4:00 PM

**Meeting dates and times are subject to change at the request of Council Calendar by the City Clerk's Office*

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-390

RESOLUTION AMENDING THE FISCAL YEAR 2025-26 ANNUAL OPERATING AND CAPITAL IMPROVEMENT PROJECT 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 2025-26.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2025-26 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 4th day of November, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2025-26

COMMUNITY AND ECONOMIC DEVELOPMENT

- A budget adjustment in the amount of $2,661,495 is necessary to adjust the budget in Project 101418 – CED – Specific Plan Reimbursement. This project's purpose is to separately account for the collection of the Council authorized specific plan reimbursement fee for the Tivoli specific plan. Authorized by the City Council on April 23, 2019 by Resolution No. 2019-196, this reimbursement fee will fully recover the cost of $2,661,495, with $225,703 being City related costs and the remainder due to the landowners that funded the Tivoli Specific Plan and environmental impact report.

- A budget adjustment in the amount of $20,114,183 is necessary to adjust the budget in Project 101420 – CED – Tivoli Land Equalization Fee. This project's purpose is to separately account for the collection of the Council authorized public land equalization fee (LEFP) and voluntary land dedication plan (VLDP) within the Tivoli specific plan area. Authorized by Resolution 2019-197, the LEFP's purpose was to provide an alternative method to obtain the public land needed to develop the public roadways and dual use park/retention basin in the Tivoli area. Developers will be equally allocated the cost of public land based on a dedication factor multiplied by the gross developable acres on their final subdivision maps as noted in the LEFP Nexus Study Report, and the collected fee will be used to acquire the needed public land either through providing credits to landowners that dedicated land early, or through reimbursements as funds become available.

- A budget adjustment is necessary to reappropriate funds from the Measure H Fiscal Year 2023-24 and Fiscal Year 2024-25 Measure H Spending Plan for the Downtown Streets Team in the amount of $92,369. The total allocation in Fiscal Year 2023-24 and 2024-25 was $700,000 and expenses since program inception to date are $607,631. As the operating expense budget lapses each year, the budget is being re-established to account for remaining program expenses in Fiscal Year 2025-26 up to the total allocated amount of $700,000.

FINANCE DEPARTMENT - AMERICAN RESCUE PLAN ACT

- A budget adjustment in the amount of $16,482 in the American Rescue Grant Fund 1390 to decrease the budget in Project 101511 – Turf Replacement at Mary Grogan and increase the budget to Project 100984 – The Awesome Spot in the like amount for similar purpose. The $16,482 will not be spent within the American Rescue Plan Act (ARPA) expenditure deadline of 12/26/2026. The reallocation will ensure the funds are spent prior to the deadline.

- A budget adjustment in the amount of $123,616 is needed in the Grants Fund (1341) for Project 101704 – FEMA March 2023 Flooding. The adjustment will recognize grant revenue, establish the discretionary expenditure accounts and necessary

transfers. The City of Modesto was awarded the funding per the California Governor's Office of Emergency Services (CalOES) DR6499 for costs related to the March 2023 Floods that struck areas if Modesto. Funding will be received from FEMA, CalOES and Local funds in the amounts of $118,207, $92,711 and $5,408 respectively.

MODESTO POLICE DEPARTMENT

- A budget adjustment in the amount of $485,000 is needed in the Police Grants Fund (1342) for Project 101700 – 2025 Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) Grant. The adjustment will recognize grant revenue and establish the discretionary expenditure accounts. The Modesto Police Department was awarded the grant per Grant #PT26047 and the budget appropriation is in place to expend the funds for eligible grant program categories per the grant agreement. $50,000 has previously been budgeted on the City Manager's signature to avoid delays in planned operations.

- A budget adjustment in the amount of $109,308 is needed in the Police - Grants Fund (1342) for Project 101648 - 2024-2025 Edward Byrne Memorial Justice Assistance Grant (BJAG) to recognize the annual revenue received from the Department of Justice as a passthrough from Stanislaus County and allocate to the project discretionary expense budget.

- A budget adjustment in the amount of $126,800 is needed in the Police - Grants Fund (1342) for Project 101706 - 25/26 Safer Outcomes Grants to recognize the annual revenue received from the Department of Justice Community Oriented Policing Services (COPS) Grants and allocate to the project discretionary expense and revenue budget.

PUBLIC WORKS DEPARTMENT-MEASURE L

- A budget adjustment is necessary to allocate funds to various Measure L projects. The total amount of the adjustment is $54,700. Each project will have an increase in the transfer out from Fund 1410 – Measure L Local Road Tax to the project and an increase to the projects discretionary expense accounts. This was approved by the Citizen's Transportation Sales Tax Commission at the meetings held on June 5, 2024, and September 4, 2025. Below is the adjustment to each project.

Project Number	***Project Name***	***Amount for Adjustment***
Traffic Management Category		
101675	Raised Crosswalk Install	$44,700
101496	Upgrade Traffic Signals 2023	$10,000
	Total Increase to Projects	**$54,700**
	Total Transfer Out from Fund 1410	**$54,700**

UTILITIES

- A budget adjustment in the amount of $50,000 is needed in the Water Fund – CIP Projects Fund (4180) for Project 101694 – Water Loss Audits to increase the project discretionary expense budget to account for the consultant on the project. The project

budget was previously adjusted in the amount of $50,000 by the City Manager's authority. This budget adjustment will increase the total project budget to $100,000.

- A budget adjustment in the amount of $75,000 is needed in the TCP Mitigation Administration Fund (4111) for Project 101673 – TCP Settlement Wells - CIP to increase the project discretionary expense budget to account for the consultant on the project. The project budget was previously adjusted in the amount of $25,000 by the Office of Performance Management and Budget Director authority. This budget adjustment will increase the total project budget to $100,000.

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-391

RESOLUTION APPROVING AN AGREEMENT WITH PRECISION CONCRETE CUTTING, OF OAKLAND, CA, BY UTILIZING THE COMPETITIVE BID PROCESS WITH THE INTERLOCAL PURCHASING SYSTEM (TIPS), FOR SIDEWALK ASSESSMENT AND SIDEWALK REPAIR SERVICES FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL AMOUNT OF $334,198, AND A TOTAL AMOUNT NOT TO EXCEED $1,670,990, OVER FIVE (5) YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Modesto has a large backlog of deferred concrete repairs throughout the city, and Measure H has provided a funding source to begin addressing the deferred maintenance; and

WHEREAS, Precision Concrete Cutting provides assessment, concrete cutting and crack filling services through a national purchasing agreement; and

WHEREAS, Precision Concrete Cutting uses patented technology and cutting-edge techniques to provide full removal of trip hazards on uneven concrete; their technology is very effective and less expensive than other conventional methods of concrete trip hazard mitigation and extends the life of existing concrete which in many cases avoids the high cost of concrete removal and replacement; and

WHEREAS, on June 1, 2023, TIPS issued RCSP 23060202 for pavement and other related services; and

WHEREAS, on July 14, 2023, proposals were electronically opened, and the list of all Proposers was made publicly available in the TIPS Procurement Portal; and

WHEREAS, thirty-five (35) proposals were received and based on the TIPS Proposal review committee and criteria outlined in the RFP, twenty-six (26) contracts were awarded, one of which was awarded to Precision Concrete Cutting; and

WHEREAS, Precision Concrete Cutting was awarded a contract with TIPS effective August 17, 2023, through August 16, 2025, with the option to extend for an additional two consecutive one-year terms that is currently extended until August 31, 2026; and

WHEREAS, through this contract, Precision Concrete Cutting has provided a quote for sidewalk assessment and repair services that will be used to continue the Measure H funded work of removing ADA and tripping hazards in the parks system, as well as by Transportation Engineering and Design (TED) Division on a variety of their projects and available to Public Works to augment their current concrete grinding and replacement efforts; and

WHEREAS, based on the results of the solicitation and the City's need for the services, City staff recommends award to Precision Concrete Cutting as one of the most responsive and responsible proposers for the sidewalk assessment and repair services identified by the TIPS procurement process, for an amount not to exceed $1,670,990 over five (5) years; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 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 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) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; both requirements were met based on the Competitive Bidding Process selected by TIPS.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with Precision Concrete, of Oakland, CA., by utilizing the Competitive Bid Process with The Interlocal Purchasing System (TIPS), for Sidewalk Assessment and Sidewalk Repair Services for a two (2) year Agreement with three (3) one-year extension options, for an estimated annual amount of $334,198, and a total amount not to exceed $1,670,990, over five (5) years.

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 4th day of November, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-392

RESOLUTION APPROVING AN AGREEMENT WITH CALLANDER ASSOCIATES, OF GOLD RIVER, CA, TO PREPARE CONCEPTUAL DESIGN FOR THE PELANDALE STREETSCAPE IMPROVEMENT PROJECT IN THE AMOUNT OF $297,766, PLUS $29,777, IF NEEDED, FOR AN AGREEMENT TOTAL AMOUNT NOT TO EXCEED $327,543 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Pelandale Avenue is an east-west roadway which traverses across northern Modesto, with the roadway beginning at the exit of Highway 99 and extending approximately four miles east to McHenry Avenue, where it transitions into Claratina Avenue; and

WHEREAS, classified as a Class B expressway, it accommodates an average of 24,000 drivers daily, passing through several residential neighborhoods, ensuring access for residents and enhancing community connectivity; and

WHEREAS, despite the roadway's significant importance there are lengthy sections along Pelandale Avenue where drainage and landscaping enhancements are needed; and

WHEREAS, the Pelandale Streetscape Improvement Project is the design to complete the final aesthetics on one of Modesto's key roadways by enhancing both shoulders, median, and paved portions of Pelandale Avenue, spanning from just west of the intersection of Blue Bird Drive to McHenry Avenue, a total of approximately 3.5 miles; and

WHEREAS, on April 24, 2025, the City's Parks Planning and Development Division issued RFP #PPD25-04 for professional design consulting services for the Pelandale Streetscape Improvement Project; and

WHEREAS, proposals were due on June 3, 2025; however, no bids were received at that time; and

WHEREAS, as no bids were received in July 2025, staff informally requested and received proposals from three vendors; and

WHEREAS, a consultant selection committee was formed, and after a thorough review of the responses, the committee determined that Callander Associates is the most qualified to provide conceptual design for the Pelandale Streetscape Improvement Project; and

WHEREAS, based on the results of the proposal review, staff recommend Council approve an agreement with Callander Associates, of Gold River, CA in the amount of $297,766, to prepare conceptual design for the Pelandale Streetscape Improvement Project; and

WHEREAS, in addition, staff recommends Council approve a 10% additional services budget in the amount of $29,777, to allow for additional services that may be required due to unforeseen conditions, delays, or expenses, for an agreement total not to exceed $327,543; and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), "Exceptions to Formal Bidding Requirements," Agreements for Professional Services are exempt from the bidding requirements of Modesto Municipal Code 8-3.203 if competitive quotations or proposals have been sought informally from at least three (3) qualified entities; and

WHEREAS, the approval for the Pelandale Streetscape Improvement Project to Callander Associates conforms to Modesto Municipal Code 8-3.204, subsection (a) as

they provide professional services and at least three informal proposals were obtained.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Callander Associates, of Gold River, CA, to prepare conceptual design for the Pelandale Streetscape Improvement Project in the amount of $297,766, plus $29,777, if needed, for an Agreement total amount not to exceed $327,543.

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, 2025, by Councilmember Escutia-Braaton, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-393

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE 2025 PLAYGROUND REPLACEMENT PROJECT, ACCEPTING THE BID AND AWARDING A CONSTRUCTION CONTRACT TO JESSOP HOLDING CO., LLC DBA SIERRA PLAY PARTNERS, OF RIPON, CA, IN THE AMOUNT OF $1,214,003, AUTHORIZING $97,121 FOR CONTINGENCY (IF NEEDED), FOR A TOTAL PAYMENT AMOUNT NOT TO EXCEED $1,311,124, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in June 2024, by Resolution 2024-190, Council approved the FY 2024-2025 budget, which included $2,200,000 of Measure H funding for year 2 of the deferred park maintenance plan; and

WHEREAS, as part of the year 2 deferred park maintenance allocation, $1,350,000 was budgeted for the replacement of the playgrounds at Brewer's Rose Park, Eisenhut Park, and Sutter Park; and

WHEREAS, at the request of the Safey & Communities Committee, staff has prepared a planting plan for each playground that incorporates a variety of trees of various sizes from 15 Gallon to 36" Box in the design and the installation of trees is anticipated to be completed by the contractor as a change order to the contract; and

WHEREAS, staff was originally anticipating a 6% contingency budget on this project, but is requesting an 8% contingency budget (an increase of $25,000) to ensure funding is available to install these trees; and

WHEREAS, the project was advertised for bids on July 30, 2025; and

WHEREAS, bids were publicly opened on August 26, 2025, pursuant to City Charter Section 1307, and seven bids were received; however, one bid was deemed non-responsive; and

WHEREAS, Jessop Holding Co., LLC dba Sierra Play Partners, of Ripon, CA, was determined to be the responsible bidder with the lowest responsive bid; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, the award of contract for the construction of the 2025 Playground Replacement Project, to Jessop Holding Co., LLC dba Sierra Play Partners, of Ripon, CA, conforms to the Modesto Municipal Code, 8-3.203; and

WHEREAS, staff recommends awarding a construction contract to Jessop Holding Co., LLC dba Sierra Play Partners, of Ripon, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the 2025 Playground Replacement Project, accepts the Bid and awards a construction contract to Jessop Holding Co., LLC dba Sierra Play Partners, of Ripon, CA, in the amount of $1,214,003, plus $97,121, in contingency (if needed), for a total amount not to exceed $1,311,124.

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 4th day of November, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-394

RESOLUTION AMENDING THE FISCAL YEAR 2025-26 CAPITAL IMPROVEMENT PROGRAM BUDGET TO FUND PROJECT #101603 (24/25 DEFERRED MAINTENANCE – MEASURE H) AND PROJECT #101602 (24/25 PREVENTATIVE MAINTENANCE – MEASURE H) IN AN AMOUNT NOT TO EXCEED $68,443 IN TRANSFERS, REVENUE, AND TO BUDGET EXPENDITURES TO FUND THE PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City plans to replace the playgrounds at Brewer's Rose Park, Eisenhut Park, and Sutter Park, as part of the 2025 Playground Replacement Project; and

WHEREAS, Measure H funding of $68,433, must be allocated to fund a portion of the project; and

WHEREAS, the Fiscal Year 2025-2026 Capital Improvement Budget must be amended to fund Project 101603 (24/25 Deferred Maintenance – Measure H), and Project 101602 (24/25 Preventative Maintenance – Measure H) in a total amount of $68,443, to establish transfers, recognize revenue, and increase expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendments of the Fiscal Year 2025-2026 Capital Improvement Program Budget to fund Project 101603 (24/25 Deferred Maintenance – Measure H), and Project 101602 (24/25 Preventative Maintenance – Measure H) in a total amount of $68,443, in transfers, revenue and to budget expenditures to fund the project.

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 4th day of November, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-395

RESOLUTION ACCEPTING MARY GROGAN COMMUNITY PARK PARKING LOT RESURFACING PROJECT AS COMPLETE, RELEASING SECURITIES, RELEASING PAYMENTS TOTALING $79,095 TO DRT GRADING & PAVING, INC. OF SUNOL, CA, AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, in June 2024, by Resolution No. 2024-190, Council approved the FY 2024-2025 budget, which included Measure H Funding for year 2 of the preventive park maintenance plan. As part of that allocation, $500,000 was budgeted for slurry seal and striping of an estimated 250,000 square feet (SF) of existing parking lots in the parks system; and

WHEREAS, this project resurfaced and restriped 188,000 SF of asphalt parking lot at the Mary E. Grogan Community Park; and

WHEREAS, the project was advertised for bids on February 14, 2025; and

WHEREAS, bids were publicly opened on March 4, 2025, and DRT Grading & Paving, Inc. of Sunol, CA, was the lowest responsible bidder at 57.49% below the engineers estimate; and

WHEREAS, on April 8, 2025, by Resolution No. 2025-110, Council awarded a contract to DRT Grading & Paving, Inc., in the amount of $76,915; and

WHEREAS,. the Contractor received the Notice to Proceed with a start date of June 23, 2025. All contract work was completed on July 11, 2025; and

WHEREAS, the total project costs were $94,989, which included design, construction, and construction administration costs. The total project budget was $100,760 which included $84,607 for the construction contract and contingency with DRT Grading & Paving, Inc.; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, updated by Resolution No. 2019-326 on July 9, 2019, and revised a second time September 12, 2023 by Resolution 2023-405 established a contract change order authority of 10% ($7,692) for construction contracts of this amount; and

WHEREAS, there was one (1) change order resulting in an overall increase of $2,180 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 City Council of the City of Modesto that the Mary Grogan Community Park Parking Lot Resurfacing Project is complete, releasing securities, releasing payments totaling $79,095 to DRT Grading & Paving, Inc. of Sunol, CA, and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-396

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR THE FURNISHING OF EXTERNAL AUDITING SERVICES AND PREPARATION OF FINANCIAL STATEMENTS TO VASQUEZ AND COMPANY LLP, GLENDALE, CA, FOR A THREE (3) YEAR AGREEMENT WITH TWO (2) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL AMOUNT OF $194,560, AND A TOTAL AMOUNT NOT TO EXCEED $972,800 OVER FIVE (5) YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, under Section 1306 of the Modesto City Charter requires the Council to employ independent auditors to perform an annual financial audit of the City to examine the financial records managed by City employees; and

WHEREAS, the City requests an external auditor to express an opinion on the fair presentation of its basic financial statements and schedule of expenditures from federal awards in conformity with generally accepted accounting principles, the provisions of the Federal Single Audit Act Amendments of 1996 and Title 2 U.S. Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance); and

WHEREAS, the auditor is required to express an opinion on the compliance for each major federal program as part of the single audit; and

WHEREAS, the auditor will report any identified material weaknesses or significant deficiencies in internal control; and

WHEREAS, the City is the financial administrator for five (5) joint power agencies/programs audits and thirteen (13) Community Facilities Districts (CFDs) and will require the financial statement compilation and express an opinion on the financial statements and programs for these funds; and

WHEREAS, on April 7, 2025, the City Manager authorized the Purchasing Manager to solicit the procurement for the furnishing of External Auditing Services and Preparation of Financial Statements; and

WHEREAS, on May 6, 2025, the Purchasing Division issued Request for Proposals (RFP)-00018 for the External Auditing Services on the City's OpenGov public bidding website under various commodity codes; and

WHEREAS, prospective bidders were notified online which included 35 local vendors and via email of the bid opportunity; and

WHEREAS, 33 companies downloaded the RFP document from OpenGov; and

WHEREAS, on June 24, 2025, proposals were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream; and

WHERES, six (6) chose to respond, one (1) was deemed unresponsive, and there were no local firms; and

WHEREAS, an evaluation committee comprised of five (5) City staff members which included the Director of Finance, Accounting Manager, Senior Financial Analyst, Financial Analyst III, and Infrastructure Financing Program Supervisor who evaluated the proposals was chosen to observe the RFP process; and

WHEREAS, the evaluation was based on client references, technical proposal, mandatory audit requirements, expertise, audit approach and cost; and

WHEREAS, based on being ranked highest in total evaluation criteria, the evaluation committee recommends the award of proposal for the furnishing of External Auditing Services and Preparation of Financial Statements to Vasquez and Company

LLP, Glendale, CA based on their expertise, positive client references, and an audit approach which aligns with the government auditing standards; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid; and

WHREAS, based on the responsive and responsible highest score proposer offering the furnishing of External Auditing Services and Preparation of Financial Statements which conforms to the Modesto Municipal Code, 8-3.203 and City staff recommends the Award of Proposal for furnishing of External Auditing Services and Preparation of Financial Statements to Vasquez and Company LLP, Glendale, CA.

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 furnishing of External Auditing Services and Preparation of Financial Statements to Vasquez and Company LLP, Glendale, CA, for a three (3) year Agreement with two (2) one-year extension options, for an estimated annual amount of $194,560, and a total amount not to exceed $972,800 over five (5) years.

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 4th day of November, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-397

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR THE OPERATION OF THE KING-KENNEDY MEMORIAL CENTER TO THE WEST MODESTO COMMUNITY COLLABORATIVE OF MODESTO, CA, FOR TEN (10) YEARS; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, in 1968, the King-Kennedy Memorial Center ("Center") was constructed for community programming and engagement, and

WHEREAS, in 2008, Council, by Resolution No. 2008-081, approved an agreement with West Modesto Community Collaborative ("WMCC") to manage and operate the Center, and

WHEREAS, on August 8, 2018, by Resolution No. 2018-303, Council approved a new agreement with WMCC to manage and operate the Center, and

WHEREAS, on April 6, 2021, by Resolution No. 2021-110, Council approved the application for grant funds to renovate Dr. Martin Luther King Jr. Park ("MLK Park") with construction of a gymnasium/multipurpose room near the Center resulting in the closure of MLK Park and Center during an undetermined construction period, and

WHEREAS, on March 11, 2025, staff issued Request for Proposal ("RFP") INF-RFP-00013 for Facility Operations of King-Kennedy Memorial Center, and

WHEREAS, after a review and evaluation of their qualifications, staff have determined that WMCC is qualified to continue to operate the King-Kennedy Memorial Center and provide services to the community, and

WHEREAS, WMCC provides mental health services, community engagement, after school programming, summer camps, intervention programs and other services information to West Modesto, and

WHEREAS the City desires to enter a ten (10) year agreement with WMCC to operate the Center and ensure the Center is operating in a fashion that best supports the community.

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 operation of the King-Kennedy Memorial Center to the West Modesto Community Collaborative of Modesto, CA for ten (10) 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 4th day of November, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-398

RESOLUTION ACCEPTING THE FISCAL YEAR 2025-2026 CAL FIRE VOLUNTEER FIRE CAPACITY (VFC) PROGRAM GRANT AWARD IN THE AMOUNT OF $20,000, WITH A 50% LOCAL MATCH, FOR THE PROCUREMENT OF WILDLAND PERSONAL PROTECTIVE EQUIPMENT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE GRANT AGREEMENT

WHEREAS, the CalFire Volunteer Fire Capacity (VFC) Program Grant provides funding to organize, train and equip fire departments in rural areas and rural communities to prevent and suppress fires; and

WHEREAS, the Modesto Fire Department contracts with the City of Oakdale and the Oakdale Rural Fire Protection District, which allows the department to apply for the grant. The VFC Grant Program provides financial assistance directly to eligible fire departments for critical training and equipment. The objective is to provide critically needed resources that equip and train emergency personnel to recognized standards, enhance operational efficiencies, foster interoperability, and support community resilience; and

WHEREAS, on April 21, 2025, the Modesto Fire Department applied for this grant and as of October 10, 2025, had received notification that it has been awarded $20,000; and

WHEREAS, the grant requires the city to provide a 50% local match of funds, which would be prioritized and allocated in the current fiscal year budget. The department intends to apply this grant toward the purchase of wildland personal protective equipment (PPE) to replace aging and outdated wildland PPE that is no longer in service or does not meet current standards.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Resolution accepting the Fiscal Year 2025-2026 Cal Fire Volunteer Fire Capacity (VFC) Program Grant Award in the amount of $20,000, with a 50% Local Match, for the Procurement of Wildland Personal Protective Equipment.

BE IT FURTHER RESOLVED, that the City Manager, or his designee is hereby authorized to execute the grant 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 25th day of November, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-399

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE AGREEMENT WITH GEORGE HILLS COMPANY, RANCHO CORDOVA, CA, FOR THIRD-PARTY ADMINISTRATION OF THE CITY'S GENERAL LIABILITY CLAIMS INCREASING THE AGREEMENT AMOUNT BY $284,500 AND A NEW TOTAL NOT TO EXCEED $2,284,500 TO COMPLETE THE TERM OF THE AGREEMENT AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, the City utilizes the services of a third-party administrator to provide General Liability administrative services; and

WHEREAS, on May 25, 2021, by Resolution No. 2021-185, Council approved the Administrative Services Agreements with George Hills Company, Rancho Cordova, CA to provide third-party general liability services in an estimated cost of $400,000 annually and an amount not to exceed $2,000,000 over 5 years; and

WHEREAS, the original agreement with George Hills Company has an allocated $400,000 per year, totaling $2,000,000 over the course of the five-year contract. The five years would be completed in May of 2026; however, the City anticipates there are only enough funds to cover through December of 2025; and

WHEREAS, George Hills processes, investigates, and adjusts approximately 300 claims per year, though this number can vary as it did in 2023 when the City received over 500 claims. The City is billed an adjustor's hourly rate for each claim, which made budgeting over a five-year period an educated guess and led to the current shortfall of funds. In 2023, the larger claim total increased workloads for George Hills leading to additional costs to the City; and

WHEREAS, George Hills provides a vital service to the City. Interrupting services would cause a strain on the City's claims system and likely lead to missed deadlines and additional legal costs. Adding funds to the contract so that the City can maintain a smooth transition between George Hills and the vendor that will be awarded the new Third-Party Administration (TPA) contract will ensure services proceed as intended; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, exceptions to the formal bidding process are granted in MMC 8-3.204(f) "Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services."

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Agreement with George Hills Company, Rancho Cordova, CA, for Third-Party Administrative Services increasing the agreement amount by $284,500 and a new total not to exceed $2,284,500 to complete the term of the agreement.

BE IT FURTHER RESOLVED, that the City Manager or his designee, are 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 25th day of November, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-400

RESOLUTION RECOMMENDING THE SECOND AMENDMENT FOR TREE PRUNING AND REMOVAL SERVICES WITH GREENTEK SERVICES, LLC, OROVILLE, CA, INCREASING THE AGREEMENT AMOUNT BY $960,000 TO A NEW TOTAL AMOUNT OF $4,435,000 AND FOR TREE REMOVAL AND STUMP GRINDING SERVICES WITH RUMBLE TREE, INC, MODESTO, CA INCREASING THE AGREEMENT AMOUNT BY $690,000 FOR A NEW TOTAL AMOUNT OF $3,604,350 AND A TOTAL AMOUNT NOT TO EXCEED BETWEEN BOTH AGREEMENT OF $8,039,350; AUTHORIZING THE DIRECTOR OF FINANCE TO ADJUST AGREMEMNT TOTALS BETWEEN VENDORS BASED ON CONTRACTOR'S AVAILABILITY AND DEPARTMENT'S NEEDS, ENSURING THE COMBINED TOTAL AMOUNT DOES NOT CHANGE AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENTS

WHEREAS, in recent years, the demand for tree pruning and removal services within the City's urban forest exceeded the City Forestry Division's available time and resources; and

WHEREAS, staff's difficulty in providing these services raises safety concerns and at this time there is a significant backlog of trees that need to be trimmed or removed and stumps that need to be ground; and

WHEREAS, on June 6, 2023, by Resolution 2023-266, Council approved the Fiscal Year (FY) 2023-2024 budget, which included $1,550,000 of Measure H funding for tree maintenance; and

WHEREAS, on October 10, 2023, by Resolution 2023-455, Council approved the Agreements for Tree Pruning and Removal Services with West Coast Arborists, Inc., Anaheim, CA; Greentek Services, LLC, Oroville, CA; and Rumble Tree, Inc., Modesto, CA; and

WHEREAS, on June 4, 2024, by Resolution 2024-190, Council approved the FY 2024-25 budget, which included an adjustment request for Measure H funding in an

amount of $550,000 in additional funding for outside contractors (Pruning, Removal, and Stump Grinding) calling out Greentek Services, LLC and Rumble Tree, Inc., and an adjustment request for Measure H funding in the amount of $1,094,350 for reforestation of City trees, calling out Rumble Tree Service. Over the next five years Rumble Tree will assist in replanting trees at "open locations" while also conducting tree and stump removal operations in other areas identified. Breaking this down over a five-year span would average 230 new trees planted each year in identified areas, as well as 392 trees removed and 780 stumps removed; and

WHEREAS, on June 3, 2025, by Resolution 2025-182, Council approved the First Amendments with Greentek Services, LLC, Oroville, CA, for Tree Pruning and Removal Services increasing the Agreement amount by $300,000 to a new total amount over five years of $3,475,000 and Rumble Tree, Inc., Modesto, CA for Tree Removal and Stump Grinding Services increasing the Agreement amount by $1,594,350 for a new total over five years of $2,914,350, and

WHEREAS, these agreements will continue to assist the Forestry Division in catching up with deferred tree maintenance that has built up over the past decade providing for a safer environment and healthier urban forest for the citizens of Modesto. Many trees in Modesto's urban forest are experiencing limb and tree failure due to extended pruning cycles, defects within the trees, storms, drought, vandalism, disease, and lack of young tree training. These agreements will directly impact the trees throughout the City, improving the health and safety for residents and visitors alike; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual

services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “Where the Purchasing Manager, in her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar good or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services.” The City has determined that an increase in Agreement funding is required to ensure adequate funding allowance to cover the increased demand for services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment for Tree Pruning and Removal Services with Greentek Services, LLC, Oroville, CA, increasing the Agreement amount by $960,000 to a new total amount of $4,435,000 and for Tree Removal and Stump Grinding Services with Rumble Tree, Inc., Modesto, CA increasing the Agreement amount by $690,000 for a new total amount of $3,604,350 and a total amount not to exceed between both agreements of $8,039,350.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to adjust agreement totals between vendors based on contractor’s availability and department’s needs, ensuring the combined total amount does not change.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendments, 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 25th day of November, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-401

RESOLUTION APPROVING THE PURCHASE OF 30,487 SQUARE FEET OF REAL PROPERTY LOCATED AT ASSESSOR'S PARCEL NUMBER 016-034-014-000, GRAYSON, CA OWNED BY STANISLAUS COUNTY FOR $91,461, PLUS $10,000 IN CLOSING COSTS, TO BE USED FOR THE GRAYSON WATER INFRASTRUCTURE PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE PURCHASE AND SALE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO COMPLETE THE TRANSACTION

WHEREAS, the Grayson water service area was acquired from Del Este Water Company in 1995 as part of the overall acquisition of Del Este's water system; and

WHEREAS, as part of an effort to improve service to the customers of Grayson a hydraulic assessment of the Grayson Water System was performed to evaluate the system's ability to meet the community's current and build-out demands; and

WHEREAS, during the design phase of the Grayson Water Infrastructure Improvements Project, it was determined that the existing Well 69 Site would not be large enough to accommodate the necessary improvements, and

WHEREAS, to support full project buildout, acquiring surplus land in the vicinity of the well site would be necessary; and

WHEREAS, City staff initiated discussions with Stanislaus County staff regarding the purchase of adjacent property, and three areas totaling 37,460 square feet (SF) were identified for potential acquisition; and

WHEREAS, Associated Right of Way Services, Inc. (ARWS), the City's On-Call Real Property Consultant, was retained to appraise the parcels; and

WHEREAS, the Appraisal Report, prepared by Valbridge Property Advisors, valued the properties at $3.00 per SF; and

WHEREAS, the County agreed to sell 30,487 SF of real property for $91,461; and

WHEREAS, as a condition of the sale, the City has agreed to grant a Road Easement Deed to the County at the location described and depicted in **Exhibit 3-1** and **3-2** of the Purchase and Sale Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the purchase of 30,487 SF of real property located at Assessor's Parcel Number 016-034-014-000, Grayson, CA owned by Stanislaus County for $91,461, plus $10,000 in closing costs, to be used for the Grayson Water Infrastructure Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the Purchase and Sale Agreement and Road Easement Deed, in a form approved by the City Attorney, and all related documents required to complete the transaction.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of November, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PURCHASE AND SALE AGREEMENT
AND ESCROW INSTRUCTIONS

This Purchase and Sale Agreement with Escrow Instructions ("Agreement") is made this _____ day of _____, 2025 (the "Effective Date"), by and between STANISLAUS COUNTY, a political subdivision of the State of California ("Seller") and the CITY OF MODESTO, a California charter city ("Buyer"). Seller and Buyer may each be referred to herein as a "Party" or collectively as the "Parties".

RECITALS

WHEREAS, Seller owns that certain real property located in the County of Stanislaus described and depicted in **Exhibit 1-1** and **1-2**, Assessor's Parcel Number 016-034-014-000 (" Parcel 014"); and

WHEREAS, Seller desires to sell and is willing to sell to Buyer, on the terms and conditions herein, fee simple title to a portion of the Parcel 014 (hereafter referred to as the "Property"), described and depicted in **Exhibit 2-1 and 2-2**. As a condition to the sale, Buyer has agreed to grant a Road Easement Deed to the County at the location described and depicted **Exhibit 3-1 and 3-2**; and

WHEREAS, Buyer desires to buy and is willing to buy from Seller, on the terms and conditions herein, fee simple title in the Property; and

WHEREAS, the creation of the parcel of Property by grant deed (without a parcel map) is authorized under the exemption from the Subdivision Map Act as set forth in Government Code §66426.5; and

WHEREAS, under California's Surplus Land Act, Government Code §54221(f)(1)(D) defines "exempt surplus land" to include "surplus land that a local agency is transferring to another local, state, or federal agency for the agency's use…." The Seller's Board of Supervisors has determined that the proposed sale of the Property to another public agency is exempt surplus land because the transferee is the City of Modesto and the Property will be used for water infrastructure improvements that will support the town of Grayson; and

WHEREAS, pursuant to Public Resources Code §21065, this Agreement does not constitute approval of a project with a potential to cause a physical change in the environment, but is instead solely a transfer of a real property interest; and

NOW, THEREFORE, Buyer and Seller agree, and Escrow Holder is instructed, as follows:

1. Purchase and Sale. Upon all of the terms and conditions contained in this Agreement, Buyer agrees to purchase from Seller, and Seller agrees to sell to Buyer, the Property.

2. Purchase Price. The purchase price ("Purchase Price") for the Property shall be Ninety One Thousand Four Hundred Sixty One Dollars ($91,461.00). The Purchase Price shall be payable as follows:

2.1 Deposit. Buyer shall deposit into Escrow the sum of Five Thousand Dollars ($5,000.00) in cash or other immediately available funds ("Deposit") within five (5) business days of the Opening of Escrow (as defined below). Subject to Section 5.4, upon delivery of the Approval Notice, the Deposit shall be nonrefundable to Buyer, except in the event of a default by Seller or as otherwise specifically provided in this Agreement, and remain in Escrow until the Close of Escrow until termination of this Agreement or Close of Escrow, when it shall be credited against the Purchase Price.

2.2 Payment of Balance of Purchase Price. The balance of the Purchase Price shall be deposited in Escrow by Buyer in cash or other immediately available funds on or prior to the Close of Escrow.

3. Opening of Escrow. Not later than three (3) business days after the Effective Date, Buyer shall open an escrow ("Escrow") with Cypress Title Corporation, Attn: Debbi Johnson, 1156 Scenic Drive, Suite 100, Modesto, CA 95354 (209)375-8299, debbi.johnson@cypresstitleco.com (referred to herein as the "Title Company" or the "Escrow Holder").

4. Close of Escrow. The closing of the purchase and sale of the Property shall take place through Escrow on a date that is no later than thirty (30) days after the Decision Date (defined below) unless extended by the Parties by mutual agreement.

5. Buyer's Investigation. Commencing upon the Effective Date and ending at 5:00 p.m. Pacific Time on the date that is sixty (60) days after the Effective Date (the "Decision Date"), Buyer shall conduct the following investigations of the Property:

5.1 Title Matters. After the Effective Date, at Buyer's expense, Buyer shall cause the Title Company to deliver to Buyer a preliminary title report covering the Property together with copies of all documents referenced therein and a map showing the location of all easements affecting the Property (collectively, the "Title Report") for Buyer's review. Buyer's approval or disapproval of the Title Report shall be subject to the judgment and satisfaction of Buyer. Buyer shall have until twenty (20) days prior to the Decision Date (the "Title Review Deadline") to notify Seller in writing of any matters set forth in the Title Report to which Buyer objects (the "Buyer's Title Objection Notice"). Buyer's failure to provide Seller with Buyer's Title Objection Notice on or before the Title Review Deadline shall be deemed Buyer's waiver of the right to object to any matters set forth in the Title Report. Seller shall have ten (10) days following receipt of any Buyer's Title Objection Notice ("Seller's Title Response Deadline") within which to advise Buyer in writing whether it will remove or cure any matter to which Buyer has objected in the Buyer's Title Notice ("Seller's Title Response Letter"). Seller's failure to provide Buyer the Seller's Title Response Letter by Seller's Title Response Deadline shall be deemed Seller's disapproval of the items contained in Buyer's Title Objection Notice. Buyer's delivery of an Approval Notice shall be deemed Buyer's waiver of the right to object to any matters set forth in the Title Report.

5.2 Feasibility Studies. Buyer shall review the condition, use, sale, development or suitability of the Property for Buyer's intended purposes. Buyer's approval or disapproval of such feasibility studies shall be subject to the judgment and satisfaction of Buyer. Buyer's failure to approve such feasibility investigations by delivery of the Approval Notice to Seller and Escrow

Holder on or before the Decision Date shall be deemed Buyer's disapproval. Buyer's delivery of the Approval Notice shall be deemed Buyer's approval of all such matters and a waiver of Buyer's rights under Section 5.4 below. Seller hereby grants to Buyer and its agents and employees a license to enter upon the Property upon twenty-four (24) hours prior notice to Seller for the purpose of conducting feasibility studies and physical examinations of the Property. Buyer shall not permit any liens to attach to the Property by reason of the exercise of Buyer's rights herein. Buyer shall, at its sole cost and expense, fully repair any damage caused by its inspections, tests or studies at the Property and restore the Property to substantially the same condition that existed before any of Buyer's inspections, tests or studies, and shall indemnify, defend and hold Seller harmless from any claims, costs or liability relating to such feasibility studies or physical examinations of the Property.

5.3 Property Documents. Seller shall have no obligation to deliver documents relating to the Property ("Property Documents"), unless Buyer makes a request for specific documents. Buyer's request for and approval or disapproval of the Property Documents shall be subject to the judgment and satisfaction of Buyer.

5.4 Termination Prior to Decision Date. If, on or prior to the Decision Date, (i) Buyer delivers a notice disapproving of the condition of the Title Report described in Section 5.1 above, (ii) Buyer delivers a notice disapproving its investigation of the Property pursuant to Section 5.2 above, (iii) Buyer delivers a notice disapproving the Property Documents pursuant to Section 5.3 above or (iv) fails, for any reason or for no reason, to deliver written notice pursuant to (i) through (iii) above ("Approval Notice") to Seller and Escrow Holder, which failure to timely deliver the Approval Notice remains five (5) days after receipt or written notice from Seller that Buyer has not timely responded, then this Agreement shall automatically terminate, in which event: (a) Escrow Holder shall return the Deposit to Buyer, less Escrow Holder's cancellation fees and expenses; (b) Escrow Holder shall return all documents and instruments to the parties who deposited the same into Escrow; (c) Buyer shall return all Property Documents to Seller; and (d) this Agreement shall terminate and neither party hereto shall have any further obligation or responsibility hereunder or liability of any nature or amount whatsoever to the other party hereunder except as expressly provided in Section 5.2.

6. Conditions to Close of Escrow. The following shall constitute conditions to the Close of Escrow, which conditions may be waived, if not satisfied, only in writing by Buyer and/or Seller, as applicable:

6.1 Title Policy. The Title Company shall issue or be irrevocably committed to issue to Buyer, at Buyer's expense, a standard coverage ALTA owner's policy of title insurance ("Title Policy") in the total amount of the Purchase Price or fair market value, dated as of the Close of Escrow, insuring Buyer as the fee owner of the Property, and showing title to the Property vested in Buyer subject only to:

(a) The printed exceptions and exclusions contained in the Title Policy;

(b) Nondelinquent general and special real property taxes, bonds and assessments, which shall be prorated as of the Close of Escrow;

(c) All exceptions shown on the Title Report that are approved in writing by Buyer or deemed approved under the terms of this Agreement.

If Buyer requires an extended ALTA owner's policy, lender's policy, or any endorsements to the Title Policy (other than curative endorsements Seller has elected to provide as provided herein), then Buyer shall make such election in a timely manner so as to not interfere with or delay the Close of Escrow and Buyer shall pay the additional cost of obtaining any extended owner's policy, lender's policy, or endorsements to the extent such endorsements are not required to cure a disapproved title exception; provided same shall not be a condition of closing.

6.2 Approval of Feasibility. Buyer shall have delivered the Approval Notice as provided in Section 5 on or before the Decision Date.

6.3 Seller's Performance and Representations and Warranties. Seller shall have performed all of its obligations under this Agreement. Seller's representations and warranties made in this Agreement shall be true and correct in all material respects as of the Closing Date. Seller shall have provided the Closing Notice and all Conditions Precedent have been satisfied.

6.4 Buyer's Performance and Representations and Warranties. Buyer shall have performed all of its obligations under this Agreement including payment of the Purchase Price. Buyer's representations and warranties made in this Agreement shall be true and correct in all material respects as of the Closing Date.

6.5 No Material Adverse Change. There shall be no material adverse change in the physical condition of the Property from the condition in which it existed as of the date of this Agreement that would render the Property unsuitable for Buyer's intended development.

6.6 Exempt Surplus Land. Close of Escrow is expressly conditioned upon the approval by California Department of Housing and Community Development ("HCD") that the proposed sale of the Property to the City is "exempt surplus land" under the California Surplus Land Act.

6.7 Resolution of Abandonment. Close of Escrow is expressly conditioned upon the approval by the County Board of Supervisors of a final Resolution with the unanimous approval of the Board authorizing the abandonment of the Property pursuant to Government Code Section 25580 et seq. (the County Park Abandonment Law of 1959).

6.8 Effect of Failure of a Condition. The conditions described in this Section 6 are for the benefit of Buyer and Seller and must be satisfied or waived by Buyer and/or Seller, as applicable, on or before the Closing Date. Such conditions may only be waived by the delivery of written notice of such waiver to the other party and Escrow Holder.

6.9 Failure of a Condition and Termination. In the event the Close of Escrow does not occur because any of the conditions to the Close of Escrow set forth in Section 6 are not satisfied or waived by Buyer or Seller (as the case may be), and if the failure of such condition is not caused by the default of either party, then the parties agree that this Agreement and the Escrow shall thereupon be terminated, and except as may otherwise be provided in this Agreement, that: (i) the Deposit shall be immediately returned to Buyer by Escrow Holder without any further

instructions required by the parties hereunder, and any funds deposited by Buyer into Escrow, together with all interest earned thereon in Escrow less Escrow Holder's cancellation fees and expenses; (ii) Escrow Holder shall return all documents and instruments to the parties who deposited the same into Escrow; and (iii) this Agreement shall terminate and neither party hereto shall have any further obligation or responsibility hereunder or liability of any nature or amount whatsoever to the other party hereunder except as provided in Section 5.2.

7. Representations and Covenants of Seller. Seller hereby represents and warrants to, and covenants with, Buyer as follows:

7.1 Power. Seller is a political subdivision of the State of California. Seller is the sole owner in fee simple of the Property. Seller has the full right, capacity, power, and authority to enter into and carry out the terms of this Agreement.

7.2 Requisite Action. All requisite action has been taken by Seller in connection with the entering into of this Agreement, the execution and delivery of the instruments referenced herein, and the consummation of the transaction contemplated hereby.

7.3 Authority. The individual executing this Agreement and the instruments referenced herein on behalf of Seller has the legal power, right and actual authority to bind Seller to the terms and conditions hereof and thereof.

7.4 Governmental Notices. Seller has not received any written notification from any governmental authority bringing any condemnation actions against the Property, or any part thereof, nor to Seller's knowledge is Seller aware of any condemnation actions being contemplated. Seller has not received any written notification from any City, County or other governmental authority having jurisdiction over the Property requiring any work to be done on or affecting the Property.

7.5 No Unrecorded Interests. To the best of Seller's knowledge, there are no unrecorded leases, licenses, or other possessory interests in the Property.

7.6 No Litigation. To the best of Seller’s knowledge, there is no litigation or legal proceeding pending or threatened in writing against Seller or the Property that could reasonably be expected to adversely affect Seller's or Buyer's ability to perform their respective obligations hereunder, or Buyer's proposed development of the Property.

7.7 Limitation Period. The representations and warranties shall survive the Closing for a period of one (1) year (the "Limitation Period"). In no event shall Seller be liable to Buyer for any punitive damages based upon any breach of representation or warranty. To the extent applicable, the Limitation Period referred to herein shall apply to known as well as unknown breaches of such warranties or representations. Any action with regard to any claim set forth in this section, such claim must be commenced by Buyer within the Limitation Period. Buyer specifically acknowledges that such limitation of liability represents a material element of the consideration to Seller.

8. Representations and Covenants of Buyer. Buyer hereby represents and warrants to, and covenants with, Seller as follows:

8.1 Power. Buyer is a charter city duly formed and validly existing under the laws of the State of California. Buyer has the full right, capacity, power, and authority to enter into and carry out the terms of this Agreement.

8.2 Requisite Action. All requisite action has been taken by Buyer in connection with the entering into of this Agreement, the execution and delivery of the instruments referenced herein, and the consummation of the transaction contemplated hereby.

8.3 Authority. The individuals executing this Agreement and the instruments referenced herein on behalf of Buyer have the legal power, right and actual authority to bind Buyer to the terms and conditions hereof and thereof.

9. Property Conveyed "As Is"

9.1 No Warranties or Representations by Seller. Except as expressly stated in this Agreement or for material facts known to Seller and not disclosed to Buyer, Seller and its agents, employees, and contractors make no representations or warranties, express or implied, oral or written, past, present, or future, concerning the Property. Without limiting the generality of the foregoing, Seller disclaims any warranties or representations as to: Title (except as provided in the deed); Environmental, geological, soil, flood, drainage, or other physical conditions; Zoning, permitted uses, access, or availability of utilities; Condition or compliance with laws (including zoning, fire, disability, or environmental laws); Presence of hazardous materials or underground tanks; Income, expenses, liens, encumbrances, or claims (except as related to clear title and absence of mechanic's liens); Merchantability, fitness for a particular purpose, or potential for development; Any other matter affecting the Property's condition, value, or suitability.

9.2 Buyer's Independent Investigation. Buyer acknowledges it has conducted or will conduct all inspections and investigations it deems necessary regarding the condition of the Property, including physical and environmental matters, and is relying solely on its own review and consultants.

9.3 As-Is Acceptance. Except as expressly stated in this Agreement or the closing documents, Buyer accepts the Property "AS IS, WHERE IS," with all faults and defects, whether known or unknown, and assumes all risks associated with adverse conditions not discovered by its investigations. Buyer acknowledges that no oral or written statements, representations, or information provided by Seller or its representatives shall be binding unless expressly included in this Agreement. The Purchase Price reflects the "as-is" nature of the sale and all associated risks.

9.4 Material Inducement. Buyer agrees that the disclaimers and "as-is" terms set forth in this Section are a material inducement to Seller's agreement to sell the Property, and Seller would not have agreed to the transaction without them.

9.5 Post-Closing Mutual Indemnification.

(a) Seller shall indemnify, defend, and hold harmless Buyer, its successors and assigns, and their respective directors, officers, employees, agents, and affiliates ("Buyer Indemnified Parties") from and against any and all claims, demands, liabilities, losses, damages, costs, and expenses (including, without limitation, reasonable attorneys' fees) ("Claims")

arising out of or resulting from any negligence, willful misconduct, or wrongful acts or omissions of Seller related to the Property occurring before the Closing Date.

(b) Buyer shall indemnify, defend, and hold harmless Seller, its successors and assigns, and their respective directors, officers, employees, agents, and affiliates ("Seller Indemnified Parties") from and against any and all Claims arising out of or resulting from any negligence, willful misconduct, or wrongful acts or omissions of Buyer related to the Property occurring after the Closing Date.

(c) The indemnity obligations under this Agreement shall survive the closing of the transaction and shall continue in full force and effect for a period of one (1) year after Closing.

10. Escrow Closing Obligations.

10.1 Deliveries by Seller to Escrow Holder. Seller hereby covenants and agrees to deliver to Escrow Holder on or prior to the Closing Date the following instruments and documents, the delivery of each of which shall be a condition to the Close of Escrow for the benefit of Buyer:

(a) Grant Deed. The Grant Deed, duly executed, acknowledged and accepted by Seller, conveying the Property to Buyer.

(b) Other Documents. Such other documentation reasonably required by Buyer, Escrow Holder and/or Title Company to effectuate the Closing contemplated hereunder.

10.2 Deliveries by Buyer to Escrow Holder. Buyer hereby covenants and agrees to deliver to Escrow Holder on or prior to the Closing Date the following, the delivery of each of which shall be a condition to the Close of Escrow for the benefit of Seller:

(a) Road Easement Deed. The Road Easement Deed, duly executed, acknowledged and accepted by Seller (and recorded after the Grant Deed), conveying a Road Easement to Seller.

(b) Funds. The balance of the Purchase Price payable at Closing shall be delivered to Escrow Holder by Buyer in cash or other immediately available funds not later than the business day immediately prior to the Closing Date.

(c) Other Documents. Such other documentation reasonably required by Seller, Escrow Holder and/or Title Company to effectuate the Closing contemplated hereunder.

10.3 Disbursements and Other Actions by Escrow Holder. Upon the Close of Escrow, and when all required funds and documents have been deposited into the Escrow, Escrow Holder shall promptly undertake all of the following:

(a) Disburse all funds deposited with Escrow Holder by Buyer in payment of the Purchase Price for the Property.

(b) Cause Seller's Grant Deed for the Property to be recorded in the Official Records of the County.

(c) Cause the Road Easement Deed for the benefit of Seller to be recorded in the Official Records of the County.

(d) Cause the Title Policy described in Section 6.1 above to be delivered to Buyer.

11. Escrow Cancellation. If either party defaults with respect to its obligations hereunder, or if Escrow is not in a condition to close by the agreed Closing Date, Escrow Holder shall continue to comply with the instructions contained herein until a written demand has been made by a party entitled to do so for the cancellation of Escrow. Escrow Holder shall notify the other party of any such demand.

11.1 Charges. If the Close of Escrow fails to occur due to Seller's default, Seller shall pay all Escrow cancellation charges. If the Close of Escrow fails to occur due to Buyer's default, Buyer shall pay all Escrow cancellation charges. If the Close of Escrow fails to occur for any reason other than the foregoing, Buyer all Escrow cancellation charges. "Escrow Cancellation Charges" means all fees, charges and expenses charged by Escrow Holder as well as all charges related to the services of the Title Company in connection with title matters relating to this Escrow.

11.2 Default by Seller.

(a) Pre-Closing Seller Default. In the event of a breach or default under this Agreement by the Seller, which breach or default is not remedied within ten (10) days after written notice of such breach or default is given to the Seller and Escrow Holder, Buyer's sole and exclusive remedies shall be to seek provisional remedies, or specific performance or terminate this Agreement and the Escrow created hereby in which event Buyer shall be entitled to the immediate refund of the Deposit and any other funds deposited by Buyer into Escrow. Notwithstanding the foregoing, if Seller fails to perform any of its obligations prior to the expiration of the Due Diligence Period of which Buyer has actual knowledge or Buyer has actual knowledge of any breach of a representation or warranty made by Seller under the terms of this Agreement, and Buyer has not elected to terminate this Agreement pursuant to Section 5.4, Buyer shall be deemed to have waived such default or breach by Seller. Notwithstanding the foregoing to the contrary, no notice of termination given by Buyer hereunder shall be of any force or effect if Seller cures the default within ten (10) days after Seller's receipt of any such termination notice. Buyer hereby waives any and all right to file or record any lis pendens or any other lien or encumbrance against the Property or to recover from Seller any damages (including, without limitation, any actual direct, indirect, consequential, punitive or other damages). The foregoing sets forth Buyer's sole and exclusive remedies with respect to Seller's default, and Buyer waives any and all other remedies as may be available at law or in equity in connection with such Seller default. The remedies set forth herein shall not limit Buyer' right to recover attorneys' fees and court costs pursuant to this Agreement if it must proceed with legal action to seek provisional remedies or specific performance or to obtain a refund of the Deposit. Further, Buyer acknowledges and agrees that its recourse against Seller under this Agreement for a default or other breach by Seller under

this Agreement occurring prior to or at the Closing is limited to the remedies set forth in Section 10.2 hereof.

(b) Post-Closing Remedy For Seller Default. In connection with any post-Closing remedy which Buyer may have against Seller for any matter, including, without limitation, any matter arising under this Agreement, such remedy shall be limited to only actual costs, losses, expenses and/or damages incurred by Buyer (and in no event shall Buyer be entitled to any consequential or punitive damages).

11.3 Seller's Liquidated Damages if Buyer Defaults. BUYER AND SELLER AGREE THAT IF THE CLOSE OF ESCROW FAILS TO OCCUR DUE TO THE DEFAULT OF BUYER AFTER THE DECISION DATE, WHICH BREACH OR DEFAULT IS NOT REMEDIED WITHIN TEN (10) DAYS AFTER WRITTEN NOTICE OF SUCH BREACH OR DEFAULT IS GIVEN TO BUYER, IT WOULD BE IMPRACTICAL OR EXTREMELY DIFFICULT TO FIX SELLER'S ACTUAL DAMAGES FOR, AMONG OTHER ITEMS, TAKING OR HAVING THE PROPERTY OFF THE MARKET, AND BUYER AND SELLER AGREE THAT ANY OF THE DEPOSIT PLACED INTO ESCROW AND ALL INTEREST EARNED THEREON IS A REASONABLE ESTIMATE OF SELLER'S DAMAGES IF THE CLOSE OF ESCROW FAILS TO OCCUR DUE TO BUYER'S DEFAULT. IN ADDITION, BUYER DESIRES TO LIMIT THE AMOUNT OF DAMAGES FOR WHICH BUYER MIGHT BE LIABLE SHOULD BUYER BREACH THIS AGREEMENT BY FAILING TO CLOSE THE ESCROW DUE TO A DEFAULT OF BUYER, AND SELLER DESIRES TO AVOID THE COSTS AND LENGTHY DELAYS THAT WOULD RESULT IF SELLER WERE REQUIRED TO FILE A LAWSUIT TO COLLECT ITS DAMAGES FOR SUCH A BREACH OF THIS AGREEMENT. THEREFORE, IF THE CLOSE OF ESCROW FAILS TO OCCUR DUE TO THE DEFAULT OF BUYER, THEN UPON THE WRITTEN DEMAND OF SELLER THIS AGREEMENT AND THE ESCROW SHALL BE TERMINATED AND CANCELLED. IN SUCH EVENT, (A) ESCROW HOLDER SHALL RETURN ALL DOCUMENTS AND INSTRUMENTS TO THE PARTIES WHO DEPOSITED SAME, (B) ALL TITLE AND ESCROW CANCELLATION CHARGES SHALL BE CHARGED TO BUYER, AND (C) SELLER SHALL RETAIN THE DEPOSIT, AS SELLER'S SOLE AND EXCLUSIVE REMEDY AT LAW AND IN EQUITY, AND ALL INTEREST EARNED THEREON AS LIQUIDATED DAMAGES PURSUANT TO CALIFORNIA CIVIL CODE SECTIONS 1671 AND 1677 FOR BUYER'S FAILURE TO COMPLETE THE PURCHASE OF THE PROPERTY. SELLER'S SOLE AND EXCLUSIVE REMEDY, IN THE EVENT BUYER FAILS TO CLOSE THE ESCROW DUE TO A DEFAULT OF BUYER AFTER THE DECISION DATE, SHALL BE LIMITED TO THE RETENTION OF THE DEPOSIT AND ALL INTEREST EARNED THEREON AND SELLER HEREBY WAIVES ALL OTHER CLAIMS FOR DAMAGES OR RELIEF AT LAW OR IN EQUITY (INCLUDING, WITHOUT LIMITATION, ANY RIGHTS TO SPECIFIC PERFORMANCE THAT SELLER MAY HAVE PURSUANT TO CALIFORNIA CIVIL CODE SECTIONS 1680 OR 3389, OR OTHERWISE). NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED IN THIS SECTION 10.3, ALL PARTIES AGREE THAT THIS LIQUIDATED DAMAGES PROVISION IS NOT INTENDED AND SHOULD NOT BE DEEMED OR CONSTRUED TO LIMIT IN ANY WAY ANY PARTY'S INDEMNITY OBLIGATIONS AND/OR LIMIT THE SELLER'S ABILITY TO RECOVER ITS ATTORNEY FEES. THE PARTIES HAVE SET FORTH THEIR INITIALS BELOW TO

INDICATE THEIR AGREEMENT WITH THE LIQUIDATED DAMAGES PROVISION CONTAINED IN THIS SECTION.

_____ _____

Buyer's Initials Seller's Initials

12. Costs at Closing

12.1 Escrow and Other Costs. At Closing, Buyer shall pay all of Escrow Holder's escrow fees for the Escrow, the cost of recording the Deed, cost of any documentary transfer taxes, and the cost of the Title Policy and any endorsements to the Title Policy to the extent not required to cure any disapproved exceptions. Buyer and Seller shall each bear their own respective legal costs, if any, outside of Escrow. All other costs or expenses not otherwise provided for in this Agreement shall be apportioned or allocated to Buyer.

12.2 Real Property Taxes and Assessments. All nondelinquent general and special real property taxes, bonds and assessments with respect to the Property, if any, shall be prorated through Escrow between Buyer and Seller as of the Closing based upon the latest available tax bills or tax information using customary escrow procedures. If the regular tax bill or bills for the Property for the fiscal year in which this Escrow closes are not available as of the Closing, Buyer and Seller shall re-prorate all such general and special real property taxes, bonds and assessments for the Property between themselves outside of Escrow based upon the then current fiscal year's regular tax bill or bills within thirty (30) days following the date such regular tax bill or bills are actually received by the parties. Any special assessments, district assessments or any other bonds and assessments with respect to the Property shall not be paid in full by Seller, but the current installment of such bonds and assessments shall be prorated between Buyer and Seller as of the Closing as provided above.

12.3 Supplemental Real Property Taxes. With respect to any supplemental taxes assessed against the Property pursuant to California Revenue and Taxation Code Section 75, et seq., Buyer and Seller hereby agree between themselves that Seller shall be obligated to pay all such supplemental taxes assessed against the Property for any period prior to the Closing, and Buyer shall be obligated to pay all such supplemental taxes assessed against the Property for any period from and after the Closing.

13. No Brokers. Seller and Buyer each represent to the other that there is no brokerage commission, finder's fee or other compensation of any kind due or owing to any person or entity in connection with the transaction covered by this Agreement. Each party agrees to and does hereby indemnify and hold the other harmless from and against any and all costs, liabilities, losses, damages, claims, causes of action or proceedings which may result from any other broker, agent or finder, licensed or otherwise, claiming through, under or by reason of the conduct of the indemnifying party in connection with this transaction.

14. Waiver and Consent. Either party may specifically and expressly waive in writing any breach by the other party of any provision of this Agreement, but no such waiver shall constitute a further or continuing waiver of any preceding or succeeding breach of the same or any other provision. The consent by one party to any act by the other for which such consent was

required shall not be deemed to imply consent or waiver of the necessity of obtaining such consent for the same or any similar acts in the future. No waiver or consent shall be implied from silence or any failure of a party to act, except as otherwise specified in this Agreement.

15. Survivability. Except as expressly provided otherwise in this Agreement, all covenants of Buyer or Seller which are intended hereunder to be performed in whole or in part after the Closing, and all representations, warranties and indemnities by either party to the other, shall survive the Closing and be binding upon and inure to the benefit of the respective parties hereto and their respective heirs, executors, administrators, successors and assigns.

16. Further Documents and Acts. Each of the parties hereto agrees to cooperate in good faith with each other, and to execute and deliver such further documents and perform such other acts as may be reasonably necessary or appropriate to consummate and carry into effect the transactions contemplated under this Agreement.

17. Miscellaneous.

17.1 Successors and Assigns. Each and all of the covenants and conditions of this Agreement shall inure to the benefit of and shall be binding upon the respective heirs, executors, administrators, successors and assigns of Buyer and Seller. Buyer shall not voluntarily or by operation of law assign or transfer any right, interest or obligation hereunder without the Seller's prior written consent, which consent may not be unreasonably withheld.

17.2 Attorneys' Fees. If any legal action is instituted between Seller, Buyer or Escrow Holder in connection with this Agreement, then the prevailing party shall be entitled to recover from the losing party all of its costs and expenses, including court costs and reasonable attorneys' fees.

17.3 Notices. All notices, requests, demands, and other communications required or permitted under this Agreement shall be in writing (including facsimile and e-mail communications) and shall be (as elected by the person giving such notice) hand delivered by messenger or courier service, sent via facsimile or email with confirming copy by mail, or mailed by United States mail (postage prepaid), registered or certified, return receipt requested, addressed as follows:

If to Buyer:

City of Modesto
1010 10th Street
P.O. Box 642
Modesto, California 95353
Attn: Utilities Director

With a copy to:

City of Modesto
Daniel Haakma
1010 10th Street
P.O. Box 642
Modesto, California 95353

If to Seller:

County of Stanislaus
General Services Agency
Andrew Johnson, GSA Director and Purchasing Agent
1010 10th Street, Suite 5400
Modesto, CA 95354
JohnsonA@stancounty.com

With a copy to:

County of Stanislaus
General Services Agency
Cody Nelson, Real Property Program Manager
1010 10th Street
Modesto, CA 95354
nelsonc@stancounty.com

If to Escrow Holder:

Cypress Title Corporation
Attn: Debbi Johnson
1156 Scenic Drive, Suite 100
Modesto, CA 95354
(209)375-8299
Debbi.johnson@cypresstitleco.com

Each notice shall be deemed delivered (1) on the date delivered if by personal delivery, (2) on the date of transmission if by e-mail or facsimile and with confirmed answer back if by facsimile, and (3) seventy-two (72) hours after deposit in the United States mail (postage prepaid) if by registered or certified mail. By giving to the other parties written notice, the parties to this Agreement and their respective successors and assigns shall have the right from time to time and at any time during the term of this Agreement to change their respective addresses and each shall have the right to specify as its address any other address.

17.4 Gender and Name. In this Agreement (unless the context requires otherwise), the masculine, feminine and neuter genders and the singular and the plural shall be deemed to include one another, as appropriate.

17.5 Entire Agreement. This Agreement and its Exhibits constitute the entire agreement between the parties hereto pertaining to the subject matter hereof, and the final, complete and exclusive expression of the terms and conditions thereof. All prior agreements, representations, negotiations and understandings of the parties hereto, oral or written, express or implied, are hereby superseded and merged herein.

17.6 Captions. The captions used herein are for convenience only and are not a part of this Agreement and do not in any way limit or amplify the terms and provisions hereof.

17.7 Time of Essence. Time is of the essence of every provision of this Agreement in which time is an element.

17.8 Governing Law. This Agreement and the Exhibits attached hereto have been negotiated and executed in the State of California and shall be governed by and construed in accordance with the laws of the State of California.

17.9 Invalidity of Provision. If any provision of this Agreement as applied to either party or to any circumstance shall be adjudged by a court of competent jurisdiction to be void or unenforceable for any reason, the same shall in no way affect (to the maximum extent permissible by law) any other provision of this Agreement, the application of any such provision under circumstances different from those adjudicated by the court, or the validity or enforceability of the Agreement as a whole.

17.10 Amendments. No addition to or modification of any provision contained in this Agreement shall be effective unless fully set forth in writing by both Buyer and Seller.

17.11 Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute but one and the same instrument.

17.12 Exhibits. All Exhibits to this Agreement are incorporated herein by this reference as though fully set forth in the body hereof.

17.13 Time References. Any references in this Agreement to time for performance of obligations or elapsed time shall mean consecutive calendar days, months, or years, as applicable, unless otherwise explicitly indicated herein. If the day on which Buyer or Seller is required to take any action under the terms of this Agreement is not a business day, such action shall be taken on the next succeeding business day. Whenever notice, approval or disapproval must be given to Escrow Holder and Escrow Holder is closed on the last day for taking such action, then the parties shall have until 5:00 p.m. on the first following day Escrow Holder is open to take such action.

17.14 Construction of Agreement. The agreements contained herein shall not be construed in favor of or against either party, but shall be construed as if both parties prepared this Agreement.

17.15 Agreement Binding Only Upon Execution. The delivery of this Agreement in unexecuted form by Buyer to Seller does not constitute either the agreement of Buyer or an offer by Buyer to purchase the Property upon the terms and conditions set forth herein.

[SIGNATURE PAGE ATTACHED]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

SELLER:	BUYER:
County of Stanislaus	City of Modesto
By: _____ Name: Andrew Johnson Its: GSA Director and Purchasing Agent	By: _____ Name: Joseph P. Lopez Its: City Manager
Date: _____	Date: _____
APPROVED AS TO FORM:	APPROVED AS TO FORM:
STANISLAUS COUNTY COUNSEL Thomas E. Boze	MODESTO CITY ATTORNEY Jose M. Sanchez
By:_____	By:_____

LEGAL DESCRIPTION

REAL PROPERTY IN THE CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL B, AS PER PARCEL MAP FILED DECEMBER 21, 1967 IN BOOK 4 OF PARCEL MAPS, AT PAGE 103 STANISLAUS COUNTY RECORDS, SAID PARCEL MAP BEING A PORTION OF RANCHO EL PASCADERO IN SECTION 26 AND 27 TOWNSHIP 4 SOUTH RANCE 7 EAST, MOUNT DIABLO BASE AND MERIDIAN,

EXCEPTING THEREFROM THAT PORTION AS FOLLOWS:

BEGINNING at the northerly comer of Parcel 'B', as shown on the Parcel Map filed for record in Book 3 of Parcel Maps, at Page 14, Stanislaus County Records, same being a point on the southeasterly right-of-way line of Mary Street; thence coincident with the northwesterly line of said Parcel 'B' (4-PM-103) and said southeasterly right-of-way line of Mary Street, North 69°55'20" East, 35.00 feet; thence leaving last said line and through said Parcel 'B' (4-PM-103) for the following four (4) courses; (1) South 20°04'40" East, 143.32 feet; (2) South 44°41'40" West, 62.60 feet; (3) South 69°55'20" West, 28.37 feet to a southeasterly prolongation of the southwesterly line of said Parcel 'B' (3-PM-14); (4) thence coincident with said prolonged line, North 20°04'40" West, 95.00 feet to the southerly corner of said Parcel 'B' (3-PM-14); thence coincident with the southeasterly line of said Parcel 'B' (3-PM:-14), North 69°55'20" East, 50.00 feet to the easterly corner of said Parcel 'B' (3-PM- 14); thence coincident with the northeasterly of said Parcel 'B' (3-PM-14), North 20°04'40" West, 75.00 feet to the POINT OF BEGINNING, as granted in the deed to the City of Modesto recorded Decemger 14, 2015 as Instrument No. 2015-96392 of Official Records

ALSO EXCEPTING THEREFROM THAT PORTION AS FOLLOWS:

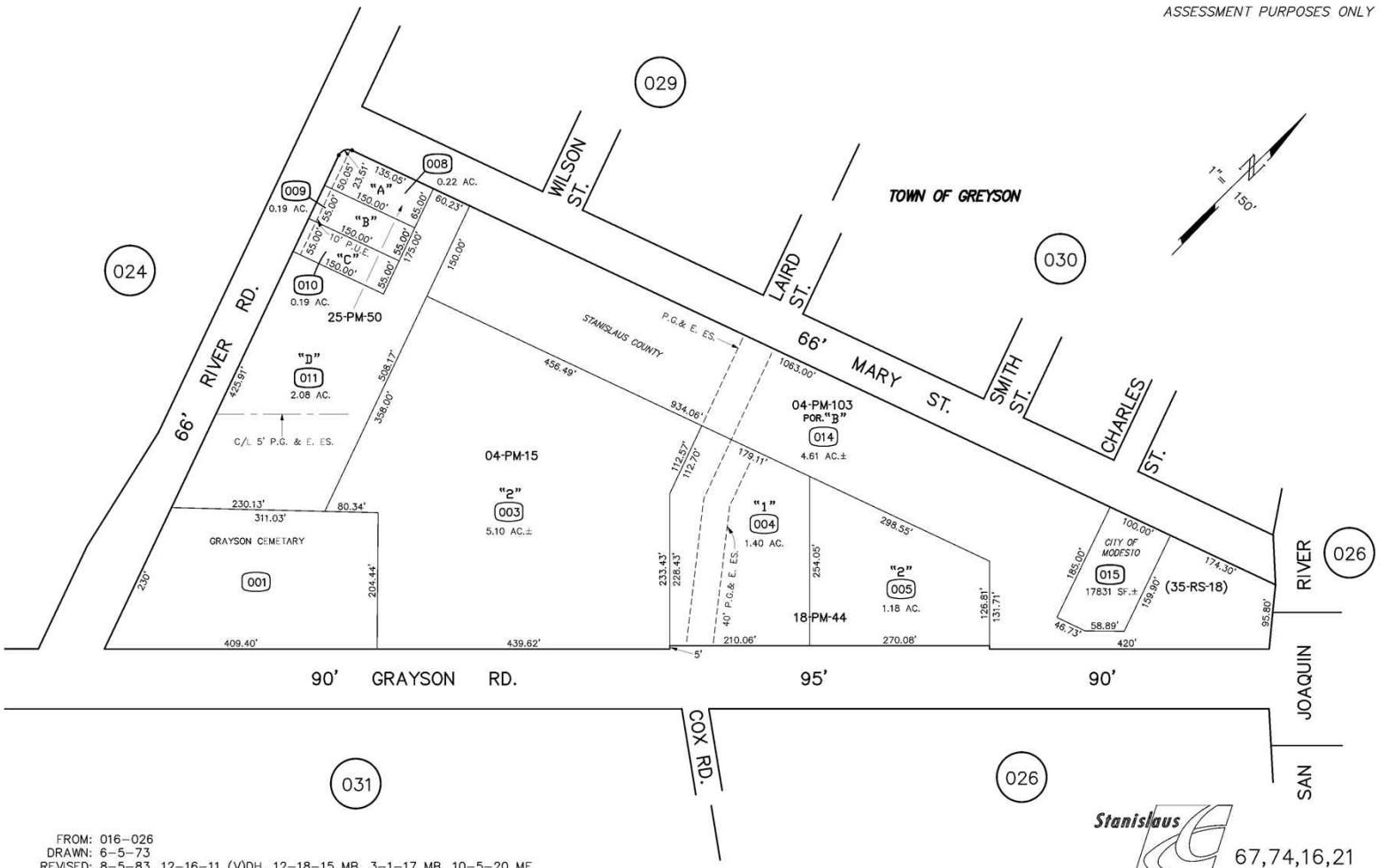
A strip of land 15.00 feet wide, the Northeasterly, Northerly and Northwesterly line of which is described as follows:
BEGINNING at the Northwest corner of Parcel B, as shown on that certain map filed for record in Book 3 of Parcel Maps, at Page 14, Stanis_laus County Records, said Point of Beginning being also a point on the Southerly right-of-way line of Mary Street (66 feet wide);
thence along the Southwesterly line of last said Parcel B and the Southwesterly line of that certain property described in Grant Deed to the City of Modesto, filed for record December 14, 2015 as Document No. 2015-0096392, Stanislaus County Records, South 20°04'40" East 170.00 feet; thence along the Southerly and Southeasterly line of said City of Modesto property the following two (2)courses:
1. North 69°55'20" East 28.37 feet;
2. North 44°41'40" East 62.60 feet to the most Easterly corner of said City of Modesto property and the terminus point of this description.

The sidelines of said strip to be extended or shortened to terminate at said Southerly right-of-way line and at a line which bears South 20°04'40" East from said terminus point. Containing 4,137 square feet (0.09 acres), more or less, As granted in the deed to the City of Modesto, recorded September 22, 2020 as Instrument No. 2020-72525 of Official Records
APN: 016-034-014-000

POR. SEC. 27 T.4S. R.7E. M.D.B.& M.

086 009 016 – 034

THIS MAP FOR
ASSESSMENT PURPOSES ONLY



FROM: 016–026
DRAWN: 6–5–73
REVISED: 8–5–83, 12–16–11 (V)DH, 12–18–15 MB, 3–1–17 MB, 10–5–20 MF

EXHIBIT 1-2 (COUNTY PROPERTY)

Stanislaus County Assessor

67,74,16,21

016 – 034

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THIS MAP SHOULD BE USED FOR REFERENCE PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

Entire map, if any additional pages

Order Number: 3710424-00852
Escrow Number:
Page Number: 10

EXHIBIT 2-1

LEGAL DESCRIPTION

All that certain real property, being a portion of Parcel B, as shown on that certain Parcel Map filed for record in Book 4 of Parcel Maps, at Page 103, Stanislaus County Records, situate in a portion of Rancho El Pescadero, Section 26, Township 4 South, Range 7 East, Mount Diablo Meridian, being more particularly described as follows:

BEGINNING at the easterly corner of said Parcel B; thence along the southeasterly line of said Parcel B, South 44°41'40" West, 338.91 feet to the southeasterly prolongation of the southwesterly line of the property described in Grant Deed to the City of Modesto, recorded as Document No. 2020-0072525, Stanislaus County Records; thence along said southeasterly prolongation, North 20°04'40" West, 49.59 feet to the southwesterly corner of said City of Modesto property; thence along the southerly and southeasterly lines of said City of Modesto property, the following two (2) courses:

1. North 69°55'20" East, 46.73 feet;
2. North 44°41'40" East, 58.89 feet to the easterly corner of said City of Modesto property;

Thence along the northeasterly line of said City of Modesto property and the property described in Grant Deed to the City of Modesto, recorded as Document No. 2015-0096392, Stanislaus County Records, North 20°04'40" West, 159.90 feet to the southeasterly line of Mary Street (66 feet wide); thence along said southeasterly line of Mary Street, North 69°55'20" East, 174.15 feet to the northerly corner of said Parcel B; thence along the easterly line of said Parcel B, South 39°52'00" East, 95.80 feet to the **POINT OF BEGINNING.**

Containing 30,487 Square Feet, more or less.

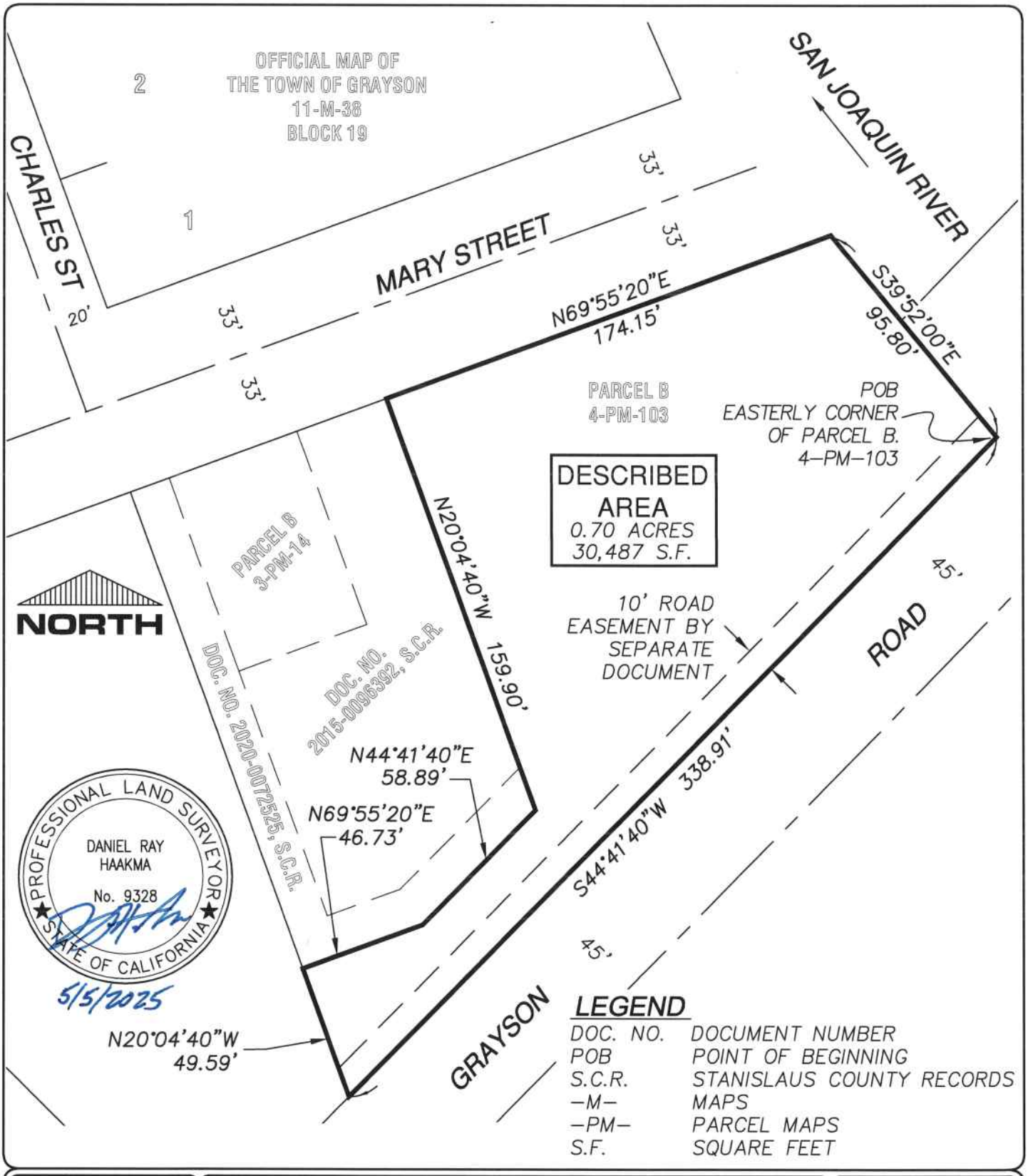
All as shown on Exhibit 2-2 attached hereto and made a part hereof.

SUBJECT TO all easements and/or rights of way of record.

Daniel Haakma, PLS 9328

PROFESSIONAL LAND SURVEYOR
DANIEL RAY HAAKMA
No. 9328
STATE OF CALIFORNIA

5/5/2025
Date



PREPARED BY: M.K.	Exhibit 2-2	
DATE: 5/5/2025	PLAT TO ACCOMPANY LEGAL DESCRIPTION COUNTY OF STANISLAUS LAND TO THE CITY OF MODESTO	MODESTO CALIFORNIA
SCALE: 1" = 50'		
SHEET: 1 OF 1	PROJECT: GRAYSON WELL SITE	PROJECT NUMBER 101081

EXHIBIT 3-1

LEGAL DESCRIPTION

All that certain real property, being a portion of Parcel B, as shown on that certain Parcel Map filed for record in Book 4 of Parcel Maps, at Page 103, Stanislaus County Records, situate in a portion of Rancho El Pescadero, Section 26, Township 4 South, Range 7 East, Mount Diablo Meridian, being more particularly described as follows:

BEGINNING at the easterly corner of said Parcel B; thence along the southeasterly line of said Parcel B, South 44°41'40" West, 338.91 feet to the southeasterly prolongation of the southwesterly line of the property described in Grant Deed to the City of Modesto, recorded as Document No. 2020-0072525, Stanislaus County Records; thence along said southeasterly prolongation, North 20°04'40" West, 11.05 feet; thence along a line parallel and distant 10.00 feet northwesterly at right angles to the southeasterly line of said Parcel B, North 44°41'40" East, 335.15 feet to the easterly line of said Parcel B; thence along said easterly line, South 39°52'00" East, 10.05 feet to the **POINT OF BEGINNING.**

Containing 3,370 Square Feet, more or less.

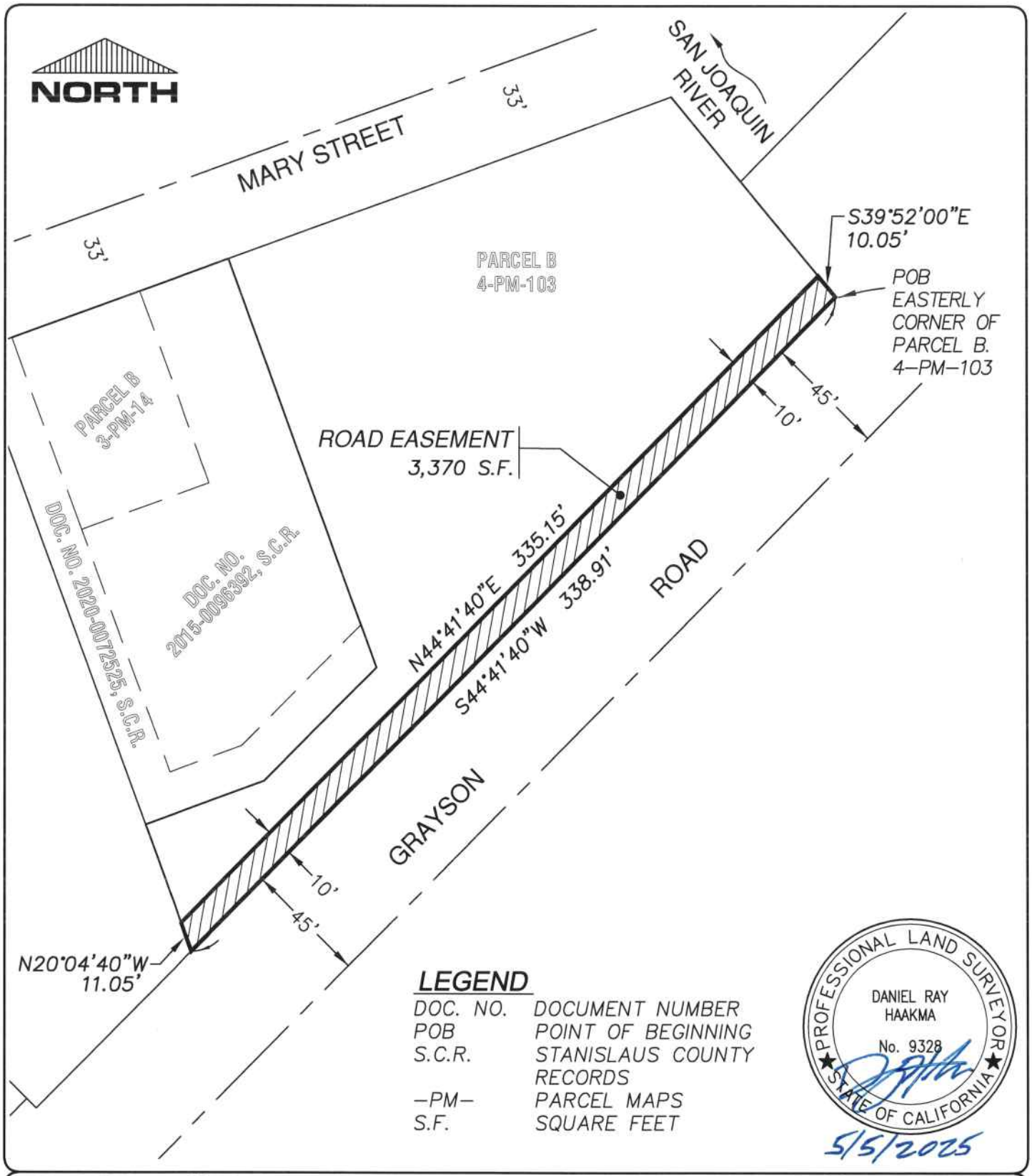
All as shown on Exhibit 3-2 attached hereto and made a part hereof.

SUBJECT TO all easements and/or rights of way of record.

Daniel Haakma, PLS 9328

PROFESSIONAL LAND SURVEYOR
DANIEL RAY HAAKMA
No. 9328
STATE OF CALIFORNIA

5/5/2025
Date



LEGEND

DOC. NO.	DOCUMENT NUMBER
POB	POINT OF BEGINNING
S.C.R.	STANISLAUS COUNTY RECORDS
–PM–	PARCEL MAPS
S.F.	SQUARE FEET

PROFESSIONAL LAND SURVEYOR
DANIEL RAY HAAKMA
No. 9328
STATE OF CALIFORNIA
5/5/2025

PREPARED BY: D.H.	EXHIBIT 3-2	
DATE: 5/5/2025	PLAT TO ACCOMPANY LEGAL DESCRIPTION ROAD EASEMENT	MODESTO CALIFORNIA
SCALE: 1" = 50'		
SHEET: 1 OF 1	PROJECT: GRAYSON WELL SITE	PROJECT NUMBER 101081

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-402

RESOLUTION APPROVING AN AMENDMENT TO THE FISCAL YEAR 2025-26 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $100,000 TO FUND THE PURCHASE OF REAL PROPERTY FOR THE GRAYSON WATER INFRASTRUCTURE IMPROVEMENTS PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $100,000, in order to fund the purchase of Real Property for the Grayson Water Infrastructure Improvements Project; and

WHEREAS, the Fiscal Year 2025-26 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 2025-26 Capital Improvement Program Budget in the amount of $100,000.

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 25th day of November, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-403

RESOLUTION APPROVING THE SOLE SOURCE AGREEMENT WITH BADGER METER, INC., MILWAUKEE, WI FOR BEACON AMA SOFTWARE AS A SERVICE (SAAS), METER READS AND ASSOCIATED HARDWARE FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL AMOUNT OF $67,682 AND A TOTAL AMOUNT NOT TO EXCEED $398,194 OVER FIVE (5) YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in 2006, State Assembly Bill 2572 required urban water suppliers to install water meters on all service connections by the year 2025, and since 2006 the City of Modesto has contracted with Badger Meter, Inc. ("Badger Meter") for the provision of residential meters, industrial meters, and automated reading equipment; and

WHEREAS, on December 8, 2020, by Resolution No. 2020-528, Council authorized a sole source purchase of BEACON AMA Software as a Service (SaaS) and associated hardware from Badger Meter for a two-year agreement (AA# 191196) with three one-year extension options, for an annual cost of $63,200 and a total cost not to exceed $289,680 over five years; and

WHEREAS, on March 8, 2023, the Purchasing Division authorized a First Amendment to the Original Agreement for Contract Year 3, adding Orion cellular service and rates, updating the pricing table and removing Mobile Data Collection Kits and Trimble Ranger 7 handheld devices; and

WHEREAS, on December 14, 2023, the Purchasing Division authorized a Second Amendment to extend the agreement for Contract Year Four, and on January 6, 2025, the Purchasing Division authorized a Third Amendment to extend the agreement for Contract Year Five; and

WHEREAS, on July 1, 2025, the City Manager authorized the Utilities Department to solicit the procurement of BEACON AMA SaaS, meter reads and associated hardware. Per the requirements of Assembly Bill 2572, the City has fully integrated its metering infrastructure on all residential and commercial service connections, including the outlying areas of Del Rio, Empire, Grayson, Salida and Turlock. The BEACON AMA SaaS software suite is a cloud-based software used by staff to collect mobile meter reads and to extract water usage data from installed Badger meters; and

WHEREAS, this software is also fully integrated with the City's current utility billing system and is essential to maintain operational efficiency across the Utilities Department (Water Division), the Finance Department (Revenue Collection and Compliance Division), and the communities served by the City; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $100,000 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 requirement where the Purchasing Agency's requirements can be met solely by a single article or process. A new agreement with Badger Meter for BEACON AMA SaaS will ensure continued operational efficiencies, customer transparency, data-driven decision making and expansion capabilities for future growth, as it is currently integrated with other City systems. Therefore, staff recommends the Agreement for BEACON AMA SaaS, meter reads and associated hardware with Badger Meter should be exempt from the formal

bidding procedure in accordance with Modesto Municipal Code 8-3.204(b) because Badger Meter is the Sole Provider of BEACON AMA SaaS.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Sole Source Agreement with Badger Meter, Inc., Milwaukee, WI for BEACON AMA Software as a Service (SAAS), meter reads and associated hardware for a two-year Agreement with three one-year extension options, for an estimated annual amount of $67,682 and a total amount not to exceed $398,194 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 25th day of November, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-404

RESOLUTION ACCEPTING THE FISCAL YEAR 2024-25 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 for future improvements including connection to the City sewer system and the installation of curb, gutter and sidewalk improvements, which has accrued $894.43 in interest to date for a total end balance of $3,394.43; 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 on September 2, 2005, for future improvements including the expansion of Beta Street to the north of the property, which has accrued $15,560.73 in interest to date for a total end balance of $44,954.45; 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, which has accrued $9,110.11 in interest to date for a total end balance of $36,275.11; and

WHEREAS, 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; 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, 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; and

WHEREAS, sewer connection cannot be made to City sewer service as it continues to not be available in the area near 1024 Florence Avenue and, therefore, the funds on deposit will remain in the Trust Account until City sewer service is available; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, a public hearing notice was posted in the Modesto Bee fifteen days prior to the public hearing in accordance with Government Code Section 66002; 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 2, 2025, 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 accepts the Fiscal Year 2024-25 Annual Report of Funds Held for Future Improvements and making findings related to each security on file.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of November, 2025, by Councilmember Williams, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-405

RESOLUTION ACCEPTING THE CAPITAL FACILITIES FEES ANNUAL REPORT FOR FISCAL YEAR 2024-25 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 of collecting fees to fund the construction of public improvements that will be needed as a result of new development; and

WHERAS, on June 24, 2003, the City Council, by Resolution No, 2003-309, amended Resolution No. 88-649, as amended, and adopted the 2003 CFF Update Report on file with the City Clerk for City facilities associated with capital items related to police, fire, parks, transit, streets, air quality, governmental facilities, and administration of the CFF program; 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. 2020-464 on September 22, 2020; and

WHEREAS, the following fees were established by Resolution No. 2020-407:

- 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 Parks and Air Quality 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, pedestrian accesses as well as land and construction costs for neighborhood, community, and regional parks, sports facilities, and community buildings, 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 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, California Government Code Section 66001(d) requires the local agency make specified findings every fifth year with respect to that portion of the account remaining unexpended, whether committed or uncommitted; and

WHEREAS, the 5-year Capital Improvement Program (CIP) strives to reflect the goals and policies established by the General Plan by systematically planning, scheduling, managing, monitoring, and financing capital projects to ensure cost-effectiveness and conformity with established policies and adopted Specific Plans. The CIP guides the funding and construction of all public improvements constructed by the City, including roads, wastewater treatment facilities and lines, water lines, and parks; and

WHEREAS, the City's most recent CIP, Fiscal Year 2025-26, relates the City's annual capital expenditures to a long-range plan for public improvements. By relating the plan for public improvements to the City's capacity for funding, and scheduling expenditures over a period of years, the CIP helps maximize the funds available. This type of fiscal management is important during periods where budgetary demands exceeding financial resources; and

WHEREAS, the City's Capital Improvement Plan (CIP) projects are financed, in part, by Capital Facilities Fees outlined in the description of the Capital Facilities Fees funds. The City's CIP provide infrastructure to the residents and businesses in Modesto in order to keep pace with ongoing development in, and adjacent to, the community; and

WHEREAS, the CIP is updated annually to reflect the current infrastructure needs of the City. As a CIP project is identified, the project is evaluated to determine the portion of the project that will service existing residents and businesses versus new development. Once the determination of use is made, the percentage of use attributable to new development is then funded by the appropriate development fee, based on the type of

project; and

WHEREAS, the Capital Facilities Fee Annual Report for Fiscal Year 2024-25 has been completed and is on file with the City Clerk; and

WHEREAS, a fifteen-day public hearing notice was posted in the Modesto Bee in accordance with applicable law; 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 2, 2025, 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 accepts the Capital Facilities Fees Annual Report for Fiscal Year 2024-25, as described in **Attachment 2.**

BE IT FURTHER RESOLVED, by the Council of the City of Modesto that it hereby makes the following findings relating to each of the fee categories in accordance with Government Code Section 66001(d) and 66006(b):

1) The Capital Facilities Fee program, set forth in City Council Resolution No. 2020-407, and incorporated herein by reference, continues to be a necessary program to fund future infrastructure needed for new development. New development generates an increased demand on existing City facilities. In order to mitigate the impacts of that demand, the City improves existing facilities and/or builds new facilities from time to time. The City's impact fees are charged based on the type of usage. For residential, there is a fee for single family units, and a different fee for each multi family unit. For non-residential uses, the fee is based on the square footage of the project. Accordingly, the fee

increases as the estimated demand from the proposed project increases. 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. 2020-464 on September 22, 2020. The fees are increased by an inflationary measure annually to account for the increased construction costs.

2) The Capital Facilities Fee Annual Report for Fiscal Year 2024-25 reports on the below information for each of the fee categories:

    a. The amount of the fee
    b. The beginning and ending balance of the account or fund
    c. The amount of the fees collected and the interest earned
    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.
    e. An identification of 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.
    f. A description of 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.

g. 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.

3) 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 2024-25.

4) No refunds and allocations of reportable fees, as required by California Government Code section 66001, are deemed payable at this time.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of November, 2025, by Councilmember Escutia-Braaton, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

City of Modesto Capital Facilities Fees Annual Report Fiscal Year 2024-25

Prepared By:

Community & Economic Development
Infrastructure Financing Program

November 2025

MODESTO
CALIFORNIA

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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 services 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 and fire 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, 2011, 2019, 2020 and 2024 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.

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 is it 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 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, bus maintenance facilities, and the northeast transfer station.

Air Quality and Parks Facilities Fee – Fund 3432
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 as well as land and construction costs for neighborhood, community, and regional parks, sports facilities, and community buildings.

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).

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.

FISCAL YEAR 2024-25 CURRENT FEE SCHEDULES

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 (ENR) Construction Cost Index (CCI) through the month of December of the preceding year. Based on the ENR CCI, the CFF fee schedule was not adjusted from the previous fiscal year. Table 1 reflects the breakdown of the CFFs for the Fiscal Year 2024-25 from July 1, 2024 to June 30, 2025 by the following fee dwelling area: City Limits, Sphere of Influence and Downtown Economic Incentive.

COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES[1]

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 2024-25. 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.

[1] Financial data is current as of September 30, 2025

FIVE YEAR REVENUE AND EXPENSE HISTORY

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

The CFF Deferral Program for Multi-Family, Commercial, and Industrial developments has been implemented 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 five (5) active deferrals in Fiscal Year 2024-25.

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 waste-water capacity fees until final inspection. There were no Single-Family Residential Deferrals in Fiscal Year 2024-25.

REFUNDS

There can be instances when CFFs collected 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 with six years of payment, minus the administration component. There were no CFF refunds made in Fiscal Year 2024-25, as shown on Table 7.

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. Moreover, additional square footage added shall be subject to payment of applicable CFF at building permit issuance.

In Fiscal Year 2024-25, there were a total of six (6) credits provided for previously existing buildings.

Table 8 details the credits provided in Fiscal Year 2024-25.

TRANSFERS

A total of fourteen (14) inter-fund transfers occurred in Fiscal Year 2024-25.

Table 9 offers details of each transfer.

CAPITAL IMPROVEMENT PROJECTS

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.

EXEMPTIONS FOR ACCESSORY DWELLING UNITS (ADUs)

California law (Government Code §65852.2) exempts an Accessory Dwelling Unit (ADU) less than 750 sq. ft from CFF and requires that fees for an ADU over 750 sq. ft. be charged proportionately in relation to the square footage of the primary dwelling unit. Table 11 lists all ADUs for Fiscal Year 2024-25. There were a total of one-hundred and eight (108) ADUs issued permits, this includes permits for ADUs within the City of Modesto's Sphere of Influence.

In Fiscal Year 2024-25, there were twelve (12) ADUs which were developed more than 750 square feet and due CFF. Three (3) of these permits were charged proptionately based on ADU size in relation to the primary unit.

There are occasions in which an ADU has a higher proportionate rate. Per the City's CFF Policies and Procedures, in no event shall the impact fee for the ADU exceed the CFF rate for Multi-Family residential. In Fiscal Year 2024-25, nine (9) were charged at the multi-family rate.

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. There were no CFF reductions granted in Fiscal Year 2024-25.

Table 1: Fee Schedules Effective July 1, 2024 through June 30, 2025

FY 2024-2025 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	$ 8,244	$ 120	$ 7,551	$ 766	$ 477	$ 631	$ 357	**$ 18,146**
Multi-Family Residential	Dwelling Unit	$ 5,709	$ 83	$ 5,195	$ 462	$ 220	$ 387	$ 194	**$ 12,250**
Senior Housing	Dwelling Unit	$ 4,975	$ 45	$ 5,067	$ 450	$ 215	$ 380	$ 136	**$ 11,268**
Hotel/Motel	Room	$ 4,287	$ 75	$ -	$ 174	$ 83	$ 146	$ 109	**$ 4,874**
Retail <50,000 SF	1,000 SF	$ 12,394	$ 246	$ -	$ 207	$ 101	$ 175	$ 335	**$ 13,459**
Retail 50,000-100,000 SF	1,000 SF	$ 10,290	$ 203	$ -	$ 208	$ 99	$ 174	$ 278	**$ 11,252**
Retail 100,000-300,000 SF	1,000 SF	$ 8,684	$ 171	$ -	$ 209	$ 101	$ 175	$ 236	**$ 9,575**
Retail >300,000 SF	1,000 SF	$ 8,102	$ 157	$ -	$ 208	$ 99	$ 176	$ 221	**$ 8,963**
Medical Office	1,000 SF	$ 15,654	$ 313	$ -	$ 347	$ 167	$ 291	$ 432	**$ 17,204**
General Office	1,000 SF	$ 7,576	$ 134	$ -	$ 347	$ 166	$ 291	$ 196	**$ 8,710**
Hospital	1,000 SF	$ 10,978	$ 194	$ -	$ 347	$ 167	$ 292	$ 273	**$ 12,250**
Daycare	1,000 SF	$ 6,063	$ 106	$ -	$ 347	$ 167	$ 291	$ 158	**$ 7,132**
Church	1,000 SF	$ 1,292	$ 23	$ -	$ 352	$ 168	$ 296	$ 45	**$ 2,176**
Nursing Home	1,000 SF	$ 1,892	$ 33	$ -	$ 351	$ 168	$ 295	$ 58	**$ 2,796**
Industrial (Manufacturing)	1,000 SF	$ 2,937	$ 51	$ -	$ 149	$ 71	$ 124	$ 76	**$ 3,408**
Industrial (Warehousing)	1,000 SF	$ 2,058	$ 36	$ -	$ 150	$ 71	$ 125	$ 56	**$ 2,496**

Table 1, cont'd: Fee Schedules Effective July 1, 2024 through June 30, 2025

FY 2024-2025 CFF PROGRAM - Development within City's Sphere of Influence									
Fee Category	Unit Measure Per	Streets	Transit	Parks and Air Quality	Police	Fire	General Gov't.	Admin	Total
Single-Family Residential	Dwelling Unit	$ 8,963	$ 96	$ 1,817	$ -	$ -	$ -	$ 231	**$ 11,107**
Multi-Family Residential	Dwelling Unit	$ 6,451	$ 69	$ 1,152	$ -	$ -	$ -	$ 157	**$ 7,829**
Senior Housing	Dwelling Unit	$ 3,774	$ 41	$ 1,260	$ -	$ -	$ -	$ 126	**$ 5,201**
Hotel/Motel	Room	$ 4,519	$ 47	$ -	$ -	$ -	$ -	$ 68	**$ 4,634**
Retail <50,000 SF	1,000 SF	$ 12,894	$ 135	$ -	$ -	$ -	$ -	$ 188	**$ 13,216**
Retail 50,000-100,000 SF	1,000 SF	$ 10,734	$ 112	$ -	$ -	$ -	$ -	$ 157	**$ 11,004**
Retail 100,000-300,000 SF	1,000 SF	$ 9,100	$ 97	$ -	$ -	$ -	$ -	$ 132	**$ 9,329**
Retail >300,000 SF	1,000 SF	$ 8,500	$ 92	$ -	$ -	$ -	$ -	$ 125	**$ 8,716**
Medical Office	1,000 SF	$ 16,391	$ 175	$ -	$ -	$ -	$ -	$ 240	**$ 16,806**
General Office	1,000 SF	$ 8,023	$ 83	$ -	$ -	$ -	$ -	$ 123	**$ 8,230**
Hospital	1,000 SF	$ 11,480	$ 121	$ -	$ -	$ -	$ -	$ 173	**$ 11,774**
Daycare	1,000 SF	$ 6,474	$ 69	$ -	$ -	$ -	$ -	$ 99	**$ 6,642**
Church	1,000 SF	$ 1,549	$ 16	$ -	$ -	$ -	$ -	$ 34	**$ 1,599**
Nursing Home	1,000 SF	$ 2,185	$ 23	$ -	$ -	$ -	$ -	$ 41	**$ 2,249**
Industrial (Manufacturing)	1,000 SF	$ 3,123	$ 33	$ -	$ -	$ -	$ -	$ 47	**$ 3,203**
Industrial (Warehousing)	1,000 SF	$ 2,229	$ 24	$ -	$ -	$ -	$ -	$ 35	**$ 2,288**

Table 1, cont'd: Fee Schedules Effective July 1,2024 through June 30, 2025

FY 2024-2025 CFF PROGRAM - Development within the Downtown Economic Incentives Program									
Fee Category	Unit Measure Per	Streets	Transit	Parks and Air Quality	Police	Fire	General Gov't.	Admin	Total
Single-Family Residential	Dwelling Unit	$ -	$ 120	$ 7,550	$ 766	$ 477	$ 631	$ 357	**$ 9,902**
Multi-Family Residential	Dwelling Unit	$ -	$ 83	$ 5,196	$ 462	$ 220	$ 387	$ 194	**$ 6,541**
Senior Housing	Dwelling Unit	$ -	$ 45	$ 5,068	$ 449	$ 215	$ 379	$ 137	**$ 6,293**
Hotel/Motel	Room	$ -	$ 75	$ -	$ 174	$ 83	$ 146	$ 109	**$ 588**
Retail <50,000 SF	1,000 SF	$ -	$ 247	$ -	$ 208	$ 100	$ 175	$ 335	**$ 1,066**
Retail 50,000-100,000 SF	1,000 SF	$ -	$ 203	$ -	$ 208	$ 99	$ 174	$ 278	**$ 963**
Retail 100,000-300,000 SF	1,000 SF	$ -	$ 171	$ -	$ 209	$ 100	$ 175	$ 235	**$ 891**
Retail >300,000 SF	1,000 SF	$ -	$ 157	$ -	$ 208	$ 99	$ 175	$ 221	**$ 861**
Medical Office	1,000 SF	$ -	$ 313	$ -	$ 347	$ 167	$ 290	$ 431	**$ 1,548**
General Office	1,000 SF	$ -	$ 134	$ -	$ 347	$ 167	$ 291	$ 195	**$ 1,134**
Hospital	1,000 SF	$ -	$ 193	$ -	$ 347	$ 167	$ 291	$ 272	**$ 1,270**
Daycare	1,000 SF	$ -	$ 106	$ -	$ 347	$ 167	$ 291	$ 158	**$ 1,070**
Church	1,000 SF	$ -	$ 23	$ -	$ 351	$ 168	$ 296	$ 45	**$ 883**
Nursing Home	1,000 SF	$ -	$ 33	$ -	$ 350	$ 168	$ 295	$ 58	**$ 904**
Industrial (Manufacturing)	1,000 SF	$ -	$ 51	$ -	$ 149	$ 71	$ 125	$ 76	**$ 472**
Industrial (Warehousing)	1,000 SF	$ -	$ 36	$ -	$ 150	$ 71	$ 125	$ 56	**$ 438**

Table Endnotes

Endnote 1

To qualify for this program, the project must consist of *new* development in the designated Downtown areas and must include a residential use.

Table 2: Combining Statement of Revenues, Expenditures and Changes in Fund Balances Year Ended June 30, 2025[2]

FY 2024-25	3410 Streets	3420 Public Transp.	3430 Air Quality	3432 Parks & Air Quality	3440 Police	3450 Fire	3460 Parks	3470 General Gov't	3480 Admin.	Total
REVENUES:										
Intergovernmental	$ 55,167	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 55,167
Fees Collected	$ 1,505,965	$ 24,562	$ -	$ 283,375	$ 81,205	$ 41,919	$ 23,468	$ 67,330	$ 41,787	$ 2,069,611
Interest and Rent	$ 1,221,741	$ 22,424	$ -	$ 313,283	$ 1,576	$ 880	$ 5,086	$ 1,387	$ 10,912	$ 1,577,289
Net Change in Fair Value of Investments	$ 852,162	$ 15,586	$ -	$ 249,916	$ 530	$ 278	$ -	$ 435	$ 7,183	$ 1,126,090
Miscellaneous	$ 15,245	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 15,245
TOTAL REVENUES	**$ 3,650,280**	**$ 62,572**	**$ -**	**$ 846,574**	**$ 83,311**	**$ 43,077**	**$ 28,554**	**$ 69,152**	**$ 59,882**	**$ 4,843,402**
EXPENDITURES:										
Current:										
General Gov't.	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Community Development	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 19,677	$ 19,677
Highways and Streets	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Public Works	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Parks and Recreation	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Public Safety	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Capital Outlay:										$ -
Community Development	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Highways and Streets	$ 1,713,761	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,713,761
Parks and Recreation	$ -	$ -	$ -	$ -	$ -	$ -	$ 4,196,427	$ -	$ -	$ 4,196,427
TOTAL EXPENDITURES	**$ 1,713,761**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 4,196,427**	**$ -**	**$ 19,677**	**$ 5,929,865**
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	**$ 1,936,519**	**$ 62,572**	**$ -**	**$ 846,574**	**$ 83,311**	**$ 43,077**	**$ (4,167,873)**	**$ 69,152**	**$ 40,205**	**$ (1,086,463)**
OTHER FINANCING SOURCES (USES)										
Transfers In	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,539,702	$ -	$ -	$ 1,539,702
Transfers Out [1]	$ (2,203,798)	$ -	$ -	$ (2,083,936)	$ (91,000)	$ (10,054)	$ -	$ (75,000)	$ -	$ (4,463,788)
Sale of Assets	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL OTHER FINANCING SOURCES	**$ (2,203,798)**	**$ -**	**$ -**	**$ (2,083,936)**	**$ (91,000)**	**$ (10,054)**	**$ 1,539,702**	**$ (75,000)**	**$ -**	**$ (2,924,086)**
EXCESS (DEFICIENCY) OF REVENUES & OTHER USES	$ (267,279)	$ 62,572	$ -	$ (1,237,362)	$ (7,689)	$ 33,023	$ (2,628,171)	$ (5,848)	$ 40,205	$ (4,010,549)
FUND BALANCES, July 1	$ 35,078,090	$ 634,643	$ -	$ 8,820,782	$ 9,089	$ (304,142)	$ 2,656,460	$ 7,224	$ 290,159	$ 47,192,305
PRIOR PERIOD ADJUSTMENT	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
FUND BALANCES, June 30	**$ 34,810,811**	**$ 697,215**	**$ -**	**$ 7,583,420**	**$ 1,400**	**$ (271,119)**	**$ 28,289**	**$ 1,376**	**$ 330,364**	**$ 43,181,756**

[2] Financial data is current as of September 30, 2025.

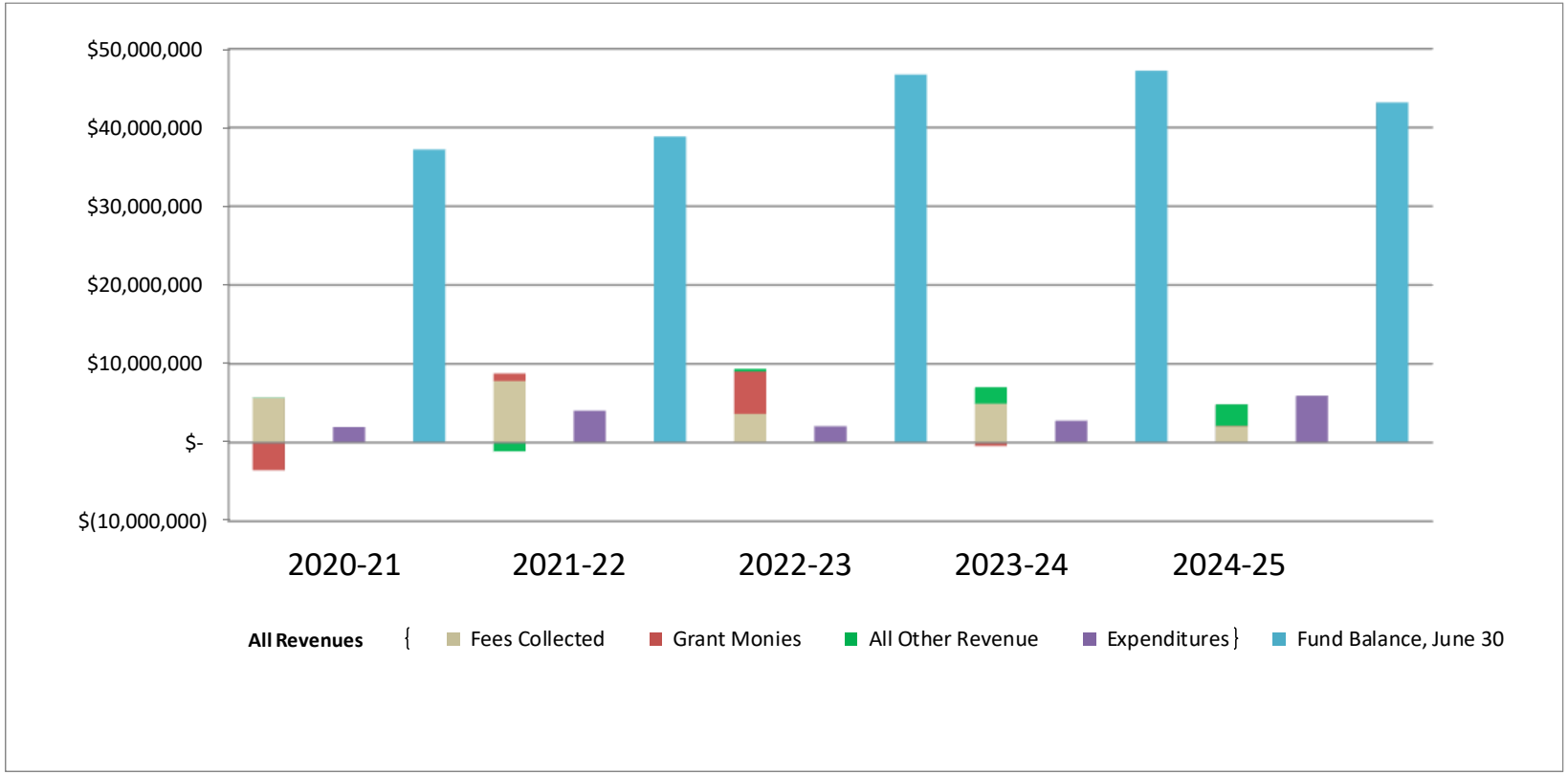
Table 3: Five Year Revenue History

Fund	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	Five Year Total
FUND 3410 – STREETS						
Fees Collected	$ 3,522,904	$ 4,555,401	$ 2,463,578	$ 3,649,898	$ 1,505,965	**$ 15,697,746**
Grant Monies	$ (3,495,247)	$ 948,142	$ 5,386,673	$ (417,948)	$ 55,167	**$ 2,476,787**
All Other Revenue Sources	$ 26,665	$ (727,444)	$ 234,398	$ 1,493,224	$ 2,089,148	**$ 3,115,991**
Subtotal	**$ 54,322**	**$ 4,776,099**	**$ 8,084,649**	**$ 4,725,174**	**$ 3,650,280**	**$ 21,290,524**
FUND 3420 – PUBLIC TRANSPORTATION						
Fees Collected	$ 54,546	$ 70,380	$ 31,242	$ 64,721	$ 24,562	**$ 245,451**
Grant Monies	$ -	$ -	$ -	$ -	$ -	**$ -**
All Other Revenue Sources	$ 126	$ (13,976)	$ 5,417	$ 26,488	$ 38,010	**$ 56,065**
Subtotal	**$ 54,672**	**$ 56,404**	**$ 36,659**	**$ 91,209**	**$ 62,572**	**$ 301,516**
FUND 3430 – AIR QUALITY MITIGATION						
Fees Collected	$ 25,814	$ 3,528	$ -	$ -	$ -	**$ 29,342**
Grant Monies	$ -	$ -	$ -	$ -	$ -	**$ -**
All Other Revenue Sources	$ 113	$ (2,803)	$ -	$ -	$ -	**$ (2,690)**
Subtotal	**$ 25,927**	**$ 725**	**$ -**	**$ -**	**$ -**	**$ 26,652**
FUND 3432 – PARKS AND AIR QUALITY						
Fees Collected	$ 1,168,952	$ 2,243,935	$ 853,248	$ 731,604	$ 283,375	**$ 5,281,114**
Grant Monies	$ -	$ -	$ -	$ -	$ -	**$ -**
All Other Revenue Sources	$ 1,472	$ (263,233)	$ 71,969	$ 533,238	$ 563,199	**$ 906,645**
Subtotal	**$ 1,170,424**	**$ 1,980,702**	**$ 925,217**	**$ 1,264,842**	**$ 846,574**	**$ 6,187,759**
FUND 3440 – POLICE						
Fees Collected	$ 251,079	$ 360,120	$ 93,820	$ 165,438	$ 81,205	**$ 951,662**
Grant Monies	$ -	$ -	$ -	$ -	$ -	**$ -**
All Other Revenue Sources	$ (614)	$ (15,932)	$ 4,200	$ 12,119	$ 2,106	**$ 1,879**
Subtotal	**$ 250,465**	**$ 344,188**	**$ 98,020**	**$ 177,557**	**$ 83,311**	**$ 953,541**
FUND 3450 – FIRE						
Fees Collected	$ 125,491	$ 171,598	$ 55,766	$ 83,102	$ 41,919	**$ 477,876**
Grant Monies	$ -	$ -	$ -	$ -	$ -	**$ -**
All Other Revenue Sources	$ (141)	$ (7,738)	$ 1,811	$ 4,169	$ 1,158	**$ (741)**
Subtotal	**$ 125,350**	**$ 163,860**	**$ 57,577**	**$ 87,271**	**$ 43,077**	**$ 477,135**
FUND 3460 – PARKS						
Fees Collected	$ 202,188	$ 8,847	$ -	$ -	$ 23,468	**$ 234,503**
Grant Monies	$ -	$ -	$ -	$ -	$ -	**$ -**
All Other Revenue Sources	$ 1,393	$ (42,396)	$ -	$ -	$ 5,086	**$ (35,917)**
Subtotal	**$ 203,581**	**$ (33,549)**	**$ -**	**$ -**	**$ 28,554**	**$ 198,586**
FUND 3470 – GENERAL GOVERNMENT						
Fees Collected	$ 190,097	$ 269,333	$ 77,225	$ 137,598	$ 67,330	**$ 741,583**
Grant Monies	$ -	$ -	$ -	$ -	$ -	**$ -**
All Other Revenue Sources	$ (408)	$ (9,820)	$ 2,826	$ 8,064	$ 1,822	**$ 2,484**
Subtotal	**$ 189,689**	**$ 259,513**	**$ 80,051**	**$ 145,662**	**$ 69,152**	**$ 744,067**
FUND 3480 – ADMINISTRATION						
Fees Collected	$ 110,676	$ 146,873	$ 65,283	$ 105,453	$ 41,787	**$ 470,072**
Grant Monies	$ -	$ -	$ -	$ -	$ -	**$ -**
All Other Revenue Sources	$ 61	$ (3,977)	$ 1,365	$ 11,543	$ 18,095	**$ 27,087**
Subtotal	**$ 110,737**	**$ 142,896**	**$ 66,648**	**$ 116,996**	**$ 59,882**	**$ 497,159**
TOTAL	**$ 2,185,167**	**$ 7,690,838**	**$ 9,348,821**	**$ 6,608,711**	**$ 4,843,402**	**$ 30,676,939**

Table 4: Five Year Expenditure History

Fund	2020-21	2021-22	2022-23	2023-24	2024-25	Five Year Total
Fund 3410 – Streets	$ (1,752,997)	$ (3,914,103)	$ (1,125,606)	$ (2,661,728)	$ (1,713,761)	$ (11,168,195)
Fund 3420 – Public Transportation	$ -	$ -	$ -	$ -	$ -	$ -
Fund 3430 – Air Quality Mitigation	$ (8,431)	$ -	$ -	$ -	$ -	$ (8,431)
Fund 3432 – Parks and Air Quality	$ -	$ -	$ (797,485)	$ -	$ -	$ (797,485)
Fund 3440 – Police	$ -	$ -	$ -	$ -	$ -	$ -
Fund 3450 – Fire	$ -	$ -	$ -	$ -	$ -	$ -
Fund 3460 – Parks	$ (140,487)	$ (43,433)	$ (89,292)	$ (100,250)	$ (4,196,427)	$ (4,569,889)
Fund 3470 – General Government	$ -	$ -	$ -	$ -	$ -	$ -
Fund 3480 – Administration	$ (76,394)	$ (86,371)	$ (56,252)	$ (16,066)	$ (19,677)	$ (254,760)
TOTAL	**$ (1,978,309)**	**$ (4,043,907)**	**$ (2,068,635)**	**$ (2,778,044)**	**$ (5,929,865)**	**$ (16,798,760)**

Table 5: Five Year Revenue and Expenditure History[3]



[3] Financial data is current as of September 30, 2025.

Table 6: Multifamily, Commercial and Industrial Deferrals

Receivable Fund	Applicant	Address	Payment Start Date	Payment End Date	Years Remaining	Balance as of 30-Jun-24	Payoffs	Outstanding Balance 30-Jun-25
Fund 3410 Streets	1192 Norwegian Ave. LP	1192 Norwegian Ave. [1]	12/22/2021	1/1/2027	2	$ 41,463.56	$ 13,251.88	$ 28,211.68
	Osiel & Karina Luna[5]	108 Spencer Ave.[2]	10/29/2020	12/1/2026[3]	2	$ 3,089.98	$ 100.00	$ 2,989.98
	Group 5 & Hiremath	3600 Dale Rd.[4]	8/17/2022	9/1/2027	2	$ 113,280.73	$ 25,793.02	$ 87,487.71
	LPC Kiernan, LLC	1224 Kiernan Ave.[6]	12/7/2022	8/27/2024	-	$ 389,105.01	$ 389,105.01	$ -
	Perfect Logistics Inc.	4113 Coffee Rd[4]	11/1/2025	11/1/2030	5	$ 197,285.04	$ -	$ 197,285.04
					Subtotal	**$ 744,224.32**	**$ 428,249.91**	**$ 315,974.41**
Fund 3420 Public Transportation	1192 Norwegian Ave. LP	1192 Norwegian Ave. [1]	12/22/2021	1/1/2027	2	$ 606.17	$ 194.41	$ 411.76
	Osiel & Karina Luna	108 Spencer Ave.	10/29/2020	12/1/2026[3]	2	$ 37.06	$ -	$ 37.06
	Group 5 & Hiremath	3600 Dale Rd.	8/17/2022	9/1/2027	2	$ 1,643.79	$ 376.35	$ 1,267.44
	LPC Kiernan, LLC	1224 Kiernan Ave.	12/7/2022	8/27/2024	-	$ 4,234.18	$ 4,234.18	$ -
	Perfect Logistics Inc.	4113 Coffee Rd[4]	11/1/2025	11/1/2030	5	$ 2,878.44	$ -	$ 2,878.44
					Subtotal	**$ 9,399.64**	**$ 4,804.94**	**$ 4,594.70**
Fund 3432 Parks and Air Quality	1192 Norwegian Ave. LP	1192 Norwegian Ave. [1]	12/22/2021	1/1/2027	2	$ 37,713.75	$ 12,053.50	$ 25,660.25
	Osiel & Karina Luna	108 Spencer Ave.	10/29/2020	12/1/2026[3]	2	$ 619.46	$ -	$ 619.46
	Group 5 & Hiremath	3600 Dale Rd.	8/17/2022	9/1/2027	2	$ 103,065.74	$ 23,468.52	$ 79,597.22
	Perfect Logistics Inc.	4113 Coffee Rd[4]	11/1/2025	11/1/2030	5	$ 179,458.92	$ -	$ 179,458.92
					Subtotal	**$ 320,857.87**	**$ 35,522.02**	**$ 285,335.85**
Fund 3440 Police	1192 Norwegian Ave. LP	1192 Norwegian Ave. [1]	12/22/2021	1/1/2027	2	$ 4,900.72	$ 1,566.90	$ 3,333.82
	Group 5 & Hiremath	3600 Dale Rd.	8/17/2022	9/1/2027	2	$ 9,158.27	$ 2,086.51	$ 7,071.76
	Perfect Logistics Inc.	4113 Coffee Rd[4]	11/1/2025	11/1/2030	5	$ 15,858.08	$ -	$ 15,858.08
					Subtotal	**$ 29,917.07**	**$ 3,653.41**	**$ 26,263.66**
Fund 3450 Fire	1192 Norwegian Ave. LP	1192 Norwegian Ave. [1]	12/22/2021	1/1/2027	2	$ 1,595.81	$ 510.69	$ 1,085.12
	Group 5 & Hiremath	3600 Dale Rd.	8/17/2022	9/1/2027	2	$ 4,367.79	$ 996.21	$ 3,371.58
	Perfect Logistics Inc.	4113 Coffee Rd[4]	11/1/2025	11/1/2030	5	$ 7,460.28	$ -	$ 7,460.28
					Subtotal	**$ 13,423.88**	**$ 1,506.90**	**$ 11,916.98**
Fund 3470 General Government	1192 Norwegian Ave. LP	1192 Norwegian Ave. [1]	12/22/2021	1/1/2027	2	$ 2,803.37	$ 986.90	$ 1,816.47
	Group 5 & Hiremath	3600 Dale Rd.	8/17/2022	9/1/2027	2	$ 7,678.86	$ 1,748.91	$ 5,929.95
	Perfect Logistics Inc.	4113 Coffee Rd[4]	11/1/2025	11/1/2030	5	$ 13,303.16	$ -	$ 13,303.16
					Subtotal	**$ 23,785.39**	**$ 2,735.81**	**$ 21,049.58**
Fund 3480 Administration	1192 Norwegian Ave. LP	1192 Norwegian Ave. [1]	12/22/2021	1/1/2027	2	$ 1,402.46	$ 443.93	$ 958.53
	Osiel & Karina Luna	108 Spencer Ave.[2]	10/29/2020	12/1/2026[3]	2	$ 84.65	$ -	$ 84.65
	Group 5 & Hiremath	3600 Dale Rd.	8/17/2022	9/1/2027	2	$ 3,851.17	$ 874.45	$ 2,976.72
	LPC Kiernan, LLC	1224 Kiernan Ave.	12/7/2022	8/27/2024	-	$ 6,111.60	$ 6,111.60	$ -
	Perfect Logistics Inc.	4113 Coffee Rd[4]	11/1/2025	11/1/2030	5	$ 6,610.08	$ -	$ 6,610.08
					Subtotal	**$ 18,059.96**	**$ 7,429.98**	**$ 10,629.98**
					TOTAL	**$ 1,159,668.13**	**$ 483,902.97**	**$ 675,765.16**

Table 7: Refunds

There were no refunds processed in the Fiscal Year 2024-25.

Table 8: Credits for Previously Existing Buildings

Fund	Address	CFF Due	CFF Credit	CFF Paid
Fund 3410	111 Laurel St	$ 5,709.00	$ (5,709.00)	$ -
Streets	429 14th St	$ 8,244.00	$ (8,244.00)	$ -
	620 Cedar Ave	$ 8,244.00	$ (8,244.00)	$ -
	829 Brady Ave	$ 8,244.00	$ (8,244.00)	$ -
	1707 Connie Way	$ 8,244.00	$ (8,244.00)	$ -
	1900 El Sereno St	$ 8,244.00	$ (8,244.00)	$ -
Subtotal		$ 46,929.00	$ (46,929.00)	$ -
Fund 3420	111 Laurel St	$ 83.00	$ (83.00)	$ -
Public	429 14th St	$ 120.00	$ (120.00)	$ -
Transportation	620 Cedar Ave	$ 120.00	$ (120.00)	$ -
	829 Brady Ave	$ 120.00	$ (120.00)	$ -
	1707 Connie Way	$ 120.00	$ (120.00)	$ -
	1900 El Sereno St	$ 120.00	$ (120.00)	$ -
Subtotal		$ 683.00	$ (683.00)	$ -
Fund 3432	111 Laurel St	$ 5,195.00	$ (5,195.00)	$ -
Parks and	429 14th St	$ 7,551.00	$ (7,551.00)	$ -
Air Quality	620 Cedar Ave	$ 7,551.00	$ (7,551.00)	$ -
	829 Brady Ave	$ 7,551.00	$ (7,551.00)	$ -
	1707 Connie Way	$ 7,551.00	$ (7,551.00)	$ -
	1900 El Sereno St	$ 7,551.00	$ (7,551.00)	$ -
Subtotal		$ 42,950.00	$ (42,950.00)	$ -
Fund 3440	111 Laurel St	$ 462.00	$ (462.00)	$ -
Police	429 14th St	$ 766.00	$ (766.00)	$ -
	620 Cedar Ave	$ 766.00	$ (766.00)	$ -
	829 Brady Ave	$ 766.00	$ (766.00)	$ -
	1707 Connie Way	$ 766.00	$ (766.00)	$ -
	1900 El Sereno St	$ 766.00	$ (766.00)	$ -
Subtotal		$ 4,292.00	$ (4,292.00)	$ -
Fund 3450	111 Laurel St	$ 220.00	$ (220.00)	$ -
Fire	429 14th St	$ 477.00	$ (477.00)	$ -
	620 Cedar Ave	$ 477.00	$ (477.00)	$ -
	829 Brady Ave	$ 477.00	$ (477.00)	$ -
	1707 Connie Way	$ 477.00	$ (477.00)	$ -
	1900 El Sereno St	$ 477.00	$ (477.00)	$ -
Subtotal		$ 2,605.00	$ (2,605.00)	$ -
Fund 3470	111 Laurel St	$ 387.00	$ (387.00)	$ -
General	429 14th St	$ 357.00	$ (357.00)	$ -
Government	620 Cedar Ave	$ 631.00	$ (631.00)	$ -
	829 Brady Ave	$ 631.00	$ (631.00)	$ -
	1707 Connie Way	$ 631.00	$ (631.00)	$ -
	1900 El Sereno St	$ 631.00	$ (631.00)	$ -
Subtotal		$ 3,268.00	$ (3,268.00)	$ -
Fund 3480	111 Laurel St	$ 194.00	$ (194.00)	$ -
Administration	429 14th St	$ 357.00	$ (357.00)	$ -
	620 Cedar Ave	$ 357.00	$ (357.00)	$ -
	829 Brady Ave	$ 357.00	$ (357.00)	$ -
	1707 Connie Way	$ 357.00	$ (357.00)	$ -
	1900 El Sereno St	$ 357.00	$ (357.00)	$ -
Subtotal		$ 1,979.00	$ (1,979.00)	$ -
TOTAL		$ 102,706.00	$ (102,706.00)	$ -

Table 9: Transfers within Capital Facilities Fees Funds[4]

Fund	Transfer Description	Transfer Amount
Fund 3410 - Streets	Transfer Out - Fund 3160 - Pelandale Ave. Interchange - Phase II	$ (910,538)
	Transfer Out - Fund 3160 - SR 132 West Expressway	$ (1,293,260)
		$ (2,203,798)
Fund 3420 - Public Transportation		$ -
		$ -
Fund 3432 - Parks & Air Quality	Transfer Out - Fund 3130 - Downey Shade Structure Replacement	$ (59,632.19)
	Transfer Out - Fund 3140 - Dry Creek to TRRP Trail Connection	$ (372.20)
	Transfer Out - Fund 3140 - Cesar E. Chavez Park Renovation Project	$ (253,482.50)
	Transfer Out - Fund 3460 - Mary E. Grogan Community Park - Phase 2	$ (1,539,702.80)
	Transfer Out - Fund 6710 - TRRP Gateway Phase 3	$ (17,090.67)
	Transfer Out - Fund 6710 - TRRP Masterplan Update 2020	$ (5,469.03)
	Transfer Out - Fund 6710 - TRRP B Improvements	$ (107,777.50)
	Transfer Out - Fund 6710 - TRRP Carpernter Road Area Soccer Complex	$ (25,305.81)
	Transfer Out - Fund 6710 - TRRP River Pavilion	$ (75,105.17)
		$ (2,083,938)
Fund 3440 - Police	Transfer Out - Fund 0100 - Transfer In - General Fund	$ (91,000)
		$ (91,000)
Fund 3450 - Fire	Transfer Out - Fund 0100 - Fire Station #11	$ (46,000)
		$ (46,000)
Fund 3470 - General Government	Transfer Out - Fund 0100 - Transfer In - General Fund	$ (75,000)
		$ (75,000)
Fund 3480 - Administration		$ -
		$ -
		$ (4,499,736)

[4] Financial data is current as of September 30, 2025.

Table 10: Capital Improvement Program (CIP) Expenditures[1-5]

Fund	CIP Project Number	Project Name	% Funded by Fee	% Funded by Other	Budget	Expenses up to June 30, 2024	Committed Funds	FY 2024/25 Expenditures	Balance Available	Estimated Construction Start FY	Estimated Construction End FY
Fund 3410 Streets	100048	Claratina/McHenry Plan Lane	100%	0%	$ 341,500	$ 39,005	$ -	$ -	$ 302,495	2026/27	2028/29
	100051	Claratina: McHenry/Coffee 4 Ln	100%	0%	$ 6,062,911	$ 4,193,433	$ 579,191	$ 617	$ 1,289,670	2026/27	2028/29
	100586	CED - 7th St Bridge Tuolumne	86%	14%	$ 1,401,911	$ 933,366	$ -	$ 144,692	$ 323,853	2025/26	2028/29
	100614	State Route 132 W. Express	26%	74%	$ 34,540,705	$ 34,121,040	$ 36,031	$ 55,272	$ 328,362	2019/20	2025/26
	100944	Tuolumne, 7th & B Intersection	100%	0%	$ 350,000	$ 751	$ -	$ 1,852	$ 347,397	2025/26	2028/29
	100945	Hetch-Hetchy Crossing	100%	0%	$ 5,070,000	$ 766,946	$ 93,017	$ 22,616	$ 4,187,421	2026/27	2028/29
	101181	Claus Road Plan Line	100%	0%	$ 250,000	$ 28,624	$ -	$ -	$ 221,376	2026/27	2028/29
	101182	Standiford Interchange PID	85%	15%	$ 7,098,000	$ 2,256,131	$ -	$ 1,488,718	$ 3,353,151	2029/30	2031/32
Subtotal								$ 1,713,767			
Fund 3460 Parks	101017	Mary Grogan Park - Phase 2	100%	0%	$ 5,629,822	$ 867,954	$ 101,924	$ 4,196,427	$ 463,517	2022/23	2025/26
Subtotal								$ 4,196,427			
TOTAL								$ 5,910,194			

1. Projects 100048, 10051, and 100945 (Claratina projects – all directly related) have been delayed due to ongoing right-of-way acquisition challenges related to the crossing of the Hetch-Hetchy facilities on Claratina Avenue.
2. Projects 100586 and 100944 (7th Street Bridge) have regulatory approval delays associated with the crossing.
3. Project 101181 (Claus) has been delayed by changes to the specific plan area. Coordination is required for the ultimate development plans in the area before final plan line can be completed.
4. Project 101182 (Standiford) has been delayed by process changes for approval of the Project Study Report (PSR) and coordination with impacted property owners in the area.
5. Financial data is current as of September 30, 2025.

Table 11: Exemptions for Accessory Dwelling Units

Fees apply to the Streets Fund – 3410.

Fund	Due	Credit	Paid
Streets - 3410	$608,004.35	$(548,064.00)	$59,940.35

Fees apply to the Public Transportation Fund – 3420.

Fund	Due	Credit	Paid
Public Transportation - 3420	$8,842.18	$(7,968.00)	$874.18

Fees apply to the Parks and Air Quality Fund – 3432.

Fund	Due	Credit	Paid
Parks & Air Quality - 3432	$553,311.16	$(498,720.00)	$54,591.16

Fees apply to the Police Fund – 3440.

Fund	Due	Credit	Paid
Police - 3440	$49,303.21	$(44,352.00)	$4,951.21

Fees apply to the Fire Fund – 3450.

Fund	Due	Credit	Paid
Fire - 3450	$23,599.49	$(21,120.00)	$2,479.49

Fees apply to the General Government Fund – 3470.

Fund	Due	Credit	Paid
General Government - 3470	$41,290.58	$(37,152.00)	$4,138.58

Fees apply to the Administration Fund – 3480.

Address	Due	Credit	Paid
Administration - 3480	$20,736.37	$(18,624.00)	$2,112.37

Fee Totals by Fund

Fund	Due	Credit	Paid
All Funds Combined	$1,305.087.34	$(1,176,000.00)	$129,087.34

Division Endnote

Endnote 1

For individual addresses please contact the Community Development Division

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-406

RESOLUTION CERTIFYING AND ADOPTING THE CEQA INITIAL STUDY / MITIGATED NEGATIVE DECLARATION EA/C&ED NO. 2025-19 FOR A PROPOSED REZONE FROM HIGHWAY COMMERCIAL (C-3) TO LOW-DENSITY RESIDENTIAL (R-1) AT THE PROPERTY LOCATED AT 3401 N. MCCLURE ROAD

WHEREAS, an application was submitted by Self-Help Enterprises (SHE) on June 5, 2025, requesting approval of a rezone from Highway Commercial (C-3) to Low Density Residential (R-1) at the property located at 3401 N. McClure Road (Stanislaus County APN: 033-089-041); and

WHEREAS, said application was made concurrently with a proposed new Vesting Tentative Subdivision Map to subdivide approximately 4.15 acres into 38 single-family residential parcels at the property located at 3401 N. McClure Road; and

WHEREAS, the City's Community and Economic Development Department prepared an Initial Study (EA/C&ED No. 2025-19) in accordance with the California Environmental Quality Act (CEQA), and a Mitigated Negative Declaration was prepared which determined that, with specific mitigation measures, the project would not have a significant effect on the environment; and

WHEREAS, the mitigation measures include time restrictions for noise-generating construction activities; all noise producing equipment and vehicles shall be equipped with manufacturers' recommended mufflers; material stockpiles, staging, parking and maintenances areas shall be located as far as practicable from the existing residences to the north and west; site access road speed limits shall be enforced during construction; notification of construction hours and durations shall be provided to the existing residences to the north and west; and if unusual circumstances or emergencies

prevent certain construction activities from complying with City requirements, a noise control plan shall be developed to ensure sufficient mitigation is implemented to avoid adverse noise impacts; and

WHEREAS, a 20-day public review period for the proposed Initial Study/Mitigated Negative Declaration began on September 29, 2025, and concluded on October 18, 2025; and

WHEREAS, the City did not receive any public comments on the draft Initial Study/Mitigated Negative Declaration and no changes to the document were necessary as a result; and

WHEREAS, said matter was considered by the Planning Commission at a duly noticed public hearing which was held on October 20 2025, whereupon the Planning Commission considered the Initial Study/Mitigated Negative Declaration and recommended that the City Council adopt the Initial Study/Mitigated Negative Declaration on a 6-0-1 vote; and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on November 25, 2025, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/C&ED 2025-19 and the associated Mitigated Negative Declaration, copies of which are on file with the Community and Economic Development Department, Third Floor, 1010 Tenth Street, Modesto, California, and are **attached** hereto as **Exhibit "A"** and **Exhibit "B"** and incorporated herein as reference,

and based on the substantial evidence included in said Initial Study makes the following findings:

1. The City Council hereby certifies and adopts Initial Study EA/C&ED No. 2025-19 in accordance with CEQA, which concluded that the with the incorporation of mitigation measures, the project would not have a significant impact on the environment.
2. All feasible mitigation measures set forth in EA/C&ED No. 2025-19 which are appropriate to the project shall be incorporated in the project.
3. The Initial Study, EA/C&ED No. 2025-19 provides substantial evidence to support findings 1 and 2 above.

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.

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 25th day of November, 2025, by Vice-Mayor Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

EA/C&ED NO. 2025-19

https://www.modestogov.com/DocumentCenter/View/24617/McClure-IS-Final

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

EA/C&ED NO. 2025-19

https://www.modestogov.com/DocumentCenter/View/24618/McClure-MND-Final

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-407

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO APPROVING A PLAN OF FINANCE OF THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY TO ISSUE AND REISSUE REVENUE BONDS FOR A QUALIFIED RESIDENTIAL RENTAL PROJECT FOR THE BENEFIT OF SEVENTH STREET VILLAGE LP, AND CERTAIN OTHER MATTERS RELATING THERETO

WHEREAS, Visionary Home Builders of California, Inc., a California nonprofit public benefit corporation (the "Sponsor"), on behalf of Seventh Street Village LP, a California limited partnership, or another ownership entity created by VHB Seventh Street Village LLC, a California limited liability company, its general partner (the "General Partner"), or by another affiliate of the Sponsor (such limited partnership or other ownership entity, the "Borrower"), has requested that the California Municipal Finance Authority (the "Authority") undertake a proposed plan of finance to issue and reissue from time to time one or more series of revenue bonds in an outstanding principal amount not to exceed $50,000,000 (the "Bonds") to finance and refinance the acquisition, construction, development and equipping of a 79-unit qualified residential rental project (the "Project") to be owned and operated by the Borrower and located at 914-930 7th Street within the City of Modesto, California (the "City"); and

WHEREAS, an "applicable elected representative" of the jurisdiction in which the Project is to be located is required to approve the proposed plan of finance for the Project under Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the City Council of Modesto (the "City Council") is the elected legislative body of the City and is an "applicable elected representative" for purposes of Section 147(f) of the Code; and

WHEREAS, the Authority has advised that the Bonds may be issued pursuant to a "plan of finance" to issue an original issue of Bonds and to issue or reissue one or more additional series of Bonds from time to time after the original issue of Bonds, if necessary or desirable to comply with applicable legal requirements, all in an aggregate principal amount not to exceed $50,000,000 to finance the Project, and all within the three-year period commencing on the date of the issuance of the first series of Bonds pursuant to this resolution; and

WHEREAS, the Authority has requested that the City Council approve the proposed plan of finance 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, pursuant to Section 147(f) of the Code, the City Council has, following notice duly given, held a public hearing regarding the issuance of the Bonds, and now desires to approve the proposed plan of finance for the Project; and

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

Section 1. The foregoing recitals are true and correct.

Section 2. The City Council hereby approves the proposed plan of finance of the Authority to issue and reissue from time to time of one or more series of revenue bonds

in an outstanding principal amount not to exceed $50,000,000. It is the purpose and intent of the City Council that this resolution constitute approval of the proposed plan of finance for the Project for the purposes of (a) Section 147(f) of the Code by the applicable elected representative of a 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. 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 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, construction, rehabilitation, installation 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 City 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 25th day of November, 2025 by Councilmember Alvarez, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
RECUSED	Councilmembers:	Williams
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-408

RESOLUTION APPROVING A HOME INVESTMENT PARTNERSHIP PROGRAM LOAN IN A TOTAL AMOUNT NOT TO EXCEED $5,000,000 AT 3% SIMPLE INTEREST TO BEGIN ACCRUAL AFTER THE ISSUANCE OF CERTIFICATE OF OCCUPANCY TO VISIONARY HOME BUILDERS OF CALIFORNIA, INC, A CALIFORNIA NON-PROFIT, STOCKTON, CA FOR THE DEVELOPMENT OF SEVENTH STREET VILLAGE, AN ADDITIONAL $150,000 FOR STAFF ACTIVITY DELIVERY, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE THE LOAN AGREEMENTS

WHEREAS, Visionary Home Builders of California, Inc. (VHB) submitted their Tier 1 proposal by the RFP deadline of January 25, 2023 and submitted for the State of California Affordable Housing and Sustainable Communities (AHSC) grant, for a project located on 7th Street between I and J Street in coordination with the City; and

WHEREAS, on March 14, 2023, by Resolution No. 2023-122 City Council authorized the joint application for Seventh Street Village and the pre-commitment of an amount not to exceed $7,967,750 from the City's Capital Facility Fees affordable housing exemption program and the affordable housing funding sources contingent on the award of the Affordable Housing and Sustainability Program (AHSC); and

WHEREAS, on September 12, 2023, by Resolution No. 2023-421, City Council accepted the award from the joint submission between the City of Modesto and Visionary Home Builders of California, Inc. for a State of California's Affordable Housing and Sustainability Program in an amount of $33,010,880 for the development of Seventh Street Village as well as any grant required transportation improvements and by Resolution No. 2023-424 the City committed funding not to exceed $7,000,000 in affordable housing funding; and

WHEREAS, on December 11, 2024, the California Tax Credit Allocation Committee (CTCAC) presented Seventh Street Village with its award notification as part of the 4% Tax Credit program. The tax credit award in the amount of $37,517,305 was the final amount needed to complete the development of Seventh Street Village; and

WHEREAS, Seventh Street Village development will sit on four parcels totaling .88 acres. The project is comprised of 79 housing units with a mix of 1-bedroom, one-bath, 2-bedroom, one-bath, and 3-bedroom two-bath units; and

WHEREAS, on July 31, 2025, staff met with the developer regarding the investor bids, and the available funds to develop the project. At that time staff were made aware that investor bids originally estimated at $.93 cents on the dollar, came in at $.84 cents on the dollar resulting in a $7.5 million gap; and

WHEREAS, on November 4, 2025, staff presented the project updated and that City staff has been actively working with Visionary Home Builders to bring this project forward and since the approval of the Affordable Housing Sustainable Communities (AHSC) application in 2023, the project cost has increased by nearly $10 million from approximately $56 million to nearly $66 million; and

WHEREAS, on November 4, 2025, by Council Motion the Seventh Street Village accepted the projects update regarding the following project scope adjustments that included parking reduction to 1 floor of parking so 110 stalls would now be 51 stalls, façade reduction from brick to stucco that includes waterproofing material adjustments, reduction from 3 stairways to 2 stairways, simplification of the roof garden and mezzanine design elements, and adjusted interior finishes to more cost-effective options would be required to move this project forward within budget; and

WHEREAS, the Council motion requested that the City hold the required Tax Equity and Fiscal Responsibility Act (TEFRA) hearing; and

WHEREAS, with the approval of this item the project team will be working with California Municipal Finance Authority (CMFA) and the State of California to close all the project financing outlined below and the project would then break ground by December 2025 with an estimated project completion date of Winter 2027; and

WHEREAS, City staff is recommending the approval of the HOME loan agreements in an amount not to exceed $5,000,000, with 3% interest for a term of 55-years, with repayment of this loan on an annual basis based on the residual receipts.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it herby approves a HOME Investment Partnership program loan in a total amount not to exceed $5,000,000 at 3% simple interest to begin accrual after the issuance of Certificate of Occupancy to Visionary Home Builders of California, Inc, a California non-profit out of Stockton, CA for the development of Seventh Street Village, an additional $150,000 for staff activity delivery.

BE IT FURTHER RESOLVED, and authorizing the City Manager, or his designee, to negotiate and execute the Loan Agreement and all related 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 25th day of November, 2025, by Councilmember Alvarez, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
RECUSED:	Councilmembers:	Williams
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSÉ M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-409

RESOLUTION APPROVING A LICENSE AGREEMENT FOR THE PLACEMENT OF STORMWATER FACILITIES IN THE PUBLIC RIGHT-OF-WAY PROPERTY LOCATED AT 914-930 7TH STREET, MODESTO, CALIFORNIA ALSO KNOWN AS STANISLAUS COUNTY ASSESSOR'S PARCEL NUMBERS 104-006-007, 104-006-008, 104-006-009, AND 104-006-010 TO VISIONARY HOME BUILDERS OF CALIFORNIA, INC, A CALIFORNIA NON-PROFIT OF STOCKTON, CA FOR THE DEVELOPMENT OF SEVENTH STREET VILLAGE, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE AGREEMENTS

WHEREAS, Visionary Home Builders of California, Inc. (VHB) submitted their Tier 1 proposal by the RFP deadline of January 25, 2023 and submitted for the State of California Affordable Housing and Sustainable Communities (AHCS) grant, for a project located on 7th Street between I and J Street in coordination with the City; and

WHEREAS, on March 14, 2023, by Resolution No. 2023-122 City Council authorized the joint application for Seventh Street Village and the pre-commitment of an amount not to exceed $7,967,750 from the City's Capital Facility Fees affordable housing exemption program and the affordable housing funding sources contingent on the award of the Affordable Housing and Sustainability Program (AHSC); and

WHEREAS, on September 12, 2023, by Resolution No. 2023-421, City Council accepted the award from the joint submission between the City of Modesto and Visionary Home Builders of California, Inc. for a State of California's Affordable Housing and Sustainability Program in an amount of $33,010,880 for the development of Seventh Street Village as well as any grant required transportation improvements and by Resolution No. 2023-424 the City committed funding not to exceed $7,000,000 in affordable housing funding; and

WHEREAS, on December 11, 2024, the California Tax Credit Allocation Committee (CTCAC) presented Seventh Street Village with its award notification as part of the 4% Tax Credit program. The tax credit award in the amount of $37,517,305 was the final amount needed to complete the development of Seventh Street Village; and

WHEREAS, Seventh Street Village development will sit on four parcels totaling .88 acres. The project is comprised of 79 housing units with a mix of 1-bedroom, one-bath, 2-bedroom, one-bath, and 3-bedroom two-bath units; and

WHEREAS, Visionary Home Builders, Inc is required to install and maintain control measures to minimize pollutants in urban runoff and Low Impact Development (LID) devices, structures, and or areas to reduce or contain all storm water runoff and has requested install the Stormwater LID Devices in the City's public right-of-way adjacent to the Project and buried under the surface; and

WHEREAS, on November 4, 2025, by Council Motion the Seventh Street Village accepted the projects update regarding the following project scope adjustments that included parking reduction to 1 floor of parking so 110 stalls would now be 51 stalls, façade reduction from brick to stucco that includes waterproofing material adjustments, reduction from 3 stairways to 2 stairways, simplification of the roof garden and mezzanine design elements, and adjusted interior finishes to more cost-effective options would be required to move this project forward within budget; and

WHEREAS, the Council motion requested that the City hold the required Tax Equity and Fiscal Responsibility Act (TEFRA) hearing; and

WHEREAS, with the approval of this project the stormwater facility will need to be constructed within the right of way on 7th Street, staff recommends Council approval

for the license agreement for the placement of stormwater facilities in the public right-of-way property located at 914-930 7th street, Modesto, California also known as Stanislaus County Assessor's parcel numbers 104-006-007, 104-006-008, 104-006-009, 104-006-010 for the development of Seventh Street Village.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it herby approves a License Agreement for the placement of stormwater facilities in the public right-of-way property located at 914-930 7th Street, Modesto, California also known as Stanislaus County Assessor's parcel numbers 104-006-007, 104-006-008, 104-006-009, 104-006-010 to Visionary Home Builders of California, Inc, a California non-profit out of Stockton, CA for the development of Seventh Street Village.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to negotiate and execute the final License 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 25th day of November, 2025 by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
RECUSED	Councilmembers:	Williams
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-410

RESOLUTION APPROVING A FIRST AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDED LOAN IN A TOTAL AMOUNT NOT TO EXCEED $2,000,000 AT 3% SIMPLE INTEREST FOR 55-YEARS TO BEGIN ACCRUAL AFTER ISSUANCE OF CERTIFICATE OF OCCUPANCY, FOR ACQUISITION, PREDEVELOPMENT, SITE IMPROVEMENTS, AND OFF-SITE IMPROVEMENTS OF SEVENTH STREET VILLAGE, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE THE AMENDMENT

WHEREAS, Visionary Home Builders of California, Inc. (VHB) submitted their Tier 1 proposal by the RFP deadline of January 25, 2023, for an affordable housing development project located on 7th Street between I and J Street (Seventh Street Village) for development and funding consideration to pursue an Affordable Housing and Sustainability Communities (AHSC) grant in coordination with the City; and

WHEREAS, the Seventh Street Village development will sit on four parcels totaling .88 acres, and the project is comprised of 79 housing units with a mix of one-bedroom one-bath, two-bedroom one-bath, and three-bedroom two-bath units. The project will be designed as a modern garden-style community which will consist of one four-story building on a podium.; and

WHEREAS, the Seventh Street Village project is proposing to include transportation improvements that includes bike lane improvements connecting to a proposed bike network, and sidewalk improvements; and

WHEREAS, in collaboration with Stanislaus Regional Transit Authority there will be improvements through bus shelters and/or bulb outs, and in collaboration with San Joaquin Rail Commission the Seventh Street Village project will include the acquisition of an Altamont Corridor Express (ACE) engine; and

WHEREAS, the State issued its Round 7 Notice of Funding Availability on

December 15, 2022, for $750 million in funding under the AHSC program that focuses on the development of affordable housing with the goal of decreasing greenhouse gas emissions, and the City and VHB submitted a joint application for the Seventh Street Village project for a total award. $33,010,880 will be a loan given to VHB and used for construction of Phase I of this development, and $15,000,000 will be a grant given to the City and used for transportation related infrastructure improvements; and

WHEREAS, on August 30, 2023, the Strategic Growth Council (SGC) voted to award the Seventh Street Village project a total of $33,010,880 that includes a construction program that promotes sustainability for tenants, and the transportation related improvements; and

WHEREAS, on March 14, 2023, by Resolution No. 2023-122, the City committed $7,000,000 in its affordable housing funding sources to the Seventh Street Village project contingent on the project obtaining the AHCS Award and $200,000 in staff activity delivery; and

WHEREAS, the City desires to approve a First Amendment to the Community Development Block Grant (CDBG) funded loan to broaden the eligible uses of the agreement to include predevelopment and site improvements of Seventh Street Village as well as provide the City Manager, or his designee, the authority to negotiate and execute the terms of the amendment; and

WHEREAS, the City desires to approve a First Amendment to the Community Development Block Grant (CDBG) funded loan in an amount not to exceed $2,000,000 at 3% simple interest for 55 years to begin accrual after issuance of Certificate of Occupancy for acquisition, predevelopment, site improvements, and off-site improvements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Community Development Block Grant (CDBG) funded loan in a total amount not to exceed $2,000,000 at 3% simple interest for 55-years to begin accrual after issuance of Certificate of Occupancy, for acquisition, predevelopment, site improvements, and off-site improvements of Seventh Street Village.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to negotiate and execute the First Amendment to the Community Development Block Grant (CDBG) funded loan 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 25th day of November, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
RECUSED:	Councilmembers:	Williams
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-411

RESOLUTION APPROVING A FOURTH AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH SWINGLE, VAN EGMOND & HEITLINGER ADJUSTING HOURLY RATES AND INCREASING THE AGREEMENT AMOUNT BY $250,000, FOR A TOTAL AGREEMENT AMOUNT NOT TO EXCEED $1,200,000 FOR CONTINUED REPRESENTATION IN TORT CASES, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on May 23, 2023, by Resolution No. 2023-231, Council approved a Legal Services Agreement with Swingle, Van Egmond & Heitlinger in an amount not to exceed $250,000 to continue representing the City in tort cases; and

WHEREAS, on January 23, 2024, by Resolution No. 2024-008, Council approved a First Amendment to the Legal Services Agreement with Swingle increasing the agreement amount by $300,000 from $250,000 for a revised total amount not to exceed $550,000 to continued representation in tort cases; and

WHEREAS, on October 22, 2024, by Resolution No. 2024-382, Council approved a Second Amendment to the agreement increasing the amount by $300,000 for a total amount not to exceed $850,000; and

WHEREAS, on July 22, 2025, by Resolution No. 2025-259, Council approved a Third Amendment to the agreement increasing the amount by $100,000 for a total not to exceed $950,000; and

WHEREAS, Swingle continues to prepare multiple cases for trial simultaneously, as well as handling a number of additional smaller cases; and

WHEREAS, Swingle has requested an increase to their hourly rates. Swingle has maintained the same hourly rates since 2014. The rate adjustment will reflect an

increase from $175 to $235 an hour for Partners/of Counsel and $150 to $210 an hour for Associates. These rates will be effective December 1, 2025.

WHEREAS, this amendment will provide an hourly rate adjustment and a budget for continued representation for those cases and future assigned cases; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “Where the Purchasing Manager, in her discretion, determines that it is appropriate to amend the services or goods provided under the existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services”; and

WHEREAS, this amendment conform to MMC 8-3.204 as we are amending the agreement for continued representation in the same or similar matters.

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 Swingle, Van Egmond & Heitlinger adjusting hourly rates and increasing the agreement amount by $250,000 for a total agreement amount not to exceed $1,200,000 for continued representation in tort cases, 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 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 2nd day of December, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

FOURTH AMENDMENT TO LEGAL SERVICES AGREEMENT

This Fourth Amendment to the Legal Services (this "**Fourth Amendment**"), is made and entered into on 2nd day of December 2025 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **SWINGLE, VAN EGMOND & HEITLINGER**, a Professional Corporation ("**Attorney**"), located at 1207 I Street, Modesto, California 95354. 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 legal advice, representation and assistance to City in defense of tort claims as assigned; 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 adjusting the hourly rates and increasing the previously approved amount of fees from $950,000 to $1,200,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and **SWINGLE, VAN EGMOND & HEITLINGER** dated May 23, 2023 and amended by Resolution Nos. 2024-008, 2024-382 and 2025-259 is amended as follows:

1. Section 2(a), "Fees and Costs," is amended to state as follows:

Partners/Of Council	$235.00/hour
Associates	$210.00/hour

"The total of all fees paid to Attorney for the performance of all services set forth in Section 1 (thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of one million, two hundred thousand dollars ($1,200,000)."

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 May 23, 2023, 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:

_____
Diane Nayares-Perez, City Clerk

_____
Matthew Braley, Risk Manager

[Signatures Continued on Next Page.]

ATTORNEY:
SWINGLE, VAN EGMOND & HEITLINGER
a Professional Corporation

_____
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. 2025-412

RESOLUTION APPROVING A FIFTH AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH SANDERS ROBERTS, LLP INCREASING THE AGREEMENT AMOUNT BY $200,000, FOR A TOTAL AGREEMENT AMOUNT NOT TO EXCEED $895,000, FOR CONTINUED REPRESENTATION IN PERSONNEL MATTERS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on November 5, 2020, the City entered into a standard Legal Services Agreement with Lafayette & Kumagai, LLP in the amount of $45,000 for representation in labor and employment matters; and

WHEREAS, a First Amendment to the Legal Services Agreement was executed on June 30, 2021 to extend the term of the agreement to June 30, 2022; and

WHEREAS, on April 5, 2022, by Resolution No. 2022-158, Council approved a Second Amendment to the Agreement to increase the not to exceed amount to $245,000 and extend the term of the agreement to April 4, 2024; and

WHEREAS, on September 12, 2023, by Resolution No. 2023-408, Council approved a Third Amendment to the Agreement in the amount of $300,000 for a not to exceed amount of $545,000; and

WHEREAS, in 2024 Lafayette & Kumagai, LLP merged with Sanders Roberts, LLP. Accordingly, on July 9, 2024, the City entered into an Assignment and Assumption Agreement with Sander Roberts, LLP regarding Lafayette's Legal Services Agreement; and

WHEREAS, on July 22, 2025, by Resolution No. 2025-262, Council approved a Fourth Amendment to the agreement increasing the amount by $150,000 for a total not to exceed $695,000; and

WHEREAS, Sanders Roberts, LLP currently defends the City in confidential, litigated personnel matters. An amendment to the Agreement is needed to increase the agreement budget for continued services in the amount of $150,000.

WHEREAS, Modesto Municipal Code section 8-3.203 generally requires all purchases which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “Where the Purchasing Manager, in her discretion, determines that it is appropriate to amend the services or goods provided under the existing Agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services.” These legal services amendments conform to MMC 8-3.204 as we are amending these agreements for continued representation in the same or similar matters; and

WHEREAS, this amendment conform to MMC 8-3.204 as we are amending the agreement for continued representation in the same or similar matters.

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 Sanders Roberts, LLP in the amount of $200,000, for a total not to exceed amount of $895,000, as provided in Exhibit A attached hereto and incorporated herein.

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 2nd day of December, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

FIFTH AMENDMENT TO LEGAL SERVICES AGREEMENT

This Fifth Amendment to the Legal Services Agreement (this "**Fifth Amendment**"), is made and entered into on the 2nd day of December 2025 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **SANDERS ROBERTS**, **LLP** ("**Attorney**"), located at 1055 W. 7th Street, Suite 3200, Los Angeles, CA 90017. 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 for legal advice, representation and assistance on matters involving personnel and administrative investigations; and

WHEREAS, in 2024 Lafayette & Kumagai, LLP merged with Sanders Roberts, LLP. Accordingly, on July 9, 2024, the City entered into an Assignment and Assumption Agreement with Sander Roberts, LLP regarding Lafayette's Legal Services Agreement.

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 to increase the budget of said agreement.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Sanders Roberts, LLP is amended as follows:

2. 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(thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of eight hundred and ninety-five thousand dollars ($895,000).

2. **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 November 5, 2020, 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**:** Joesph P. Lopez
Title: City Manager

APPROVED TO AS FORM:

_____
Jose M. Sanchez, City Attorney

ATTEST:

_____
Diane Navares-Perez, City Clerk

_____
Matthew Braley, Risk Manager

[Signatures Continued on Next Page.]

ATTORNEY:
SANDERS ROBERTS, 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
__x___ Other (*please specify: ___Limited Liability Partnership _____)*

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-413

RESOLUTION ACCEPTING WEST TRUNK SEWER REHABILITATION PROJECT AS COMPLETE, RELEASING SECURITIES, RELEASING PAYMENTS TOTALING $19,069,333 TO SAK CONSTRUCTION, LLC. OF O'FALLON, MO, AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, the City's Wastewater Collection System Master Plan includes the rehabilitation of the West Trunk identified as project "C-1" due to an assessment that the West Trunk (one of the City's 5 major trunk lines) was in need of rehabilitation; and

WHEREAS, this project reinforced and upgraded 8,400 linear feet of the West Trunk, replaced approximately 3,000 linear feet of Emerald Trunk, and rehabilitated 1,700 linear feet of Santa Rosa Sewer Trunk and 700 feet of the Lakewood Sewer Trunk; and

WHEREAS, the project was advertised for bids on December 5, 2023; and

WHEREAS, bids were publicly opened on January 23, 2024, and SAK Construction, LLC of O'Fallon, MO, was the lowest responsible bidder at 0.71% below the engineers estimate; and

WHEREAS, on March 12, 2024, by Resolution 2024-096, Council awarded a contract to SAK Construction, LLC, in the amount of $17,871,543; and

WHEREAS,. the Contractor received the Notice to Proceed with a start date of May 20, 2024. All contract work was completed on June 27, 2025; and

WHEREAS, the total project costs were $20,541,906, which included design, design consultation, construction, and construction administration costs. The total project amount originally budgeted was $21,316,129 which included $20,016,129 for the construction contract and contingency with SAK Construction, LLC; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, updated by Resolution No. 2019-326 on July 9, 2019, and revised a second time September 12, 2023 by Resolution 2023-405 established a contract change order authority of 10% for construction contracts up to $10,000,000. However, after reviewing the plans and specifications, and given the nature of this project where unforeseen utilities or buried structures, and other unaccounted for issues may arise, it is likely that this project could exceed that figure. Therefore, staff requested Director's Authority to issue change orders be increased to 12% ($2,144,586) of the construction contract; and

WHEREAS, there were twelve (12) change orders resulting in an overall increase of $1,197,789.74 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 City Council of the City of Modesto that the West Trunk Sewer Rehabilitation Project is complete, releasing securities, releasing payments totaling $19,069,333 to SAK Construction, LLC of O'Fallon, MO, and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of December, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-414

RESOLUTION APPROVING THE PAYMENT FOR FURNISHING OF STREET SWEEPING MATERIAL RECEIVING SERVICE AND CITY-WIDE DISPOSAL SERVICES WITH VARIOUS GARBAGE DISPOSAL BUSINESSES LOCATED IN STANISLAUS COUNTY FOR A ONE (1) YEAR AGREEMENT WITH FOUR (4) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL AMOUNT OF $1,030,000, AND A TOTAL AMOUNT NOT TO EXCEED $5,150,000 OVER FIVE (5) YEARS; AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER

WHEREAS, the City of Modesto operational departments require disposal services for garbage, organics, recycling, and other types of waste 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, City parks, waste-debris from gathered maintenance services provided by City staff, Modesto Police Department (MPD), and contracted litter crews; and

WHEREAS, the City of Modesto entered into a contract with the City of Ceres on July 13, 2021, to provide fire protection and related emergency services within both cities and parts of Stanislaus County; and

WHERES, under this agreement, the City of Modesto is responsible for covering station facility needs including daily living essentials such as linens, water, garbage service, beds, furniture, appliances, and other operational necessities; and

WHEREAS, with this addition of City of Ceres fire stations there is a need for bin rental and dump services within the City of Ceres, which is provided by Bertolotti Ceres Disposal, Inc.; and

WHERESA, City staff have increased their efforts to combat the growing waste and material accumulation located throughout the City through a variety of City initiatives; and

WHEREAS, increased responses in relation to concentrated homeless populations, blight and the rising use of the City's GoModesto mobile phone application to report areas of blight have all lead to a surge in the need for disposal services; and

WHEREAS, efforts by the Modesto Police Department's (MPD) and Public Works (PW) 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 also makes use of material receiving services via the Street Sweeping Program for the PW department; and

WHERESA, street sweeping receiving and disposal services are used by many departments within the City for various purposes and the consolidation of these services under one (1) agreement will allow for a more efficient and effective providing of said services for the citizens of Modesto; and

WHERES, the Compost Facility receives green waste from the green cans collected at the curb weekly and the green waste piles that are in the street and the removal of this contamination creates overs, which then need to be hauled away and disposed of at Fink Road Landfill; and

WHEREAS, Gilton Resources informed staff moving forward they could no longer hold current rate of $68/ton and increased their rate to $75/ton and a contract is not needed as the price will adjust according to the current market conditions and/or any new laws Gilton needed to abide by; and

WHEREAS, Bertolotti Transfer Station provided an update pricing table that included their standard public rate of $78/ton, they do provide the City with a discounted rate of $3.25 plus weight for automobile tire disposal; and

WHEREAS, the Purchasing Division researched permitted transfer stations in the area and discovered Turlock Transfer Station public rates were $75.00/ton, Bertolotti Transfer Station public rates were $78.00 and Gilton Resources Recovery rates were $78.00/ton; and

WHEREAS, the Purchasing Division negotiated with Gilton Resources regarding the rate difference and was advised our rate moving forward would be $75/ton; and

WHEREAS, to ensure continued service, the Compost and Street Sweeping Divisions utilize the Memorandum of Understanding (MOU) between Stanislaus County and the City of Modesto for Solid Waste Disposal at the Fink Road Landfill at $43.38/ton and the MOU was approved July 22, 2025, under Resolution 2025-274; and

WHERAS, to manage the overall spending for these types of services, City staff is recommending we establish eight (8) separate Oracle agreements various garbage companies located in Stanislaus County which includes Bertolotti Modesto Disposal Inc. – Garbage Pick Up, Ceres, CA, Bertolotti Ceres Disposal – Garbage Pick Up, Ceres, CA, Bertolotti Transfer Station - Receiving Station, Ceres, CA, Gilton Solid Waste – Garbage Pick Up, Oakdale, CA, Gilton Resources Recovery Transfer Facility, Inc., Oakdale, CA and Fink Road Landfill, Modesto, CA a total combined spending of $1,030,000 annually and a total amount not to exceed $5,150,000 over five (5) years; and

WHEREAS, this will ensure the proper tracking to manage the City-wide spending per vendor and ensure staff is utilizing the lowest cost provider based on the overall cost to manage this service based on nearest location and cost efficiency; and

WHEREAS, the Purchasing Division will review the rates annually to evaluate any further opportunities for savings.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the payment for furnishing of street sweeping material receiving service and City-wide disposal services with various garbage disposal businesses located in Stanislaus County for a one-year agreement with four (4) one-year extension options, for an estimated annual cost of $1,030,000 and a total amount not to exceed $5,150,000 over five (5) years.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, to issue Purchase Orders.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of December, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-415

RESOLUTION APPROVING THE THIRD AMENDMENT WITH BRIGHTVIEW GOLF MAINTENANCE, INC., MODESTO, CA., IN PARTNERSHIP WITH KEMPERSPORTS MANAGEMENT, NORTHBROOK, IL., FOR GOLF MANAGEMENT AND MAINTENANCE SERVICES INCREASING THE AGREEMENT AMOUNT BY $6,612,832, TO A NEW ESTIMATED ANNUAL AMOUNT OF $3,306,416, A NEW TOTAL AMOUNT OF $20,775,570 THROUGH THE TERM OF THE AGREEMENT AND EXTENDING THE TERM OF THE AGREEMENT FROM DECEMBER 31, 2025 TO DECEMBER 31, 2026, WITH A ONE (1) ONE-YEAR EXTENSION OPTION FROM JANUARY 1, 2027 TO DECEMBER 31, 2027, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

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 December 8, 2020, by Resolution 2020-537, the Council approved 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, and

WHEREAS, on November 7, 2023, by Resolution 2023-486, the Council approved the First Amendment with BrightView Golf Maintenance Inc. in partnership with KemperSports Management for Golf Management and Maintenance Services for a

revised total not to exceed $13,987,536 and extending the term of the Agreement to December 31, 2025, exercising the first extension of the agreement, and

WHEREAS, on June 4, 2024, by Resolution 2024-209, the Council approved the Second Amendment increasing the Agreement amount with BrightView Golf Maintenance, Inc. in partnership with KemperSports Management for Golf Management and Maintenance Services by $175,202 for a revised total not to exceed $14,162,738, and

WHEREAS, the Agreement is nearing the end of its first extension, and

WHEREAS, Staff and BrightView discussed exercising the second extension where Staff proposed extending the Agreement for one year with a one-year extension option instead of two (2) years so that a new Request for Proposals for Golf Management and Maintenance would coincide with the completion of the Dryden Golf Course Clubhouse project; and

WHEREAS, Staff noted that changes to the operation of Dryden Golf Course would significantly impact the existing service agreement with BrightView; and

WHEREAS, BrightView agreed to a one-year extension with one (1) one-year extension option and requested an increase of 2.9% based on the West Urban Consumer Price Index (CPI) to the maintenance services for the extension; and

WHEREAS, BrightView also requested an increase in compensation for Operation Management services citing increased costs in payroll expenses and Cost of Goods Sold in Food and Beverage; and

WHEREAS, staff budgeted for these increases as part of the City's Fiscal Year 2025-26 operating budget for Creekside and Dryden Golf Courses; and

WHEREAS, the total net annual increase to the agreement is $3,306,416 or $6,612,832 for the two-year period, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(e) where the Purchasing Manager, her discretion, determines that it is appropriate to amend the services provided under an existing agreement to include additional similar services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services. The new amenities resulting from the Dryden Clubhouse project will significantly change the scope of services needed at the Golf Courses. As a result, a new agreement is required to meet the new services needed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Third Amendment to the Agreement with BrightView Golf Maintenance, Inc., in partnership with KemperSports Management for Golf Management and Maintenance Services increasing the Agreement amount by $6,612,832, to a new estimated annual amount of $3,306,416, a new total amount of $20,775,570 through the term of the agreement and extending the term of the Agreement from December 31, 2025 to December 31, 2026 with a one (1) one-year extension option from January 1, 2027 to December 31,2027.

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 2nd day of December, 2025, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-416

RESOLUTION APPROVING A SEVENTH AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS FOR EMERGENCY DISPATCH SERVICES, AMENDING SECTION 5.1 EXTENDING THE EXPIRATION TO DECEMBER 31, 2026 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT AND APPOINTING MAYOR ZWAHLEN AND COUNCILMEMBER WRIGHT AS COMMISSIONERS TO THE CONSOLIDATED EMERGENCY DISPATCH AGENCY AND COUNCILMEMBER ESCUTIA-BRAATON AS AN ALTERNATE COMMISSIONER EFFECTIVE JANUARY 1, 2026

WHEREAS, on March 9, 1999, by Resolution No. 99-101, Council approved a Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services, creating a joint powers agency for the purpose of providing dispatch services; and

WHEREAS, on August 9, 2016, by Resolution No. 2016-329, Council approved a First Amendment to the Agreement, amending the Term and Termination sections to make clear that the Agreement would continue until terminated by either Modesto or the County pursuant to Section 6 of the Agreement. Section 6.1 was amended to require that any Member can terminate the Agreement at any time by providing a written notice of intent to terminate at least twenty-four (24) months in advance of the desired termination date; and

WHEREAS, on October 12, 2021, by Resolution 2021-413, Council approved providing the Consolidated Emergency Dispatch Agency Commission and the County with written notice of its intent to terminate the JPA effective January 1, 2024, in accordance with Section 6.1 of the agreement; and

WHEREAS, on May 3, 2022, by Resolution 2022-203, Council approved a Second Amendment to the JPA amending sections related to the Commission Members, the Dispatch Advisory Board and the Technical Advisory Committee; and

WHEREAS, on December 6, 2022, by Resolution 2022-457, Council approved a Third Amendment to the JPA amending sections concerning membership and alternate members appointed to serve as staff member Commissioners on the Commission; and

WHEREAS, on December 5, 2023, by Resolution 2023-517, Council approved a Fourth Amendment to the JPA, extending the Agreement to June 30, 2024; and

WHEREAS, on June 4, 2024, by Resolution 2024-174, Council approved a Fifth Amendment to the JPA, extending the agreement to December 31, 2024, changing the membership of the Commission and thereby editing the quorum requirement, amending the Agency Member Liaison requirements and appointing the Consolidated Emergency Dispatch Agency Commissioners and an Alternate Member, and appointing Mayor Zwahlen and Councilmember Bavaro as Commissioners to the Consolidated Emergency Dispatch Agency and Councilmember Wright as an Alternate Commissioner; and

WHEREAS, on December 10, 2024, by Resolution 2024-447, Council approved a Sixth Amendment to the JPA, extending the agreement to December 31, 2025; and

WHEREAS, it is necessary to extend the Joint Exercise of Powers Agreement to provide additional time for both parties to determine the next steps in the delivery of emergency dispatch services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Seventh Amendment to the Joint Exercise of Powers

Agreement between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services, **attached** hereto as **Exhibit A**, extending the term of the Agreement to December 31, 2026.

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.

BE IT FURTHER RESOLVED that Mayor Zwahlen and Councilmember Wright are hereby appointed as Commissioners and Councilmember Escutia-Braaton as an Alternate Commission Member to serve on the Consolidated Emergency Dispatch Agency Commission effective January 1, 2026.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 2025, by Councilmember Alvarez, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

SEVENTH AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS FOR EMERGENCY DISPATCH SERVICES

This Seventh Amendment to the Joint Exercise of Powers Agreement ("Seventh Amendment") is made by and between the City of Modesto ("Modesto"), a charter city and municipal corporation in the State of California, and the County of Stanislaus ("County"), a political subdivision of the State of California as of _____, 2025.

RECITALS

WHEREAS, on September 1, 1999, Modesto and the County entered into the Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services ("Agreement"), creating a joint powers agency for the purpose of providing dispatch services; and

WHEREAS, on August 23, 2016, Modesto and the County entered into the First Amendment to the Agreement; and

WHEREAS, in October 2021, Modesto provided written notice of its intent to terminate the Agreement, effective January 1, 2024; and

WHEREAS, on May 3, 2022, Modesto and the County entered into the Second Amendment to the Agreement; and

WHEREAS, on December 6, 2022, Modesto and the County entered into the Third Amendment to the Agreement; and

WHEREAS, on December 8, 2023, Modesto and the County entered into the Fourth Amendment to the Agreement, extending the term of the Agreement to terminate on June 30, 2024; and

WHEREAS, on June 4, 2024, Modesto and the County entered into the Fifth Amendment extending the term of the Agreement to December 31, 2024, making changes to the governing body structure of the Commission and designating Agency Member Liaisons to assist the Dispatch Director; and

WHEREAS, on December 10, 2024, Modesto and the County entered into the Sixth Amendment to the Agreement, extending the term of the Agreement to terminate on December 31, 2025; and

WHEREAS, Modesto and the County agree to amend the Agreement for a seventh time to extend the term of the Agreement to terminate on December 31, 2026.

NOW, THEREFORE, Modesto and the County hereby agree as follows:

AGREEMENT

1. Section 5, "Term," of the Agreement is hereby amended as follows:

"5. Term.

5.1 This Agreement shall become effective as of September 1, 1999, and shall continue in full force and effect until ~~December 31, 2025~~ **December 31, 2026** ("Termination Date"), unless Modesto and the County mutually agree to extend the Agreement.

5.2 Modesto and the County shall work in good faith to make appropriate arrangements to independently or jointly provide Emergency Dispatch Services on or before the Termination Date.

5.3 Modesto and the County shall work in good faith to ensure that all indebtedness, claims, and liabilities incurred by the Agency are fully and completely satisfied on or before the Termination Date.

5.4 All property owned by the Agency shall be distributed equally to Modesto and the County, unless otherwise approved by the Members on or before the Termination Date."

2. All other terms and conditions in the Agreement shall remain in full force and effect to the extent they are not in conflict with this Seventh Amendment.

3. The signatures of Modesto and the County to this Seventh Amendment may be executed and acknowledged on separate pages or in counterparts, which, when attached to this Seventh Amendment, shall constitute one complete Seventh Amendment.

IN WITNESS WHEREOF, Modesto and the County have executed this Seventh Amendment on the day and year first above written.

CITY OF MODESTO

_____
Joseph P. Lopez, City Manager

Date:_____

Approved as to Form:

_____
Jose M. Sanchez, City Attorney

Date:_____

COUNTY OF STANISLAUS

_____
Jody L. Hayes, Chief Executive Officer

Date:_____

Approved as to Form:

_____
Thomas E. Boze, County Counsel

Date:_____

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-417

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL WITH PUBLIC RESTROOM COMPANY, OF MINDEN, NV, FOR THE PURCHASE, DELIVERY, AND INSTALLATION OF A RESTROOM BUILDING FOR SHERWOOD PARK, FOR A TOTAL AMOUNT OF $267,877, PLUS $26,788, FOR CONTINGENCY, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED $294,665, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER

WHEREAS, with an estimated $70+ million in deferred maintenance in our park system, a multiyear plan has been established to help systematically address the deferred maintenance by regular preventative maintenance that will limit future additions to the deferred maintenance list; and

WHEREAS, in June 2024, by Resolution 2024-190, Council approved the FY 2024-2025 budget, which included $2,200,000 of Measure H funding for year 2 of the deferred park maintenance plan, which included $450,000, for the restroom replacement at Sherwood Park; and

WHEREAS, Sourcewell is a cooperative agency which streamlines the procurement process by developing Request For Bids (RFB)s or Request for Proposals (RFP)s for national competitive solicitations that meet or exceed local requirements; and

WHEREAS, the competitive process is continually refined to best meet agency needs and allows Sourcewell to offer exceptional products from nationally acclaimed vendors; and

WHEREAS, on April 8, 2025, Sourcewell issued RFP #052725 for restroom and shower facility solutions; and

WHEREAS, on May 27, 2025, proposals were electronically opened, and the list of all Proposers was made publicly available in the Sourcewell Procurement Portal; and

WHEREAS, twelve (12) proposals were received and based on the Sourcewell Proposal review committee and criteria outlined in the RFP, four (4) companies were awarded contracts; Public Restroom Company being one of them; and

WHEREAS, through this contract, Public Restroom Company has provided a quote for the restroom building for the for Sherwood Park for a total of $267,877; and

WHEREAS, the quotes include delivery and installation of a restroom building with two (2) Americans with Disability Act (ADA), unisex restrooms along with a park operations storage room; and

WHEREAS, the new restroom building will replace the existing bathroom at the park; and

WHEREAS, the restroom supplier will be doing minimal onsite work to drop the restroom in place and hook up the restroom building to utilities; and

WHEREAS, over the next couple of months, staff will prepare bid documents to obtain a separate contractor to complete the necessary site preparation, utilities to the restroom location and site improvements surrounding the new restroom and will return to Council with a contract for this work; and

WHEREAS, as the restroom design is not 100% finalized, materials and fixtures could potentially change and increase the cost of the restrooms; and

WHEREAS, for this reason and due to fluctuating material cost, staff recommends Council approve a 10% contingency budget in the amount of $26,788, for a total cost not to exceed $294,665; and

WHEREAS, City staff recommends award to Public Restroom Company as the most responsive and responsible proposer for the purchase of restroom buildings for the

three park sites, for an amount not to exceed $294,665; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 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 his or 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, in addition, 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 best interest of the City could be served and both requirements were met based on the Competitive Bidding Process selected by Sourcewell.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the competitive bidding process from Sourcewell with Public Restroom Company, of Minden, NV, for the purchase, delivery, and installation of a restroom building for Sherwood Park, for a total amount of $267,877, plus $26,788 of contingency, if needed, for a total amount not to exceed $294,665.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 2025, by Councilmember Alvarez, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-418

RESOLUTION APPROVING THE FISCAL YEAR 2023-2024 AUDITOR'S REPORT ON COMPLIANCE OF THE MEASURE L: LOCAL ROADS FIRST TRANSPORTATION FUNDING MEASURE

WHEREAS, in November of 2016 the voters of Stanislaus County approved the county wide, 25-year, half-cent sales tax increase for the Local Roads First Transportation Funding Measure, known as Measure L. As part of the safeguards built into the expenditure plan an annual independent audit and annual reporting must be completed, and

WHEREAS, on December 12, 2017, per resolution 2017-505, Council approved the Measure L master funding agreement with the Stanislaus Council of Governments (StanCOG) which requires an annual independent audit of all recipients of Measure L accounts which audit shall be conducted at recipient's sole cost and expense, and

WHEREAS, for the audit related to FY 2023-2024 the City received information from StanCOG that they would be continuing to conduct the annual audit and that it would be at the expense of StanCOG as part of the 1% allowable administrative expenses within the Measure L ordinance, and

WHEREAS, the accounting firm of LSL CPAs., was selected by StanCOG to conduct the Fiscal Year 2023-2024 audit report, and

WHEREAS, as part of the City's Fiscal Year 2023-2024 Measure L Program Audit, the accounting firm verified the revenues and expenditures, fund balances, and that the Maintenance of Effort requirement was met, and

WHEREAS, LSL CPAs, issued the final independent auditor's report of the Measure L program for the fiscal year ending on June 30, 2024. In addition, the firm

issued a letter to the Policy Board of Stanislaus Council of Governments with the final report. Both the final report and the letter to StanCOG did not have any findings for the year ending June 30, 2024.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2023-2024 Auditor's Report on Compliance of the Measure L: Local Roads First Transportation Funding Measure.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 2025, by Councilmember Alvarez, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-419

RESOLUTION APPROVING THE FIRST AMENDMENT WITH GROVER LANDSCAPE SERVICES, INC., MODESTO, CA FOR THE LANDSCAPE, MAINTENANCE, WEED ABATEMENT, TRASH REMOVAL, AND RODENT CONTROL SERVICES, INCREASING THE AGREEMENT AMOUNT BY $118,511, TO A NEW ESTIMATED ANNUAL AMOUNT OF $240,465, A NEW TOTAL AMOUNT NOT TO EXCEED $1,148,858 THROUGH THE TERM OF THE AGREEMENT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City of Modesto Wastewater Division is responsible for maintaining the sewer and storm lift stations, stormwater basins, and Regional Water Recycling Facilities: Sutter Campus and Jennings Campus; and

WHEREAS, these properties require landscaping services that include, but are not limited to, real property landscape maintenance, weed abatement, trash removal, and rodent control to maintain their proper functioning and eliminate safety risks; and

WHEREAS, on August 27, 2024, by Resolution 2024-305, Council approved an Agreement with Grover Landscape Services, Inc. for landscape maintenance, weed abatement, trash removal, and rodent control services for an annual estimated amount of $187,000 and a total amount not to exceed $1,030,347 over five (5) years; and

WHEREAS, City staff have identified the need to incorporate additional land areas into the Wastewater Division's current Agreement with Grover for landscape maintenance of newly installed planters from the Regional Water Recycling Facility - Sutter Campus Parking Lot and Security Upgrade project; and

WHEREAS, City staff have identified the need to incorporate additional land areas into the Wastewater Division's current Agreement with Grover for landscape maintenance due to Wastewater recently purchasing Well 204 site on the corner of Encina Ave. and Trask Ln. to house a new lift station; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services”; and

WHEREAS, this service is necessary for maintaining proper function of the City’s storm basins, lift stations, and managing stormwater runoff at the Modesto Regional Water Recycling Facility Sutter Campus and Jennings Campus as required by the City’s State regulated Stormwater Discharge Permit.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the first Amendment with Grover Landscape Services, Inc., Modesto, CA for the landscape maintenance, weed abatement, trash removal, and rodent control services, increasing the Agreement amount by $118,511, to a new estimated annual amount of $240,465, a new total amount not to exceed $1,148,858 through the term of the agreement.

BE IT FURTHER RESOLOVED that the City Manager, or his designee, is hereby authorized to execute the amendment, in 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 9th day of December, 2025, 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:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-420

RESOLUTION ACCEPTING THE 2025 PUBLIC HEALTH GOALS REPORT IN COMPLIANCE WITH TITLE 22 OF THE CALIFORNIA HEALTH AND SAFETY CODE

WHEREAS, Title 22, Section 116470(b) of the California Health and Safety code requires that all large water system provides issue a public notice on water quality standards with their service area; and

WHEREAS, any water system with more than 10,000 service connections is mandated to issue a report every three (3) years documenting any exceedance of a Public Health Goal (PHG) for potable water, the last report was published in 2022; and

WHEREAS, the last report was published in 2022 and is only for the City of Modesto; and

WHEREAS, the water provider is required to hold a public meeting on the PHG report where Council may accept and respond to public comment; and

WHEREAS, the State of California requires the PHG report to include, Numerical Public Health Risk, Category/Type of Health Risk, Best Available Treatment (BAT), and Estimated Treatment Cost (only operating and maintenance cost, no capital estimated cost included); and

WHEREAS, only constituents that meet or exceed a PHG, or Maximum Contaminants Level Goal (MCLG) if there is no PHG are addressed; and

WHEREAS, all water quality data presented in the report was collected between 2022 and 2024, and

WHEREAS, drinking water quality of the City of Modesto meets all State Water Resource Control Board and U.S. Environmental Protection Agency drinking water standards.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby accepts the 2025 Public Health Goals Report in compliance with Title 22 of the California Health and Safety Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 2025, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-421

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE DRYDEN CLUBHOUSE RENOVATION PROJECT, ACCEPTING THE BID AND AWARDING A CONSTRUCTION CONTRACT TO DIEDE CONSTRUCTION, INC. OF LODI, CA., IN THE AMOUNT OF $8,591,263, AUTHORIZING $687,301, IN CONTINGENCY (IF NEEDED), FOR A TOTAL PAYMENT AMOUNT NOT TO EXCEED $ 9,278,564, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, August 4, 2020, the Dryden Clubhouse was the victim of a structure fire which rendered the structure unusable and required substantial renovation and needed to be entirely rebuilt; and

WHEREAS, staff evaluated the design of the previous structure and determined that the needs for a golf course clubhouse today, differ from the design selected for the building in 1966; and

WHEREAS, on July 13, 2021, by Council Resolution 2021-285, Council approved a Design Agreement with LDA Partners, Inc. of Stockton, CA., for the preparation of the construction documentation for this project, for an amount not to exceed $324,500; and

WHEREAS, on June 11, 2024, via Resolution 2024-208, Council approved a first amendment to the design agreement with LDA Partners, Inc., which increased the total of the agreement not to exceed $621,500; and

WHEREAS, the project was advertised for bids on August 8, 2025; and

WHEREAS, bids were publicly opened on September 23, 2025, pursuant to City Charter Section 1307, and five bids were received; however, two bid was deemed non-responsive; and

WHEREAS, Diede Construction, Inc., of Lodi, CA., was determined to be the

responsible bidder with the lowest responsive bid; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, the award of contract for the construction of the Dryden Clubhouse Renovation Project, to Diede Construction, Inc., of Lodi, CA, conforms to the Modesto Municipal Code, 8-3.203; and

WHEREAS, staff recommends awarding a construction contract to Diede Construction, Inc., of Lodi, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Dryden Clubhouse Renovation Project, accepts the Bid and awards a construction contract to Diede Construction, Inc., of Lodi, CA, in the amount of $8,591,263, plus $687,301, in contingency (if needed), for a total amount not to exceed $9,278,564.

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 9th day of December, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-422

RESOLUTION APPROVING AN AGREEMENT WITH DILLON & MURPHY ENGINEERING, OF LODI, CA, FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE DRYDEN CLUBHOUSE RENOVATION PROJECT IN THE AMOUNT OF $772,876, PLUS $77,288 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED $850,164, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, due to the size and complexity of the Dryden Clubhouse Renovation Project, staff recommend utilizing a consultant to provide Construction Management and Inspection Services; and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, a Request for Qualifications and Proposals (RFQ/P) was initiated; and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) "Exceptions to Formal Bidding Requirements," Agreements for Professional Services are exempt from the bidding requirements of Modesto Municipal Code 8-3.203 if competitive quotations or proposals have been sought informally from at least three (3) qualified entities; however, staff proceeded with the RFP process pursuant to Administrative Directive 3.1; and

WHEREAS, on April 23, 2025, a Request for Proposals (RFP) was issued for the Dryden Clubhouse Renovation Project, and staff received proposals from one firm; and

WHEREAS, City staff evaluated the proposal, and Dillon & Murphy Engineering was selected as the most qualified firm for the Dryden Clubhouse Renovation Project.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with Dilon & Murphy Engineering., in the amount of $772,876, plus $77,288 in additional services (if needed), for a total amount not to exceed $850,164, for Construction Management and Inspection Services for the Dryden Clubhouse Renovation 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 9th day of December, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-423

RESOLUTION ISSUING AN INTERFUND LOAN IN AN AMOUNT NOT TO EXCEED $4,930,841 FROM THE WATER FUND 4100 TO THE GOLF FUND 4600 FOR THE CONSTRUCTION FOR PROJECT 101294 DRYDEN CLUBHOUSE RENOVATION TO INCLUDE AN INTEREST RATE ON THE LOAN EQUAL TO THE ACTUAL RATE OF RETURN EARNED BY THE CITY'S INVESTMENT PORTFOLIO DURING THE 12-MONTH PERIOD IMMEDIATELY PRECEDING THE PAYMENT DATE AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City plans to rebuild the Dryden Clubhouse as part of the Dryden Clubhouse Renovation Project; and

WHEREAS, part of the funding for the Dryden Clubhouse Renovation project will come from a Water Fund loan that will be established in the amount of $4,930,841 and be paid back from the Golf Fund to the Water Fund over 10 years; and

WHEREAS, the creation of the Water Fund loan with the Golf Fund is to be used for the construction of the Dryden Clubhouse Renovation project and will include an interest rate on the loan equal to the actual rate of return earned on the City's investment portfolio during the 12-month period immediately preceding the payment date; and

WHEREAS, the term of the loan will be for 10 years and will be paid back with revenues earned by the Golf Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the issuance of an interfund loan in an amount not to exceed $4,930,841 from the Water Fund 4100 to the Golf Fund 4600 for the construction for Project 101294 Dryden Clubhouse Renovation.

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 9th day of December, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-424

RESOLUTION AMENDING THE FISCAL YEAR 2025-26 CAPITAL IMPROVEMENT PROGRAM BUDGET TO FUND PROJECT #101294 (DRYDEN CLUBHOUSE RENOVATION) IN AN AMOUNT NOT TO EXCEED $7,723,929, IN TRANSFERS, REVENUE, AND TO BUDGET EXPENDITURES TO FUND THE PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City plans to rebuild the Dryden Clubhouse as part of the Dryden Clubhouse Renovation Project; and

WHEREAS, insurance proceeds from the Municipal Golf Course Fire of $116,104, must be allocated to fund a portion of the project; and

WHEREAS, Measure H funding of $2,676,984, savings from the Dr. Martin Luther King, Jr. Park Renovation Project, must be allocated to fund a portion of the project; and

WHEREAS, an interloan from the Water Fund 4100 to the Golf Fund 4600 for $4,930,841, must be allocated to fund a portion of the project; and

WHEREAS, the Fiscal Year 2025-2026 Capital Improvement Budget must be amended to fund Project 101294 (Dryden Clubhouse Renovation) in a total amount of $7,723,929, to establish transfers, recognize revenue, and increase expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendments of the Fiscal Year 2025-2026 Capital Improvement Program Budget to fund Project 101294 (Dryden Clubhouse Renovation) in a total amount of $7,723,929, in transfers, revenue and to budget expenditures to fund the project.

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 9th day of December, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2025-425

RESOLUTION INCREASING THE GREEN FEES IN ACCORDANCE WITH EXHIBIT A AND IMPLEMENTING DYNAMIC PRICING MODEL

WHEREAS, the City plans to rebuild the Dryden Clubhouse as part of the Dryden Clubhouse Renovation Project; and

WHEREAS, part of the funding for the Dryden Clubhouse Renovation project will come from a Water Fund loan that will be established in the amount of $4,930,841 and be paid back from the Golf Fund to the Water Fund over 10 years; and

WHEREAS, one of the proposed ways to pay back the loan is an increase to the Green Fees for Dryden and Creekside Golf Courses by approximately $5 per round per **Exhibit A** and the implementation of a dynamic pricing model; and

WHEREAS, the adopted green fee will be the maximum fee charged under the dynamic pricing model, but fees may be decreased for certain days and times; and

WHEREAS, the fee increase and the dynamic pricing model would begin on January 1, 2026.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the increasing the Green Fees in accordance with **Exhibit A**, and implementing dynamic pricing model.

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 9th day of December, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSÉ M. SANCHEZ, City Attorney

CITY OF MODESTO GOLF COURSES
GREEN FEE SCHEDULES

DRYDEN PARK MUNICIPAL GOLF COURSE	Current	Proposed
Weekdays, 9-holes	$22.50	$25.00
Weekdays, 9-holes (seniors/juniors/disabled)	$20.50	$23.00
Weekdays, 18-holes	$29.00	$34.00
Weekdays, 18-holes (seniors/juniors/disabled)	$26.00	$31.00
Weekday,s 18-holes (juniors, after noon)	$22.00	$27.00
Weekdays, Mid-day, 18-holes	$25.00	$30.00
Weekdays, Super-Twilight, 18-holes	$19.00	$24.00
Weekdays, Replay	$18.00	$23.00
Weekends/Holidays, 9-holes	$24.50	$27.00
Weekends/Holidays, 18-holes	$35.00	$40.00
Weekends/Holidays, 18-holes (juniors, after noon)	$24.00	$29.00
Weekends/Holidays, Mid-day, 18-holes	$28.00	$33.00
Weekends/Holidays, Super-Twilight, 18-holes	$22.00	$27.00
Weekends/Holidays, Replay	$21.00	$26.00
Youth on Course	$5.00	No Change

CREEKSIDE MUNICIPAL GOLF COURSE	Current	Proposed
Weekdays, 9-holes	$23.50	$26.00
Weekdays, 9-holes (seniors/juniors/disabled)	$21.50	$24.00
Weekdays, 18-holes	$32.00	$37.00
Weekdays, 18-holes (seniors/juniors/disabled)	$28.00	$33.00
Weekdays, 18-holes (juniors, after noon)	$23.00	$28.00
Weekdays, Mid-day, 18-holes	$26.00	$31.00
Weekdays, Super-Twilight, 18-holes	$20.00	$25.00
Weekdays, Replay	$19.00	$24.00
Weekends/Holidays, 9-holes	$26.50	$29.00
Weekends/Holidays, 18-holes	$39.00	$44.00
Weekends/Holidays, 18-holes (juniors, after noon)	$26.00	$31.00
Weekends/Holidays, Mid-day, 18-holes	$30.00	$35.00
Weekends/Holidays, Super-Twilight, 18-holes	$24.00	$29.00
Weekends/Holidays, Replay	$22.00	$27.00
Youth on Course	$5.00	No Change

Current Rates Approved by Modesto City Council Resolution No. 2023-513