

**MODESTO CITY COUNCIL
RESOLUTION NO. 2018-162**

**RESOLUTION APPROVING THE APPOINTMENT OF AMEET BIRRING AS
THE PLANNING COMMISSION REPRESENTATIVE TO THE CITIZENS
HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE (CH&CDC)
WITH A TERM EXPIRATION OF JANUARY 1, 2019**

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 March 19, 2018, the Planning Commission recommended Ameet Biring as its representative to the Citizens Housing and Community Development Committee,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that Ameet Biring is hereby appointed as the 2018 Planning Commission representative to the Citizens Housing and Community Development Committee, with a term expiration of January 1, 2019.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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


NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STÉPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2018-163**

**RESOLUTION APPOINTING NICHOLAS SOTTERO TO THE DISABLED
ACCESS APPEALS BOARD WITH A TERM EXPIRATION OF JANUARY 1,
2022**

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 Appointments Committee met on March 22, 2018, and recommended the appointment of Nicholas Sottero to the Disabled Access Appeals Board.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Nicholas Sottero is hereby appointed to the Disabled Access Appeals Board with a term expiration of January 1, 2022.

BE IT FURTHER RESOLVED, the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Disabled Access Appeals Board.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 2018, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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


NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2018-164**

**RESOLUTION APPOINTING JOHN BERGMAN TO THE BOARD OF
BUILDING APPEALS WITH A TERM EXPIRATION OF JANUARY 1, 2022**

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 Appointments Committee met on March 22, 2018, and recommended the appointment of John Bergman to the Board of Building Appeals.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby appoints John Bergman to the Board of Building Appeals with a term expiration of January 1, 2022.

BE IT FURTHER RESOVLED, that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Board of Building Appeals.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 2018, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

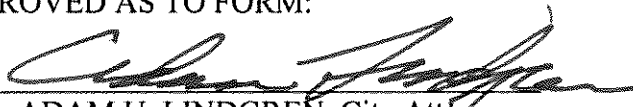
NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2018-165**

RESOLUTION AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO SEEK GRANT FUNDING FOR THE STATE ACTIVE TRANSPORTATION PROGRAM CYCLE 4 GRANT IN THE AMOUNT OF \$4,800,000 FOR THE ENCINA AVENUE AND LINCOLN AVENUE PEDESTRIAN/BICYCLE TRAIL CORRIDOR PROJECT AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO CONDUCT ALL NEGOTIATIONS, EXECUTE AND SUBMIT ALL DOCUMENTS

WHEREAS, the State Active Transportation Program was created by Senate Bill 99 (Chapter 359, Statutes of 2013) and Assembly Bill 101 (Chapter 354, Statutes of 2013) to encourage increased use of active modes of transportation, such as biking and walking, and

WHEREAS, Pursuant to the statutes, the goals of the Active Transportation Program are to:

- Increase the proportion of trips accomplished by biking and walking
- Increase the safety and mobility of non-motorized users
- Advance the active transportation efforts of regional agencies to achieve greenhouse gas reduction goals as established pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) and Senate Bill 391 (Chapter 585, Statutes of 2009)
- Enhance public health, including reduction of childhood obesity through the use of programs including, but not limited to, projects eligible for Safe Routes to School Program funding
- Ensure that disadvantaged communities fully share in the benefits of the program

WHEREAS, staff is seeking approval to submit a grant application for State Active Transportation Program Cycle 4 grant funding in the amount of \$4,800,000 by proposing a 2.6 mile pedestrian/bicycle path East-West along Encina Avenue from N. Conejo Avenue to Lincoln Avenue and North-South along Lincoln Avenue from Dry Creek Trail to Yosemite Boulevard, and

WHEREAS, all improvements are planned to be within existing public right-of-way with no anticipated land acquisition, and

WHEREAS, the ATP Cycle 4 grant program is competitive and requires an extensive application with considerable community engagement. This application will be prepared by a consultant that will be selected from a pre-qualified consultant list approved by Council on November 14, 2017 by Resolution No. 2017-439. The consultant/City Staff will utilize \$35,000 from the CFF-Air Quality fund to complete the application process, and

WHEREAS, as part of the application process, staff will conduct community outreach meetings which are intended for citizens, stakeholders and school representatives from within the project area to identify and discuss pedestrian and traffic calming project improvements. Schools include Capistrano Elementary, El Vista Elementary and La Loma Junior High, and

WHEREAS, on March 1, 2018 staff presented to the Citizens Transportation Sale Tax Commission the Encina Avenue and Lincoln Avenue Pedestrian/Bicycle Trail Corridor Project and received positive feedback regarding the project and the use of local Measure L funds as a source of match money, and

WHEREAS, on March 12, 2018, the Safety & Communities Committee heard this item and recommended this item be forwarded to Council for approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the filing of an application for the development of the Encina Avenue and Lincoln Avenue Pedestrian/Bike Trail Corridor Project; and

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is the authorized agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests, etc., with approval as to form by the City Attorney, which may be necessary for the completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2018-166**

**RESOLUTION APPROVING AMENDMENT NO. 7 TO THE KIERNAN
BUSINESS PARK SPECIFIC PLAN TO CHANGE THE LAND USE
DESIGNATION OF 2.8 ACRES FROM OFFICE (O) USES TO REGIONAL
COMMERCIAL (RC) USES, PROPERTY LOCATED ON PELANDALE
AVENUE EAST OF CHAPMAN ROAD**

WHEREAS, Government Code Section 65450 et. seq. permits cities and counties to adopt specific plans for the systematic implementation of the General Plan and to provide for a greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on April 1, 1997, the Council by Resolution No. 97-159 adopted the Kiernan Business Park Specific Plan, and

WHEREAS, Government Code Section 65453 permits the amendment of specific plans as often as deemed necessary by the legislative body, and

WHEREAS, on November 4, 1997, the Council by Resolution No. 97-631 adopted Amendment No. 1 to the Kiernan Business Park Specific Plan to add language to allow for changes in utility service providers, and

WHEREAS, on April 7, 1998, the Council by Resolution No. 98-170 adopted Amendment No. 2 to the Kiernan Business Park Specific Plan to add language to permit indoor theaters in the Regional Commercial Designation within a Planned Development Zone, and

WHEREAS, on August 10, 2004, the Council by Resolution No. 2004-424 adopted Amendment No. 3 to modify the land use and circulation diagrams and development standards for the Kaiser Medical Center site, to revise the planned street

system in the future business park, and to incorporate design standards into the Specific Plan, and

WHEREAS, on September 1, 2009, the Council by Resolution No. 2009-420 adopted Amendment No. 4 to re-designate 39 acres located on the east side of Dale Road between Kiernan Avenue and Bangs Avenue from Business Park to Mixed Use and Medium-High Density Residential, to modify the circulation plan, incorporate Mixed Use and Medium-High Density Residential design standards and guidelines, and establish facilities plans for the area bounded by Kiernan Avenue, Dale Road, Bangs Avenue, and American Avenue, and

WHEREAS, on December 15, 2015, the Council by Resolution No. 2015-499 adopted Amendment No. 5 to amend storm drain provisions and to clarify and simplify land use and development standard regulations, and

WHEREAS, on May 2, 2017 the Council by Resolution No. 2017-171 adopted Amendment No. 6 to further define allowable and conditional uses in the Business Park land use designation of the Specific Plan, particularly regarding ancillary uses, and

WHEREAS, Costa Partners Limited LP has filed an application to amend the Land Use Plan Diagram of the Kiernan Business Park Specific Plan to change the land use designation of 2.8 acres located on the north side of Pelandale Avenue east of Chapman Road from Office (O) to Regional Commercial (RC), and

WHEREAS, on March 19, 2018, at 6:00 p.m. the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered concerning the proposed specific plan amendment, and

WHEREAS, after said public hearing, the Modesto City Planning Commission by Resolution No. 2018-03, recommended to the City Council approval of the proposed Amendment No. 7 to the Kiernan Business Park Specific Plan to change the land use designation of 2.8 acres from Office (O) to Regional Commercial (RC), and

WHEREAS, said matter was set for a public hearing of the City Council to be held on May 1, 2018, 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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all recitals above are true and correct and incorporated as part of this Resolution.

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

1. The proposed amendment to the Kiernan Business Park Specific Plan is consistent with the General Plan, because the General Plan Land Use Designation of the 2.8-acre amendment area is Regional Commercial (RC), which allows for commercial uses as described in the Regional Commercial (RC) land use designation of the Kiernan Business Park Specific Plan Land Use Plan Diagram.
2. The proposed amendment will conform to the Kiernan Business Park Specific Plan policies and standards because the policies already exist in the Specific Plan for the Regional Commercial land use designation.
3. The proposed amendment is compatible with surrounding and existing planned uses because the proposed land use changes allow for the establishment of regional commercial uses between existing regional commercial uses and a new medical office use that is currently under construction, and maintains for Office uses fifteen acres of land designated for Office (O) uses within the Specific Plan.
4. The proposed amendment to will not have a visual impact because the existing design guidelines of the Kiernan Business Park Specific Plan will apply to any development proposed on this site.
5. The proposed amendment will not have a significant traffic impact because the change of 2.8 acres from Office uses to Regional Commercial

uses would not change the Kiernan Business Park Amendment No. 4 EIR's conclusions regarding the intensity and location of significant traffic impacts.

6. The proposed amendment will not impact infrastructure or financing plan because no changes are proposed affecting either plan.
7. There are no substantial changes proposed in the Specific Plan amendment that will require major revisions of the Kiernan Business Park Specific Plan Amendment No. 4 Program EIR (SCH No. 2007062071).
8. There are no substantial changes occurring with respect to circumstances under which the Specific Plan amendment is being undertaken which will require major revisions in the Kiernan Business Park Specific Plan Amendment No. 4 Program EIR.
9. No new information, which was not known and could not have been known at the time the Kiernan Business Park Specific Plan Amendment No. 4 Program EIR was certified as complete, has become available.
10. The Initial Study, Environmental Assessment No. EA/C&ED 2018-03, provides the substantial evidence to support findings 2-4, noted above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Kiernan Business Park Specific Plan is hereby amended to change the land use designation of 2.8 acres from Office (O) uses to Regional Commercial (RC) uses, property located on Pelandale Avenue east of Chapman Road, as shown on **Exhibit "A"** **attached** hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 2018, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal, Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

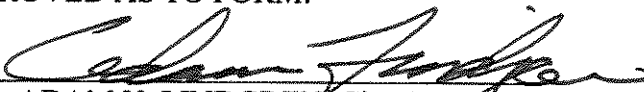
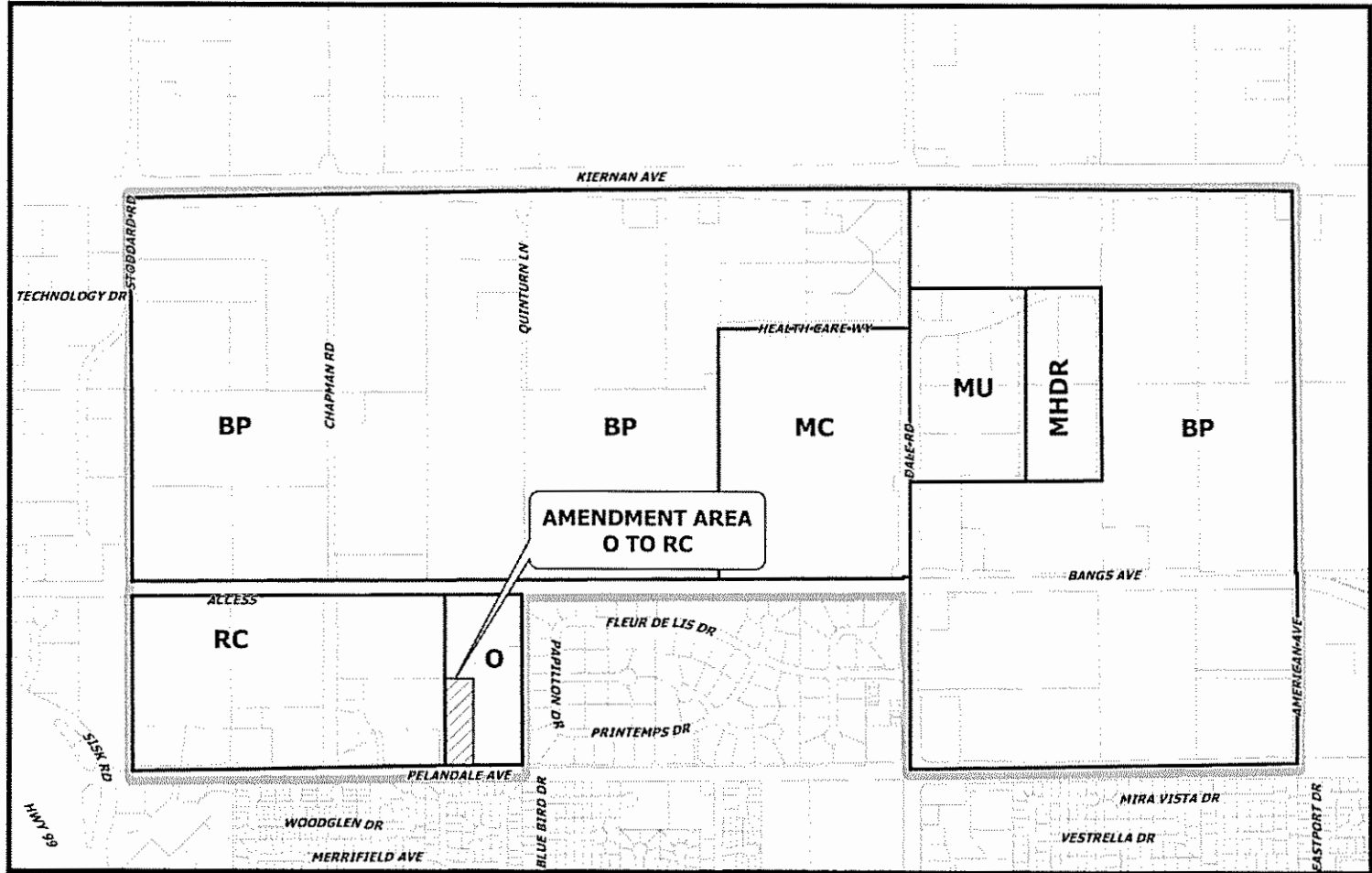
By: 
ADAM U. LINDGREN, City Attorney



Exhibit A

Kiernan Business Park Specific Plan Amendment No. 7



KIERNAN BUSINESS PARK SPECIFIC PLAN
LAND USE PLAN DIAGRAM

- Regional Commercial (RC)
- Office (O)
- Medical Campus (MC)
- Med-High Density Residential (MHDR)
- Mixed Uses (MU)
- Business Park (BP)

 Kiernan Business Park SP Boundary
 Parcels



SPA-18-001

**MODESTO CITY COUNCIL
RESOLUTION NO. 2018-167**

**RESOLUTION APPROVING THE CITY'S SPONSORSHIP OF THE 20TH
ANNUAL 2018 NORTH MODESTO KIWANIS GRAFFITI PARADE AND CAR
SHOW, INCLUDING THE WAIVER OF CITY PERMIT FEES, POLICE
DEPARTMENT OVERTIME AND VEHICLE COSTS, AND STREETS
DIVISION LABOR AND EQUIPMENT COSTS AT AN ESTIMATED COST OF
\$59,121**

WHEREAS, the North Modesto Kiwanis has sponsored this event for 19 years, with over 1,200 classic cars last year and 20,000 guests, and

WHEREAS, the parade and car show raised over \$130,000 to support local children's charities through scholarships, grants and multiple funding programs, and

WHEREAS, the annual event draws participants and spectators from miles around that benefit Modesto lodging, restaurants and entertainment venues, and

WHEREAS, staff is requesting Council approval to sponsor the 20th Annual 2018 North Modesto Kiwanis Graffiti Parade and Car Show, and

WHEREAS, the sponsorship will include the waiver of City permit fees, Police Department associated costs, and Streets Division associated costs, and

WHEREAS, Friday, June 8, 2018 the parade will start at 6:30 pm in Downtown Modesto and continue on to McHenry Avenue with a turn-around at McHenry and Briggsmore Avenues, and

WHEREAS, the car show on Saturday, June 9th and Sunday, June 10th will be located at the Modesto Municipal Golf Course, and

WHEREAS, the Police Department will provide public safety coverage and traffic control throughout this weekend event, and

WHEREAS, the Streets Division will set up road closures, signage and assist the

Modesto Police Department with traffic control, and

WHEREAS, the costs associated with the waiver of City permit fees, Police Department costs, and Streets Division costs for the 2018 parade and car show are estimated to be \$59,121 and will be absorbed in the departments' respective current fiscal year budget.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves sponsorship of the 20th Annual 2018 North Modesto Kiwanis Graffiti Parade and Car Show for a total estimated cost of \$59,121.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 2018, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

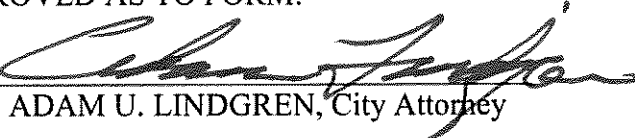
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney