MODESTO CITY COUNCIL
RESOLUTION NO. 92-394

A RESOLUTION AUTHORIZING THE FILING OF AN
AMENDMENT TO GRANT CA 90-X482 WITH THE
DEPARTMENT OF TRANSPORTATION UNITED STATES OF
AMERICA, UNDER THE URBAN MASS TRANSPORTATION
ACT OF 1964, AS AMENDED.

WHEREAS, the Secretary of Transportation is authorized
to make grants for a mass transportation program of projects, and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of the project costs in the program, and

WHEREAS, it is required by the U. S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964, as amended, that the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U. S. Department of Transportation requirements thereunder, and

WHEREAS, it is the goal of the applicant that disadvantaged business enterprises be utilized to the fullest extent possible in connection with these projects, and that definite procedures shall be established and administered to ensure that disadvantaged business shall have the maximum construction contracts, supplies, equipment contracts, or consultant and other services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto:
1. That the City Manager of the City of Modesto is authorized to execute and file an application on behalf of the City of Modesto with the U. S. Department of Transportation to aid in the financing of planning, capital and/or operating assistance projects pursuant to Section 9 of the Urban Mass Transportation Act of 1964, as amended, and listed in the Amended Section 9 Program of Projects attached hereto marked Exhibit A and incorporated herein by reference.

2. That the City Manager of the City of Modesto is authorized to execute and file with such application an assurance or any other document required by the U. S. Department of Transportation effectuating the purpose of Title VI of the Civil Rights Act of 1964.

3. That the Transit Manager is authorized to furnish such additional information as the U. S. Department of Transportation may require in connection with the application for the Program of Projects and budget.

4. That the City Manager of the City of Modesto is authorized to set forth and execute affirmative disadvantaged business policies in connection with the Program of Projects.

5. That the City Manager of the City of Modesto is authorized to execute grant agreements on behalf of the City of Modesto with the U. S. Department of Transportation for aid in the financing of the planning, capital and/or operating assistance Program of Projects and budget.
6. That the Personnel Director of the City of Modesto is authorized to execute the Drug Free Workplace Act certification on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
Urbanized Area: Modesto, California  
Designated Recipient: Stanislaus Area Association of Governments  
Grantee: City of Modesto  

Apportionment for FY 91/92: $1,916,345
Carryover funds: 100,203*
Transfer funds: 0-
Total Federal Funds Available $2,016,548

* Assumes deobligation of $183,140 in operating funds from CA-90-X265, $159,082 in operating funds and $60,000 in capital funds from CA-90-X351.

### Project Description

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<tr>
<th>Project Description</th>
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<td>I. CAPITAL PROJECTS</td>
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<td>2. Replace 24 fareboxes with electronic fareboxes</td>
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<td>3. Purchase computer and software</td>
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<td>4. Associated capital bus maintenance items**</td>
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<td>** Item to be added with this amendment.</td>
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### Operating Assistance

II. OPERATING ASSISTANCE for period of 7/1/91 to 6/30/92

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Exhibit "A"
RESOLUTION NO. 92-395 UNUSED
MODESTO CITY COUNCIL
RESOLUTION NO. 92-396

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(32), AS AN ADDITION AND AN AMENDMENT TO P-D(32). (JAMES OAK, APPLICANT FOR DOWNEY PARK PROFESSIONAL CENTER)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by James Oak on April 17, 1992, to rezone from Low Density Residential Zone, (R-1), to Planned Development Zone, P-D, as an addition and an amendment to P-D(32), to allow a 59-space parking lot, property located on the southwest corner of Coffee Road and Gloria Way, described as follows:

R-1 to P-D(32)

All that certain property situated in a portion of the northeast quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Commencing at the southwest corner of Lot 2 of Block 1112 as shown on Amended Map of El Vecino Gardens #2, filed in the Office of the Recorder of Stanislaus County, California, on May 26, 1952, in Volume 17 of Maps, at Page 35, Stanislaus County Records; thence north 0° 18' 10" west 149.69 feet to the center line of Gloria Way; thence south 89° 41' 50" east 215 feet to the center line of original 50.00 foot wide Coffee Road; thence along said center line south 0° 36' east 163.71 feet to the eastern prolongation of the south line of the 14.00 foot wide alley in aforementioned Block 1112; thence along said eastern prolongation and south alley line north 89° 41' 50" west 294.65 feet to the southern prolongation of the west property line of Lot 1 of said Block 1112; thence along southern prolongation, north 0° 40' 00" west 14.00 feet to the southwest corner of said Lot 1; thence along the north line of said 14.00 foot wide alley south 89° 41' 50" east 77.76 feet to the point of beginning.
WHEREAS, after a public hearing on June 15, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 92-24, that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated May 6, 1992 should be certified as adopted.

2. The proposed office zoning conforms to the General Plan in that it will enhance an existing medical facility and its location as a transition between the Coffee Road office strip and the residential area to the west.

3. The trend of approvals for office facilities on lower Coffee Road make this request consistent with recent approvals.

WHEREAS, after a public hearing held on July 14, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of James Oak for an addition and an amendment to Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 92-24 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2815-C.S. on the 14th day of July, 1992, reclassifying the above-described property from Low Density Residential Zone, R-1,
to Planned Development Zone, P-D(32), as an addition and an amendment to P-D(32).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(32), as an addition and an amendment to P-D(32), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Addition to P-D(32) proposed parking lot alternate - Plan "B" 59 spaces" as amended in red, stamped approved by the Planning Commission on June 15, 1992.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
   a. Six-foot-six-inch-high, double-alternating board wood fence with decorative masonry pilasters at 16 foot on centers along the east and south property lines of the adjacent parcel immediately to the west.
   b. Six-foot-high, decorative masonry wall along the north property line in conformance to all zoning setback and development standards.

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

5. Street dedication consistent with Standard Specifications shall be made prior to the issuance of a building permit or at any time requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.
6. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

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

8. All private streets and parking areas shall be constructed in accordance with the standard structural section for residential streets as contained in the City of Modesto Standard Specifications.

9. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.

10. Prior to the issuance of a building permit for the parking lot, abandonment and vacation of the adjacent alley right-of-way shall be completed.

11. Prior to the filing of the final parcel map creating office condominiums, the developer shall submit evidence in a form satisfactory to the City Attorney that there has been created an Office Association to guarantee common facility and private property maintenance in accordance with the approved plans.

12. All conditions of Modesto City Council Resolution No. 91-677 not in conflict with this action shall remain in full force and effect.

13. The applicant shall record a "Notice of Conditions" in the Stanislaus County Recorder's Office on a form available in the Planning and Community Development Department.

14. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any claim, action, or proceeding against the City of Modesto, its
agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto of a subdivision approval, which action is brought within the time period provided for in Code of Civil Procedure Section 1092.6 and Public Resource Code 21167 of the State of California. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless.

15. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Public Works and Transportation Director. Easements for irrigation lines to remain shall be dedicated.

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

17. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the south, substantially as shown in red on the plot plan prior to the issuance of a building permit.

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

19. All signs shall comply with the sign requirements of the P-O Zone.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(32), as an addition and an amendment to P-D(32):
The entire construction program be accomplished in one phase, construction to begin on or before June 15, 1993, and completion to be not later than June 15, 1994.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zone and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(32), as an addition and an amendment to P-D(32), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By Department of Planning and Community Development
MODESTO CITY COUNCIL
RESOLUTION NO. 92-397

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(32), AS AN ADDITION AND AN AMENDMENT TO P-D(32). (JAMES OAK, APPLICANT FOR DOWNEY PARK PROFESSIONAL CENTER)

WHEREAS, on __July 14____, 1992, the City Council introduced Ordinance No. __2015____-C.S. giving approval to a project relating to an amendment to Section Map 21-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(32), as an addition and an amendment to P-D(32), property located on the southwest corner of Coffee Road and Gloria Way, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 21-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(32), as an addition and an amendment to P-D(32), property located on the southwest corner of Coffee Road and Gloria Way, and

07/07/92--CA
Density Residential Zone, R-1, to Planned Development Zone, P-D(32), as an addition and an amendment to P-D(32), property located on the southwest corner of Coffee Road and Gloria Way.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: NARRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE LALOMA LIFT STATION REMODEL

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for the Laloma lift station remodel, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on August 11, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________

NORRINE COYLE, City Clerk
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE DRY CREEK EROSION REPAIR - BEARD BROOK PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for the Dry Creek erosion repair - Beard Brook Park, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on August 6, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMA COYLE, City Clerk

MAYOR LANG
A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE 1992 RESIDENTIAL STREET OVERLAY PROJECT

WHEREAS, Resolution No. 92-316, adopted by the Council of the City of Modesto on June 9, 1992, approved the plans and specifications for the 1992 residential street overlay project and authorized the calling for bids; and

WHEREAS, the bids received for the 1992 residential street overlay project were opened at 11:00 a.m. on July 2, 1992, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of George Reed, Inc. in the amount of $418,655.21 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of George Reed, Inc. in the amount of $418,655.21 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-401

A RESOLUTION ACCEPTING THE BID OF GROVER LANDSCAPING, INC. FOR CONSTRUCTION
OF AQUEDUCT PARK

WHEREAS, Resolution No. 92-317, adopted by the Council of the City of Modesto on June 9, 1992, approved the plans and specifications for construction of Aqueduct Park and authorized the calling for bids; and

WHEREAS, the bids received for the construction of Aqueduct Park were opened at 11:05 a.m. on July 2, 1992, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Grover Landscaping, Inc. in the amount of $278,363.60 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Grover Landscaping, Inc. in the amount of $278,363.60 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-402

A RESOLUTION ACCEPTING THE TRAFFIC SIGNALS AND STREET IMPROVEMENTS AT CLAUS ROAD AND SCENIC DRIVE AND AT SISK ROAD AND RUMBLE ROAD AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the traffic signals and street improvements at Claus Road and Scenic Drive and at Sisk Road and Rumble Road has been completed by Richard A. Heaps Electrical Contractor in accordance with the contract agreement dated August 6, 1991.

NOW, THEREFORE, BE IT RESOLVED that the traffic signals and street improvements at Claus Road and Scenic Drive and at Sisk Road and Rumble Road be accepted from said contractor, Richard A. Heaps Electrical Contractor; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $276,100.96 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-403

A RESOLUTION MODIFYING THE FORMAL BID
PROCEDURES FOR THE SUPERVISORY CONTROL AND
DATA ACQUISITION SYSTEM (SCADA) BY
AUTHORIZING A TWO-STEP PROCUREMENT PROCESS.

WHEREAS, the proposed City of Modesto SCADA System
consists of the procurement, installation, and integration of a
complex of radios, computers, transmitters, equalizers, CPU's,
color monitors, printers, and remote terminal units, and

WHEREAS, the SCADA System is a unique and highly
technical complex system in that all of the electronic components
must be integrated and functioning together, and

WHEREAS, the process of narrowing the bid list is
referred to as the "two-step procurement process", and

WHEREAS, a two-step procurement process is recommended
for vendor selection as part of the quality control function by
narrowing the bid list to those vendors who have in-depth
experience in SCADA development, installation, integration, after
market service and administration, and

WHEREAS, the two-step bid process was developed by
the Federal Government to help contain costs, improve quality,
and get the best qualified vendors to bid on complex
procurements, and it will eliminate bidders through a technical
evaluation without the benefit of comparing costs, and
WHEREAS, pre-qualification packages will be sent out to all vendors who request them through both advertising and buyer generated bid lists, and

WHEREAS, following the scheduled bid proposal opening, a committee will evaluate all submittals for technical and financial ability and develop a list of vendors who will receive a Request For Proposal, and

WHEREAS, the City will benefit from this two-step procurement process in that all vendors on the pre-qualified list can technically and financially perform the requirements of the Request For Proposal, and it provides a true representation of the cost,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that due to the need for a unique and highly technical complex system, the Council does hereby approve the two-step procurement process as set forth herein for the proposed SCADA System for the City of Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

(SIGNATURE)

APPROVED AS TO FORM:

By

STAN T. YAMAMOTO, City Attorney
RESOLUTION NO. 92-404

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM (SCADA)

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for the Supervisory Control and Data Acquisition System (SCADA), copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk will be authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, at a time and place to be determined later.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 1992, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-405

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DR. PHILIP TROMPETTER TO PROVIDE MENTAL HEALTH SERVICES FOR SWORN POLICE OFFICERS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Dr. Philip Trompetter to provide mental health services for sworn police officers be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-406


WHEREAS, the County of Stanislaus is eligible for State funds through the Comprehensive Alcohol Drug Prevention Education Program (CADPE) for drug abuse prevention education programs, and

WHEREAS, funds are available to California school districts only, not to municipal governmental agencies, and

WHEREAS, through a grant application the County has received said State funds, a portion of which funds are earmarked for the Sylvan Union School District, and

WHEREAS, a memorandum of understanding with local law enforcement is one of the requirements to participate in a State program through the Comprehensive Alcohol Drug Prevention Education Program (CADPE) for drug abuse prevention education, and

WHEREAS, the Council desires to enter into a memorandum of understanding to formalize the arrangement,

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 the Sylvan Union School District for the purpose of jointly sponsoring the Comprehensive Alcohol and Drug Prevention Educational program.
BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute said Memorandum of Understanding.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: ____________

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________

STAN T. YAMAMOTO, City Attorney
MODesto CITY COUNCIL
RESOLUTION NO. 92-407

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GIDDINGS,
CORBY, HYNES, INC. FOR RENEWAL OF BOILER AND MACHINERY INSURANCE

BE IT HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF MODESTO THAT THE
AGREEMENT BETWEEN THE CITY OF MODESTO AND GIDDINGS, CORBY, HYNES, INC. FOR
RENEWAL OF BOILeR AND MACHINERY INSURANCE FOR POLICY YEAR JULY 15, 1992, TO
JULY 15, 1993 BE, AND IT IS HEREBY APPROVED.

BE IT FURTHER RESOLVED THAT THE EXECUTION OF SAID AGREEMENT BY THE
DESIGNATED CITY OFFICIALS BE AUTHORIZED.

THE FOREGOING RESOLUTION WAS INTRODUCED AT A REGULAR MEETING OF THE
COUNCIL OF THE CITY OF MODESTO HELD ON THE 14th DAY OF JULY 1992, BY
COUNCILMEMBER MURATORE, WHO MOVED ITS ADOPTION, WHICH MOTION BEING DULY
SECONDED BY COUNCILMEMBER BIRD, WAS UPON ROLL CALL CARRIED AND THE
RESOLUTION ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: BIRD, COGDIll, DOBBS, FRIEDMAN, MURATORE,
MAYOR LANG

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: PATTERSON

ATTTEST: MORRIsE C0yle, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 92-408

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND KREINES & KREINES, INC. TO PREPARE AN ECONOMIC DEVELOPMENT STRATEGY FOR THE CITY OF MODESTO

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Kreines & Kreines, Inc. to prepare an economic development strategy for the City of Modesto be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 92-409

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $9,000 FROM CONTINGENCY RESERVE TO COVER A CONTRACT WITH CONSULTANT KREINES & KREINES, INC.

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Contingency Reserve  $9,000
      (010 800 8000 8003)

TO:   Professional Services  $9,000
      (010 080 0801 0235)

The $25,000 budget allocation is not sufficient to cover the contract; an additional $9,000 is needed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 92-410

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF ALLEYS IN CERTAIN BLOCKS IN THE CITY OF MODESTO (BLOCKS 37, 2130, 6736, AND 6828)

WHEREAS, Chapter 27 of Part 3 of Division 7 of Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Superintendent of Streets did, on May 21, 1992, order the construction of alleys in certain blocks in the City of Modesto, giving notice requiring the construction of such improvements; and

WHEREAS, the Superintendent of Streets did set the 21st day of July, 1992, at 7:30 o'clock p.m., in the Council Chambers, as the time and place for a hearing for the purpose of passing upon objections or protests, if any, which may be raised by the property owners or other interested persons relating to the proposed work; and

WHEREAS, the Superintendent of Streets has caused notices to be posted and mailed as required by the Streets and Highways Code; and

WHEREAS, at the time set for hearing the protests and objections to the proposed work, the said Council proceeded to hear the same.

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

SECTION 1. All protests and objections of any kind or nature whatsoever to the proposed work as set forth in the notices on file in the office of the City Clerk, are hereby overruled or denied.

SECTION 2. The Superintendent of Streets is hereby directed to proceed with the project as to the properties described in the notices in accordance with the provisions of Chapter 27, Part 3, of Division 7 of the Streets and Highways Code of the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of July, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Muratore, Mayor pro tem Patterson
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs, Friedman, Mayor Lang

ATTEST: NORMA COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-411

A RESOLUTION ADOPTING THE CITY OF MODESTO
AMERICANS WITH DISABILITIES ACT COMPLEMENTARY
PARATRANSPORT PLAN.

WHEREAS, pursuant to the requirements of the Federal
Transit Administration, staff prepared the City of Modesto
Americans With Disabilities Act Complementary Paratransit Plan, and

WHEREAS, a public hearing was held on July 21, 1992, to
accept public comments on the draft plan,

NOW, THEREFORE, BE IT RESOLVED that the City Council of
the City of Modesto does hereby adopt the plan entitled "The City
of Modesto Americans With Disabilities Act Complementary
Paratransit Plan", a copy of which is on file in the office of
the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of July, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

07/21/92--CA
MODESTO CITY COUNCIL
RESOLUTION NO. 92-412

A RESOLUTION ACCEPTING THE KANSAS AVENUE SEWERLINE FROM 8TH STREET TO 99 FREEWAY AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Kansas Avenue sewerline from 8th Street to 99 Freeway has been completed by Joe Martin Pipeline, Inc. in accordance with the contract agreement dated January 7, 1992.

NOW, THEREFORE, BE IT RESOLVED that the Kansas Avenue sewerline from 8th Street to 99 Freeway be accepted from said contractor, Joe Martin Pipeline, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $83,498.22 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of July, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-413

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,250 TO COMPLETE THE KANSAS AVENUE SEWERLINE FROM 8TH STREET TO 99 FREEWAY

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Annual Sewer Rehabilitation (621 480 C603 6000) $1,250

TO: Replace Kansas Sewerline (621 480 B069 6000) $1,250

Unanticipated construction time was spent pursuing a satisfactory traffic control plan from the contractor in order to minimize inconvenience to the public. This expenditure resulted in a shortfall to the approved budget, requiring a transfer of funds. Funds are available in the Annual Sewer Rehabilitation account.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of July, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, dMuratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-414

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF SOFTWARE AND HARDWARE FROM THE DAVID CORPORATION FOR THE RISK MANAGEMENT DIVISION

WHEREAS, the City has previously purchased software from the David Corporation for the administration of the Workers' Compensation self-insurance program, because the company is located in San Francisco and is readily available for system maintenance; and

WHEREAS, the acquisition of the liability insurance programs is an extension of the existing software and will retain the overall system architecture that Risk Management employees are familiar with and will be compatible with their current procedures.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of software and hardware for the Risk Management Division is hereby waived.

BE IT FURTHER RESOLVED that purchase of software and hardware from the David Corporation for an amount not to exceed $25,000 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of July, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-415

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $25,000 FROM
CONTINGENCY RESERVE TO PURCHASE SOFTWARE FOR RISK MANAGEMENT

BE IT RESOLVED by the Council of the City of Modesto that the
following appropriation transfer(s) are approved:

FROM: Contingency Reserve $25,000
(733 800 8000 8003)

TO: David Corp. Software $25,000
(733 030 6611 5000)

To provide for purchase of David Corporation software for
Risk Management administration of liability insurance.

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 21st day of
July, 1992, by Councilmember Muratore, who
moved its adoption, which motion being duly seconded by Councilmember
Friedman, was upon roll call carried and the resolution
adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman,
Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: MURRINE COYLE, CITY CLERK
A RESOLUTION APPROVING THE SUBORDINATION OF A LIEN ON PROPERTY OPERATED BY THE CHILDREN'S CRISIS CENTER AT 1244 FIORI AVENUE.

WHEREAS, in 1987 the Children's Crisis Center received a grant of $40,000 in Community Development Block Grant (CDBG) funds from the Department of Housing and Urban Development for the purpose of renovation/rehabilitation of the facility at 1244 Fiori Avenue, to be used for the Children's Crisis Center, and

WHEREAS, in order to ensure the continued use of the facility for the intended grant-eligible purpose, a lien in the amount of the $40,000 grant was placed on the property, and

WHEREAS, the Children's Crisis Center is currently seeking to establish an equity line of credit in the amount of $25,000 to provide flexibility to balance its cash flow, and

WHEREAS, there is a mortgage on the property of $30,000, and

WHEREAS, in order to establish the equity line of credit, the Children's Crisis Center is requesting that the CDBG Program subordinate its $40,000 lien, and

WHEREAS, the property has recently been appraised for $115,800 in conjunction with this loan, and

WHEREAS, the loan to equity ratio is good in that the first $30,000, the proposed line of credit of $25,000, and the lien of $40,000 total $95,000, and

07/20/92--CA
WHEREAS, the proposed line of credit will facilitate the continued operation of the Children's Crisis Center without jeopardizing any security interest,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves the subordination of the $40,000 lien against the Children's Crisis Center property located at 1244 Fiori Avenue to a $25,000 line of credit on said property.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of July, 1992, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Muratore

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

07/21/92--CA
MODESTO CITY COUNCIL
RESOLUTION NO. 92-417

A RESOLUTION AGREEING TO ACCEPT SEWAGE FROM AREA 4.

WHEREAS, the City of Modesto and the City of Ceres entered into the North Ceres Sewer Service Area Agreement (hereinafter referred to as the "Agreement") on December 18, 1979, and

WHEREAS, paragraph 5 of said agreement provided for the City of Modesto to accept sewage from certain designated areas within the City of Ceres, and

WHEREAS, paragraph 5 of said agreement provides that the City of Modesto will accept sewage from the area designated as Area 4 when so requested by the City of Ceres, subject to availability as determined by the City of Modesto's wastewater treatment facilities to handle sewage flows from said area, and

WHEREAS, the City of Ceres has, by its Resolution No. 90-211, requested the City of Modesto to accept sewage from Area 4, and

WHEREAS, the City of Modesto has determined that treatment capacity is available in Modesto's wastewater treatment facilities to handle sewage from Area 4,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby agree to accept sewage from Area 4 pursuant to said Agreement.

07/24/92--CA
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of July, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest:                      

                      NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By                       

STAN T. YAMAMOTO, City Attorney

07/24/92 -- CA
A RESOLUTION APPROVING APPROPRIATION TRANSFER of $150,000 to finance wastewater testing now required by the State

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:             TO:          
Digester #6 Design (137480 B017) $30,000 Professional Services (621480 5217 0235.50)
Digester #6 Design (621480 B071) $89,386
Parallel Outfall R/W Acquisition (621480 P989) $30,614

Wastewater Testing at the wastewater treatment plant and upstream at point and nonpoint sources. In accordance with U.S. Environmental Protection Agency CFR 403, City of Modesto is required to obtain lab data to derive concentrations in wastewater to develop local limits. California Regional Water Quality Control Board has mandated the City to commence sampling by May, 1992, and continue sampling June, 1992, and October, 1992 through May, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbd, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 92-419

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1992-93 TRANSFERRING TWO THOUSAND SEVEN HUNDRED NINETY FIVE DOLLARS ($2,795) FROM THE GENERAL FUND RESERVE TO THE AFFIRMATIVE ACTION COMMISSION BUDGET.

WHEREAS, the Affirmative Action Commission budget was reduced as part of the Phase I Budget adopted by the City Council on June 23, 1992, and

WHEREAS, the Commission has asked the Council to reconsider the reductions in light of the Council's recent decision to expand the Commission to include representatives of the disabled community,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Affirmative Action Commission Budget of the City of Modesto for the Fiscal Year 1992-93 be restored as follows:

General Fund (Fund 010)

Expenditures

010-800-8000-8003 Contingency Reserve ($2,795)
010-030-0310-0207 Conference Expense $1,845
010-030-0310-0208 Business Expense 750
010-030-0310-0301 Office Supplies 200

BE IT FURTHER RESOLVED that the Finance Director 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 21st.
day of July, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH
Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-420

A RESOLUTION IN SUPPORT OF PROPOSITION 155.

WHEREAS, the City of Modesto finds that rail transportation results in cleaner air, less energy use, more transportation opportunities for those who cannot drive, and less congestion on already overcrowded streets and highways, and

WHEREAS, in 1989, the State Legislature provided for three $1 billion rail transportation bond measures on the ballot as part of the $18.5 billion Transportation Blueprint for the Twenty First Century, and

WHEREAS, Proposition 108, the Passenger Rail and Clean Air Bond Act of 1990, which the voters approved in June, 1990 was the first of these three measures, and

WHEREAS, the second $1 billion bond measure will appear on the November 3, 1992, ballot, and

WHEREAS, Proposition 155, the Passenger Rail and Clean Air Bond Act of 1992, would provide $1 billion to improve and expand intercity, commuter and light rail transit throughout California, and

WHEREAS, the act would benefit the region by providing funds vitally needed to improve intercity service on Amtrak's "San Joaquin" line, and

WHEREAS, failure to approve the bond measure would cause "county minimum" transportation funding from the state to
Stanislaus County to be reduced by $14.3 million, placing much needed local transportation improvement projects at risk, and

WHEREAS, California's overall transportation funding would be dramatically reduced should the bond measure fail to be approved, jeopardizing hundreds of local projects and causing major reprogramming and delays in both highway and rail transportation programs, and

WHEREAS, tens of thousands of jobs will be created with passage of this bond act,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto hereby endorses Proposition 155, the Passenger Rail and Clean Air Bond Act of 1992, on the November 3, 1992, ballot.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of July, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk

(Seal)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney

07/20/92--CA
MODESTO CITY COUNCIL
RESOLUTION NO. 92-421

A RESOLUTION APPOINTING MEMBER OF THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE (VIRGINIA GLESER)

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

SECTION 1. The following person is hereby appointed to the Citizens Housing and Community Development Committee for the respective term as indicated:

Virginia Gleser
1420 Montclair Drive
Modesto, Ca. 95350

Term to expire: 6/30/93

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July , 1992 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: ____________________________
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THERMOPLASTIC APPLICATOR, TRAILER AND KETTLES

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for purchase of thermoplastic applicator, trailer and kettles, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on August 24, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-423

A RESOLUTION ACCEPTING THE BID OF WESTERN STONE PRODUCTS, INC. FOR THE COFFEE AND SYLVAN INTERSECTION RECONSTRUCTION

WHEREAS, Resolution No. 92-341, adopted by the Council of the city of Modesto on June 23, 1992, approved the plans and specifications for the Coffee and Sylvan intersection reconstruction and authorized the calling for bids; and

WHEREAS, the bids received for the Coffee and Sylvan intersection reconstruction were opened at 11:05 a.m. on July 16, 1992, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Western Stone Products, Inc. in the amount of $299,449.50 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Western Stone Products, Inc. in the amount of $299,449.50 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 92-424  

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93  
ANNUAL BUDGET TO ESTIMATE A DEVELOPER  
CONTRIBUTION TO AN EXISTING CIP PROJECT,  
SYLVAN/COFFEE INTERSECTION RECONSTRUCTION AND  
TRAFFIC SIGNAL MODIFICATION.  

WHEREAS, this project will reconstruct the  
Coffee/Sylvan Intersection including 300 feet of the West and  
North leg of the intersection. The project will also construct a  
median on the West, North and East legs of the intersection and  
modify the existing traffic signal by adding double left turn  
lanes and emergency vehicle detectors, and  

WHEREAS, there was a total developer contribution made  
for this project in the amount of $90,388 by Star Enterprises.  
In Resolution No. 92-342, $70,000 of this contribution was  
estimated and appropriated to this project, and  

WHEREAS, it is now necessary to estimate and  
appropriate the remainder of this contribution to the project  
which is $20,388,  

NOW, THEREFORE, BE IT RESOLVED by the Council of the  
City of Modesto that the following adjustment is necessary:  

GAS TAX FUND (070)  

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Rev-Obj</th>
<th>Increase/Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures</td>
<td></td>
</tr>
<tr>
<td>070-430-B901-6040</td>
<td>Sylvan/Coffee Intersection $20,388</td>
</tr>
<tr>
<td>Revenues</td>
<td></td>
</tr>
<tr>
<td>070-510-9510-4057</td>
<td>Developer Share of Project $20,388</td>
</tr>
</tbody>
</table>
BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION FOR THE KANSAS AVENUE REPAIRS AND CHIP SEAL

WHEREAS, Resolution No. 92-340, adopted by the Council of the City of Modesto on June 23, 1992, approved the plans and specifications for the Kansas Avenue repairs and chip seal and authorized the calling for bids; and

WHEREAS, the bids received for the Kansas Avenue repairs and chip seal were opened at 11:10 a.m. on July 16, 1992, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Teichert Construction in the amount of $46,109.32 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Teichert Construction in the amount of $46,109.32 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:       Councilmembers:    Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:       Councilmembers:    None
ABSENT:     Councilmembers:    None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-426

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO PROVIDE ADDITIONAL FUNDING FOR AN APPROVED PROJECT.

WHEREAS, the County collected developer fees for repair of Kansas Avenue in the amount of $43,398, the right of way (and maintenance thereof) belongs to the City, therefore the County forwarded the fees to the City. A resolution was adopted on June 23, 1992, appropriating the revenue and the CIP project - Kansas Avenue Repair/Chip Seal, and

WHEREAS, the bids for this project came in 19.52% above the engineer's estimate. It is necessary to provide additional funding in order to complete the project, and

WHEREAS, there are funds available in the Street Cape Seals project 070-430-B009-6000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustment is necessary:

GAS TAX FUND (070)

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Rev-Obj</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures</td>
<td></td>
</tr>
<tr>
<td>070-430-B009-6040</td>
<td>Cape Seal Project</td>
</tr>
<tr>
<td>070-700-7000-7130</td>
<td>Transfer out to Fund 130</td>
</tr>
<tr>
<td>130-430-B956-6040</td>
<td>Kansas Avenue Repair/Chip Seal</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Revenues</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>130-700-7000-9070</td>
<td>Transfer in from Fund 070</td>
</tr>
</tbody>
</table>
BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

(SEAL)

07/31/92--CA
A RESOLUTION ACCEPTING THE 8" SANITARY SEWER REHABILITATION - BLOCK 727 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the 8" sanitary sewer rehabilitation - Block 727 has been completed by Gelco Services, Inc. in accordance with the contract agreement dated April 21, 1992.

NOW, THEREFORE, BE IT RESOLVED that the 8" sanitary sewer rehabilitation - Block 727 be accepted from said contractor, Gelco Services, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $50,200.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRIN COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-428

A RESOLUTION DECLARING SURPLUS AND OBSOLETE A
SMITH & WESSON .38 CALIBER REVOLVER AND 85
POLICEMAN BADGES.

WHEREAS, Section 801 of the City Charter authorizes the
City Manager to sell obsolete, unused or surplus personal property
of the City with the approval of the City Council, and

WHEREAS, Corporal Richard Simas of the Police
Department will be retiring on September 30, 1992, and has
requested that he be allowed to purchase his .38 caliber Smith &
Wesson revolver which was assigned to him in March, 1961, and

WHEREAS, the current market value of the revolver is
$125.00, and Corporal Simas is willing to purchase the revolver
for said amount, and

WHEREAS, 85 replacement badges have been ordered for
the Police Department with the new wording "Police Officer"
rather than the old wording "Policeman", and

WHEREAS, some of the officers have expressed an
interest in purchasing the old badges, and

WHEREAS, the estimated fair market value for the old
badges is $21.00 each, and

WHEREAS, any badges which are not purchased by the
officers presently wearing them will be destroyed, and

WHEREAS, the Purchasing Office has reviewed the
proposed sale price for items proposed for sale and concurs that
the price offered is fair and reasonable and of market value, and
WHEREAS, the estimated revenue to be received from the sale of the Police badges and revolver is $1,910,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the .38 caliber Smith & Wesson revolver and the 85 "Policeman" badges referred to above are hereby declared surplus and obsolete personal property for the purpose of the sale of said property to authorized city employees.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the __28th___ day of ___July___, 1992, by Councilmember ______Friedman_____, who moved its adoption, which motion being duly seconded by Councilmember ______Bird_______, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _______________________________________________________
STAN T. YAMAMOTO, City Attorney

07/27/92--CA
MODESTO CITY COUNCIL
RESOLUTION NO. 92-429

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING CERTAIN CITY PERSONNEL TO PURCHASE A REVOLVER AND POLICE BADGES DECLARED SURPLUS PROPERTY

WHEREAS, a revolver and eighty-five police badges have been declared surplus, and Section 801 of the City Charter authorizes the City Manager to sell obsolete, unused or surplus personal property of the City with approval of the City Council; and

WHEREAS, a police officer who will be retiring, wishes to purchase his weapon which has been assigned to him since March, 1961; and several officers wish to purchase outdated badges which otherwise will be destroyed.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of a surplus revolver and police badges is hereby waived.

BE IT FURTHER RESOLVED that purchase of a revolver and police badges by certain City employees at fair market value is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-430

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO DECLARING INTENTION TO REIMBURSE
EXPENDITURES FROM THE PROCEEDS OF OBLIGATIONS
TO BE ISSUED BY THE CITY AND DIRECTING
CERTAIN ACTIONS.

WHEREAS, the City proposes to undertake the project
referenced below, to issue debt for such project and to use a
portion of the proceeds of such debt to reimburse expenditures
made for the project prior to the issuance of the debt, and

WHEREAS, United States Income Tax Regulations section
1.103-18 provides generally that proceeds of tax-exempt debt are
not deemed to be expended when such proceeds are used for
reimbursement of expenditures made prior to the date of issuance
of such debt unless certain procedures are followed, among which
is a requirement that (with certain exceptions), prior to the
payment of any such expenditure, the issuer must declare an
intention to reimburse such expenditure, and

WHEREAS, it is in the public interest and for the
public benefit that the City declare its official intent to
reimburse the expenditures referenced herein,

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

1. The City intends to issue obligations (the "Obligations") for the purpose of paying the costs of
improvements to its municipal water system (the "Project").

07/27/92--CA
2. The City hereby declares that it reasonably expects to use a portion of the proceeds of the Obligations for reimbursement of expenditures for the Project that are paid before the date of issuance of the Obligations.

3. The maximum amount of proceeds of the Obligations to be used for reimbursement of expenditures for the Project that are paid before the date of issuance of the Obligations is $2,000,000.

4. The foregoing declaration is consistent with the budgetary and financial circumstances of the City in that there are no funds (other than proceeds of the Obligations) that are reasonably expected to be (i) reserved, (ii) allocated or (iii) otherwise set aside, by or on behalf of the City or any entity controlled by the City, for the expenditures for the Project that are expected to be reimbursed from the proceeds of the Obligations.

5. Within not more than thirty (30) days following the date of adoption of this Resolution, the City Clerk is directed to make this Resolution available to the public at the customary location of public records of the City. The City Clerk is hereby further directed to assure such public availability until the date of issuance of the Obligations.

6. This resolution is a declaration of official intent under Income Tax Regulations section 1.103-18.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 
28th day of July, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution was duly adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-431

A RESOLUTION AMENDING THE 1992-93 ANNUAL BUDGET OF THE CITY OF MODESTO TO TRANSFER FIFTEEN THOUSAND FOUR HUNDRED FIFTY FOUR ($15,454) DOLLARS FROM THE POLICE ASSET FORFEITURE TRUST ACCOUNT.

WHEREAS, the sum of Fifteen Thousand Five Hundred Fifty Four ($15,454) Dollars is available in the Police Asset Forfeiture Trust Account, and

WHEREAS, the Council desires to transfer said sum to the General Fund - Police Department and appropriate it for the acquisition of 12 cellular phones and 1 forensic light source,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1992-93 Annual Budget be amended as follows:

General Fund (Fund 010)

<table>
<thead>
<tr>
<th>Revenue</th>
<th>010-190-1901-7202</th>
<th>Asset Seizures</th>
<th>$15,454.</th>
</tr>
</thead>
</table>

Expenditure

<table>
<thead>
<tr>
<th>010-190-1901-5071</th>
<th>12 cellular phones</th>
<th>$ 4,183.</th>
</tr>
</thead>
<tbody>
<tr>
<td>010-190-1901-5073</td>
<td>1 Forensic light source</td>
<td>$ 4,071.</td>
</tr>
<tr>
<td>010-190-1901-0210</td>
<td>Air time charges 1 yr</td>
<td>$ 7,200.</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director 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 July, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-432

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND NANCY M. YOUNG FOR CONTINUED PROFESSIONAL SERVICES AS DOWNTOWN IMPROVEMENT DISTRICT EXECUTIVE DIRECTOR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Nancy Young for continued professional services as Downtown Improvement District Executive Director be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:   Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:   Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODesto CITY COUNCIL
RESOLUTION NO. 92-433

A RESOLUTION ADOPTING AN INJURY AND ILLNESS PREVENTION PROGRAM IN COMPLIANCE
WITH THE PROVISIONS OF THE CALIFORNIA CODE OF REGULATIONS AND THE CALIFORNIA
LABOR CODE, AND RESCINDING RESOLUTION NO. 91-413

WHEREAS, Senate Bill 198, the California Coee of Regulations, Title 8,
Section 1509(2) of the Construction Orders, Section 3203 of the General Safety
Orders and Labor Code Section 6401-7 requires the City to adopt an injury and
illness prevention program; and

WHEREAS, the City Council did, on June 18, 1991, by Resolution No. 91-413,
adopt an Injury and Illness Prevention Program, and designated William L.
Livingston, Risk Manager, as the designated person responsible for developing
and maintaining the program.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of
Modesto does hereby adopt the injury and illness prevention program entitled,
"Injury and Illness Prevention Program - Policy Statement", designating
Donald N. Norris, Risk Manager, and Benet E. Bankard, Assistant Risk Manager,
as Safety Officers.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it
does hereby rescind Resolution No. 91-413.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 28th day of July, 1992, by Council-
member Friedman, who moved its adoption, which motion being duly seconded
by Councilmember Bird, was upon roll call carried and the resolution
adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore,
Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NARRINE COYLE City Clerk
CITY OF MODESTO

INJURY AND ILLNESS PREVENTION PROGRAM

POLICY STATEMENT

Purpose

To define the City's Injury and Illness Prevention Program for compliance with the provisions of the California Code of Regulations and the California Labor Code.

Policy

It is the Policy of the City Council of the City of Modesto to establish guidelines and procedures for the maintenance of an ongoing Injury and Illness Prevention Program, in compliance with the California Code of Regulations. This is accomplished through safety and health inspections, accident investigations, employee training, departmental safety committees and other safety oriented activities. Response to safety concerns will be given the highest priority at every level of the City.

Authorities

The California Code of Regulations, Title 8, Section 1509(2) of the Construction Orders, Section 3203, of the General Industry Safety Orders, and Labor Code Section 6401.7 (SB 198).

Appointment of Safety Officer

The City Council hereby designates Donald N. Norris, Risk Manager, and Benet E. Bankard, Assistant Risk Manager, to develop and maintain an effective Injury and Illness Prevention Program for the City of Modesto.
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ATTORNEY CARL WAGGONER AS OUTSIDE LEGAL COUNSEL FOR MISCELLANEOUS MATTERS RELATING TO THE HOUSING PROGRAM OFFICE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Attorney Carl Waggoner as outside legal counsel for miscellaneous matters relating the Housing Program Office be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
A RESOLUTION ACCEPTING THE RECONSTRUCTION OF WEST SIDE PARK BASKETBALL COURT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the reconstruction of the West Side Park basketball court has been completed by Cunningham & Sons in accordance with the contract agreement dated May 12, 1992.

NOW, THEREFORE, BE IT RESOLVED that the reconstruction of West Side Park basketball court be accepted from said contractor, Cunningham & Sons;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $20,277 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of August, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-436

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND THE ARKHON CORP. FOR PROFESSIONAL SERVICES ON THE UNITS 2 & 3 WASTEWATER TREATMENT PLANT EXPANSION PROJECT FOR THIRD PARTY CLAIMS ANALYSIS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the arkhon corp. for professional services on the units 2 & 3 Wastewater Treatment Plant expansion project for third party claims analysis be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of August, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $18,000 FROM CONTINGENCY RESERVE TO FINANCE COSTS ASSOCIATED WITH UNIT 2 & 3 WASTEWATER TREATMENT PLANT EXPANSION PROJECT - THIRD PARTY CLAIMS ANALYSIS

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:   Sewer Fund Contingency Reserve $18,000
         (621 800 8000 8003)  
TO:     Unit 2 & 3 Construction $18,000
         (625 480 6761 6010)

The third party consultant analyzing the claim on this project is being required to do additional work beyond that which the original agreement calls for. This transfer will finance an amendment to the original agreement plus pay for staff costs associated with working on the claim.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of
August __________, 1992, by Councilmember Muratore____, who moved its adoption, which motion being duly seconded by Councilmember Friedman____, was upon roll call carried and the resolution adopted by the following vote:

AYES:  Councilmembers:       Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES:  Councilmembers:       None

ABSENT: Councilmembers:      None

ATTEST: ________________________
         NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-438

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR 1993 ROCKWELL STORM DRAIN REPLACEMENT PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for the 1993 rockwell storm drain replacement project, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on August 27, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, by Councilmember Cogdill , who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Muratore, Patterson, Mayor Pro tem Dobbs
NOES: Councilmembers: None
ABSENT: Councilmembers: Friedman, Mayor Lang

ATTEST: , Acting City Clerk
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE MODIFICATION OF SIGNALS AT MAZE BOULEVARD AND EMERALD AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for the modification of signals at Maze Boulevard and Emerald Avenue, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 1, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: }

JUDY G. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-440
A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO APPROPRIATE A CIP PROJECT

WHEREAS, based on Planning Commission Resolution 81-86, the City is committed to modifying the signals at Maze Boulevard and Emerald Avenue as development occurs on the Northwest corner of the intersection, and

WHEREAS, the modification includes new signal standards to accommodate the widened intersection and new vehicle detector loops, and

WHEREAS, funds for this project were not included in the 92/93 CIP because the timing of the project was developer dependent, and

WHEREAS, funds will be appropriated from the Gas Tax Contingency Reserve,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustment is necessary:

GAS TAX FUND (070)

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Rev-Obj</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures</td>
<td></td>
</tr>
<tr>
<td>070-430-C325-6010 Maze/Emerald Traffic Signal Modification</td>
<td>$ 0</td>
</tr>
<tr>
<td>070-430-C325-6040 &quot;</td>
<td>$ 35,000</td>
</tr>
<tr>
<td>070-430-C325-6050 &quot;</td>
<td>$ 1,750</td>
</tr>
<tr>
<td>070-430-C325-6060 &quot;</td>
<td>$ 5,250</td>
</tr>
<tr>
<td>070-800-8000-8003 Gas Tax Contingency Reserve</td>
<td>$(42,000)</td>
</tr>
</tbody>
</table>
BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

NORMINE COYLE City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH
Acting City Attorney

08/17/92--CA
MODESTO CITY COUNCIL
RESOLUTION NO. 92-441

A RESOLUTION ACCEPTING THE BID OF RAGSDALE & SON, INC. FOR THE PELTON AVENUE CONSTRUCTION PROJECT

WHEREAS, Resolution No. 92-369, adopted by the Council of the City of Modesto on July 7, 1992, approved the plans and specifications for the Pelton Avenue construction project and authorized the calling for bids; and

WHEREAS, the bids received for the Pelton Avenue construction project were opened at 11:00 a.m. on July 30, 1992, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Ragsdale & Son, Inc. in the amount of $26,111.75 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ragsdale & Son, Inc. in the amount of $26,111.75 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

MDY HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-442

A RESOLUTION ACCEPTING THE BID OF WESTERN STONE PRODUCTS FOR THE SECONDARY WASTEWATER TREATMENT PLANT ROADS REHABILITATION PROJECT

WHEREAS, Resolution No. 92-372, adopted by the Council of the City of Modesto on JULY 7, 1992, approved the plans and specifications for the secondary wastewater treatment plant roads rehabilitation project and authorized the calling for bids; and

WHEREAS, the bids received for the secondary wastewater treatment plant roads rehabilitation project were opened at 11:15 a.m. on July 30, 1992, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Western Stone Products in the amount of $113,315.58 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Western Stone Products in the amount of $113,315.58 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

[Signature]

JOHN C. HALL, Acting City Clerk
A RESOLUTION ACCEPTING THE BID OF RAGSDALE & SON, INC. FOR THE ALLEY PAVING PROJECT NO. 17

WHEREAS, Resolution No. 92-370, adopted by the Council of the City of Modesto on July 7, 1992, approved the plans and specifications for the alley paving project No. 17 and authorized the calling for bids; and

WHEREAS, the bids received for the alley paving project No. 17 were opened at 11:05 a.m. on August 30, 1992, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Ragsdale & Son, Inc. in the amount of $66,737.75 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ragsdale & Son, Inc. in the amount of $66,737.75 be accepted and the execution of a contract for the completion of the project by the City’s designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Muratore, Patterson, Mayor Pro tem Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman, Mayor Lang

ATTEST: [Signature]

HCRY T. HALL, Acting City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 92-443 A

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO INCREASE A CURRENT PROJECT BY TRANSFERRING FUNDS FROM FUND 621 FOR SEWER MANHOLE WORK.

WHEREAS, a CIP project, Residential Alley Paving Project #17 is currently underway, and

WHEREAS, it has been determined by City Staff that minor sewer manhole work needs to be done in conjunction with the alley paving project, and

WHEREAS, funds for the manhole work will be provided by the Sewer Fund,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustment is necessary:

SEWER FUND (621)

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Rev-Obj</th>
<th>Increase/Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures</td>
<td></td>
</tr>
<tr>
<td>621-800-8000-8003 Sewer Fund Contingency Reserve</td>
<td>$(7,119)</td>
</tr>
<tr>
<td>621-700-7000-7130 Transfer out to Fund 130</td>
<td>$7,119</td>
</tr>
</tbody>
</table>

SPECIAL FUND FOR CAPITAL OUTLAYS

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Rev-Obj</th>
<th>Increase/Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures</td>
<td></td>
</tr>
<tr>
<td>130-430-B517-6040 Residential Alley Project #17</td>
<td>$7,119</td>
</tr>
<tr>
<td>Revenue</td>
<td></td>
</tr>
<tr>
<td>130-700-7000-9621 Transfer in from Fund 621</td>
<td>$7,119</td>
</tr>
</tbody>
</table>
BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Muratore, Patterson, and Mayor Pro Tem Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman, Mayor Lang

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH
Acting City Attorney

08/17/92--CA
MODESTO CITY COUNCIL
RESOLUTION NO. 92-444

A RESOLUTION OFFERING DISCOUNT GARBAGE RATES TO ELIGIBLE SENIOR AND DISABLED CITIZENS.

WHEREAS, on December 17, 1991, the Council adopted Resolution No. 91-768 which established rates and charges for the collection of garbage in the City of Modesto, and

WHEREAS, at a public hearing held on December 17, 1991, discussing garbage rates, the Council asked staff to bring back a report on variable garbage rates and the possibility of discount garbage rates for senior, disabled, and low income citizens, and

WHEREAS, the Council Utility Services and Franchise Committee has met with City staff and they have recommended to the Council that a utilities discount for garbage service should be offered to eligible senior and disabled citizens similar to the discounts presently allowed on water and storm drain utilities, which discounts are based on total household income and range from 10% to 25%, and

WHEREAS, eligible senior and disabled citizens would be required to furnish the necessary documentation on total household income to the Senior Opportunity Services Program (SOSP) to determine the amount of the discount,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that garbage service discounts for eligible senior and disabled citizens are hereby approved ranging from 10% to 25% and shall apply as follows:
ANNUAL INCOME LEVELS          DISCOUNT

$ 7,560 OR LESS           25%
$ 7,561 To $10,394         15%
$10,395 To $13,230         10%

Criteria to receive the discount is as follows:
1. Must be 60 years old.
2. Must live alone or with spouse.
3. Living with children will not qualify the household for a discount.
4. Must be able to prove the qualifying income level.
5. If living with a spouse, the combined income level will determine the level of discount.
6. If a disabled person, not necessarily a senior citizen, all qualifications of the senior citizen discount will apply except age.
7. All applicants must complete an application.

BE IT FURTHER RESOLVED that this resolution shall become effective September 1, 1992.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:    Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES:    Councilmembers: None

ABSENT:  Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By

STAN T. YAMAMOTO, City Attorney

ATTEST:

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-445

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY ECONOMIC DEVELOPMENT CORPORATION (SCEDCO) TO JOINTLY DEVELOP AN ECONOMIC DEVELOPMENT PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County Economic Development Corporation (SCEDCO) to jointly develop an Economic Development Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992 by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Judy F. Hall, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-446

A RESOLUTION APPOINTING ASSISTANT CITY
ATTORNEY MICHAEL D. MILICH ACTING CITY
ATTORNEY EFFECTIVE SEPTEMBER 8, 1992, AND
AUTHORIZING FIFTEEN (15%) PERCENT ADDITIONAL
COMPENSATION.

BE IT HEREBY RESOLVED by the Council of the City of
Modesto that Michael D. Milich, Assistant City Attorney, is
hereby appointed Acting City Attorney effective September 8,

BE IT FURTHER RESOLVED that during the period of said
appointment, Michael D. Milich shall receive as compensation as
Acting City Attorney an additional fifteen (15%) percent over his
normal base pay.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By

STAN T. YAMAMOTO, City Attorney

07/29/92--CA
RESOLUTION NO. 92-447


WHEREAS, Chapter 7 of Part 5 of Division 31 of the Health and Safety Code of the State of California (the "Act") authorizes local agencies to incur indebtedness for the purpose of financing the construction and development of multifamily rental housing projects;

WHEREAS, the City of Modesto issued its Multifamily Housing Revenue Bonds (First Nationwide Bank Program) 1987 Series A in original aggregate principal amount of $9,040,000 (the "Bonds") to finance the construction and development of multifamily rental housing in the City as authorized by the Act;

WHEREAS, L. O. Associates, a California Limited Partnership (the "Borrower") has requested that the City reissue and remarket the Bonds as provided for in the Indenture, dated as of August 1, 1987 by and between the City and State Street Bank and Trust Company of California, N.A., as Trustee (the "Indenture");

WHEREAS, the City hereby finds and declares that this resolution is being adopted pursuant to the powers granted by the Act; and

WHEREAS, all conditions, things and acts required to exist, to have happened and to have been performed precedent to and in the reissuance and remarketing of the Bonds as contemplated by this resolution and the documents referred to herein exist, have happened and have been performed in due time, form and manner as required by the laws of the State of California, including the Act.

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

Section 1. The City hereby finds and declares that the above recitals are true and correct.

Section 2. Pursuant to the Act and the Indenture the Bonds are hereby authorized to be reissued and remarkeated. The reissued Bonds shall be executed by the manual or facsimile signature of the Mayor, the seal or facsimile of the seal of the City shall be reproduced thereon and attested by the manual or facsimile signature of the City Clerk, in the form set forth in and otherwise in accordance with the Indenture.

Section 3. The preliminary remarketing statement relating to the Bonds (the "Preliminary Remarketing Statement") in the form presented to this meeting, is hereby approved. The Mayor, Mayor Pro Tem, City Manager and Finance Director (the "Designated Officers") are, and each of them acting alone is, hereby authorized and directed, for and in the name and on behalf of the City, to bring to final form the
Preliminary Remarketing Statement (the “Remarketing Statement”) upon remarketing of the Bonds and to execute the Remarketing Statement in said form, with such additions thereto or changes therein as are recommended or approved by such officers upon consultation with bond counsel to the City, the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Remarketing Statement. PaineWebber Incorporated, as remarketing agent, (the “Remarketing Agent”) is hereby authorized to distribute copies of the Preliminary Remarketing Statement to the existing holders of the Bonds and to persons who may be interested in the purchase of the Bonds upon remarketing and are directed to deliver copies of the Remarketing Statement to all actual purchasers of the remarketed Bonds.

Section 4. The reissued Bonds, when executed, shall be delivered to the Trustee for authentication. The Trustee is hereby requested and directed to authenticate the Bonds by executing the Trustee’s certificate of authentication and registration appearing thereon, and to deliver the Bonds, when duly executed and authenticated, to the Remarketing Agent in accordance with written instructions executed on behalf of the City by one of the Designated Officers, which instructions such officers are, and each of them is, hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver to the Trustee. Such instructions shall provide for the delivery of the Bonds to the Remarketing Agent in accordance with the Indenture.

Section 5. All actions heretofore taken by the officers and agents of the City with respect to the remarketing and reissuance of the Bonds are hereby approved, confirmed and ratified, and the proper officers of the City, including the Designated Officers, 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 and execute and deliver any and all certificates, agreements and other documents which they, or any of them, may deem necessary or advisable in order to consummate the lawful reissuance and delivery of the Bonds in accordance with this Resolution and resolutions heretofore adopted by the City, including but not limited to those certificates, agreements and other documents described in the Indenture.
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 11th day of August, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND FOSTER POULTRY FARMS FOR THEIR LEASE OF A CORPORATE HANGAR PLOT AT THE AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to the agreement between the City of Modesto and Foster poultry Farms for their lease of a corporate hangar plot at the Airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992 by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-449

A RESOLUTION ACCEPTING TWO QUITCLAIMS, ACCEPTING PROPERTY FROM MODESTO IRRIGATION DISTRICT CONSISTING OF FORMER M.I.D. LATERAL NO. 2 WEST OF McCLURE ROAD TO ITS CONCLUSION IN THE LALOMA AREA

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the quitclaims accepting property from Modesto Irrigation District consisting of former M.I.D. Lateral No. 2 west of McClure Road to its conclusion in the Laloma area be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JUDY C. HALL, Acting City Clerk
A RESOLUTION APPROVING AN EASEMENT DEED TO MODESTO IRRIGATION DISTRICT GRANTING ELECTRICAL EASEMENTS THROUGH CREEKSIDE GOLF COURSE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the easement deed between the City of Modesto and Modesto Irrigation District granting electrical easements through Creekside Golf Course be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-451

A RESOLUTION APPROVING A RIGHT OF WAY CERTIFICATION FOR EL VECINO AVENUE AT MODESTO IRRIGATION DISTRICT LATERAL NO. 4 BRIDGE REPLACEMENT PROJECT

WHEREAS, the right of way certification assures the State that necessary right of way has been secured to construct the Lateral No. 4 bridge replacement project.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the right of way certification for El Vecino Avenue at Modesto Irrigation District Lateral No. 4 bridge replacement project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

SIGNED: JUDY C. HALL, Acting City Clerk
A RESOLUTION APPROVING A COMMON USE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO IRRIGATION DISTRICT FOR EL VECINO AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the consent to common use agreement with the Modesto Irrigation District for El Vecino Avenue at Modesto Irrigation District Lateral No. 4 bridge replacement project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-453

A RESOLUTION APPROVING THE REQUEST OF LAWSON PROFESSIONAL COUNSELING FOR REFUND OF $1,042.39 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Lawson Professional Counseling for refund of $1,042.39 for overpayment of Business License Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-454

A RESOLUTION APPROVING THE REQUEST OF RADIO STATION KHOP FOR REFUND OF $3,393.64 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Radio Station KHOP for refund of $3,393.64 for overpayment of Business License Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers:  Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers:  None

ABSENT: Councilmembers:  None

ATTEST: ________________________

JIMMY E. HALL, Acting City Clerk
A RESOLUTION APPROVING THE REQUEST OF I.J. LARSEN, INC. FOR REFUND OF $567.92 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of I.J. Larsen, Inc. for refund of $567.92 for overpayment of Business License Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-456

A RESOLUTION APPROVING THE REQUEST OF THOMPSON-HYSELL, INC. FOR REFUND OF $708.61 FOR OVERPAYMENT OF BUSINESS IMPROVEMENT AREA TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Thompson-Hysell, Inc. for refund of $708.61 for overpayment of Business Improvement Area Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-457

A RESOLUTION APPROVING A SEVERANCE PAY
BENEFIT AND AUTHORIZING THE CITY MANAGER TO
ENTER INTO AGREEMENTS WITH NEW DEPARTMENT
HEADS TO PROVIDE A SEVERANCE PAY BENEFIT.

WHEREAS, in order to attract top candidates for
department head positions with the City of Modesto it is becoming
increasingly common for cities to provide a severance pay benefit
in order to provide a measure of security, and

WHEREAS, authority to provide severance pay has been
previously granted by Council for other positions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that a severance pay benefit up to a three month
period of time is hereby approved for Department head positions
upon involuntary termination within two years of initial
appointment with the City of Modesto.

BE IT FURTHER RESOLVED that the City Manager is hereby
authorized to enter into severance pay agreements when appointing
new Department Heads for the purpose of providing a severance pay
benefit to not exceed three months should an involuntary
termination be imposed within two years of initial appointment to
the position.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-458

A RESOLUTION APPROVING THE SITE IDENTIFICATION AND DESCRIPTION OF THE GILTON RESOURCE RECOVERY COMPOSTING FACILITY.

WHEREAS, Gilton Resource Recovery has proposed siting a yard waste composting project at their Resource Recovery Facility located at 800 S. McClure Road, Modesto, and

WHEREAS, the proposed project is located in an area zoned M (industrial) which allows such a facility without a use permit, and

WHEREAS, the site is located in a land use area designated or authorized for solid waste facilities in the Stanislaus County General Plan, and

WHEREAS, approval of the site identification and description is for the purpose of Public Resources Code (PRC) Section 50000 only and does not expressly imply or warrant that the City of Modesto will direct its compostable refuse to the Gilton Resource Recovery Composting Facility, and

WHEREAS, the Local Task Force Committee established by AB 939, a committee represented by all nine cities within the County as well as representatives from Stanislaus County and private business representatives, unanimously approved this same request at its monthly meeting held on June 11, 1992, and

WHEREAS, Section 50000 et seq. of the PRC requires that a certification must be made by the Local Enforcement Agency
(LEA) that a solid waste facility has been approved by the County and by a majority of the cities within the County which contains a majority of the population of the incorporated area of the County, before the facility can be established, when said facility has not previously been identified or described in a County Solid Waste Management Plan or in a county-wide Integrated Waste Management Plan approved by the California Integrated Waste Management Board, and

WHEREAS, the proposed Gilton Resource Recovery Composting Facility at 800 S. McClure Road, Modesto, was not previously identified or described in the approved Stanislaus County Solid Waste Management Plan, and

WHEREAS, the April 1986 Stanislaus County Solid Waste Management Plan was approved and adopted by resolution of the Stanislaus County Board of Supervisors on June 3, 1986, and said Plan was approved by the California Waste Management Board on June 12, 1986, and

WHEREAS, the California Integrated Waste Management Act of 1989 (Public Resources Code, Sections 40000, et seq.) requires each county to prepare and submit to the California Integrated Waste Management Board, a Countywide Integrated Waste Management Plan to replace the existing Stanislaus County Solid Waste Management Plan but that process has not yet been completed for Stanislaus County,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the site identification and description of the Gilton Resource Recovery Composting Facility as set forth in Exhibit "A" which is attached hereto and made a part 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 August, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-459

A RESOLUTION APPROVING THE SITE IDENTIFICATION AND DESCRIPTION OF THE GROVER ENVIRONMENTAL PRODUCTS COMPOSTING FACILITY.

WHEREAS, Grover Environmental Products has proposed siting a yard waste composting project at 6131 Hammett Road, Modesto, and

WHEREAS, the proposed project has a use permit which was approved by the Stanislaus County Planning Commission on May 7, 1992, and

WHEREAS, the site has the General Plan designation of agriculture, and

WHEREAS, approval of the site identification and description is for the purpose of Public Resources Code (PRC) Section 50000 only and does not expressly imply or warrant that the City of Modesto will direct its compostable refuse to the Grover Environmental Products Composting Facility, and

WHEREAS, Section 50000 et seq. of the PRC requires that a certification must be made by the Local Enforcement Agency (LEA) that a solid waste facility has been approved by the County and by a majority of the cities within the County which contains a majority of the population of the incorporated area of the County, before the facility can be established, when said facility has not previously been identified or described in a County Solid Waste Management Plan or in a county-wide Integrated
Waste Management Plan approved by the California Integrated Waste Management Board, and

WHEREAS, the proposed Grover Environmental Products Composting Facility at 6131 Hammett Road, Modesto, was not previously identified or described in the approved Stanislaus County Solid Waste Management Plan, and

WHEREAS, the April 1986 Stanislaus County Solid Waste Management Plan was approved and adopted by resolution of the Stanislaus County Board of Supervisors on June 3, 1986, and said Plan was approved by the California Waste Management Board on June 12, 1986, and

WHEREAS, the California Integrated Waste Management Act of 1989 (Public Resources Code, Sections 40000 et seq.) requires each county to prepare and submit to the California Integrated Waste Management Board, a Countywide Integrated Waste Management Plan to replace the existing Stanislaus County Solid Waste Management Plan but that process has not yet been completed for Stanislaus County,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the site identification and description of the Grover Environmental Products Composting Facility as set forth in Exhibit "A" which is attached hereto and made a part 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 August, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

08/11/92--CA
MODESTO CITY COUNCIL
RESOLUTION NO. 92-460

A RESOLUTION OF THE MODESTO CITY COUNCIL
PURSUANT TO THE TREATMENT AND DELIVERY
AGREEMENT ESTABLISHING A TRUE INTEREST COST
(TIC) AND AUTHORIZING THE CITY MANAGER TO
PROVIDE WRITTEN AUTHORIZATION TO PROCEED WITH
CONSTRUCTION AND CONSTRUCTION ADMINISTRATION
CONTRACTS, SUBJECT TO CERTAIN CONDITIONS, TO
THE MODESTO IRRIGATION DISTRICT.

WHEREAS, the City of Modesto ("City") entered into a
Treatment and Delivery Agreement ("the agreement") among the
Modesto Irrigation District ("MID"), the City of Modesto, and the
Del Este Water Company ("DEW"), and

WHEREAS, said Agreement was entered into to finance,
construct, and operate the Modesto Domestic Water Project, and

WHEREAS, said Agreement provides for City of Modesto
and DEW approval of Project Milestones (Sec. 18.3), and

WHEREAS, MID has notified the City and DEW pursuant to
section 18.5.1 of the Agreement that City and DEW provide the
Modesto Irrigation District with a "not to exceed" true interest
cost (TIC) to proceed with the financing, and

WHEREAS, MID has notified the City and DEW pursuant to
section 18.3.4 of the Agreement that written authorization from
City and DEW is needed to proceed with construction contracts,
and

WHEREAS, section 8.1 of the Agreement states that "The
Construction Phase (Phase II) shall consist of finalization of

08/19/92--CA
the Financing and the construction of the Project. Prior to the commencement of the Construction Phase (Phase II) all necessary agreements for the Financing, construction, purchase, and sale of water, and operation and maintenance of the Project shall be executed.

WHEREAS, DEW has not yet provided satisfactory security to MID for its financial commitment pursuant to Sec. 16.3.1 of the agreement,

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

1. Regarding the TIC. The Finance Director of the City of Modesto has recommended that a 6.5% TIC based on the fixed rate bond issue principal amount including the cost of issuance, underwriter's discount, and any insurance costs, be set as the "not to exceed" TIC in accordance with section 18.5.1 of the Treatment and Delivery Agreement. The TIC is hereby set at 6.5% as calculated by the Finance Director. However, the Council recognizes that the TIC is based on current market conditions and the Council hereby authorizes the Finance Director, subject to the approval of the City Manager, to modify the TIC as required up to the time of the sale of bonds by MID to obtain the lowest TIC then
available in accordance with the Treatment & Delivery Agreement.

2. Regarding the written authorizations to the Modesto Irrigation District to proceed with the construction and construction administration contracts. The Council hereby authorizes the City Manager or his designee to provide written authorization to proceed to MID provided that prior to the sale of any bonds by MID and prior to the execution of any of the construction and construction administration contracts:

a. MID shall determine the form of security required from DEW for its financial commitment pursuant to Sec. 16.3.1 of the agreement; and

b. That DEW shall satisfy its obligation to provide such security; or, in the alternative

c. In the event DEW does not provide such security pursuant to Sec. 16.3.1 of the agreement, MID shall provide a written commitment authorized by its Board of Directors to secure funding for Del Este's proportionate share of the Project.
BE IT FURTHER RESOLVED that the Council of the City of Modesto is committed to the successful completion of the Modesto Domestic Water Project to insure a continuing adequate water supply for the residents of the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Bird

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

WHEREAS, during the adoption of the Phase I Budget, only a portion of the Capital Improvement Program (CIP) was adopted. The CIP that was adopted was a modified version of the Sewer, Storm Drain, and Water Fund CIP projects.

WHEREAS, subsequent to the Phase I adoption, it was determined that five CIP projects were essential and were approved by Council on July 7, 1992. See memo for specific projects.

WHEREAS, this resolution adopts the remaining CIP projects as they were proposed, with two exceptions: 1.) Lincoln/Lakewood Bridge environmental/Preliminary engineering - $466,000, was not approved; 2.) Mellis Parking Lot Reconstruction - $40,000, was added to the original 1992-93 CIP per the Planning Commission's Recommendations.

WHEREAS, two other adjustments have been made regarding the funding of these approved projects as follows:
1.) The transfer in from fund 051 to 070 is reduced to $417,000 due to low available fund balances, this revenue is to be associated with projects being submitted for State cycle 3 reimbursement funds: the College/Orangeburg Traffic Signal for $10,000 (C666), Scenic from Coffee to Rose-Widen $257,000 (C787), and Scenic from Coffee to Rose-Widen-carryover from FY91-92 (B912) $150,000.
2.) The transfer from fund 170 to fund 140 needs to be decreased by $13,000 due to low actual fund balance, the transfer in from fund 150 can be increased by $13,000 to substitute funding. This transfer is to cover the Coldwell Office/Maddux Building Asbestos Abatement. This is one of the five essential projects that was approved subsequent to the Phase I CIP adoption.

THEREFORE, the following adjustments are necessary to amend the budget to adopt the remaining CIP. See attachment I.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

(Seal)

APPROVED AS TO FORM:

By Michael D. Milich

MICHAEL D. MILICH, Acting City Attorney

ATTEST: Norrine Coyle, City Clerk
Individual Adjustments for Resolution 92~461
Attachment I
1992~93 CIP less approved at phase I adoption (sewer,water, storm drain), less 5 subsequently approved projects,
also, less the only denied project·Uncoln/!akewood Bridge, and addition of Mellis Parking Lot per PC's recommendations.
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Individual Adjustments for Resolution 92·461
Attachment I
1992·93 C!P less approved at phase I adoption (sewer,water, storm drain), less 5 subsequently approved projects,
also, less the only denied project-Lincoln/lakewood Bridge, and addition of Mellis Parking Lot per PC's recommendations.
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MODESTO CITY COUNCIL
RESOLUTION NO. 92-462

A RESOLUTION REJECTING THE SINGLE BID RECEIVED FOR THE WOODLAND AVENUE PUMP STATION SLUICE GATE, OPENED IN THE OFFICE OF THE CITY CLERK ON JULY 30, 1992, AND AUTHORIZING NEW CALL FOR BIDS

WHEREAS, Resolution No. 92-371, adopted by the Council of the City of Modesto on July 7, 1992, approved the plans and specifications for the Woodland Avenue Pump Station sluice gate, and authorized the call for bids; and

WHEREAS, the bid received for the Woodland Avenue Pump Station sluice gate were opened at 11:10 a.m. on July 30, 1992; and

WHEREAS, the single bid received was 47.92% above the Engineer's estimate and not considered acceptable.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid received for the Woodland Avenue Pump Station sluice gate, opened in the office of the City Clerk on July 30, 1992, is hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for the Woodland Avenue Pump Station sluice gate to be opened September 10, 1992, at 11:00 a.m. is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE DRY CREEK EROSION REPAIR - BEARD BROOK PARK PROJECT

WHEREAS, Resolution No. 92-399, adopted by the Council of the City of Modesto on July 14, 1992, approved the plans and specifications for the Dry Creek erosion repair - Beard Brook Park project and authorized the calling for bids; and

WHEREAS, the bids received for the Dry Creek erosion repair - Beard Brook Park project were opened at 11:00 a.m. on August 6, 1992, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of George Reed, Inc. in the amount of $19,600 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of George Reed, Inc. in the amount of $19,600 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE WATERLINES IN VALERIE LANE ALLEY, DOUGLAS STREET AND 9TH STREET AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the waterlines in Valerie Lane Alley, Douglas Street and 9th Street has been completed by Joe Martin Pipeline, Inc. in accordance with the contract agreement dated March 17, 1992.

NOW, THEREFORE, BE IT RESOLVED that the waterlines in Valerie Lane Alley, Douglas Street and 9th Street be accepted from said contractor, Joe Martin Pipeline, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $36,824.25 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk
A RESOLUTION OF INTENTION TO VACATE AND ABANDON APPROXIMATELY 250 LINEAR FEET OF ALLEY RIGHT-OF-WAY AND RESERVE UTILITY EASEMENTS FOR PUBLIC UTILITY SERVICE LINES LOCATED IN BLOCK 1112 OF THE CITY OF MODESTO WEST OF COFFEE ROAD AND SOUTH OF GLORIA WAY.

WHEREAS, the City Council has received and referred to the Planning Commission a request by adjacent property owners to vacate and abandon approximately 250 linear feet of alley right-of-way of Block 1112 located immediately west of Coffee Road south of Gloria Way, and reserve several utility easements within the subject right-of-way, and

WHEREAS, a title report was submitted with the abandonment request which vests fee title to the approximately 250 linear feet of alley located west of Coffee Road south of Gloria Way right-of-way in adjacent land owners who are proponents of the abandonment, and

WHEREAS, the proposed alley abandonment has been referred to affected City departments and local utility companies, and no objection to the abandonment has been received, and

WHEREAS, notices of an informal public hearing to consider the request to abandon 250 linear feet of alley right-of-way and reserve utility easements for public utility service lines located in Block 1112 were posted in the area and said hearing was held by the Planning Commission on July 20, 1992, and
WHEREAS, the Planning Commission by Resolution No. 92-27, adopted on July 20, 1992, found and determined as follows:

1. The alley right-of-way of Block 1112 located west of Coffee Road and south of Gloria Way is unnecessary for present or prospective public vehicular use. Vehicular traffic wishing to travel through the remaining east-west alley located to the west can easily circulate through the dead-end street located immediately west of the subject abandonment or through the north-south alley located at the western end of the alley.

2. Utility easements will be reserved for all MID, PG&E, Pacific Bell and Post-Newsweek Cable service lines as well as for the City sewer line as approved by the respective agency.

3. The abandonment and vacation was subject to environmental review by the City of Modesto Environmental Assessment Committee on May 6, 1992, which recommended that a Negative Declaration certified and filed.

4. The abandonment and vacation of the subject right-of-way is in conformance with the City of Modesto General Plan.

and

WHEREAS, the Planning Commission by said Resolution No. 92-27 recommended to the City Council that approximately 250 linear feet of alley right-of-way and reservation of several utility easements within the subject right-of-way of Block 1112 located immediately west of Coffee Road south of Gloria Way be vacated and abandoned, subject to the following conditions:

1. An easement for existing utilities shall be reserved as approved by the Modesto Irrigation District, Pacific Gas and Electric, Pacific Bell, Post-Newsweek Cable and the City of Modesto.
2. That the abandoned alley shall be closed with the installation of curb, gutter and sidewalk along each end of the abandoned right-of-way in conformance with the City of Modesto's Standard Specifications. Fencing in conformance with P-D(32) design standards will be installed along the west boundary of the abandoned alley.

3. That prior to the vacation and abandonment of the alley by the City Council, the applicant for the abandonment shall post security with the City in an amount to be determined by the City Engineer to guarantee construction of the street and fencing improvements.

4. That prior to the vacation and abandonment of the alley by the City Council, the applicant of the abandonment shall agree in writing to comply with all conditions of abandonment imposed by the City Council. Said agreement shall also specify that the required improvements will be installed within 90 days following final abandonment action by the City Council.

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

SECTION 1. The Council of the City of Modesto hereby declares its intention to vacate and abandon approximately 250 linear feet of alley right-of-way and reserve utility easements for Public Utility Service Lines located in Block 1112 of the City of Modesto immediately west of Coffee Road and South of Gloria Way. Said proposed vacation and abandonment is more particularly shown on that certain map entitled "Vacate And Abandon The 20-Foot Alley In Block 1112 LD 92-B", dated August 17, 1992, which is on file in the office of the City Clerk, and more particularly described on Exhibit "A" attached
hereto, and by this reference made a part hereof as though set forth in full herein.

SECTION 2. The Council of the City of Modesto hereby elects to proceed with the proposed vacation and abandonment of said public alley right-of-way referred to above, pursuant to the provisions of Section 8300-8363 of the Streets and Highways Code of the State of California.

SECTION 3. Notice is hereby given that September 8, 1992, at the hour of 4:00 p.m., in the Council Chambers, 801 11th Street, Modesto, California, is hereby fixed as the time and place for hearing all persons interested in or objecting to the proposed vacation and abandonment.

SECTION 4. The City Clerk is hereby directed to cause to be published in full in The Modesto Bee, the official newspaper of the City of Modesto, the date, place and hour of said hearing once each week for two (2) successive weeks before the date set for said hearing.

SECTION 5. The Planning And Community Development Director is hereby directed to cause notices of the proposed vacation and abandonment of approximately 250 linear feet of alley right-of-way and reservation of several utility easements within the subject right-of-way of Block 1112 located immediately west of Coffee Road south of Gloria Way, to be posted conspicuously along the line of said 250 linear feet of alley right-of-way proposed to be vacated and abandoned at least

08/19/92--CA
fourteen (14) days before the date set for the hearing. At least three (3) such notices shall be posted. Such notices shall state the passage of this Resolution of Intention, the time and place for the hearing, and shall describe the alley right-of-way proposed to be abandoned.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works and Transportation Department, Engineering

08/18/92--CA
VACATE AND ABANDON THE 20-FOOT ALLEY IN BLOCK 1112 OF THE CITY OF MODESTO

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northeast quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the Southwestern corner of Lot 1 in Block 1112 of the EL VECINO GARDENS #2 Subdivision, as per map filed May 26, 1952 in Volume 17 of Maps, Page 35, Stanislaus County Records; thence along the Southern line of said Block 1112 and its Easterly extension, South 89°41'50" East, 249.65 feet, to a point on the Western line of 90 foot Coffee Road; thence along said Western line of Coffee Road, South 00°36' East, 20.00 feet, to a point on a line which is parallel with and 20.00 feet, measured at right angles, Southerly from said Southern line of Block 1112; thence along said parallel line, North 89°41'50" West, 249.63 feet, to its intersection with the Southerly extension of the Western line of said Lot 1 in Block 1112; thence along said Southerly extension of the Western line of Lot 1, North 00°40' West, 20.00 feet, to the point of beginning.

Reserving all of the above as a Public Utilities Easement.

Exhibit "A"
Vacate and Abandon
the 20-foot Alley
in Block 1112
LD 92-B
MODESTO CITY COUNCIL
RESOLUTION NO. 92-466

A RESOLUTION ACCEPTING THE MASTER PLAN FOR THE MC CLURE COUNTRY PLACE, CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, AND DIRECTING THE FILING OF A NOTICE OF DETERMINATION RELATING TO SAID PROJECT.

WHEREAS, the McClure Country Place is a historical farm residence located at the north end of McClure Road, south of Dry Creek, and

WHEREAS, the Master Plan for renovation of the McClure Country Place has been prepared by Recreation Systems, Inc., and

WHEREAS, the Environmental Assessment Committee has concluded its study, and

WHEREAS, the Council certifies that at its meeting of August 18, 1992, it reviewed and considered the Findings of the City of Modesto Environmental Assessment Committee, which resulted in a negative declaration in regard to the environmental impact relating to the development of a living museum utilizing the historical McClure Farm residence located at the north end of McClure Road, south of Dry Creek, west of Claus Road and east of the 18 hole golf course,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Master Plan for the renovation of the McClure Country Place which has been prepared by Recreation Systems, Inc.

BE IT FURTHER RESOLVED by the Council that the Planning and Community Development Director of the City of Modesto is
hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to the renovation of the McClure Country Place.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the __th day of ________, 1992, by Councilmember ________, who moved its adoption, which motion being duly seconded by Councilmember _____________, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Bird

ATTEST: ____________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________________________
STAN T. YAMAMOTO, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DRYDEN PARK COFFEE SHOP, INC. FOR THE FOOD AND BEVERAGE CONCESSION AT DRYDEN AND MUNI GOLF COURSES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Dryden Park Coffee Shop, Inc. for the food and beverage concession at Dryden and Muni Golf Courses be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-468

A RESOLUTION GRANTING APPROVAL FOR AN INTERNATIONAL FESTIVAL TO BE HELD OCTOBER 2-4, 1992, IN THE CITY OF MODESTO, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, the International Festival Committee (hereinafter referred to as the Committee) has requested assistance from the City of Modesto (hereinafter referred to as City) with the International Festival '92 activities, an international and ethnic cultural event celebrating diversity in the community, to be held on October 2-4, 1992, and

WHEREAS, said Festival activities will include a downtown street fair which offers a variety of arts and crafts and food booths as well as entertainment and an ethnic diversity parade, and

WHEREAS, Committee specifically has requested that the City of Modesto provide assistance for City related expenses as follows:

1. Provide assistance from the Modesto Police Department for the parade and the street fair. Maximum cost of $2,820 as outlined in a report from the Police Department, a copy of which report is attached hereto and incorporated herein by reference.

2. Waive tent permit fees charged by the Fire Prevention Bureau, at a projected cost of $61-$100.

3. Provide street cleaning as needed after the parade and street fair.

and
WHEREAS, City staff has met with Committee to resolve most concerns and to discuss City assistance and has recommended that permission and assistance be given to Committee, subject to certain conditions, and

WHEREAS, the Council has considered the request for City assistance with the International Festival '92 activities and the Council deems it appropriate to grant approval and assistance to the Committee relating to said request, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the following, subject to the conditions set forth, relating to the Committee's request for City assistance with the International Festival '92 activities to be held on October 2-4, 1992:

1. As a requirement of the proposed parade, the Committee shall furnish to the City a permit from the California Department of Transportation which authorizes closure of certain streets in the City of Modesto: Closure of K Street from 9th Street to 11th Street on Friday, October 2, 1992 from 3:00 p.m. until Sunday, October 4, 1992, 9:00 p.m.

2. The Committee shall be allowed to conduct the parade from 10:00 a.m. until 11:00 a.m., on Saturday, October 3, 1992. The parade route shall be as described on the attached map.

3. An encroachment permit shall be obtained by the Committee from the City Public Works and Transportation Department at least 48 hours prior to the temporary street closure of 10th Street, between K Street and J Street. Insurances (as required in item 21 below) shall be on file with the City Clerk prior to the issuance of said permit. The City shall waive all encroachment permit fees.
4. The City shall provide street sweeping on Saturday following the parade. However, the Committee shall be responsible for removing any and all trash, garbage or refuse left on private or public property as a result of said Festival.

5. The Committee is to provide sufficient volunteer assistance with the closure of the parade route.

6. The Committee shall adhere to all Alcoholic Beverage Control requirements, specifically that all alcoholic beverages shall remain within the enclosed "beer garden" sales areas.

7. The Committee shall be responsible for removal of various booths and other items which have been placed in and on City streets during and after the event. Following the event, the City shall provide the normal street sweeping on Sunday evening.

8. Portable toilets shall not be placed on City parking lots.

9. Signs shall be provided by the Committee directing vehicular and pedestrian traffic at all locations where streets and sidewalks are closed to through traffic.

10. Emergency equipment shall be provided access, a minimum of 12 feet in width, at all times. Any vehicles or other items blocking access shall be towed.

11. No liquefied petroleum gas (L.P.G.) shall be used in enclosed areas. A minimum of a 2A 10BC fire extinguisher must be provided for each cooking area.

12. Each tent shall be inspected by the Fire Marshall or his designee.

13. Prior to the event, all food carts shall be inspected at the Fire Prevention Bureau.

14. The City shall waive all fire inspection fees; however, the Committee shall be responsible for any and all other fees as may be required by other agencies.
15. The Committee shall execute a rental license to use the Plaza in front of the Community Centre Plaza Building and shall pay the required deposit to the Centre Plaza one week prior to the event.

16. The Committee shall conform to all policies and procedures at the Centre Plaza and shall pay all applicable fees.

17. The Committee shall provide its own hired 24-hour security for the liquor booths as well as nighttime security. The Modesto Police Department will furnish reserve officers during the hours of operation of the event open to the public.

18. All public improvements shall be left in the same condition as existed prior to the Festival.

19. All private and public property used as a result of the Festival, either directly or indirectly, shall be left in a safe and nonhazardous condition. Any obstructions to public or private use shall be removed by the Committee no later than 9:00 p.m. Sunday, October 4, 1992.

20. The Committee shall indemnify, defend and hold harmless the City of Modesto, its officers, agents and employees, from any and all liability, costs, damages or injuries to persons or damage to property, which may arise out of or in any way be connected with the Committee's sponsored Festival activities, use of the Centre Plaza, and City streets and City parking lots.

21. The Committee shall furnish to the Risk Manager of the City current and valid certificate(s) of insurance evidencing coverages in forms and amounts satisfactory to the Risk Manager in insuring the risks, exposures and liabilities assumed by the Committee under this Resolution. Such insurance, at a minimum, shall include Commercial General Liability coverage in a primary amount of not less than $1,000,000 per occurrence; include the City of Modesto as an additional insured; provide the City with a minimum of ten (10) days' written notice prior to cancellation, alteration or material change in coverage; and contain contractual liability coverage. The Committee shall also file acceptable verification of conformance with the California Labor Code Section 3800. The Committee shall also file
acceptable verification of coverage for legal liquor liability.

Such verifications shall be submitted to the Risk Manager and shall meet with his approval one week prior to the date of the Festival. Upon approval, said verifications shall be filed with the City Clerk.

BE IT FURTHER RESOLVED that the City Clerk shall furnish the Committee with a copy of this resolution. The Committee shall file a written acceptance of this resolution with the City Clerk, and no right shall be conferred hereby until said acceptance is filed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the ____ day of August, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
FESTIVAL'91
annual ethnic and cultural celebration in Modesto

DIVERSITY PARADE

STREET FAIR

10th & K Streets, Modesto Centre Plaza
Featuring
International Foods and Crafts
Ongoing Music & Dance Entertainment
Children's Activities & Entertainment
(Free Admission)

Sat. Oct. 3rd 11:00am-7:00pm (Parade begins at 10:00am)
Sun. Oct 4th 10 am-5:00pm
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $8,402 TO FINISH
THE MODESTO GOLF COURSE PARKING LOT EXPANSION PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the
following appropriation transfer(s) are approved:

FROM: Drycreek Furnishing & Equip. $8,402
(660 330 P757 6000.50)

TO: Muni - Parking Lot $8,402
(660 330 P758 6000.50)

This money is needed to finish the Modesto Golf Course parking
lot expansion project.

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 18th day of
August, 1992, by Councilmember Friedman, who
moved its adoption, which motion being duly seconded by Councilmember
Patterson, was upon roll call carried and the resolution
adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $40,500 TO EXECUTE FOUR CONTRACT CHANGE ORDERS ON THE CREEKSIDE GOLF COURSE CLUBHOUSE

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Dry Creek Golf Course 
(660 330 3314 P751) 
$40,500

TO: Dry Creek Clubhouse 
(660 330 3314 P756) 
$40,500

Money needed to execute four contract change orders on the Creekside Golf Course Clubhouse.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPOINTING MEMBERS TO THE DISABLED ACCESS APPEALS BOARD

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

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

SECTION 1. The following persons are hereby appointed to the Disabled Access Appeals Board:

Sherre Wong
Robert DeGrasse
Eldon Larson
Donna Huckabay
Michael Pratt

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Bird

Boards and Commissions

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-471A

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 30-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFY CERTAIN PROPERTY LOCATED THEREON FROM P-O TO C-3.

(GLENN MONTGOMERY)

WHEREAS, on August 25, 1992, the City Council introduced Ordinance No. 2818-C.S. giving approval to a project relating to an amendment to Section Map 30-3-9 of the Zoning Map of the City of Modesto to reclassify from Professional Office Zone, P-O, to Highway Commercial Zone, C-3, property located at the southwest corner of Kansas Avenue and Carpenter Road, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 30-3-9 of the Zoning Map of the City of Modesto to reclassify from
Professional Office Zone, P-O, to Highway Commercial Zone, C-3, property located at the southwest corner of Kansas Avenue and Carpenter Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-472

A RESOLUTION DENYING THE APPEAL OF DELAMARE-FULTZ ON BEHALF OF EUGENE ABEL TO A PLANNING COMMISSION DECISION CONCERNING A REQUEST FOR TIME EXTENSION FOR ABEL PLACE, A VESTING TENTATIVE SUBDIVISION MAP LOCATED ON THE EAST SIDE OF MORSE ROAD AND SOUTH OF BLUE GUM AVENUE, AND AFFIRMING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, by Resolution No. 90-74 adopted on August 20, 1990, the Planning Commission approved the vesting tentative map for Abel Place located on the east side of Morse Road and south of Blue Gum Avenue, and

WHEREAS, a final map of Abel Place vesting tentative subdivision map shall be recorded within 24 months of tentative map approval as required by Section 4-4.60-1(a) of the Modesto Municipal Code, and

WHEREAS, the vesting status for Abel Place expired on August 20, 1992, and

WHEREAS, the County Public Facilities would apply after the expiration of the vesting status, and

WHEREAS, prior to the expiration of tentative map approval a letter was received from Delamare-Fultz on behalf of Eugene Abel requesting an extension of time for filing the final map of Abel Place vesting tentative subdivision, and

WHEREAS, the request was reviewed by the Planning Commission at its regular meeting on August 3, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto,
California, at which meeting evidence both oral and documentary was received and considered, and

WHEREAS, the Planning Commission, by Resolution No. 92-32, adopted on August 3, 1992, found and determined that good cause had not been shown for the requested time extension, and denied said request for the reasons set forth in said Planning Commission Resolution No. 92-32, and

WHEREAS, by letter dated August 5, 1992, an appeal was filed with the City Clerk by Delamare-Fultz on behalf of Eugene Abel to the decision of the Planning Commission denying a time extension for the vesting status of Abel Place vesting final subdivision map, and

WHEREAS, said appeal was set for public hearing before the Council of the City of Modesto at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on August 25, 1992, at 4:00 p.m., and

WHEREAS, after hearing evidence, both oral and documentary, the Council found and determined that the requested extension of time for the vesting status of the Abel Place vesting final subdivision map should be denied for the following reasons, and the decision of the Planning Commission should be affirmed:

1. Recent legal attacks on the City's CFF make it prudent to keep the vesting date of maps as current as possible.
2. Extension of the vesting maps will allow it to keep a non-current vesting date.

3. No unusual circumstances have prevented the recording of the final map.

4. The City Council will be considering proposals from the Community Development And Housing Committee on easing the Capital Facilities Fees.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that for the reasons set forth above, the appeal of Delamare-Fultz on behalf of Eugene Abel to the decision of the Planning Commission denying the time extension for the vesting status of Abel Place is hereby denied, and the decision of the Planning Commission is hereby affirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST: NORRINE COYLE / City Clerk

APPROVED AS TO FORM:

By MICHAIL D. MILICH, Acting City Attorney

08/31/92--CA
MODESTO CITY COUNCIL
RESOLUTION NO. 92-473

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE DRY CREEK BIKE TRAIL UNDER THE EL VISTA BRIDGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for the Dry Creek bike trail under the El Vista bridge, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 17, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORMA COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-474

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE MCCLURE MANSION CARETAKER'S COTTAGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for the McClure Mansion caretaker's cottage, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 17, 1992, at 11:05 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF TITAN STRUCTURES, INC. FOR THE DOWNTOWN TRANSPORTATION CENTER

WHEREAS, Resolution No. 92-343, adopted by the Council of the City of Modesto on June 23, 1992, approved the plans and specifications for the Downtown Transportation Center construction and authorized the calling for bids; and

WHEREAS, the bids received for the construction of the Downtown Transportation Center were opened at 2:00 p.m. on August 4, 1992, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Titan Structures in the amount of $2,447,513.50 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Titan Structures in the amount of $2,447,513.50 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Cogdill

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE CONSTRUCTION OF TRAFFIC SIGNALS AND STRIPING MODIFICATIONS - CLAUS ROAD AND ORANGEBURG AVENUE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the construction of traffic signals and striping modifications - Claus Road and Orangeburg Avenue has been completed by Collins Electrical, Inc. in accordance with the contract agreement dated February 4, 1992.

NOW, THEREFORE, BE IT RESOLVED that the traffic signals and striping modifications - Claus Road and Orangeburg Avenue be accepted from said contractor, Collins Electrical, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $109,273 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1992, by Councilmember __________ Patterson________, who moved its adoption, which motion being duly seconded by Councilmember __________ Friedman________, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __________________________
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING SUBSTITUTION OF SUBCONTRACTOR BY SCRIMSHER & MINENI CONSTRUCTION, INC., CONTRACTOR FOR THE UPDATE OF SUBMERSIBLE SEWER LIFT STATIONS - COLDWELL AVENUE, FAIRMONT AVENUE AND ATHENS AVENUE

WHEREAS, the City of Modesto has contracted with Scrimsher & Mineni Construction, Inc. for updating of submersible sewer lift stations - Coldwell Avenue, Fairmont Avenue and Athens Avenue; and

WHEREAS, F. & F. Painting, listed as the painting subcontractor in the original bid on this project, has gone out of business and consequently has become insolvent.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the substitution of Jeffco Painting and Coating, Inc. as subcontractor for the painting on the update of submersible sewer lift stations - Coldwell Avenue, Fairmont Avenue and Athens Avenue, replacing F. & F. Painting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Patterson, Acting Mayor Friedman

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-478

A RESOLUTION PROVIDING FOR THE SALE OF
SURPLUS PROPERTY BY SEALED BID OR BY A PUBLIC
AUCTION.

WHEREAS, the City Manager is authorized by Charter
Section 801 to sell surplus personal property of the City of
Modesto with the approval of the City Council, and

WHEREAS, the City possesses six (6) buses, listed
below, which the Transit Division of the Public Works and
Transportation Department has requested be placed into surplus as
they are no longer functional nor useful to its operation:

<table>
<thead>
<tr>
<th>Equipment Number</th>
<th>Year and Make</th>
<th>VIN Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>old</td>
<td>new</td>
<td>bus</td>
</tr>
<tr>
<td>20114</td>
<td>26814</td>
<td>1968 GMC</td>
</tr>
<tr>
<td>20116</td>
<td>26816</td>
<td>1968 GMC</td>
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<tr>
<td>20118</td>
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<td>1968 GMC</td>
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<tr>
<td>20120</td>
<td>26820</td>
<td>1968 GMC</td>
</tr>
<tr>
<td>20122</td>
<td>27322</td>
<td>1973 GMC</td>
</tr>
<tr>
<td>20126</td>
<td>27126</td>
<td>1971 GMC</td>
</tr>
</tbody>
</table>

and

WHEREAS, the City possesses one (1) 1966 Van Pelt
Snorkel Truck which the Fire Department has requested be placed
into surplus as it is no longer functional nor useful to its
operation, and

WHEREAS, the City possesses one (1) set of Matthew
Bender's "California Points & Authorities" which the City
Attorney's Office has requested be placed into surplus since the
revision service on them has been discontinued, and
WHEREAS, said equipment and books could best be sold on a sealed bid basis, however, if said items of property do not sell on a sealed bid basis said property should then be sold at a public auction,

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

SECTION 1. The City Manager or his authorized representative is hereby authorized and directed to sell on a sealed bid basis to the highest bidder, six (6) buses, one (1) 1966 Van Pelt Snorkel Truck, and one (1) set of Matthew Bender's "California Points & Authorities" which are all referred to above, which are hereby found to be surplus.

SECTION 2. The sale shall be conducted by the City Manager or by such person as he may select for this purpose.

SECTION 3. If said items of property cannot be sold on a sealed bid basis as provided for above, then said property may be sold at a public auction utilizing the current agreement which was entered into on October 4, 1988, and which was approved by Council Resolution No. 88-757, which provides for auctioneering services to be provided by Roger Ernst and Associates, subject to the appropriate insurance being on file in the Office of the City Clerk, and subject to at least five (5) days notice before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the lists of the items to
be offered for sale can be inspected in the Office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-479

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF A RECONDITIONED IBM 3380-BK4 DISK DRIVE FROM IBM

WHEREAS, during August 1992, staff experienced a failure of a 3370 disk drive which caused serious downtown; and

WHEREAS, because IBM no longer manufactures the 3370 disk drives, it is recommended the City purchase one reconditioned 3380-BK4 disk drive which comes with full maintenance coverage, for an approximate cost of $31,500.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of one reconditioned IBM 3380-BK4 disk drive is hereby waived.

BE IT FURTHER RESOLVED that purchase of one reconditioned IBM 3380-BK4 disk drive from IBM in the amount of $31,500, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-480

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $31,500 FROM CONTINGENCY RESERVE TO PURCHASE ONE RECONDITIONED IBM 3380-B64K DISK DRIVE

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Contingency Reserve (200 800 8000 8003) $31,500
TO: Disk Drive - IBM 3380-B64K (200 120 C334 6070) $31,500

Replacement of the 3370 disk drive is needed to ensure continued operation of the mainframe computer with minimal downtime. The 3380 disk drive will function with greater efficiency at lower maintenance costs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-481

A RESOLUTION RELATING TO STORM DRAINAGE SURCHARGES, RESTATING THE SEWER SERVICE CHARGES, ADDING A DUPLEX CATEGORY THEREOF, RESCINDING RESOLUTION NOS. 92-84, 92-85, 92-324.

WHEREAS, Sections 5-6.02 and 5-6.24 of the Modesto Municipal Code authorize the Council to establish storm drainage surcharges and sewer service charges from time to time by resolution, and

WHEREAS, the Council has previously established storm drainage surcharges and sewer service charges, and

WHEREAS, effective August 1, 1991, by Ordinance No. 2776-C.S., the City Council approved the establishment of the Storm Drainage Surcharge, to support storm drainage operations, street sweeping, and to respond to Federal regulations requiring the City to obtain a National Pollutant Discharge Elimination System (NPDES) Stormwater Permit. This action included a senior and disabled citizen discount, and a reduction in the rate for schools, and

WHEREAS, said ordinance provided that the Council shall have the power to establish, by agreement or resolution, the rate or rates to be charged and the method of collecting the surface water runoff sewer surcharge for properties outside the boundaries of the city limits for those properties which discharge into the City's storm drain system, and
WHEREAS, on February 18, 1992, by Resolution No. 92-85, the Council established adjustments in sewer storm drainage surcharges for lots with no curbs and gutters, and

WHEREAS, on February 25, 1992, by Resolution No. 92-100, the City Council addressed equitability questions and made certain adjustments in this revenue program for multi-family residential and non-curb customers, and

WHEREAS, revenue and budget estimates after several months of this revenue program indicate that a rate increase is needed to meet the minimum requirements to maintain the level of services and to comply with the Federal water quality regulations, and

WHEREAS, on May 26, 1992, City staff presented the rate increase proposal to the Utility Services and Franchise Committee, which recommended that the proposed rate increases be considered by the City Council, and

WHEREAS, on June 16, 1992, the Council held a public hearing to consider the recommended revisions to the storm drainage sewer surcharges to meet minimum requirements to maintain the level of service and to comply with Federal water quality regulations, and

WHEREAS, by motion, said matter was referred by the Council back to City staff, and

WHEREAS, on August 25, 1992, the Council again held a public hearing to consider recommended rate increases as outlined
in a report to the Council from the Public Works and Transportation Director dated August 19, 1992, a copy of which report is on file in the office of the City Clerk,

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

SECTION 1. DEFINITIONS. Unless the context requires a different meaning, for the purposes of this resolution the definitions set forth in Section 5-6.01 of Chapter 6 of Title V of the Modesto Municipal Code entitled "DEFINITIONS" shall apply. The following definitions shall apply to the Storm Drainage Sewer Surcharge:

1. "Agricultural": shall include all parcels which have been developed to some extent but whose primary purpose is agricultural or for storm drainage.

2. "Commercial": shall include all developed parcels used for offices, wholesale or retail sales establishments, or provision of personal, professional, contracting recreational or business services.

3. "Developed Parcel": shall mean any lot or parcel of land altered from its natural state by the construction, creation or addition of impervious area, except public streets or highways.

4. "Duplex": shall mean a developed parcel with two dwelling units on a single parcel.

5. "Government": shall include all developed parcels used by the federal government, city, county, state or agencies of the state for the local performance of governmental or proprietary functions.

6. "Hospital": shall include all developed parcels used by facilities for the chronically ill and impaired, public health centers, community mental health centers, facilities for the mentally retarded, general and other types of hospitals and
central service facilities operated in connection with hospitals, but shall not include any institutional use furnishing primarily domiciliary care.

7. "Industrial": shall include all developed parcels which are used to manufacture, fabricate, process, or package products, or to process and store food or chemical products.

8. "Multi-family Residential": shall include all developed parcels or other than single-family residential or duplex units, including hotels, boarding houses and twenty-four hour care for less than six persons. Multi-family Residential will be broken down into four density categories, depending on the amount of property square foot per dwelling unit. The following shall be the four density categories:

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9. "Multi-family Senior Mobile Home": shall include all developed parcels in which two or more mobile home lots are rented or leased or held for rent or lease to accommodate manufactured homes or mobile homes for senior citizen housing as defined in Civil Code Sections 51.2 and 51.3.

10. "NPDES Industrial Stormwater Permit": shall mean the stormwater discharge permit issued to operators of certain industrial activities by the State Water Regional Control Board pursuant to CWA and 40 CFR parts 122, 123, and 124.

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15. "Schools": shall include all developed parcels used by institutions for instruction or education operated by the state, an agency of the state, a church or a non-profit organization.

16. "Parks": shall include all developed parcels operated as a park by a public agency.

17. "Transportation/Utilities": shall include all developed parcels which are used for transportation, communications and utilities services, including trucking, aviation, railroads, suburban transit, power, water and other utilities.

SECTION 2. SEWER SERVICE CHARGES FOR RESIDENTIAL SERVICE. Each person owning property within the sewer district and receiving residential sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) The monthly sewer service charges for dwelling units, mobile homes and mobile home spaces in mobile home parks connected or required to be connected to the sewage system shall be:

Each single-family dwelling or mobile home on a lot $9.74
Each dwelling unit in a duplex 7.60
One additional dwelling unit or mobile home on a lot 7.60
Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park

(b) In areas outside the Sewer District, the monthly sewer service charges for dwelling units or mobile homes or mobile home spaces in a mobile home park shall be at the rate of 135% of the charges set forth above.

(c) For dwelling units or mobile homes required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewer service charges set forth in subsection (a) above, there shall be an additional charge of One and No/100ths ($1.00) Dollar per month per premises to cover the cost of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

SECTION 3. SEWER SERVICE CHARGES FOR COMMERCIAL SERVICE.

Each person owning property within the sewer district and receiving commercial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) Commercial users (including churches) shall be grouped according to Biochemical Oxygen Demand (hereinafter referred to as B.O.D.) and Suspended Solids (hereinafter referred to as S.S.) strength characteristics and shall pay sewer service charges based on the quantity of water used, measured in gallons, which exceeds the minimum as defined in subsection (c) below, and the waste strength characteristics measured in milligrams per liter (hereinafter referred to as mg/l). The Public Works and Transportation Director shall determine the waste strength characteristics of commercial users and assign them to one of the following commercial users groups:
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Per 1000 Gals.
of Water Used

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(b) Sewer service charges for commercial users outside the Sewer District shall be at the rate of 135% of the charges set forth in subsection (a) above.

(c) Notwithstanding the charges set forth in subsections (a) and (b) above, there shall be a minimum per month sewer charge, for the first 1,680 cubic feet of water used, for commercial users in the above defined groups, as follows:

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(d) For commercial users required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewage service charges set forth in subsection (a) above, there shall be an additional charge of One and 50/100ths ($1.50) Dollars per month to cover the costs of
inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

(e) Commercial users shall have all water used on the premises metered in order to determine the users' sewer service charges.

(1) Commercial users on a public water system other than the City's shall obtain a metered water service from the water purveyor and shall pay the sewer service charge which would be made were such water from the City's water system.

(2) Commercial users not connected to a public water system shall allow the City to furnish, install and maintain a water meter with the user to pay for the cost of the meter and installation plus ten (10) percent. The user shall pay the sewer service charge which would be made were such water from the City's water system. Authorization shall be granted to City from user to install, read and maintain said meter by user executing an agreement on a form furnished by the Public Works and Transportation Director.

(f) In the case of existing meters which are under the ownership of users, the City will assume responsibility for maintenance of such meters upon:

(1) Receipt of transfer of title from the owner in a form satisfactory to the Public Works and Transportation Director, and

(2) Authorization being granted to City for reading and maintaining the meter as set forth in paragraph (e) above.

SECTION 4. SEWER SERVICE CHARGES FOR INDUSTRIAL SERVICE.

Each person owning property within the sewer district and receiving industrial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) The monthly sewer service charges for industrial users shall be at the rate of $657.74 per million gallons of total flow.
(1) If Industry has an effluent meter for industrial flow measurement, the total flow shall be the sum of the metered flow and a sanitary flow.

Sanitary Sewage Flow: If Industry has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Public Works & Transportation Director as follows:

The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

(2) If the Industry has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows.

(3) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.

(b) If the Biochemical Oxygen Demand (B.O.D.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of $77.79 per one thousand (1000) pounds of B.O.D. will be made for the B.O.D. in excess of two hundred (200) mg/l based on industrial flow only.

(c) If the Suspended Solids (S.S.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of $71.61 per one thousand (1000) pounds of S.S. will be made for the S.S. in excess of two hundred (200) mg/l based on industrial flow only.

Industrial Charge shall be the sum of items (a), (b), and (c).

(d) Notwithstanding the charges set forth in subsection (a), (b) and (c) above, there shall be a minimum $10.00 per month sewer service charge.

(e) Sewer service charges for industrial users outside the sewer district shall be at the rate of 135% of
the charges set forth in subsections (a), (b), (c), and (d) above.

SECTION 5. PREPAID SEWER SERVICE CHARGES. Any person who has prepaid sewer service charges for residential sewer service and the period for which said sewer service charges were prepaid includes the period covered by Section 2 of this resolution shall be entitled to receive sewer service for said period for the prepaid rates.

SECTION 6. EMPIRE SANITARY DISTRICT. The City of Modesto and the Empire Sanitary District entered into an agreement for sewer services on May 19, 1969, which agreement was amended on June 15, 1970, whereby the City of Modesto agreed to accept and treat the sewage collected in the District's system and the District agreed to pay a service charge for said service. Said agreement, as amended, further provides that service charges may be changed by the City to reflect any revision in sewer service charges made by City to other users of City's system. Therefore, the noncommercial flat monthly rate for sewer services shall be amended to read as follows:

- Single-family or mobile home on a lot (1 dwelling unit only) $3.59
- Each dwelling unit in a duplex 2.49
- One additional dwelling unit or mobile home on a lot 2.49
- Each dwelling unit in an apartment building or dwelling group (triplex, fourplex, etc.) or each space in a mobile home park 2.49
- Billing Fee 0.39
SECTION 7. NORTH CERES SEWER SERVICE AREA. Pursuant to an agreement entered into between the City of Modesto and the City of Ceres, dated December 18, 1979, the City of Ceres will operate and the City of Modesto will accept and treat sewage collected from a sewerage system in the area bounded by South 9th Street on the west, and Tuolumne River on the north, Mitchell Road on the east and Hatch Road on the south, which area is referred to as the North Ceres Sewer Service Area. Said agreement further provides that the City of Ceres shall pay bi-monthly sewer service charges to the City of Modesto as authorized by the Modesto Municipal Code and established from time to time by Modesto City Council resolution for industrial service outside the Modesto Municipal Sewer District No. 1.

SECTION 8. STORM DRAINAGE SEWER SURCHARGE. The storm drainage sewer surcharges shall be paid as set forth below:

(a) All developed parcels are classified according to their Intensity of Development Factor (IDF). This is a numeric value for each land use based upon generally accepted engineering standards and directly related to the land use of the particular property. The following land uses are identified and recognized, each of which has an assigned IDF, as follows:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Intensity of Development Factor (IDF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Residential</td>
<td>0.25</td>
</tr>
<tr>
<td>Duplex</td>
<td>0.50</td>
</tr>
<tr>
<td>Multi-Family High</td>
<td>0.95</td>
</tr>
<tr>
<td>Multi-Family Medium</td>
<td>0.80</td>
</tr>
<tr>
<td>Multi-Family Low</td>
<td>0.40</td>
</tr>
<tr>
<td>Multi-Family Very Low</td>
<td>0.25</td>
</tr>
<tr>
<td>Multi-Family Senior Mobile Home</td>
<td>0.31</td>
</tr>
</tbody>
</table>
An Area Range Number (ARN) is assigned to each property based on its square footage, according to the following table:

<table>
<thead>
<tr>
<th>ARN</th>
<th>Square Footage of Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>0-3,500 SF</td>
</tr>
<tr>
<td>2</td>
<td>3,501-7,000</td>
</tr>
<tr>
<td>3</td>
<td>7,001-10,500</td>
</tr>
<tr>
<td>4</td>
<td>10,501-14,000</td>
</tr>
<tr>
<td>5</td>
<td>14,001-17,500</td>
</tr>
<tr>
<td>6</td>
<td>17,501-21,000</td>
</tr>
<tr>
<td>7</td>
<td>Increments of 3500 SF</td>
</tr>
<tr>
<td>etc.</td>
<td></td>
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</table>

Single-Family Residential charges shall be as follows:

<table>
<thead>
<tr>
<th>Square Footage of Property</th>
<th>Monthly Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-3500 SF</td>
<td>$1.57</td>
</tr>
<tr>
<td>3501-7000 SF</td>
<td>3.08</td>
</tr>
<tr>
<td>7000 + SF</td>
<td>4.62</td>
</tr>
</tbody>
</table>

Residential users may participate in the Senior Citizens and Disabled Persons Water Discount Program for storm drainage sewer surcharge discounts if they qualify under the program guidelines.

The IDF is multiplied by the ARN to obtain the Equivalent Runoff Unit (ERU) for a property. The ERU represents a unit of stormwater runoff.

The property's ERU is charged at a monthly rate of $6.28. Therefore, the monthly property charge for all non Single-Family Residential is: ERU x $6.28.

That the portion of the storm drainage surcharge related to street sweeping and storm water collection shall not apply to a parcel if more than
a majority of all of the parcels which front on the
city street do not have curbs and gutters. That
portion currently constitutes seventy percent (70%)
of the surcharge.

SECTION 9. EFFECTIVE DATE. This resolution shall become
effective October 1, 1992.

SECTION 10. SUPERSEDES PRIOR RESOLUTIONS. When it
becomes effective, this resolution supersedes Modesto City Council
Resolution Nos. 92-48, 92-85, and 92-324.

The foregoing resolution was introduced at a regular
meeting of the Council of the City of Modesto held on the 25th
day of August, 1992, by Councilmember Muratore, who moved its
adoption, which motion being duly seconded by Councilmember
Friedman, was upon roll call carried and the resolution adopted by
the following vote:

AYES:  Councilmembers:  Bird, Cogdill, Dobbs, Friedman,
         Muratore, Patterson, Mayor Lang

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  None

ATTEST:  NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-482

A RESOLUTION REVISING THE STORM DRAINAGE SURCHARGE RATES, REFERRING TO STAFF FOR FURTHER STUDY THE FEE EQUITY ISSUE AS IT RELATES TO MOBILE HOME PARKS, AND RESCINDING RESOLUTION NO. 92-481.

WHEREAS, Sections 5-6.02 and 5-6.24 of the Modesto Municipal Code authorize the Council to establish storm drainage surcharges and sewer service charges from time to time by resolution, and

WHEREAS, the Council has previously established storm drainage surcharges and sewer service charges, and

WHEREAS, effective August 1, 1991, by Ordinance No. 2776-C.S., the City Council approved the establishment of the Storm Drainage Surcharge, to support storm drainage operations, street sweeping, and to respond to Federal regulations requiring the City to obtain a National Pollutant Discharge Elimination System (NPDES) Stormwater Permit. This action included a senior and disabled citizen discount, and a reduction in the rate for schools, and

WHEREAS, said ordinance provided that the Council shall have the power to establish, by agreement or resolution, the rate or rates to be charged and the method of collecting the surface water runoff sewer surcharge for properties outside the boundaries of the city limits for those properties which discharge into the City's storm drain system, and
WHEREAS, on February 18, 1992, by Resolution No. 92-85, the Council established adjustments in sewer storm drainage surcharges for lots with no curbs and gutters, and

WHEREAS, on February 25, 1992, by Resolution No. 92-100, the City Council addressed equitability questions and made certain adjustments in this revenue program for multi-family residential and non-curb customers, and

WHEREAS, revenue and budget estimates after several months of this revenue program indicate that a rate increase is needed to meet the minimum requirements to maintain the level of services and to comply with the Federal water quality regulations, and

WHEREAS, on May 26, 1992, City staff presented the rate increase proposal to the Utility Services and Franchise Committee, which recommended that the proposed rate increases be considered by the City Council, and

WHEREAS, on June 16, 1992, the Council held a public hearing to consider the recommended revisions to the storm drainage sewer surcharges to meet minimum requirements to maintain the level of service and to comply with Federal water quality regulations, and

WHEREAS, by motion, said matter was referred by the Council back to City staff, and

WHEREAS, on August 25, 1992, the Council again held a public hearing to consider recommended rate increases as outlined in a report to the Council from the Public Works and
Transportation Director dated August 19, 1992, a copy of which report is on file in the office of the City Clerk,

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

SECTION 1. DEFINITIONS. Unless the context requires a different meaning, for the purposes of this resolution the definitions set forth in Section 5-6.01 of Chapter 6 of Title V of the Modesto Municipal Code entitled "DEFINITIONS" shall apply. The following definitions shall apply to the Storm Drainage Sewer Surcharge:

1. "Agricultural": shall include all parcels which have been developed to some extent but whose primary purpose is agricultural or for storm drainage.

2. "Commercial": shall include all developed parcels used for offices, wholesale or retail sales establishments, or provision of personal, professional, contracting recreational or business services.

3. "Developed Parcel": shall mean any lot or parcel of land altered from its natural state by the construction, creation or addition of impervious area, except public streets or highways.

4. "Duplex": shall mean a developed parcel with two dwelling units on a single parcel.

5. "Government": shall include all developed parcels used by the federal government, city, county, state or agencies of the state for the local performance of governmental or proprietary functions.

6. "Hospital": shall include all developed parcels used by facilities for the chronically ill and impaired, public health centers, community mental health centers, facilities for the mentally retarded, general and other types of hospitals and central service facilities operated in connection with hospitals, but shall not include any
institutional use furnishing primarily domiciliary care.

7. "Industrial": shall include all developed parcels which are used to manufacture, fabricate, process, or package products, or to process and store food or chemical products.

8. "Multi-family Residential": shall include all developed parcels or other than single-family residential or duplex units, including hotels, boarding houses and twenty-four hour care for less than six persons. Multi-family Residential will be broken down into four density categories, depending on the amount of property square foot per dwelling unit. The following shall be the four density categories:

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on a lot
Each dwelling unit in a duplex 7.60
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(b) In areas outside the Sewer District, the monthly sewer service charges for dwelling units or mobile homes or mobile home spaces in a mobile home park shall be at the rate of 135% of the charges set forth above.

(c) For dwelling units or mobile homes required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewer service charges set forth in subsection (a) above, there shall be an additional charge of One and No/100ths ($1.00) Dollar per month per premises to cover the cost of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

SECTION 3. SEWER SERVICE CHARGES FOR COMMERCIAL SERVICE. Each person owning property within the sewer district and receiving commercial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

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(b) Sewer service charges for commercial users outside the Sewer District shall be at the rate of 135% of the charges set forth in subsection (a) above.

(c) Notwithstanding the charges set forth in subsections (a) and (b) above, there shall be a minimum per month sewer charge, for the first 1,680 cubic feet of water used, for commercial users in the above defined groups, as follows:

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continued use of septic tanks does not cause a health hazard or nuisance.

(e) Commercial users shall have all water used on the premises metered in order to determine the users' sewer service charges.

(1) Commercial users on a public water system other than the City's shall obtain a metered water service from the water purveyor and shall pay the sewer service charge which would be made were such water from the City's water system.

(2) Commercial users not connected to a public water system shall allow the City to furnish, install and maintain a water meter with the user to pay for the cost of the meter and installation plus ten (10) percent. The user shall pay the sewer service charge which would be made were such water from the City's water system. Authorization shall be granted to City from user to install, read and maintain said meter by user executing an agreement on a form furnished by the Public Works and Transportation Director.

(f) In the case of existing meters which are under the ownership of users, the City will assume responsibility for maintenance of such meters upon:

(1) Receipt of transfer of title from the owner in a form satisfactory to the Public Works and Transportation Director, and

(2) Authorization being granted to City for reading and maintaining the meter as set forth in paragraph (e) above.

SECTION 4. SEWER SERVICE CHARGES FOR INDUSTRIAL SERVICE. Each person owning property within the sewer district and receiving industrial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) The monthly sewer service charges for industrial users shall be at the rate of $657.74 per million gallons of total flow.
(1) If Industry has an effluent meter for industrial flow measurement, the total flow shall be the sum of the metered flow and a sanitary flow.

Sanitary Sewage Flow: If Industry has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Public Works & Transportation Director as follows:

The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

(2) If the Industry has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows.

(3) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.

(b) If the Biochemical Oxygen Demand (B.O.D.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of $77.79 per one thousand (1000) pounds of B.O.D. will be made for the B.O.D. in excess of two hundred (200) mg/l based on industrial flow only.

(c) If the Suspended Solids (S.S.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of $71.61 per one thousand (1000) pounds of S.S. will be made for the S.S. in excess of two hundred (200) mg/l based on industrial flow only.

Industrial Charge shall be the sum of items (a), (b), and (c).

(d) Notwithstanding the charges set forth in subsection (a), (b) and (c) above, there shall be a minimum $10.00 per month sewer service charge.

(e) Sewer service charges for industrial users outside the sewer district shall be at the rate of 135% of
the charges set forth in subsections (a), (b), (c), and (d) above.

SECTION 5. PREPAID SEWER SERVICE CHARGES. Any person who has prepaid sewer service charges for residential sewer service and the period for which said sewer service charges were prepaid includes the period covered by Section 2 of this resolution shall be entitled to receive sewer service for said period for the prepaid rates.

SECTION 6. EMPIRE SANITARY DISTRICT. The City of Modesto and the Empire Sanitary District entered into an agreement for sewer services on May 19, 1969, which agreement was amended on June 15, 1970, whereby the City of Modesto agreed to accept and treat the sewage collected in the District's system and the District agreed to pay a service charge for said service. Said agreement, as amended, further provides that service charges may be changed by the City to reflect any revision in sewer service charges made by City to other users of City's system. Therefore, the noncommercial flat monthly rate for sewer services shall be amended to read as follows:

Single-family or mobile home on a lot (1 dwelling unit only)$3.59

Each dwelling unit in a duplex 2.49

One additional dwelling unit or mobile home on a lot 2.49

Each dwelling unit in an apartment building or dwelling group (triplex, fourplex, etc.) or each space in a mobile home park 2.49

Billing Fee 0.39
SECTION 7. NORTH CERES SEWER SERVICE AREA. Pursuant to an agreement entered into between the City of Modesto and the City of Ceres, dated December 18, 1979, the City of Ceres will operate and the City of Modesto will accept and treat sewage collected from a sewerage system in the area bounded by South 9th Street on the west, and Tuolumne River on the north, Mitchell Road on the east and Hatch Road on the south, which area is referred to as the North Ceres Sewer Service Area. Said agreement further provides that the City of Ceres shall pay bi-monthly sewer service charges to the City of Modesto as authorized by the Modesto Municipal Code and established from time to time by Modesto City Council resolution for industrial service outside the Modesto Municipal Sewer District No. 1.

SECTION 8. STORM DRAINAGE SEWER SURCHARGE. The storm drainage sewer surcharges shall be paid as set forth below:

(a) All developed parcels are classified according to their Intensity of Development Factor (IDF). This is a numeric value for each land use based upon generally accepted engineering standards and directly related to the land use of the particular property. The following land uses are identified and recognized, each of which has an assigned IDF, as follows:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Development Factor (IDF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Residential</td>
<td>0.25</td>
</tr>
<tr>
<td>Duplex</td>
<td>0.50</td>
</tr>
<tr>
<td>Multi-Family High</td>
<td>0.95</td>
</tr>
<tr>
<td>Multi-Family Medium</td>
<td>0.80</td>
</tr>
<tr>
<td>Multi-Family Low</td>
<td>0.40</td>
</tr>
<tr>
<td>Multi-Family Very Low</td>
<td>0.25</td>
</tr>
<tr>
<td>Multi-Family Senior Mobile Home</td>
<td>0.31</td>
</tr>
<tr>
<td>Commercial</td>
<td>0.95</td>
</tr>
<tr>
<td>Industrial</td>
<td>0.75</td>
</tr>
<tr>
<td>Transportation/Utilities</td>
<td>0.40</td>
</tr>
</tbody>
</table>
Schools 0.25
Non-Profit Organizations 0.40
Government 0.70
Hospitals 0.50
Parks/Cemeteries 0.10
Agriculture 0.08

(b) An Area Range Number (ARN) is assigned to each property based on its square footage, according to the following table:

<table>
<thead>
<tr>
<th>ARN</th>
<th>Square Footage of Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>0-3,500 SF</td>
</tr>
<tr>
<td>2</td>
<td>3,501-7,000</td>
</tr>
<tr>
<td>3</td>
<td>7,001-10,500</td>
</tr>
<tr>
<td>4</td>
<td>10,501-14,000</td>
</tr>
<tr>
<td>5</td>
<td>14,001-17,500</td>
</tr>
<tr>
<td>6</td>
<td>17,501-21,000</td>
</tr>
<tr>
<td>7</td>
<td>Increments of 3500 SF</td>
</tr>
<tr>
<td>etc.</td>
<td></td>
</tr>
</tbody>
</table>

(c) Single-Family Residential charges shall be as follows:

<table>
<thead>
<tr>
<th>Square Footage of Property</th>
<th>Monthly Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-3500 SF</td>
<td>$1.57</td>
</tr>
<tr>
<td>3501-7000 SF</td>
<td>3.08</td>
</tr>
<tr>
<td>7000 + SF</td>
<td>4.62</td>
</tr>
</tbody>
</table>

(d) Residential users may participate in the Senior Citizens and Disabled Persons Water Discount Program for storm drainage sewer surcharge discounts if they qualify under the program guidelines.

(e) The IDF is multiplied by the ARN to obtain the Equivalent Runoff Unit (ERU) for a property. The ERU represents a unit of stormwater runoff.

(f) The property's ERU is charged at a monthly rate of $6.92. Therefore, the monthly property charge for all non Single-Family Residential is: ERU x $6.92.

(g) That the portion of the storm drainage surcharge related to street sweeping and storm water collection shall not apply to a parcel if more than a majority of all of the parcels which front on the city street do not have curbs and gutters.
That portion currently constitutes seventy percent (70%) of the surcharge.

SECTION 9. EFFECTIVE DATE. This resolution shall become effective October 1, 1992.

SECTION 10. SUPERSEDES PRIOR RESOLUTIONS. When it becomes effective, this resolution supersedes Modesto City Council Resolution No. 92-481.

SECTION 11. MOBILE HOME PARKS. That in response to mobile home parks' interests and inquiries, the continuing issue of fee equity in relation to mobile home parks is hereby referred to City staff for further study.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Bird

ABSENT: Councilmembers: None

ATTEST: [Signature]
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, Acting City Attorney

09/02/92

WHEREAS, expected Fiscal Year 1993 revenues are 14% less than originally forecast due to a smaller than anticipated customer base and four downward equity adjustments made during Fiscal Year 1992 for schools, senior/disabled citizens, multi-family residential, and non-curb areas, and

WHEREAS, the proposed Fiscal Year 1993 budget to provide storm drainage, sweeping, and water quality control services is considered lean, but still 9.2% short of expected bi-yearly 1993 revenues, and

WHEREAS, in order to deliver the current level of services and to comply with the Federal National Pollutant Discharge Elimination System (NPDES) Stormwater Permit requirements, the Council desires to approve a Pollution Control Storm Drainage Capital Improvement Program for Fiscal Year 1993,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve a Pollution Control Storm Drainage Capital Improvement Program for the 1992-93 Fiscal Year.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Bird

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(Seal)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, Acting City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO ESTIMATE ADDITIONAL STORM DRAINAGE REVENUES AND APPROPRIATE THE REMAINING UNAPPROPRIATED 1992-93 CAPITAL IMPROVEMENT PROGRAM.

WHEREAS, the storm drain revenue rate is being increased 10 percent in order to fully fund the proposed 1992-93 Storm Drain Capital Improvement Budget.

WHEREAS, all of the Storm Drain Budget was funded except for a portion of the proposed 1992-93 CIP. The rate increase allows this remaining CIP to be funded.

WHEREAS, it is necessary to increase the revenue estimate and appropriate the remaining CIP.

THEREFORE, the following adjustment is necessary:

STORM DRAINAGE FUND (628)

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Rev-Obj</th>
<th>Expenditures</th>
<th>Increase/(Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>628-480-C103-6070</td>
<td>Autocad Workstation</td>
<td>$38,000</td>
</tr>
<tr>
<td>628-480-C104-6010</td>
<td>Multi-Village Storm Drainage Master Plan</td>
<td>100,000</td>
</tr>
<tr>
<td>628-480-C105-6010</td>
<td>Field Monitoring Equipment</td>
<td>10,000</td>
</tr>
<tr>
<td>628-480-C106-6010</td>
<td>Detention Basin Rehabilitation</td>
<td>9,000</td>
</tr>
<tr>
<td>628-480-C106-6060</td>
<td>Detention Basin Rehabilitation</td>
<td>1,000</td>
</tr>
<tr>
<td>628-480-C107-6010</td>
<td>Rehabilitate Submersible Lift Stations</td>
<td>17,000</td>
</tr>
<tr>
<td>628-480-C107-6040</td>
<td>Rehabilitate Submersible Lift Stations</td>
<td>147,000</td>
</tr>
<tr>
<td>628-480-C107-6050</td>
<td>Rehabilitate Submersible Lift Stations</td>
<td>14,000</td>
</tr>
<tr>
<td>628-480-C107-6060</td>
<td>Rehabilitate Submersible Lift Stations</td>
<td>10,000</td>
</tr>
<tr>
<td>628-480-C107-6070</td>
<td>Rehabilitate Submersible Lift Stations</td>
<td>14,000</td>
</tr>
<tr>
<td>628-800-8000-8003</td>
<td>Storm Drain Contingency Reserve</td>
<td>(183,355)</td>
</tr>
</tbody>
</table>

Revenues

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Rev-Obj</th>
<th>Revenues</th>
<th>Increase/(Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>628-480-5312-4370</td>
<td>Strom Drainage Revenue</td>
<td>$176,645</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Bird

ABSENT: Councilmembers: None

ATTEST:  

NORRINE COYLE  City Clerk

(SEAL)

APPROVED AS TO FORM:

By  

MICHAEL D. MILICH, Acting City Attorney

12/03/92
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $20,000 FOR A NEW CAPITAL IMPROVEMENT PROJECT - EXTEND SEWERS/PERIMETER SEWERS

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Annual Sewer Rehab. 
(621 480 C603 6010) 
$20,000

TO: Extend Sewers/Perimeter Sewers 
(621 480 C333 6040) 
$20,000

A new C.I.P. project is needed to reimburse developers for extending larger and deeper sewerlines than needed for their projects. Funds are normally budgeted each year, but were inadvertently dropped for the 1992-93 Capital Improvement Program budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $600 FROM CONTINGENCY RESERVE TO COVER CONSULTING FEES FOR REVISING THE COMPUTER FORMAT FOR THE REPORT REQUIRED BY THE MODESTO MUNICIPAL CODE SECTIONS CONCERNING CAMPAIGN REFORM (TINCUP)

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Contingency Reserve (010 800 8000 8003) $600

TO: Services, Professional and Other (010 050 0501 0235) $600

To provide funds for reprogramming the computer to delete 1987 and add 1992 to the list required by the City's Campaign Reform Ordinance (TINCUP), and to provide documentation so future changes can be made by staff.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-487

A RESOLUTION CREATING A GENERAL PLAN CITIZENS
STEERING COMMITTEE TO OVERSEE THE GENERAL
PLAN REWRITE, APPOINTING SIXTEEN INDIVIDUALS
TO SAID STEERING COMMITTEE, AND PROVIDING A
CHARGE TO THE COMMITTEE.

WHEREAS, on March 31, 1992, the City Council requested
the Community Development and Housing Committee to develop
recommendations for individuals to serve on the General Plan
Citizens Steering Committee, and

WHEREAS, the Steering Committee will be responsible for
overseeing staff's effort to rewrite the Modesto Urban Area
General Plan, and

WHEREAS, 28 applications for appointment to the
Citizens Steering Committee were received and screened by the
Community Development and Housing Committee, and

WHEREAS, personal interviews were conducted in
instances where further information was required from
individuals, and

WHEREAS, the Steering Committee will meet from
September 1992 to August 1993, and staff proposes that it shall
meet twice monthly on Thursdays from 7-10 p.m., and

WHEREAS, staff is developing a master agenda for each
meeting to coincide with the development of the consultant's
Environmental Impact Report and staff's General Plan document,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there is hereby created a committee to be known as the General Plan Citizens Steering Committee consisting of the following individuals:

1. Jesse Alexander
2. Hector Contreras
3. Rod De Cristofaro
4. John Evans
5. Richard Hagerty
6. Emerson Johnson
7. Larry Martin
8. Lenore Maurice
9. Patrick McGrath
10. Walt Murray
11. Andy Parks
12. George Petrulakis
13. Alita Roberts
14. Tom Robinson
15. Keith Schneider
16. Ed Taczanowski
17. John Hollis

BE IT FURTHER RESOLVED that the charge to the General Plan Citizens Steering Committee is as follows:

1. To become familiar with all relevant aspects of State law regarding General Plans, particularly focusing on how implementation of the Plan policies would affect future development of the City.

2. Provide guidance to City staff, who will be developing draft General Plan policies.

3. Hold at least two "Town Hall-type" public meetings to solicit input from the general public on future growth policies.

4. Provide recommendations to the Planning Commission regarding:
a. A draft General Plan (text and map, all seven required Elements).

b. Two alternative Land Use Plans, to be studied in the EIR.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1992, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NARRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there is hereby created a committee to be known as the General Plan Citizens Steering Committee consisting of the following individuals:

1. Jesse Alexander
2. Hector Contreras
3. Rod De Cristofaro
4. John Evans
5. Richard Hagerty
6. Emerson Johnson
7. Larry Martin
8. Lenore Maurice
9. Patrick McGrath
10. Walt Murray
11. Andy Parks
12. George Petrulakie
13. Alita Roberts
14. Tom Robinson
15. Keith Schneider
16. Ed Taczanowski

BE IT FURTHER RESOLVED that the charge to the General Plan Citizens Steering Committee is as follows:

1. To become familiar with all relevant aspects of State law regarding General Plans, particularly focusing on how implementation of the Plan policies would affect future development of the City.

2. Provide guidance to City staff, who will be developing draft General Plan policies.

3. Hold at least two "Town Hall-type" public meetings to solicit input from the general public on future growth policies.

4. Provide recommendations to the Planning Commission regarding:
MODESTO CITY COUNCIL
RESOLUTION NO. 92-487A

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 5-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFY CERTAIN PROPERTY LOCATED THEREON FROM R-2 AND R-3 TO R-1, AND TO PREZONE TO P-R-1, P-R-2, AND P-R-3. (PLANNING COMMISSION INITIATED)

WHEREAS, on September 1, 1992, the City Council introduced Ordinance Nos. 28-19-C.S. and 28-20-C.S. giving approval to a project relating to an amendment to Section Map 5-4-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, and Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, and to prezone to P-R-1, P-R-2, and P-R-3, property located east of Sutter Avenue south of South Avenue extending east to Neece Drive in the Fairway Neighborhood, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of....
Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 5-4-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, and Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, and to prezone to P-R-1, P-R-2, and P-R-3, property located east of Sutter Avenue south of South Avenue extending east to Neece Drive in the Fairway Neighborhood.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE ROBERTSON ROAD NEIGHBORHOOD PARK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for the Robertson Road Neighborhood Park project, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 1, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-489

A RESOLUTION ACCEPTING THE EAST LA LOMA PARK LIGHTS PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works and Transportation that the installation of the East La Loma Park lights, has been completed by Utility Service and Electric, Inc. in accordance with the contract agreement dated March 24, 1992.

NOW, THEREFORE, BE IT RESOLVED that the installation of the East La Loma Park lights be accepted from said contractor, Utility Service and Electric, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $32,700 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, CITY CLERK
A RESOLUTION ACCEPTING THE ROBERTSON ROAD PARK STREETS PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works and Transportation that the Robertson Road Park streets project, has been completed by George Reed, Inc. in accordance with the contract agreement dated May 12, 1992.

NOW, THEREFORE, BE IT RESOLVED that the installation of the Robertson Road Park streets be accepted from said contractor, George Reed, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $62,130.56 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1992, by Councilmember _____Friedman_____, who moved its adoption, which motion being duly seconded by Councilmember _____Cogdill_____, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: __________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-491

A RESOLUTION ACCEPTING THE MODIFICATION OF TRAFFIC SIGNALS AT COFFEE ROAD AND ORANGEBURG AVENUE

WHEREAS, a report has been filed by the Director of Public Works and Transportation that the modification of traffic signals at Coffee Road and Orangeburg Avenue, has been completed by Richard A. Heaps Electrical Contractors in accordance with the contract agreement dated December 3, 1991.

NOW, THEREFORE, BE IT RESOLVED that the modification of traffic signals at Coffee Road and Orangeburg Avenue, be accepted from said contractor, Richard A. Heaps Electrical Contractors; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $90,344.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1992, by Councilmember ______Friedman______, who moved its adoption, which motion being duly seconded by Councilmember ______Cogdill______, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ______________________
NORRINE COYLE, City Clerk
A RESOLUTION ADOPTING A SPEED HUMP POLICY

WHEREAS, speed humps have proven to be an effective residential traffic management device when properly evaluated, designed, and installed; and

WHEREAS, if the proliferation of speed humps is to be avoided, a comprehensive policy is needed to manage the prudent use of speed humps.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the policy entitled, "Speed Hump Report", which includes these key elements:

- Speed humps should be installed only on two-lane local residential streets and minor collector streets with traffic volumes less than 2,500 vehicles per day.
- Speeding should exist to an unacceptable degree.
- Speed limit should not be greater than 30 mph.
- Street should not be a primary emergency route or a transit route.
- Speed hump installation should not divert traffic to adjoining residential streets.
- Speed hump installation should be approved by a documented majority of residents.
- Since they directly benefit the residents, they should be paid for by those who benefit from them.
- Speed humps being relatively new design features, the traffic staff should have the authority to make changes to design or procedures relating to speed humps in the future.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-493

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $11,000 TO COVER CONTRACT CHANGE ORDERS FOR THE ABOVE GROUND STORAGE TANK PROJECT AT DRYDEN GOLF COURSE

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Automate Irrigation Design
       (660 330 8507 6050) $11,000

TO: Storage Tanks - Above Ground
    (660 330 8506 6050) $11,000

Funds are needed to cover contract change orders for this project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-494

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $10,000 TO PROVIDE FUNDING FOR PARK LAND ACQUISITION IN THE WOODLAND NEIGHBORHOOD

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: West Maze Neighborhood Park
       (135 310 P949 6030)
       $10,000

TO:   Woodland Neighborhood Park
       (135 310 C704 6010)
       (135 310 C704 6001)
       $10,000

Funds are needed to provide funding for park land acquisition in the Woodland Neighborhood.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:  Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES:  Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________
        NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BROWN AND CALDWELL TO PREPARE PART 2 OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER PERMIT APPLICATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and Brown and Caldwell, to
prepare Part 2 of the National Pollutant Discharge Elimination System (NPDES)
Stormwater Permit Application

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle

Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-496

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

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Housing Authority of Stanislaus County for special Police services to the Westview Gardens housing project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-497

A RESOLUTION APPROVING THE FINAL MAP OF THE
COLLEGE WEST PARK SUBDIVISION OF THE CITY OF
MODESTO.

WHEREAS, PAUL M. ZAGARIS, INC., a California
corporation, is possessed of a tract of land situate in the City
of Modesto, County of Stanislaus, consisting of 4.40 acres, known
as the College West Park Subdivision, and

WHEREAS, a tentative map of said tract was approved by
the Planning Commission on the 20th day of August, 1990, and

WHEREAS, the Secretary of the Planning Commission of
the City of Modesto has certified that the final map of said
tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has
certified that the final map of said College West Park
Subdivision meets all of the provisions of the California
Subdivision Map Act and the provisions of the Modesto Municipal
Code relating to subdivisions, and that the map is technically
correct, and

WHEREAS, all public improvements required by the City
of Modesto have been completed in said tract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that said final map be approved; that the
improvements completed in said tract be accepted; that the
streets, alleys and easements as shown thereon within the
boundaries of said tract be accepted on behalf of the public for
public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the _____ day of __September__, 1992, by Councilmember __Friedman__, who moved its adoption, which motion being duly seconded by Councilmember __Cogdill__, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: __Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang__

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SIGNATURE)

APPROVED AS TO FORM:

By __MICHAEL D. MILICH, Acting City Attorney__

(Seal)
MODESTO CITY COUNCIL
RESOLUTION NO. 92-498

A RESOLUTION URGING THE MODESTO IRRIGATION
DISTRICT TO TAKE NECESSARY ACTIONS TO PROCEED
WITH THE DOMESTIC WATER PROJECT.

WHEREAS, the Modesto Irrigation District (District),
the City of Modesto (City), and the Del Este Water Company (DEW)
have entered into an agreement for the treatment and delivery of
surface waters from the Tuolumne River, and

WHEREAS, in the course of implementing that agreement,
DEW to date has been unable to provide security satisfactory to
the District under the agreement, and

WHEREAS, the relationships of the parties need to be
preserved to assure that all citizens of the community enjoy the
benefits of this project, and

WHEREAS, the agreement provides certain options to the
City in the event DEW does not participate, and

WHEREAS, the City may need to undertake studies in
order to make fully informed decisions about the exercise of its
options, and

WHEREAS, the City fully intends to work with the
District to resolve issues that may arise in the event that DEW
terminates its participation in the Project in order that the
best interests of the inhabitants of the community be well
served, and

WHEREAS, bid prices and current financing conditions
are very favorable, and
WHEREAS, the District and DEW have negotiated an agreement which sets forth security required by the District, and which would allow the project to go forward,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that the City urges the District to take the necessary actions to award contracts, undertake financing, and to do any and all other acts necessary to keep the project on schedule.

The foregoing resolution was introduced by a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Friedman, Muratore, Mayor Lang
NOES: Councilmembers: Patterson
ABSENT: Councilmembers: Cogdill, Dobbs

ATTEST: [Signature]
NORRINE COYLE, City Clerk
(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-499

A RESOLUTION ORDERING THE NORTH BEYER PARK
REORGANIZATION TO THE CITY OF MODESTO.
(UNINHABITED)

WHEREAS, the Stanislaus County Local Agency Formation
Commission (LAFCO) by Resolution No. 92-20 dated June 24, 1992,
approved the proposed North Beyer Park Reorganization to the City
of Modesto upon condition that it be processed as a
reorganization pursuant to the provisions of the Government Code
of the State of California, and designated said Reorganization
the North Beyer Park Reorganization, and

WHEREAS, said LAFCO Resolution No. 92-20 also approved
the Modesto Sphere of Influence modification of the territory
from "Secondary Area of Influence" to "Primary Area of
Influence", and

WHEREAS, the Stanislaus County Local Agency Formation
Commission by said resolution found that the territory included
in the proposed North Beyer Park Reorganization is uninhabited
territory, comprising an area of approximately 165 acres, located
on the north side of Mable Avenue and between Coffee Road and
Oakdale Road, and

WHEREAS, the Stanislaus County Local Agency Formation
Commission by said resolution designated the City of Modesto as
the conducting authority to initiate reorganization proceedings
for said Reorganization pursuant to Section 56852 of the
Government Code of the State of California, and
WHEREAS, on June 24, 1992, LAFCO certified that the Final Environmental Impact Report (EIR) prepared for this project has been completed in compliance with the California Environmental Quality Act (CEQA), and

WHEREAS, the Stanislaus County Local Formation Commission by said resolution approved the proposal subject to the following terms and conditions:

(a) It be processed as a reorganization consisting of the annexation of the subject territory to the City of Modesto and the Modesto Municipal Sewer District No. 1, the detachment of the subject territory from the Riverbank Fire Protection District;

(b) The City of Modesto, as Conducting Authority, in its Resolution approving the reorganization shall stipulate that the City of Modesto, a Responsible Agency under CEQA, shall consider the LAFCO Final EIR upon consideration of any specific development proposal within the territory;

(c) Prior to recording the Certificate of Completion by the Executive Officer, the Modesto City Council and County Board of Supervisors shall enter into an agreement that provides for the mitigation of fiscal impacts to both parties prior to approval of any development proposal by the City of Modesto;

(d) Prior to recording the Certificate of Completion by the Executive Officer, the property owners shall enter into
agreements with the appropriate school districts to insure proper school mitigations will be provided; and

(e) Prior to recording the Certificate of Completion by the Executive Officer, adequate fire protection services to serve the existing development shall be provided to the approval of the City Fire Marshall, and

WHEREAS the reason for the annexation is to allow development to urban standards, and

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

WHEREAS, the City Clerk has given notice to all persons legally entitled thereto, in the manner required by law, and

WHEREAS, the 8th day of September, 1992, at the hour of 4:00 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, was set as the date, time and place for hearing protests against said reorganization, and

WHEREAS, said public hearing was held on September 8, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto, County of Stanislaus, State of California, and the Council of the City of Modesto finds that no written protests were filed by any owners of land or registered voters within the affected territory,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:
1. All requirements of the Cortese/Knox Local Government Reorganization Act of 1985, and as revised in 1989, have been complied with.

2. That the area or territory shall be designated as the North Beyer Park Reorganization and is described on Exhibit A attached hereto and made a part hereof by reference as though set forth in full herein.

3. Said territory is hereby annexed to and made a part of the City of Modesto pursuant to Government Code §57082.

4. Said territory is hereby detached from the Riverbank Fire Protection District.

5. Said territory is hereby annexed to the Modesto Municipal Sewer District No. 1. Said territory shall be subject to the authorized or existing bonded indebtedness of the Sewer district.

BE IT FURTHER RESOLVED that the City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, a certified copy of this resolution, stating the date of its passage and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the Executive Officer of the Stanislaus County Local Agency Formation Commission together with payment of applicable fees required by Section 54902.5 of the California Government Code.
BE IT FURTHER RESOLVED that pursuant to Section 57202 of the California Government Code, this Reorganization shall be effective on the date of execution of the certificate of completion by the Executive Officer of the Stanislaus County Local Agency Formation Commission.

BE IT FURTHER RESOLVED that this resolution ordering annexation is a ministerial act not subject to CEQA.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Dobbs

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney

APPROVED AS TO DESCRIPTION:

By  [Signature]

[Title]
Public Works and Transportation Department - Engineering Services
July 13, 1992

Legal Description

North Beyer Park Reorganization
to the City of Modesto

All that certain real property situated in a portion of Sections 2, 3, 4, 9 and 11, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, and described as follows:

BEGINNING at the corner common to Sections 3, 4, 9 and 10, said point being the centerline of Coffee Road and Mable Avenue; thence South 0 degrees 48'00" East along the line common to Sections 9 and 10, and the centerline of Coffee Road, a distance of 540.76 feet; thence leaving said centerline North 89 degrees 11'19" West, a distance of 50.02 feet to a point that is 50.00 feet Westerly at right angles from said centerline; thence North 0 degrees 48'00" West, parallel with and 50.00 feet West of the centerline of Coffee Road, a distance of 540.76 feet to a point on the line common to Sections 4 and 9; thence North 1 degree 35'45" West, parallel with and 50.00 feet West of the centerline of Coffee Road, a distance of 961.98 feet; thence South 89 degrees 10'30" East, 30.03 feet to a point that is 20.00 feet Westerly at right angles from said centerline; thence North 1 degree 35'45" West, parallel with and 20.00 feet West of the centerline of Coffee Road, a distance of 371.00 feet to a point on the East-West one-quarter, one quarter section line in Section 4; thence continuing North 1 degree 35'45" West, a distance of 28.77 feet to the centerline of a 40.00 foot wide road known as Claratina Avenue; thence continuing North 1 degree 35'45" West, parallel with and 20.00 feet West of the centerline of Coffee Road, a distance of 53.62 feet; thence leaving said line North 88 degrees 24'15" East, a distance of 70.00 feet to a point 50.00 feet East of the centerline of Coffee Road and a point on a road deed to Stanislaus County recorded July 7, 1989, Instrument No. 051468; thence along said road deed, the following five (5) courses: 1) South 45 degrees 35'45" East, 20.79 feet; 2) South 89 degrees 28'22" East, 882.17 feet; 3) curve concave to the North, having a radius of 4950.00 feet and a central angle of 1 degree 37'28" and an arc length of 140.34 feet; 4) North 88 degrees 56'10" East, 225.19 feet; 5) South 1 degree 37'08" East, 50.00 feet to a point on the East-West one quarter, one quarter section line in Section 3; thence North 89 degrees 18'50" East along said one quarter, one quarter section line, a distance of 3953.43 feet to a point 20.00 feet Easterly at right angles from the centerline of Oakdale Road and the line common to Sections 2 and 3; thence South 1 degree 02'35" East, parallel with and 20.00 feet East of the centerline of Oakdale.
Legal Description - North Beyer Park Reorganization to the City of Modesto

Road, a distance of 1336.28 feet to a point on the line common to Sections 2 and 11; thence South 0 degrees 53'44" East, parallel with and 20.00 feet East of the centerline of Oakdale Road, a distance of 20.00 feet; thence South 89 degrees 20'45" West, a distance of 20.00 feet to the centerline of Oakdale Road and the line common to Sections 10 and 11; thence North 0 degrees 53'44" West along the line common to Sections 10 and 11, and the centerline of Oakdale Road, a distance of 20.00 feet to the corner common to Sections 2, 3, 10 and 11, and the centerline of Mable Avenue; thence South 89 degrees 20'45" West along the line common to Sections 3 and 10, and the centerline of Mable Avenue, a distance of 5232.26 feet to the corner common to Sections 3, 4, 9 and 10, and the centerline of Coffee Road, and the beginning of this description.

Containing 164.811 Acres.

Mid-Valley Engineering, Inc.
Jimmy G. Bateman
License Expires: 9/30/95
Date: ____________________

Approved as to description

Page 2 of 2
MODESTO CITY COUNCIL
RESOLUTION NO. 92-500

A RESOLUTION VACATING AND ABANDONING 250 LINEAR FEET OF ALLEY RIGHT-OF-WAY AND RESERVING AN EASEMENT FOR UTILITY SERVICES LOCATED IN BLOCK 1112 OF THE CITY OF MODESTO LOCATED WEST OF COFFEE ROAD AND SOUTH OF GLORIA WAY.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 92-465 on August 18, 1992, declaring its intention to vacate and abandon 250 linear feet of alley right-of-way and reserve an easement for utility services located in Block 1112 of the City of Modesto located west of Coffee Road and South of Gloria Way, and

WHEREAS, said 250 linear feet of alley right-of-way located in Block 1112 of the City of Modesto located west of Coffee Road and south of Gloria Way to be vacated and abandoned is more particularly shown on that certain map entitled, "Vacate And Abandon The 20-Foot Alley In Block 1112, LD92-B" dated August 17, 1992, which is on file in the office of the City Clerk, and

WHEREAS, said Resolution No. 92-465 was published in The Modesto Bee, the official newspaper of the City of Modesto, once each week for two (2) successive weeks prior to the hereinafter referred to hearing, and

WHEREAS, the Planning And Community Development Director of the City of Modesto has caused notices of said proposed vacation and abandonment to be posted conspicuously

09/03/92--CA
along the lines of the property proposed to be vacated and abandoned at least fourteen (14) days before the date of the hereinafter referred to hearing in the manner specified by law, and

WHEREAS, a public hearing was held by the Council of the City of Modesto on Tuesday, September 8, 1992, at 4:00 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time all persons interested in or objecting to the proposed vacation were afforded the opportunity to appear, and

WHEREAS, the Planning Commission recommended that the abandonment be made subject to the conditions contained in Planning Commission Resolution No. 92-27, and

WHEREAS, all things and acts necessary to be done as required by Division 9, Part 3, of the Streets and Highways Code of the State of California in order to vacate and abandon said property have been done and accomplished, and

WHEREAS, the Council finds and declares that the 250 linear feet of alley right-of-way located in Block 1112 of the City of Modesto, located west of Coffee Road and south of Gloria Way is unnecessary for present or prospective street purposes, and that the vacation and abandonment thereof is in the public interest, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the
City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby orders and declares the vacation and abandonment of the 250 linear feet of alley right-of-way in Block 1112 of the City of Modesto, located west of Coffee Road and south of Gloria Way, as shown on the map entitled, "Vacate And Abandon The 20-Foot Alley In Block 1112 LD92-B", on file in the office of the City Clerk, and more particularly described on Exhibit "A" which is attached hereto and made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED that the Council of the City of Modesto hereby reserves an easement for utility services located in Block 1112 of the City of Modesto located west of Coffee Road and south of Gloria Way, and

BE IT FURTHER RESOLVED that the Planning And Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to the vacation and abandonment of the 250 linear feet of alley right-of-way located in Block 1112 of the City of Modesto located west of Coffee Road and south of Gloria Way, and

09/03/92--CA
BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this resolution, attested under the seal of the City, to be recorded in the Office of the County Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the ___th day of September, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Muratore

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney

APPROVED AS TO DESCRIPTION:

By Engineering Services

09/03/92--CA
VACATE AND ABANDON THE 20-FOOT ALLEY IN BLOCK 1112 OF THE CITY OF MODESTO

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northeast quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the Southwestern corner of Lot 1 in Block 1112 of the EL VECINO GARDENS #2 Subdivision, as per map filed May 26, 1952 in Volume 17 of Maps, Page 35, Stanislaus County Records; thence along the Southern line of said Block 1112 and its Easterly extension, South 89°41'50" East, 249.65 feet, to a point on the Western line of 90 foot Coffee Road; thence along said Western line of Coffee Road, South 00°36' East, 20.00 feet, to a point on a line which is parallel with and 20.00 feet, measured at right angles, Southerly from said Southern line of Block 1112; thence along said parallel line, North 89°41'50" West, 249.63 feet, to its intersection with the Southerly extension of the Western line of said Lot 1 in Block 1112; thence along said Southerly extension of the Western line of Lot 1, North 00°40' West, 20.00 feet, to the point of beginning.

Reserving all of the above as a Public Utilities Easement.
DOWNEY PARK PROFESSIONAL CENTER

EL VECINO
Lot 2
GARDENS #2
Vol. 17 of Maps, Pg. 35

COFFEE RD.

VACATE AND ABANDON
THE 20-FOOT ALLEY
IN BLOCK 1112
LD 92-B
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR REMODELING THE CONTROL BUILDING AT THE WATER QUALITY CONTROL PLANT

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for remodeling the control building at the Water Quality Control Plant, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 1, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-502

A RESOLUTION ACCEPTING THE BID OF ROSS F. CARROLL, INC. FOR THE 1993 ROCKWELL STORM DRAIN REPLACEMENT PROJECT

WHEREAS, Resolution No. 92-438, adopted by the Council of the City of Modesto on August 11, 1992, approved the plans and specifications for 1993 rockwell storm drain replacement and authorized the calling for bids; and

WHEREAS, the bids received for rockwell storm drain replacement were opened at 11:00 a.m. on August 27, 1992, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Ross F. Carroll, Inc. in the amount of $198,714.50 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ross F. Carroll, Inc. in the amount of $198,714.50 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Dobbs

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF CLYDE WHEELER PIPELINE, INC. FOR REMODELING THE LA LOMA LIFT STATION

WHEREAS, Resolution No. 92-398, adopted by the Council of the City of Modesto on July 14, 1992, approved the plans and specifications for remodeling the La Loma Lift Station and authorized the calling for bids; and

WHEREAS, the bids received for remodeling the La Loma Lift Station were opened at 11:00 a.m. on August 11, 1992, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Clyde Wheeler Pipeline, Inc. in the amount of $227,025.50 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Clyde Wheeler Pipeline, Inc. in the amount of $227,025.50 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Dobbs

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-504

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $124,539 FOR REMODELING THE LA LOMA LIFT STATION

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Annual Sewer Rehab (621 480 B058 6040) $20,000
       Annual Sewer Rehab (621 480 C603 6040) $104,539

TO:   La Loma Lift Station (621 480 P189 6040) $110,153
       La Loma Lift Station (621 480 P189 6050) $5,533
       La Loma Lift Station (621 480 P189 6060) $8,853

Addition funds are needed due to nature of project; full scope of work was not realized when original estimate done, and portion funds used to rehabilitate line entering station that crosses Dry Creek.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND AMERIFILIGHT, INC. FOR THE OPERATION OF AN AIR TAXI OPERATION AT THE AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Amerifilight, Inc. for the operation of an air taxi operation at the airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Cogdill, Dobbs

ATTEST: ____________________________
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $27,000 FOR A NEW C.I.P. PROJECT ENTITLED CROWS LANDING DRAINAGE BASIN

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Crows Landing Drainage Area (280 800 8000 8003) $27,000

TO: Crows Landing Drainage Area (280 430 C338 6010) $1,500
     (280 430 C338 6040) $21,900
     (280 430 C338 6050) $1,100
     (280 430 C338 6060) $2,500

To provide funds for new project to withstand capacity of the basin, reducing potential for localized flooding in new developed area west of the basin.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Dobbs

ATTEST: NORMA COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-507

A RESOLUTION AMENDING RESOLUTION NO. 88-649,
AS AMENDED, REDUCING CAPITAL FACILITIES FEES.

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

WHEREAS, the current Capital Facilities Fees are set
forth in Resolution No. 88-649, as amended by Resolution No. 89-
373, Resolution No. 89-986, Resolution No. 89-1132, Resolution
No. 91-90, and Resolution No. 91-780, and

WHEREAS, the Council of the City of Modesto has been
concerned for some time that the magnitude of capital facilities
fees (CFF) in the City of Modesto may have placed Modesto in a
less competitive position in terms of attracting economic
development to the City, and

WHEREAS, the Council Community Development And Housing
Committee has been reviewing capital facilities fees for several
months for the purpose of determining whether they could
reasonably be reduced to ease the burden of CFF on new
development in the City of Modesto, and

WHEREAS, after approximately four (4) months of study,
the Council Community Development And Housing Committee has
determined that the $438,000,000 in capital facilities to be
funded by CFF can be reduced by approximately $131,000,000 by

10/08/92--CA
eliminating $28.2 million in projects (including $634,506 in transit center costs; $3,059,000 in traffic signals; and $24,554,281 in wastewater treatment facilities), factoring in an estimated $19.8 million in increased federal highway funding, and a twenty (20%) percent reduction in the remaining project cost estimates ($79.7 million) to reflect the estimated deflationary impact on project costs resulting from the current recession, and

WHEREAS, the Council Community Development Housing Committee also recommends simplifying the current CFF categories by eliminating separate categories for the following uses: convenience markets, restaurants, banks, savings and loans, movie theaters, and gas stations and instead charging those uses a single unified retail rate, and

WHEREAS, the Council Community Development And Housing Committee also recommends that the cost estimate of the "Lateral No. 2 to Yosemite" segment of the Claus Road portion of the expressway facility be reduced by $558,000 to account for pre-Phase II CFF funds expended on that project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all of the recommendations of the Council Community Development And Housing Committee regarding the reduction of CFF are hereby adopted as follows:

1. Paragraphs 2 and 6 of Resolution No. 88-649 as amended by Resolution No. 89-373, Resolution No. 89-986, Resolution No. 89-1132, Resolution No. 91-90, and Resolution No.
91-780 are hereby amended to read as follows:

2. AMOUNT OF CAPITAL FACILITIES FEE.

The fee for development shall be the sum of the amounts specified in the following paragraphs:

PHASE I FEES

(a) Fire Facilities

(1) Residential:

Low density residential use $143/unit
Medium density residential use 122/unit
Medium-high density residential use 86/unit

(2) Non-residential:

Office $0.096 sq. ft.
Commercial 0.056 sq. ft.
Industrial-Manufacturing/
Light Industrial/Industrial park 0.04 sq. ft.
Industrial-Warehouse/
Distribution/Heavy Industrial 0.004 sq. ft.
Care Homes (day care,
convalescent and retirement) 0.056 sq. ft.
Churches and private schools 0.04 sq. ft.
Hospitals 0.096 sq. ft.

(b) Other City Facilities

(1) Residential:

Low density residential use $211/unit
Medium density residential use 179/unit
Medium-high density residential use 127/unit

(2) Non-residential:

Office $0.136 sq. ft.
Commercial 0.088 sq. ft.
Industrial-Manufacturing/
Light Industrial/Industrial Park 0.064 sq. ft.
Industrial-Warehouse/
Distribution/Heavy Industrial 0.006 sq. ft.
Care Homes (day care,
convalescent and retirement) 0.088 sq. ft.
Churches and private schools 0.064 sq. ft.
Hospitals 0.136 sq. ft.

(c) Parks and Recreation Facilities

(1) Residential:

Low density residential use $1,342/unit
Medium density residential use 1,151/unit
Medium-high density residential use 799/unit

(2) Non-residential:

Office no fee
Commercial no fee
Industrial no fee
Care Homes (day care,
convalescent and retirement) no fee
Churches and private schools no fee
Hospitals no fee
Fast Food Restaurants no fee
Convenience Marts no fee

(d) Police Facilities

(1) Residential:

Low density residential use $242/unit
Medium density residential use 202/unit
Medium-high density residential use 146/unit

(2) Non-residential:

Office $0.152 sq. ft.
Commercial 0.096 sq. ft.
Industrial-Manufacturing/
Light Industrial/Industrial
Park 0.064 sq. ft.
Industrial-Warehouse/
Distribution/Heavy
Industrial 0.006 sq. ft.
Care Homes (day care,
convalescent and retirement) 0.096 sq. ft.
Churches and private schools 0.064 sq. ft.
Hospitals 0.152 sq. ft.
PHASE II FEES

(e) Air Quality Facilities Fee

$56 per trip end

Total trip ends and the total fee for air quality facilities is to be determined as set forth in paragraph 2(g).

(f) Public Transportation Facilities Fee

$30 per trip end

(g) Streets Facilities Fee

$1,702 per trip end

Total trip ends and the total fee for street facilities is to be determined as set forth in paragraph 2(h).

(h) For purposes of determining trip ends and the total resulting fee for the streets, air quality, an public transportation components only of the Capital Facilities Fee, the land use categories, peak hour trip rates, adjustment factors, and adjusted peak hour trip rates, and land use type definitions set forth below shall apply:
<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Land Use Type</th>
<th>Peak Hour Trip Rate</th>
<th>Adjustment Factor</th>
<th>Adj'd Peak Hr Trip Rate</th>
<th>Street Fees @ $1,702 /TripEnd</th>
<th>Transit Fees @ $30 /TripEnd</th>
<th>Air Qual Fees @ $58 /TripEnd</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Senior Housing</td>
<td>0.40</td>
<td>1.00</td>
<td>0.40</td>
<td>681</td>
<td>12</td>
<td>22</td>
<td>715</td>
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<tr>
<td></td>
<td>Single Family</td>
<td>1.00</td>
<td>1.00</td>
<td>1.00</td>
<td>1,702</td>
<td>30</td>
<td>56</td>
<td>1,788</td>
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<tr>
<td></td>
<td>Multiple</td>
<td>0.67</td>
<td>1.00</td>
<td>0.67</td>
<td>1,140</td>
<td>20</td>
<td>38</td>
<td>1,198</td>
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<tr>
<td>Industrial</td>
<td>Manuf/Ind/IndPk</td>
<td>0.75</td>
<td>0.75</td>
<td>0.56</td>
<td>957</td>
<td>17</td>
<td>32</td>
<td>1,006</td>
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<tr>
<td></td>
<td>Wh/Dist/HvyInd</td>
<td>0.20</td>
<td>0.75</td>
<td>0.15</td>
<td>255</td>
<td>5</td>
<td>8</td>
<td>268</td>
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<tr>
<td>Office</td>
<td>Medical Office</td>
<td>3.60</td>
<td>0.75</td>
<td>2.70</td>
<td>4,595</td>
<td>80</td>
<td>161</td>
<td>4,826</td>
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<tr>
<td></td>
<td>General Office</td>
<td>2.00</td>
<td>0.75</td>
<td>1.50</td>
<td>2,553</td>
<td>44</td>
<td>84</td>
<td>2,681</td>
</tr>
<tr>
<td>Commercial</td>
<td>Retail:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>&lt; 50,000 sf</td>
<td>12.36</td>
<td>0.16</td>
<td>2.02</td>
<td>3,435</td>
<td>60</td>
<td>113</td>
<td>3,608</td>
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<tr>
<td></td>
<td>50-99,999 sf</td>
<td>7.51</td>
<td>0.20</td>
<td>1.50</td>
<td>2,556</td>
<td>45</td>
<td>84</td>
<td>2,685</td>
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<tr>
<td></td>
<td>100-300,000 sf</td>
<td>4.17</td>
<td>0.30</td>
<td>1.25</td>
<td>2,128</td>
<td>37</td>
<td>70</td>
<td>2,236</td>
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<tr>
<td></td>
<td>&gt; 300,000 sf</td>
<td>3.44</td>
<td>0.35</td>
<td>1.20</td>
<td>2,049</td>
<td>36</td>
<td>67</td>
<td>2,162</td>
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<td></td>
<td>Church</td>
<td>0.64</td>
<td>0.15</td>
<td>0.10</td>
<td>163</td>
<td>3</td>
<td>6</td>
<td>172</td>
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<tr>
<td></td>
<td>Day Care Center</td>
<td>12.30</td>
<td>0.05</td>
<td>0.62</td>
<td>1,047</td>
<td>19</td>
<td>34</td>
<td>1,100</td>
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<tr>
<td></td>
<td>Hospital</td>
<td>1.58</td>
<td>0.75</td>
<td>1.19</td>
<td>2,017</td>
<td>35</td>
<td>66</td>
<td>2,118</td>
</tr>
<tr>
<td></td>
<td>Mini-Warehouse</td>
<td>0.26</td>
<td>0.30</td>
<td>0.08</td>
<td>134</td>
<td>2</td>
<td>4</td>
<td>140</td>
</tr>
<tr>
<td></td>
<td>Nursing Home</td>
<td>0.27</td>
<td>0.15</td>
<td>0.04</td>
<td>69</td>
<td>1</td>
<td>2</td>
<td>72</td>
</tr>
</tbody>
</table>

Notes:
1. Uses included in each land use type are specified in the LAND USE TYPE DEFINITIONS LIST.
2. Uses not shown in the list above shall be charged at rates to be determined by the Director of Public Works and Transportation, using trip generation estimates acceptable to the Director.
3. Peak Hour Trip Rate is expressed in trip ends per unit of development (i.e., per DU, per 1000 sf, etc.)
4. Adjustment Factor includes adjustment for trip length, pass-by trips, and linkage to residential uses as estimated by the Public Works and Transportation Department.
5. The Adjusted Peak Hour Trip Rate is calculated by multiplying the adjustment factor by the Peak Hour Trip Rate.
6. The Streets Fee per Peak Hour Trip End of $1,702 is calculated from the adjusted trip generation data of the Dowling Citywide Traffic Impact Analysis and the total CFF Improvement Projects Cost.
7. The retail category includes convenience markets, restaurants of all types, banks, savings and loans, movie theaters, and service stations.
<table>
<thead>
<tr>
<th>LAND USE TYPE DEFINITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>RESIDENTIAL</td>
</tr>
<tr>
<td>Senior Housing</td>
</tr>
<tr>
<td>Single Family</td>
</tr>
<tr>
<td>Multiple</td>
</tr>
<tr>
<td>INDUSTRIAL-Manufacturing/Light Industrial/Industrial Park</td>
</tr>
<tr>
<td>1. Electronics assembly, paper products</td>
</tr>
<tr>
<td>2. Metal fabricator</td>
</tr>
<tr>
<td>3. Bottling plant</td>
</tr>
<tr>
<td>4. Cabinet shop</td>
</tr>
<tr>
<td>5. Machine shop</td>
</tr>
<tr>
<td>6. Sheetmetal shop</td>
</tr>
<tr>
<td>7. Welding shop</td>
</tr>
<tr>
<td>8. Wholesale business</td>
</tr>
<tr>
<td>9. Printing plant</td>
</tr>
</tbody>
</table>
INDUSTRIAL-
Warehouse/Distribution/
Heavy

Warehouse/Distribution - facilities in which the primary activity is the storage of materials or in which the primary activity is receiving and shipping materials. Uses which are considered to be in this category include uses such as those listed below:

1. Freight forwarding
2. Warehousing
3. Mini-warehousing
4. Corporation yard, freight yard
5. Equipment rental yard
6. Moving and storage service
7. Bulk feed storage
8. Lumberyard
9. Sand, gravel, building materials dealer

Heavy Industrial - includes uses such as those listed below:

1. Manufacture, fabrication, processing and treatment of:
   a. Large ceramic products (such as bricks or tile)
   b. Glass, clay, concrete, stone and related products, excluding rock crushing.
   c. Metals and metal products
   d. Natural gas and gas products
   e. Petroleum and petroleum products
   f. Stone monuments and tombstones

2. Railroad repair shop, classification yard
3. Winery
4. Cannery
5. Food processor, brewery, bakery
6. Recycling facility
7. Burning operations for lumber and wood products
8. Junk handling, processing, storage
9. Landfill, waste products disposal or transfer station
10. Manufacture, fabrication, processing, packaging and treatment of:
    a. Explosives
    b. Oil and grease products
    c. Chemicals and chemical products
11. Rock crushing
12. Pulp and paper mill
13. Reduction, processing and storage of offal, dead animals, bones or similar materials
14. Septic tank, cesspool servicing
15. Stockyard
16. Tannery
17. Vehicle salvage, wrecking

Mixed Industrial Uses - When a development proposal contains more than an incidental mixture of uses, the general types of uses should be segregated and treated separately for the purpose of calculating development fees.

OFFICE
Medical

Offices and clinics devoted to the practice of medical and dental professions or providing medical or dental services, including pseudo-medical services, but excluding hospitals and nursing homes, which are treated separately.

General

All other types of general and
professional offices, including but not limited to office parks, business parks, corporate headquarters, insurance offices and US Post Offices.

COMERCIAL
Conv. Market
Small retail markets, often with on-site gasoline pumps, usually open 24-hours or extended hours.

Eating and Drinking Establishments
Fast Food
Fast-food restaurants with or without sit-down facilities and with or without drive-up windows; generally food is ordered and taken to be consumed outside the restaurant building, although some on-site seating is usually provided.

High Turnover
Sit-down restaurants where food is ordered and consumed in the restaurant, and customers generally stay less than one hour; frequently belong to chains and typically serve breakfast, lunch, and dinner. This category also includes all drinking establishments-bars and cocktail lounges-except those in conjunction with low turnover restaurants. The latter are charged the low turnover rate.

Low Turnover
Sit-down restaurants which generally have turnover rates of one hour or longer, typically do not serve breakfast, and may or may not serve lunch.

Retail
includes a wide range of retail and service uses, both free-standing and in shopping centers, including but not limited to supermarkets, drug stores, department stores, general merchandise, building materials or lumber stores, specialty retail stores, discount stores, hardware/paint stores,
garden centers or nurseries, wholesale markets, apparel stores, furniture stores, video arcades, and new car sales. Does not include the following uses which shall be considered separately: restaurants, convenience markets, banks, savings and loans, movie theaters, and other uses specifically defines as a separate category for streets fee purposes.

**FINANCIAL**

**Banks**

Full service banking institutions with or without drive-up windows.

**Savings & Loans**

Saving & loan institutions, including thrifts and credit unions, with or without drive-up windows, which typically offer fewer financial services than banks and are typically smaller in gross floor area than banks. If a given S & L is 5,000 gross square feet or more, or provides full banking services, it should be treated as a bank.

(i) For purposes of the fees set forth in subparagraphs 2(a) through 2(d), the following definitions shall apply:

(1) "Low Density Residential Use" shall mean a detached building designed for occupancy by one family.

(2) "Medium Density Residential Use" shall mean a mobile home or an attached building designed for occupancy by two families or two detached buildings designed for occupancy on a single lot.

(3) "Medium High Density Residential Use" shall mean one or more buildings on a single lot designed for occupancy by three or more families.

(4) "Care Home Use" shall mean structures designed for use as a convalescent hospital, or a retirement home, or a twenty-four hour...
care center for seven or more persons in addition to members of the family, or a child day care center.

(5) "Church Use" shall mean structures primarily designed as a place for public worship.

(6) "School Use" shall include those uses offering educational services and/or vocational training to students aged five years or older but excluding child care facilities.

(7) "Professional Office Use" shall mean structures designed for use as offices, including medical or dental offices and laboratories, business offices (excluding retail or wholesale sales and banking institutions), professional offices and pharmacies (excluding manufacture and distribution of pharmaceuticals).

(8) "Commercial Use" shall mean those uses designated as permitted or conditional uses in the C-1, C-2 and C-3 Zones of Title X of the Modesto Municipal Code.

(9) "Industrial Use-Manufacturing/Light Industrial/Industrial Park" and

(10) "Industrial-Warehouse/Distribution/Heavy Industrial" shall be defined as set forth in the previous subparagraph 2(i).

(11) "Capital Improvement" shall mean the following:

(a) Any building structure or other improvement constructed or renovated by the City upon property owned by or under its control.

(b) Any initial equipment or piece of equipment necessary to service new growth or new development.

(12) "Hospital" shall mean a structure designed for health services, both in-patient and out-
patient; that includes surgical care of the sick or injured of the physically ill and/or therapeutic treatment for the mentally ill. Included as an integral part of a hospital are laboratories, out-patient departments, training facilities, central service facilities, and hospital staff offices on the same site. The preceding ancillary uses are considered "professional offices" if located off-site, unless a multi-site campus is covered by a P-D Zone for hospital uses. A separate set of offices on the same site for physicians is considered "professional offices."

(j) Capital Facilities Fees Administrative Fee

2.5% of the sum of the fees specified in subparagraphs 2(a) through 2(i).

6. EXPENDITURE OF THE FEES.

(a) Fees in the capital facilities funds shall be expended only for those facilities listed in Exhibit "A" and only for the purpose for which the fee was collected with primary consideration to areas of the City in which development has taken place and in which the fees have been paid.

(b) The standards upon which the needs for facilities are based are the standards of the City. These standards are reflected in the Recht Reports. The City has undertaken an ongoing Capital Improvement Program to implement the projects necessary to achieve those standards and the City will remedy existing deficiencies without using proceeds of the Capital Facilities Fee.

2. The City Council finds that the California Environmental Quality Act (CEQA) does not apply to the adoption of this resolution pursuant to Section 15061 and 15273 of the State CEQA guidelines because this resolution does not establish
new CFF components or increase existing CFF components. Instead, the fees are reduced due to the elimination of some projects and the estimated reduction in the cost of constructing the remaining projects. In addition, the construction of the facilities to be funded by the reduced fees will not take place until there has been appropriate CEQA review of the development projects which will pay the CFF. Such CEQA review will take place at the annexation, zoning, and/or subdivision stages of each development project. In addition, the construction of each capital facility will be subject to CEQA review. It is therefore reasonably certain that this resolution which either establishes or increases Capital Facilities Fees to fund the Capital Facilities Fees that will be necessary in the event growth continues to occur will not, by itself, have any possibility of causing a significant effect on the environment.

3. This resolution shall take effect immediately.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
EXHIBIT A

The following list of projects has resulted from a comprehensive assessment of the facilities required to accommodate growth. The list is compiled from tables in the report entitled "Update of the Capital Facilities Fee Program for the City of Modesto", February 6, 1991. The update revises the initial Recht Hausrath & Associates reports which documented the justification of Capital Facilities Fees in Modesto ("Capital Facilities Fee Report", February 1989, and "Capital Facilities Fee Report, Phase 2", October 1989).

It should be understood that the facilities listed will accommodate growth to build-out of the City of Modesto planning area. This amount of growth is projected to occur over approximately 20 to 25 years. While the facilities to be developed in the next few years are fairly well defined, the exact location, size and cost of individual facilities to be developed in later years is often undetermined. Furthermore, the manner in which city services are provided gradually evolves over time. In other words, this list is the best statement of facility needs that can be made at this time; it is intended that it will be continually updated as plans become more definitive. The following tables reflect updated information regarding the improvements themselves, as well as cost estimates adjusted for inflation to June 30, 1991.
PROJECTS

Police

Administration building expansion, parking garage, storage building, and vehicles - Table 1.

Fire

A total system at build-out of ten single engine fire stations and two double engine stations, fire trucks, other equipment, central administration and equipment and maintenance building, regional training facility, and signal preemption system - Table 3.

Wastewater Treatment

Treatment plant expansion, (completed 1988), fixed film Reactor, treatment plant expansion to build-out - Table 5.

Parks

Additions to Tuolumne Park, a Golf Course, 29.2 neighborhood parks and 4.38 community parks with attendant recreation and multi-purpose buildings, tennis courts and equipment - Table 7.

Other City Facilities and Equipment

Administration building expansion, parking spaces, vehicles, equipment, and Corporation yard expansion - Table 9.

Street Facilities

Listed in Table 12.

Public Transportation Facilities

Buses, bus shelters, bus stops, and a downtown transit center - Table 14.

Air Quality Facilities

Traffic light synchronization, park and ride lots, express buses and vans, bike path construction, and pedestrian foot path construction - Table A.
Surface Water Facilities

Water treatment and conveyance facilities - Appendix A.
TABLE 1
POLICE FACILITIES
(June, 1991 dollars)

<table>
<thead>
<tr>
<th>Facility</th>
<th>Total Cost</th>
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<tr>
<td>Police Building</td>
<td>$ 11,676,401</td>
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<tr>
<td>Construction</td>
<td>891,552</td>
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<tr>
<td>Police Building Equipment</td>
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<tr>
<td>Storage Building</td>
<td>636,433</td>
</tr>
<tr>
<td>Construction</td>
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<tr>
<td>Land</td>
<td>225,000</td>
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<tr>
<td>Parking Structure</td>
<td>1,464,407</td>
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<td>Other Costs</td>
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<td>Land</td>
<td>137,500</td>
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<tr>
<td>Subtotal</td>
<td>$ 15,031,293</td>
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<tr>
<td>Contingency (5%)</td>
<td>751,565</td>
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<tr>
<td>Subtotal</td>
<td>$ 15,782,858</td>
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<td>Vehicles</td>
<td>1,966,032</td>
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<td>Total</td>
<td>$ 17,748,890</td>
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<tr>
<td>Less 20%</td>
<td>( 3,549,778)</td>
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<tr>
<td>September, 1992, Adjusted Total</td>
<td>$ 14,199,112</td>
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Source: W. Mounce and Associates; Modesto Police Department; Recht Hausrath & Associates
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<tr>
<th>Facility</th>
<th>Dec. 1988 Cost</th>
<th>Construction</th>
<th>Equipment</th>
<th>Land</th>
<th>Total</th>
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<td>All Fire Stations</td>
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<td></td>
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<tr>
<td>Construction</td>
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<td>Fire trucks</td>
<td>5,580,000</td>
<td>6,193,800</td>
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<td>6,193,800</td>
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<tr>
<td>Other Equipment</td>
<td>1,362,000</td>
<td>1,511,820</td>
<td></td>
<td></td>
<td>1,511,820</td>
</tr>
<tr>
<td>Central Adm Bldg</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction</td>
<td>1,084,000</td>
<td>1,141,452</td>
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<td></td>
<td>1,141,452</td>
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<tr>
<td>Equipment</td>
<td>295,000</td>
<td>327,450</td>
<td></td>
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<td>327,450</td>
</tr>
<tr>
<td>Land</td>
<td>250,000</td>
<td>600,000</td>
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<td></td>
<td>600,000</td>
</tr>
<tr>
<td>Equip &amp; Maint Bldg</td>
<td>352,000</td>
<td>370,656</td>
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<td></td>
<td>370,656</td>
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<tr>
<td>Signal Preemption</td>
<td>1,400,000</td>
<td>1,554,000</td>
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<td></td>
<td>1,554,000</td>
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<tr>
<td>Regional Training</td>
<td>1,304,000</td>
<td>1,373,112</td>
<td></td>
<td></td>
<td>1,373,112</td>
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<tr>
<td>Total</td>
<td>$20,589,000</td>
<td></td>
<td></td>
<td></td>
<td>$22,454,880</td>
</tr>
<tr>
<td>Less 20%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(4,490,976)</td>
</tr>
<tr>
<td>September 1992 Adjusted Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$17,963,904</td>
</tr>
</tbody>
</table>

Source: Capital Facilities Fee Report, Recht Hausrath & Associates, 1989; City of Modesto

1 Includes a total of 7.5 acres: 0.5 acres apiece for ten one engine stations and Station 8, and 1.0 acre apiece for Stations 1 and 5.

2 One acre of land in Downtown Modesto.
TABLE 5
CAPITAL FACILITIES EXPENDITURES:
WASTEWATER TREATMENT PLANT EXPANSION
(June, 1991 dollars)

<table>
<thead>
<tr>
<th>Facility</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expansion 1</td>
<td>$6,327,000</td>
</tr>
<tr>
<td>Fixed Film Reactor</td>
<td>3,386,610</td>
</tr>
<tr>
<td>Expansion 2</td>
<td></td>
</tr>
<tr>
<td>Land</td>
<td>3,375,000</td>
</tr>
<tr>
<td>Equipment</td>
<td>11,794,860</td>
</tr>
<tr>
<td>Construction</td>
<td>126,360</td>
</tr>
<tr>
<td>Total</td>
<td>$25,009,830</td>
</tr>
<tr>
<td>Less Uncollected Balance</td>
<td>(24,554,281)</td>
</tr>
<tr>
<td>September 1992 Adjusted Total:</td>
<td>$455,549</td>
</tr>
</tbody>
</table>

Source: Capital Facilities Fee Report, Recht Hausrath & Associates, 1989; City of Modesto
TABLE 7
CAPITAL FACILITY EXPENDITURES:
PARKS AND RECREATION SERVICES

<table>
<thead>
<tr>
<th>Facility</th>
<th>Dec. 1988 Cost</th>
<th>Construction</th>
<th>Equipment</th>
<th>Land</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood Parks</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land¹</td>
<td>$8,413,160</td>
<td>16,297,080</td>
<td>4,002,260</td>
<td>4,002,260</td>
<td>$16,297,080</td>
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<tr>
<td>Equipment</td>
<td>3,605,640</td>
<td>18,976,681</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Construction</td>
<td>18,028,200</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Parks</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land²</td>
<td>4,476,780</td>
<td>10,068,140</td>
<td>519,510</td>
<td>519,510</td>
<td>10,068,140</td>
</tr>
<tr>
<td>Equipment</td>
<td>468,027</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction</td>
<td>15,404,193</td>
<td>16,214,623</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tuolumne³</td>
<td>4,784,000</td>
<td>2,705,208</td>
<td>4,000,000</td>
<td>6,705,208</td>
<td></td>
</tr>
<tr>
<td>Golf Course⁴</td>
<td>11,440,000</td>
<td>11,440,000</td>
<td></td>
<td></td>
<td>11,440,000</td>
</tr>
<tr>
<td>Dry Creek Park⁵</td>
<td>1,655,000</td>
<td>1,655,000</td>
<td></td>
<td></td>
<td>1,655,000</td>
</tr>
<tr>
<td>Equipment</td>
<td>3,948,000</td>
<td>4,382,280</td>
<td></td>
<td></td>
<td>4,382,280</td>
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<tr>
<td>Multi Purpose Bldgs</td>
<td>1,582,000</td>
<td>1,665,231</td>
<td></td>
<td></td>
<td>1,665,231</td>
</tr>
<tr>
<td>Tennis Courts</td>
<td>870,000</td>
<td>915,772</td>
<td></td>
<td></td>
<td>915,772</td>
</tr>
<tr>
<td>Comm Rec Bldgs</td>
<td>7,492,000</td>
<td>7,886,161</td>
<td></td>
<td></td>
<td>7,886,161</td>
</tr>
<tr>
<td>Total</td>
<td>82,157,000</td>
<td></td>
<td></td>
<td></td>
<td>100,727,946</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Less 20%</td>
<td></td>
<td></td>
<td>(20,145,589)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>September 1992A Adjusted Total</td>
<td>80,582,357</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Capital Facilities Fee Report, Recht Hausrath & Associates, 1989; City of Modesto.

¹Total required acreage, 240 acres is revalued at $80,000/acre, and reduced by 84 acres of existing capacity (valued at $35,000/acre).

²Total required acreage, 128.8 acres, is revalued at $80,000/acre, and reduced by 4.7 acres of existing capacity (valued at $35,000/acre).

³Tuolumne is treated as a complete system. See further discussion in the text.

⁴It is assumed that land for the two additional golf courses is purchased prior to annexation at reduced price of $35,000/acre.

⁵This land has already been purchased, so land cost will not increase.
### TABLE 9

**CAPITAL FACILITY EXPENDITURES: OTHER CITY GOVERNMENT FACILITIES**

<table>
<thead>
<tr>
<th>Facility</th>
<th>Dec. 1988 Cost</th>
<th>Construction</th>
<th>Equipment</th>
<th>Land</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Yard Land</td>
<td>500,000</td>
<td></td>
<td></td>
<td>400,000</td>
<td>400,000</td>
</tr>
<tr>
<td>Construction</td>
<td>1,470,000</td>
<td>1,547,910</td>
<td></td>
<td></td>
<td>1,547,910</td>
</tr>
<tr>
<td>Parking Spaces</td>
<td>1,200,000</td>
<td>1,263,600</td>
<td></td>
<td></td>
<td>1,263,600</td>
</tr>
<tr>
<td>Admin Offices³</td>
<td>5,060,000</td>
<td>5,328,180</td>
<td></td>
<td></td>
<td>5,328,180</td>
</tr>
<tr>
<td>Admin Equipment⁴</td>
<td>1,210,000</td>
<td>1,343,100</td>
<td></td>
<td></td>
<td>1,343,100</td>
</tr>
<tr>
<td>Vehicles</td>
<td>7,572,000</td>
<td>8,404,920</td>
<td></td>
<td></td>
<td>8,404,920</td>
</tr>
<tr>
<td>Total</td>
<td>17,012,000</td>
<td></td>
<td></td>
<td></td>
<td>18,287,710</td>
</tr>
</tbody>
</table>

**Less 20%**

| September 1992 Adjusted Total | 14,630,168 |

---

Source: Capital Facilities Fee Report, Recht Hausrath & Associates, 1989; City of Modesto.

The overall escalation factor in costs for general government facilities is 7.5 percent. This reflects the higher inflation rate for vehicles and equipment.

---

¹Construction cost inflation factor is 5.3 percent.

²Equipment inflation factor is 11.0 percent.

³44,000 square feet of space × $115 per square foot.

⁴Includes $550,000 computer upgrade and other equipment.
### STREET FACILITIES PROJECTS
### COSTS IN 1989 DOLLARS

<table>
<thead>
<tr>
<th>STREET</th>
<th>SEGMENT</th>
<th>TOTAL 000's</th>
<th>MODESTO 000's</th>
<th>OTHERS 000's</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>TOTAL 000's</td>
<td>MODESTO 000's</td>
<td>OTHERS 000's</td>
</tr>
<tr>
<td><strong>EXPRESSWAYS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>KIERNAN</td>
<td>DALE TO PRESCOTT</td>
<td>3,353</td>
<td>4</td>
<td>2,515</td>
</tr>
<tr>
<td></td>
<td>TULLY TO MCHENRY</td>
<td>3,780</td>
<td>4</td>
<td>2,835</td>
</tr>
<tr>
<td></td>
<td>MCHENRY TO COFFEE</td>
<td>3,204</td>
<td>4</td>
<td>2,403</td>
</tr>
<tr>
<td></td>
<td>COFFEE TO OAKDALE</td>
<td>3,825</td>
<td>4</td>
<td>3,825</td>
</tr>
<tr>
<td></td>
<td>OAKDALE TO ROSELLE</td>
<td>3,433</td>
<td>4</td>
<td>3,433</td>
</tr>
<tr>
<td></td>
<td>ROSELLE TO EXPRESSWAY</td>
<td>4,036</td>
<td>4</td>
<td>4,036</td>
</tr>
<tr>
<td></td>
<td>EXPRESSWAY CLARIBEL TO PELANDALE</td>
<td>3,841</td>
<td>4</td>
<td>3,841</td>
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<tr>
<td></td>
<td>PELANDALE TO CLAUS</td>
<td>861</td>
<td>4</td>
<td>861</td>
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<td></td>
<td>EXPRESSWAY TO SYLVAN</td>
<td>754</td>
<td>6</td>
<td>754</td>
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<tr>
<td></td>
<td>SYLVAN TO FLOYD</td>
<td>3,587</td>
<td>6</td>
<td>3,587</td>
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<tr>
<td></td>
<td>FLOYD TO BRIGGSMORE</td>
<td>4,114</td>
<td>6</td>
<td>4,114</td>
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<tr>
<td></td>
<td>BRIGGSMORE TO SCENIC</td>
<td>2,706</td>
<td>6</td>
<td>2,706</td>
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<tr>
<td></td>
<td>SCENIC TO LAT. NO. 2</td>
<td>3,684</td>
<td>6</td>
<td>3,684</td>
</tr>
<tr>
<td></td>
<td>LAT. NO. 2 TO YOSEMITE</td>
<td>246</td>
<td>6</td>
<td>246</td>
</tr>
<tr>
<td></td>
<td>FINCH TO HATCH</td>
<td>11,893</td>
<td>4</td>
<td>11,893</td>
</tr>
<tr>
<td></td>
<td>SR99 TO PRESCOTT</td>
<td>392</td>
<td>6</td>
<td>392</td>
</tr>
<tr>
<td></td>
<td>PRESCOTT TO TULLY</td>
<td>2,715</td>
<td>6</td>
<td>2,715</td>
</tr>
<tr>
<td></td>
<td>TULLY TO MCHENRY</td>
<td>3,532</td>
<td>6</td>
<td>3,532</td>
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<tr>
<td></td>
<td>MCHENRY TO COFFEE</td>
<td>3,412</td>
<td>6</td>
<td>3,412</td>
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<tr>
<td></td>
<td>COFFEE TO OAKDALE</td>
<td>3,151</td>
<td>6</td>
<td>3,151</td>
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<tr>
<td></td>
<td>OAKDALE TO ROSELLE</td>
<td>3,159</td>
<td>6</td>
<td>3,159</td>
</tr>
<tr>
<td></td>
<td>ROSELLE TO CLAUS</td>
<td>2,668</td>
<td>4</td>
<td>2,668</td>
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<td></td>
<td>URBAN INTERCHANGES - 4 @ $8,000,000</td>
<td>32,000</td>
<td>100</td>
<td>32,000</td>
</tr>
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<td></td>
<td>SR132 SR99 TO MORSE/NEBRASKA</td>
<td>40,000</td>
<td>4</td>
<td>24,000</td>
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<td></td>
<td></td>
<td>151,013</td>
<td>132,429</td>
<td>18,584</td>
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<td><strong>EAST-WEST ARTERIALS</strong></td>
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<td></td>
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<tr>
<td>PELANDALE</td>
<td>DALE TO PRESCOTT</td>
<td>2,730</td>
<td>2</td>
<td>2,730</td>
</tr>
<tr>
<td></td>
<td>PRESCOTT TO TULLY</td>
<td>2,478</td>
<td>2</td>
<td>2,478</td>
</tr>
<tr>
<td></td>
<td>TULLY TO MCHENRY</td>
<td>3,899</td>
<td>2</td>
<td>3,899</td>
</tr>
<tr>
<td></td>
<td>MCHENRY TO COFFEE</td>
<td>3,149</td>
<td>2</td>
<td>3,149</td>
</tr>
<tr>
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<td>2,605</td>
<td>2</td>
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<tr>
<td></td>
<td>OAKDALE TO ROSELLE</td>
<td>2,817</td>
<td>2</td>
<td>2,817</td>
</tr>
<tr>
<td></td>
<td>ROSELLE TO EXPRESSWAY</td>
<td>2,380</td>
<td>2</td>
<td>2,380</td>
</tr>
<tr>
<td></td>
<td>EL VIASTA TO LINCOLN</td>
<td>1,979</td>
<td>6</td>
<td>1,979</td>
</tr>
<tr>
<td></td>
<td>LINCOLN TO MARIPOSA</td>
<td>239</td>
<td>6</td>
<td>239</td>
</tr>
<tr>
<td></td>
<td>MARIPOSA TO CLAUS</td>
<td>738</td>
<td>6</td>
<td>738</td>
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<tr>
<td></td>
<td>CLAUS TO EAST U.L.</td>
<td>1,749</td>
<td>6</td>
<td>1,749</td>
</tr>
<tr>
<td></td>
<td>EMPIRE GRADE SEPARATION</td>
<td>12,000</td>
<td>4</td>
<td>4,800</td>
</tr>
<tr>
<td></td>
<td>CROWS LANDING TO SR 99</td>
<td>5,474</td>
<td>100</td>
<td>5,474</td>
</tr>
<tr>
<td></td>
<td></td>
<td>42,237</td>
<td>35,037</td>
<td>7,200</td>
</tr>
</tbody>
</table>

A-9
### STREET FACILITIES PROJECTS (cont'd)
#### COSTS IN 1989 DOLLARS

<table>
<thead>
<tr>
<th>STREET</th>
<th>SEGMENT</th>
<th>TOTAL 000's</th>
<th>MODESTO 000's</th>
<th>OTHERS 000's</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORTH-SOUTH ARTERIALS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PRESCOTT</td>
<td>KIERNAN TO SNYDER</td>
<td>2,955</td>
<td>100%</td>
<td>2,955</td>
</tr>
<tr>
<td>CARPENTER</td>
<td>KANSAS TO MAZE</td>
<td>1,031</td>
<td>100%</td>
<td>1,031</td>
</tr>
<tr>
<td>CARPENTER</td>
<td>MAZE TO CALIFORNIA</td>
<td>971</td>
<td>100%</td>
<td>971</td>
</tr>
<tr>
<td>CARPENTER</td>
<td>CALIFORNIA TO PARADISE</td>
<td>1,815</td>
<td>100%</td>
<td>1,815</td>
</tr>
<tr>
<td>CARPENTER</td>
<td>PARADISE TO HATCH</td>
<td>6,557</td>
<td>100%</td>
<td>6,557</td>
</tr>
<tr>
<td>TULLY</td>
<td>PELANDALE TO STANDIFORD</td>
<td>290</td>
<td>100%</td>
<td>290</td>
</tr>
<tr>
<td>MCHENRY</td>
<td>PELANDALE TO STANDIFORD</td>
<td>961</td>
<td>100%</td>
<td>961</td>
</tr>
<tr>
<td>COFFEE</td>
<td>CLARIBEL TO PELANDALE</td>
<td>680</td>
<td>100%</td>
<td>680</td>
</tr>
<tr>
<td>OAKDALE</td>
<td>CLARIBEL TO PELANDALE</td>
<td>911</td>
<td>100%</td>
<td>911</td>
</tr>
<tr>
<td>OAKDALE</td>
<td>PELANDALE TO SYLVAN</td>
<td>692</td>
<td>100%</td>
<td>692</td>
</tr>
<tr>
<td>ROSELLE</td>
<td>FLOYD TO BRIGGSMORE</td>
<td>260</td>
<td>100%</td>
<td>260</td>
</tr>
<tr>
<td>LAKEMOON</td>
<td>BRIGGSMORE TO SCENIC</td>
<td>978</td>
<td>100%</td>
<td>978</td>
</tr>
<tr>
<td>LINCOLN</td>
<td>SCENIC TO YOSEMITE</td>
<td>2,300</td>
<td>100%</td>
<td>2,300</td>
</tr>
<tr>
<td></td>
<td></td>
<td>20,401</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TRAFFIC SIGNALS (new and modifications)**
- New signals: 16,215
- Modifications: 3,790
- Centralized Control System: 3,200

**MEDIANS**
- On selected intersection approaches: 509
- On new or widened streets: 1,003

**SR 99 INTERCHANGES IMPROVEMENTS**
- PELANDALE INTERCHANGE: 4,911
- BECKWITH/STANDIFORD INTERCHANGE: 7,822
- CARPENTER/BRIGGSMORE INTERCHANGE: 771
- MAZE NORTHBOUND RAMP: 200
- I STREET RAMPS INTERSECTIONS: 122
- HATCH INTERCHANGE: 4,000
- SR 99 INTERCHANGES Prelim Plng Studies: 200
- SR 99 INTERCHANGES Project Study Reports: 160

**GRAND TOTAL**: 256,554

---

**Escalation of 1989 Costs to 1991 Costs**

<table>
<thead>
<tr>
<th>Description</th>
<th>Construction</th>
<th>Equipment</th>
<th>Land</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total 1989 Costs</td>
<td>187,388</td>
<td>23,205</td>
<td>15,042</td>
<td>225,635</td>
</tr>
<tr>
<td>Escalation to 1991</td>
<td>9,932°</td>
<td>2,553°</td>
<td>-</td>
<td>12,485</td>
</tr>
<tr>
<td>1992 Adjustments</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less 20 Percent</td>
<td>-39,464</td>
<td>-5,152</td>
<td>-3,008</td>
<td>-47,624</td>
</tr>
<tr>
<td>Less Fed/State Funds</td>
<td>-19,800</td>
<td>-0</td>
<td>-</td>
<td>-19,800</td>
</tr>
<tr>
<td>Total 1992 Costs</td>
<td>138,056</td>
<td>20,606</td>
<td>12,034</td>
<td>170,696</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Construction</th>
<th>Equipment</th>
<th>Land</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

° Construction cost inflation factor is 5.3 percent
° Equipment cost inflation factor is 11.0 percent
° No land cost escalation factor is applied

---

A-10
TABLE 14
CAPITAL FACILITIES EXPENDITURES: PUBLIC TRANSPORTATION SERVICES
(June, 1991 dollars)

<table>
<thead>
<tr>
<th>Facility</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buses</td>
<td>$3,324,672</td>
</tr>
<tr>
<td>Bus Shelters</td>
<td>183,222</td>
</tr>
<tr>
<td>Bus Stops</td>
<td>133,731</td>
</tr>
<tr>
<td>Transit Center</td>
<td></td>
</tr>
<tr>
<td>Land</td>
<td>315,967</td>
</tr>
<tr>
<td>Construction</td>
<td>418,539</td>
</tr>
<tr>
<td>Total</td>
<td>$4,376,131</td>
</tr>
<tr>
<td>Less Uncollected Balance for Transit Center</td>
<td>(634,506)</td>
</tr>
<tr>
<td>Less 20%</td>
<td>(748,325)</td>
</tr>
<tr>
<td>September 1992 Adjusted Total</td>
<td>$2,993,300</td>
</tr>
</tbody>
</table>

Source: Capital Facilities Fee Report, Phase Two, Recht Hausrath & Associates, 1989; City of Modesto.
**TABLE A**

AIR QUALITY MITIGATION PROJECTS

(Original costs from Capital Facilities Fee report)  
(No Adjustments made in 1991)

<table>
<thead>
<tr>
<th>Project</th>
<th>Quantity</th>
<th>Original Cost</th>
<th>Adjusted Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Park and Ride Lots</td>
<td>4</td>
<td>$175,000</td>
<td>$700,000</td>
</tr>
<tr>
<td>Vanpooling/Carpooling</td>
<td></td>
<td></td>
<td>$134,000</td>
</tr>
<tr>
<td>Bike Paths/Storage</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Class I</td>
<td>30 Miles</td>
<td>$105,600</td>
<td>$3,168,000</td>
</tr>
<tr>
<td>Class II</td>
<td>50 Miles</td>
<td>$39,000</td>
<td>$1,950,000</td>
</tr>
<tr>
<td>Footpaths, Pedestrian Access</td>
<td>20 Miles</td>
<td>$35,000</td>
<td>$1,150,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td>$7,102,000</td>
</tr>
<tr>
<td><strong>Less 20%</strong></td>
<td></td>
<td></td>
<td>(1,420,400)</td>
</tr>
<tr>
<td><strong>September 1992 Adjusted Total</strong></td>
<td></td>
<td></td>
<td>$5,681,600</td>
</tr>
</tbody>
</table>

Source: *Capital Facilities Fee Report*, Phase Two, Recht Hausrath & Associates, 1989; City of Modesto
MODESTO CITY COUNCIL
RESOLUTION NO. 92-508

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF KENNETH A. PLOUGH II FROM THE CITIZENS ADVISORY COMMITTEE ON RECYCLING

WHEREAS, Kenneth A. Plough II was appointed a member of the Citizens Advisory Committee on Recycling on August 6, 1991; and

WHEREAS, Kenneth A. Plough II has tendered his resignation from the Citizens Advisory Committee on Recycling, effective September 8, 1992; and

WHEREAS, Kenneth A. Plough II has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Kenneth A. Plough II from the Citizens Advisory Committee on Recycling be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Dobbs

ATTEST: NORMA COYLE, City Clerk
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JAMES D. LYNCH FROM THE AFFIRMATIVE ACTION COMMISSION

WHEREAS, James D. Lynch was appointed a member of the Affirmative Action Commission on May 7, 1991; and

WHEREAS, James D. Lynch has tendered his resignation from the Affirmative Action Commission, effective September 8, 1992; and

WHEREAS, James D. Lynch has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of James D. Lynch from the Affirmative Action Commission be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Dobbs

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JOHNNA BRYANT FROM THE 
AFFIRMATIVE ACTION COMMISSION

WHEREAS, Johnna Bryant was appointed a member of the Affirmative Action 
Commission on May 7, 1991; and

WHEREAS, Johnna Bryant has tendered her resignation from the Affirmative 
Action Commission, effective September 8, 1992; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of Johnna Bryant 
from the Affirmative Action Commission be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the 
Council of the City of Modesto held on the 8th day of September, 1992, by 
Councilmember Friedman, who moved its adoption, which motion being duly 
seconded by Councilmember Bird, was upon roll call carried and the resolution 
adopted by the following vote:

AYES: Councilmembers: Bird, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Dobbs

ATTEST: ____________________________
   NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-511

A RESOLUTION ACCEPTING THE BID OF BOWDEN ELECTRIC, INC. FOR THE MODIFICATION OF TRAFFIC SIGNALS AT MAZE BOULEVARD AND EMERALD AVENUE

WHEREAS, Resolution No. 92-439, adopted by the Council of the City of Modesto on August 11, 1992, approved the plans and specifications for the modification of traffic signals at Maze Boulevard and Emerald Avenue and authorized the calling for bids; and

WHEREAS, the bids received for the modification of traffic signals at Maze Boulevard and Emerald Avenue were opened at 11:00 a.m. on September 1, 1992, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Bowden Electric, Inc. in the amount of $39,194 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Bowden Electric, Inc. in the amount of $39,194 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of September 1992, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-512

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $4,500 TO COMPLETE THE MODIFICATION OF TRAFFIC SIGNALS AT MAZE BOULEVARD AND EMERALD AVENUE

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

An appropriation transfer of $4,500 if needed to fully fund this project. The shortfall resulted from the Engineer's estimate being 12% low. Funds will be transferred from the Gas Tax Reserves Account.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of September 1992, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-513

A RESOLUTION ACCEPTING THE 1991 STREET CAPE SEAL PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the 1991 street cape seal project has been completed by Graham Contractors, Inc. in accordance with the contract agreement dated August 6, 1991.

NOW, THEREFORE, BE IT RESOLVED that the 1991 street cape seal project be accepted from said contractor, Graham Contractors, Inc.;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $689,472.48 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of September, 1992, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-514

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE REMOVAL, TRANSPORTATION, DISPOSAL AND REPLACEMENT OF 60,000 POUNDS OF GRANULAR ACTIVATED CARBON AT WELL SITE #2 FROM CALGON CARBON CORP.

WHEREAS, in 1990, Calgon Carbon Corp. installed a state-of-the-art activated carbon filtering system at Well Site #2 in order to meet State standards for domestic water systems; and

WHEREAS, due to contamination, it is required to "change out" the carbon within 18 months; and

WHEREAS, Calgon Carbon Corp. is the only known vendor that will accept total responsibility for the transportation and disposal of the spent carbon.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the removal, transportation, disposal and replacement of 60,000 pounds of granular activated carbon at Well Site #2 is hereby waived.

BE IT FURTHER RESOLVED that removal, transportation, disposal and replacement of 60,000 pounds of granular activated carbon at Well Site #2 by Calgon Carbon Corp. in the amount of $57,000 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of September, 1992, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION 92-515

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO APPROPRIATE A NEW CIP PROJECT AND ESTIMATE ASSOCIATED REVENUE

WHEREAS, this project - Mandatory Sidewalk Construction has typically been included in the CIP as an annual project, this year it was inadvertently overlooked.

WHEREAS, the City has been actively requiring the completion of sidewalks on certain streets since 1958. Work remains to be done on a list of streets approved by the Council. This list includes (in order of priority) Joaquin Street, Fremont Avenue, Rouse Avenue, Crommelin Avenue, Tokay Avenue and Kearney Avenue.

WHEREAS, this project provides money for sidewalk construction. The funds are paid back to the City by the property owner. The City provides a 10-year repayment program with 7% interest per year.

THEREFORE, the following adjustment is necessary:

GAS TAX FUND (070)

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Rev-Obj</th>
<th>Increase   (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures</td>
<td></td>
</tr>
<tr>
<td>070-430-C881-6010</td>
<td>$7,500</td>
</tr>
<tr>
<td>070-430-C881-6040</td>
<td>$38,500</td>
</tr>
<tr>
<td>070-430-C881-6060</td>
<td>$4,000</td>
</tr>
<tr>
<td>Revenues</td>
<td></td>
</tr>
<tr>
<td>070-510-9510-4053</td>
<td>$50,000</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of September, 1992, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Cogdill, Muratore, Patterson, Mayor Pro Tem Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman, Mayor Lang

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HDR ENGINEERING, TO PERFORM A SECONDARY/TERTIARY EVALUATION OF WASTEWATER TREATMENT FACILITIES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and HDR Engineering, to perform a Secondary/Tertiary evaluation of wastewater treatment facilities be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of September, 1992, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: ____________________________

NORRINE COYLE, City Clerk
A RESOLUTION CONSENTING TO AN AGREEMENT WITH THE DEL ESTE WATER COMPANY AND MODESTO IRRIGATION DISTRICT TO IMPLEMENT A SECURITY AGREEMENT FOR THE M.I.D. DOMESTIC WATER PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement with the Del Este Water Company and Modesto Irrigation District to implement a security agreement for the M.I.D. Domestic Water Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of September, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-518

A RESOLUTION DENYING THE APPEAL FILED BY JOHN B. HINCHEY TO A PLANNING COMMISSION DECISION DENYING AN AMENDMENT TO SECTION 25-3-9 OF THE ZONING MAP TO REZONE FROM HIGHWAY COMMERCIAL ZONE, C-3, TO PLANNED DEVELOPMENT ZONE, P-D, FOR A SPECIAL SIGN, PROPERTY LOCATED ON THE NORTH SIDE OF YOSEMITE BOULEVARD EAST OF LINCOLN AVENUE. (JOHN B. HINCHEY/YOSEMITE PLAZA)

WHEREAS, a verified application for an amendment to Section 25-3-9 of the Zoning Map was filed by John B. Hinchey, on June 8, 1992, to reclassify from Highway Commercial Zone, C-3, to Planned Development Zone, P-D, to allow a special sign package for the existing Yosemite Plaza Commercial Strip Center, property located on the north side of Yosemite Boulevard east of Lincoln Avenue, described as follows:

All that certain real property situate in a portion of the Southwest Quarter of section 25, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

All of parcels "C" and "D" of as shown on that certain Parcel Map filed in the office of the Recorder of Stanislaus County, California, on August 16, 1988, in Volume 41 of Parcel Maps, Page 24.

Including also all of Yosemite Boulevard immediately adjacent to the above described property.

and

WHEREAS, a public hearing was held by the Planning Commission on August 17, 1992, and continued to August 31, 1992, in the City Council Chambers, 801 11th Street, Modesto, California, at which hearings evidence both oral and documentary
was received and considered, and

WHEREAS, the matter having been continued from August 17, to August 31, 1992, due to a split 3-3 vote to approve, and the motion to approve again failing to pass on August 31, 1992, by receiving only 3 votes, and

WHEREAS, the Planning Commission by its Resolution No. 92-38 denied the application in order to allow the applicant to take the matter to the City Council on appeal, and

WHEREAS, an appeal to the decision of the Planning Commission's denial of the request to amend Section 25-3-9 of the zoning map to rezone from Highway Commercial Zone, C-3, to Planned Development Zone, P-D, for a special sign package, property located on the north side of Yosemite Boulevard east of Lincoln Avenue, was filed with the Office of the City Clerk by John B. Hinchey by letter dated September 2, 1992, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on September 22, 1992, at 4:00 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal to the denial of the requested rezoning of the property from Highway Commercial Zone, C-3, to Planned Development Zone, P-D, property located on the north side of Yosemite Boulevard east of Lincoln Avenue, should be denied and the decision of the Planning
Commission should be affirmed for the reasons set forth below:

1. The proposed P-D zone is solely for the purpose of allowing signage which is not otherwise allowed in a fully developed C-3 zoned commercial strip center.

2. The C-3 zoned commercial strips have had intensive sign review for two decades. Wall signs provide excellent identification and don't compete with one another.

3. The proposed free-standing multi-tenant/readerboard sign is not vital to tenant identification, and the maximum 12 square foot, six-foot-high directional sign remains as a safety valve for businesses deemed to need extra public exposure.

and

WHEREAS, the City Council certifies it has reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the requested rezoning,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of John B. Hinchey to the decision of the Planning Commission denying the request to rezone from Highway Commercial Zone, C-3, to Planned Development, P-D, property located on the north side of Yosemite Boulevard east of Lincoln Avenue, is denied for the reasons set forth above, and the decision of the Planning Commission is hereby affirmed.

BE IT FURTHER RESOLVED by the Council that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the
environmental impact of the proposed project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney

09/29/92--CA
MODESTO CITY COUNCIL
RESOLUTION NO. 92-519


WHEREAS, the Secretary of Transportation is authorized to make grants for a mass transportation program of projects, and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of the project costs in the program, and

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964, as amended, to applicant give an assurance that it will comply with title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder, and

WHEREAS, it is the goal of the applicant that disadvantaged business enterprises be utilized to the fullest extent possible in connection with these projects, and that definite procedures shall be established and administered to ensure that disadvantaged business shall have the maximum construction contracts, supplies, equipment contracts, or consultant and other services,

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

-1-

09/21/92--CA
of Modesto as follows:

1. That the attached Program of Projects attached hereto marked Exhibit A and incorporated herein by reference is hereby approved.

2. That the City Manager of the City of Modesto is authorized to execute and file an application on behalf of the City of Modesto with the U.S. Department of Transportation to aid in the financing of planning, capital and/or operating assistance projects pursuant to Section 9 of the Urban Mass Transportation Act of 1964, as amended, and listed in the Section 9 Program of Projects attached hereto marked Exhibit A and incorporated herein by reference.

3. That the City Manager of the City of Modesto is authorized to execute and file with such application an assurance or any other document required by the U.S. Department of Transportation effectuating the purpose of Title VI of the civil Rights Act of 1964.

4. That the Transit Manager is authorized to furnish such additional information as the U.S. Department of Transportation may require in connection with the application for the Program of Projects and budget.

5. That the City Manager of the City of Modesto is authorized to set forth and execute affirmative disadvantaged business policies in connection with the Program of Projects.

6. That the City Manager of the City of Modesto is
authorized to execute grant agreements on behalf of the City of Modesto with the U.S. Department of Transportation for aid in the financing of the planning, capital and/or operating assistance Program of Projects and budget.

7. That the Personnel Director of the City of Modesto is authorized to execute the Drug Free Workplace Act certification on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, Acting City Attorney
### FY 1992/93
#### SECTION 9
#### PROGRAM OF PROJECTS
#### SEPTEMBER 1992

<table>
<thead>
<tr>
<th>Urbanized Area:</th>
<th>Modesto, California</th>
<th>Apportionment for 92/93:</th>
<th>$1,916,345 *</th>
</tr>
</thead>
<tbody>
<tr>
<td>Designated Recipient:</td>
<td>Stanislaus Area Association of Governments</td>
<td>Carryover funds:</td>
<td>$718,267**</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Transfer funds:</td>
<td>-0-</td>
</tr>
<tr>
<td>Grantee:</td>
<td>City of Modesto</td>
<td>Total Federal Funds Available:</td>
<td>$2,634,612</td>
</tr>
</tbody>
</table>

* Assumes FY 1992/93 apportionment will equal FY 1991/92 apportionment
** Assumes approval of City's FY 91/92 FTA grant application.

#### Project Description

<table>
<thead>
<tr>
<th>I. CAPITAL PROJECTS</th>
<th>Local</th>
<th>Federal</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Purchase 4 Buses and spare parts.</td>
<td>$190,600</td>
<td>$762,400</td>
<td>$953,000</td>
</tr>
<tr>
<td>2. Rehabilitate 3 1976 buses.</td>
<td>$21,000</td>
<td>$399,000</td>
<td>$420,000</td>
</tr>
<tr>
<td>3. Install Public Address System on 25 buses.</td>
<td>$700</td>
<td>$13,300</td>
<td>$14,000</td>
</tr>
<tr>
<td>4. Purchase 3 Bus Shelters</td>
<td>$2,400</td>
<td>$9,600</td>
<td>$12,000</td>
</tr>
<tr>
<td>5. Laser Printer</td>
<td>$600</td>
<td>$2,400</td>
<td>$3,000</td>
</tr>
<tr>
<td>6. Bus Stop Sign Installation</td>
<td>$2,400</td>
<td>$9,600</td>
<td>$12,000</td>
</tr>
<tr>
<td>7. Purchase 10 Litter Containers</td>
<td>$950</td>
<td>$3,800</td>
<td>$4,750</td>
</tr>
<tr>
<td>8. Associated Capital Maintenance Items.</td>
<td>$20,000</td>
<td>$80,000</td>
<td>$100,000</td>
</tr>
<tr>
<td>9. Capital Cost of Contracting for Demand Response and Fixed Route Operations</td>
<td>$20,000</td>
<td>$80,000</td>
<td>$100,000</td>
</tr>
<tr>
<td>10. Replace Wheelchair Lifts on 4 buses</td>
<td>$4,550</td>
<td>$86,450</td>
<td>$91,000</td>
</tr>
<tr>
<td><strong>SubTotal</strong></td>
<td><strong>$263,200</strong></td>
<td><strong>$1,446,550</strong></td>
<td><strong>$1,709,750</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>II. OPERATING ASSISTANCE for period of 7/1/92 to 6/30/93</th>
<th>Local</th>
<th>Federal</th>
<th>Total</th>
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<tbody>
<tr>
<td><strong>SubTotal</strong></td>
<td><strong>$3,482,364</strong></td>
<td><strong>$981,150</strong></td>
<td><strong>$4,463,514</strong></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$3,745,564</strong></td>
<td><strong>$2,427,700</strong></td>
<td><strong>$6,173,264</strong></td>
</tr>
</tbody>
</table>

Exhibit A
MODESTO CITY COUNCIL
RESOLUTION NO. 92-520

A RESOLUTION ACCEPTING THE ROCKWELL STORM DRAIN REPLACEMENT 1991 PROJECT
AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works &
Transportation that the rockwell storm drain replacement 1991 project
has been completed by Ross F. Carroll, Inc.
in accordance with the contract agreement dated September 10, 1991.

NOW, THEREFORE, BE IT RESOLVED that the rockwell storm drain
replacement 1991 project
be accepted from said contractor, Ross F. Carroll, Inc.;

that notice of completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of $339,002.00 as
provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 22nd day of
September, 1992, by Councilmember Friedman, who
moved its adoption, which motion being duly seconded by Councilmember
Muratore, was upon roll call carried and the resolution adopted
by the following vote:

AYES:   Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore,
Patterson, Mayor Lang
NOES:   Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-521

A RESOLUTION APPROVING A REDUCTION IN RETENTION MONIES RELATING TO THE MODESTO CITY-COUNTY AIRPORT TERMINAL EXPANSION PROJECT FROM 10% TO 5% OF THE TOTAL CONTRACT AMOUNT.

WHEREAS, the City has received a request from Shan-Lyn Construction, Inc., to reduce the retention of monies in relation to the Airport Terminal Expansion project, and

WHEREAS, a reduction of retention monies to 5% is permissible under Section 9203 of the Public Contract Code when it is deemed that satisfactory progress is being made on the work, and

WHEREAS, currently four (4) Stop Notices are on file with the City Clerk on this project and the City is withholding an additional $15,437.06 to cover these Stop Notices, the Stop Notices currently on file are adequately covered by project funds being withheld from the Contractor, and

WHEREAS, all work has been completed on this project by the contractor and the City took beneficial use of the facility on June 21, 1991, and

WHEREAS, the only items remaining on this project are resolution of labor compliance items to fulfill Federal Grant requirements and approval of two credit change orders by the Federal Aviation Administration, and

WHEREAS, the project cannot be closed-out and processed for acceptance by the City Council until these items are complete, and
WHEREAS, currently, the City is retaining $156,155.26 in relation to said project, and the requested reduction in the retention monies would reduce the amount retained by the City to $78,077.63,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the request received from Shan-Lyn Construction, Inc., to reduce the retention of monies relating to the Airport Terminal Expansion Project, is hereby approved, said reduction in the retention of monies shall consist of a 5% reduction which is permissible under Section 9203 of the Public Contract Code reducing the amount retained by the City from $156,155.26 to $78,077.63.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMIE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-522

A RESOLUTION ADOPTING THE TRANSIT SECTION'S
DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL
OF 13% PARTICIPATION IN TRANSIT CONTRACT AWARDS
FOR FISCAL YEAR 1992-93.

WHEREAS, the Transit Section's Disadvantaged Business
Enterprise (DBE) Program adopted by Council on May 2, 1988,
prescribes the establishment of an annual goal for DBE participation in transit contract awards, and

WHEREAS, the Urban Mass Transportation Administration
(UMTA) requires each grantee to submit its DBE goal on an annual
basis, and

WHEREAS, UMTA has recommended adoption of a 13% goal for
Modesto, and

WHEREAS, UMTA has approved a draft copy of the City's
Fiscal Year 1992-93 DBE goal,

NOW, THEREFORE, BE IT RESOLVED that the Council of the
City of Modesto does hereby adopt a DBE goal of 13% for
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-523

A RESOLUTION IN SUPPORT OF AMTRAK SERVICE TO MODESTO.

WHEREAS, the Council of the City of Modesto strongly supports AMTRAK service which is convenient to its citizens and provides fast intercity service at a reasonable cost, and

WHEREAS, the major population centers along the San Joaquin Valley rail corridor are nearest to the Southern Pacific line, and

WHEREAS, the Southern Pacific Company has estimated a cost of $61.8 million to bring their tracks up to minimum operating conditions for AMTRAK service to provide as few as three trips per day, and

WHEREAS, the Atchison, Topeka and Santa Fe Railroad has estimated that it will cost approximately $8 million for upgrading its track to provide higher speed service and accommodate up to six trips per day each way, and

WHEREAS, the City of Modesto has made a $6 million commitment to a multi-modal facility on the Southern Pacific line in its downtown,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City on a long-term basis supports AMTRAK service on the Southern Pacific tracks.

BE IT FURTHER RESOLVED that the City of Modesto believes that the current estimate for Southern Pacific to
provide AMTRAK service is exorbitant and totally out of keeping with the City's concern for cost-effective passenger rail service.

BE IT FURTHER RESOLVED that the City supports short- and medium-term service on the Santa Fe lines as long as intercity service can be provided more quickly than the Southern Pacific line and at a relatively competitive cost to our citizens including travel time costs to access AMTRAK service.

BE IT FURTHER RESOLVED that the City supports continued use of the multi-modal station downtown and the provision of shuttle service from the Downtown Transportation Center to the AMTRAK service on the Atchison, Topeka and the Santa Fe line.

BE IT FURTHER RESOLVED that the City believes that it is in the interest of its citizens for a station in much closer proximity to our population center on the Atchison, Topeka and Santa Fe line and requests that Caltrans review the feasibility of a station in Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH
Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-524

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND YOSEMITE COMMUNITY COLLEGE DISTRICT FOR THE USE OF THE MODESTO JUNIOR COLLEGE FOOTBALL STADIUM ON OCTOBER 3, 1992, FOR THE NFL PASS, PUNT AND KICK COMPETITION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that

the agreement between the City of Modesto and the Yosemite Community College District for the use of the Modesto Junior College football stadium on October 3, 1992, for the NFL pass, punt and kick competition

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-525

A RESOLUTION APPROVING A PURCHASE AGREEMENT WITH OMEGA VENTURES TO PURCHASE 5.10 ACRES FOR A WATER TANK SITE AND A PUBLIC UTILITY EASEMENT OF .23 ACRES IN NORTHEAST MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the purchase agreement with Omega Ventures to purchase 5.10 acres for a water tank site and a public utility easement of .23 acres in Northeast Modesto be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-526

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE ACQUISITION OF LAND FOR A WATER TANK SITE NEEDED FOR THE TERMINAL RESERVOIR PUMPING STATION PROJECT.

WHEREAS, on September 22, 1992, the City Council, by Resolution No. 92-525, approved a Purchase Agreement for a project relating to the acquisition of land from Omega Ventures, a California corporation, for a water tank site needed for the Terminal Reservoir Pumping Station Project, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to the acquisition of land from Omega Ventures, a California corporation, for a water tank site needed for the Terminal Reservoir Pumping Station Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-527

A RESOLUTION APPROVING A PURCHASE AGREEMENT WITH STANLEY M. AND ESTHER E. ALCORN FOR 19 ACRES OF PROPERTY NEEDED FOR THE M.I.D. SURFACE WATER TREATMENT PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the purchase agreement with Stanley M. and Esther E. Alcorn for 19 acres of property needed for the M.I.D. Surface Water Treatment Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-528

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE ACQUISITION OF 19 ACRES OF LAND FOR A TANK SITE NEEDED FOR THE M.I.D. SURFACE TREATMENT PLANT, TERMINAL RESERVOIR PUMPING STATION PROJECT.

WHEREAS, on September 22, 1992, the City Council, by Resolution No. 92-527, approved a Purchase Agreement for a project relating to the acquisition of 19 acres of land from Stanley M. and Esther E. Alcorn for a tank site needed for the M.I.D. Surface Treatment Plant, Terminal Reservoir Pumping Station Project, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to the acquisition of 19 acres of land from Stanley M. and Esther E. Alcorn for a tank site needed for the M.I.D. Surface
Treatment Plant, Terminal Reservoir Pumping Station Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-528A

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANLEY M. AND ESTHER E. ALCORN FOR LEASE OF CITY OWNED PROPERTY EAST OF THE MID RIGHT OF WAY, NORTH OF GARST ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanley M. and Esther E. Alcorn for lease of City owned property east of the MID right of way, north of Garst Road and west of Frazine Road be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk
A RESOLUTION APPROVING EXECUTION OF AN EASEMENT DEED TO PACIFIC BELL AT THE TRANSPORTATION CENTER SITE

WHEREAS, there are plans to enlarge the existing Southern Pacific depot building as part of the Transportation Center project, at which time Pacific Bell has agreed to relocate their existing facilities, subject to us granting an easement.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto that execution of an easement deed to Pacific Bell at the Transportation Center site be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said easement deed by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

NORRINE COYLE, City Clerk
A RESOLUTION APPROVING A COMMUNITY DEVELOPMENT BLOCK GRANT LOAN AND STIPULATED GRANT AGREEMENT WITH BOBBIE CLINE FOR PROPERTY LOCATED AT 414 AND 414½ YOSEMITE AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Community Development Block Grant loan and stipulated agreement with Bobbie Cline for property located at 414 and 414½ Yosemite Avenue be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND BROWN AND CALDWELL FOR ENGINEERING SERVICES RELATED TO ODOR CONTROL AT THE WASTEWATER TREATMENT PLANT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Brown and Caldwell for engineering services related to odor control at the Wastewater Treatment Plant be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
A RESOLUTION REVISING SEWER SERVICE CHARGES
AND RESCINDING RESOLUTION NO. 92-482.

WHEREAS, Sections 5-6.02 and 5-6.24 of the Modesto
Municipal Code authorize the Council to establish storm drainage
surcharges and sewer service charges from time to time by
resolution, and

WHEREAS, the Council has previously established storm
drainage surcharges and sewer service charges, and

WHEREAS, effective August 1, 1991, by Ordinance No.
2776-C.S., the City Council approved the establishment of the
Storm Drainage Surcharge, to support storm drainage operations,
street sweeping, and to respond to Federal regulations requiring
the City to obtain a National Pollutant Discharge Elimination
System (NPDES) Stormwater Permit. This action included a senior
and disabled citizen discount, and a reduction in the rate for
schools, and

WHEREAS, said ordinance provided that the Council shall
have the power to establish, by agreement or resolution, the rate
or rates to be charged and the method of collecting the surface
water runoff sewer surcharge for properties outside the
boundaries of the city limits for those properties which
discharge into the City's storm drain system, and

WHEREAS, on February 18, 1992, by Resolution No. 92-85,
the Council established adjustments in sewer storm drainage
surcharges for lots with no curbs and gutters, and
WHEREAS, on February 25, 1992, by Resolution No. 92-100, the City Council addressed equitability questions and made certain adjustments in this revenue program for multi-family residential and non-curb customers, and

WHEREAS, revenue and budget estimates after several months of this revenue program indicate that a rate increase is needed to meet the minimum requirements to maintain the level of services and to comply with the Federal water quality regulations, and

WHEREAS, on May 26, 1992, City staff presented the rate increase proposal to the Utility Services and Franchise Committee, which recommended that the proposed rate increases be considered by the City Council, and

WHEREAS, on June 16, 1992, the Council held a public hearing to consider the recommended revisions to the storm drainage sewer surcharges to meet minimum requirements to maintain the level of service and to comply with Federal water quality regulations, and

WHEREAS, by motion, said matter was referred by the Council back to City staff, and

WHEREAS, on August 25, 1992, the Council again held a public hearing to consider recommended rate increases as outlined in a report to the Council from the Public Works and Transportation Director dated August 19, 1992, a copy of which report is on file in the office of the City Clerk, and
WHEREAS, as a recipient of State Grant Funds, the City of Modesto is required to develop a service area and a sewer revenue program in compliance with requirements and guidelines established by the State Water Resources Control Board. Said State requirements are developed to comply with Section 204(b)(1) of the Clean Water Act, Federal and State regulations and policies of the Water Resources Control Board, and

WHEREAS, in order to be in compliance with said State guidelines and regulations, the City of Modesto is required to delete the 35% surcharge on the sewer service charge for properties located outside Modesto Municipal Sewer District No. 1,

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

SECTION 1. DEFINITIONS. Unless the context requires a different meaning, for the purposes of this resolution the definitions set forth in Section 5-6.01 of Chapter 6 of Title V of the Modesto Municipal Code entitled "DEFINITIONS" shall apply. The following definitions shall apply to the Storm Drainage Sewer Surcharge:

1. "Agricultural": shall include all parcels which have been developed to some extent but whose primary purpose is agricultural or for storm drainage.

2. "Commercial": shall include all developed parcels used for offices, wholesale or retail sales establishments, or provision of personal, professional, contracting recreational or business services.
3. "Developed Parcel": shall mean any lot or parcel of land altered from its natural state by the construction, creation or addition of impervious area, except public streets or highways.

4. "Duplex": shall mean a developed parcel with two dwelling units on a single parcel.

5. "Government": shall include all developed parcels used by the federal government, city, county, state or agencies of the state for the local performance of governmental or proprietary functions.

6. "Hospital": shall include all developed parcels used by facilities for the chronically ill and impaired, public health centers, community mental health centers, facilities for the mentally retarded, general and other types of hospitals and central service facilities operated in connection with hospitals, but shall not include any institutional use furnishing primarily domiciliary care.

7. "Industrial": shall include all developed parcels which are used to manufacture, fabricate, process, or package products, or to process and store food or chemical products.

8. "Multi-family Residential": shall include all developed parcels or other than single-family residential or duplex units, including hotels, boarding houses and twenty-four hour care for less than six persons. Multi-family Residential will be broken down into four density categories, depending on the amount of property square foot per dwelling unit. The following shall be the four density categories:

<table>
<thead>
<tr>
<th>Density Category</th>
<th>Property Sq. Ft. Per Dwelling Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>0-1000</td>
</tr>
<tr>
<td>Medium</td>
<td>1001-3500</td>
</tr>
<tr>
<td>Low</td>
<td>3501-7000</td>
</tr>
<tr>
<td>Very Low</td>
<td>Over 7000</td>
</tr>
</tbody>
</table>

9. "Multi-family Senior Mobile Home": shall include all developed parcels in which two or more mobile home lots are rented or leased or held for rent or lease to accommodate manufactured homes or mobile
homes for senior citizen housing as defined in Civil Code Sections 51.2 and 51.3.

10. "NPDES Industrial Stormwater Permit": shall mean the stormwater discharge permit issued to operators of certain industrial activities by the State Water Regional Control Board pursuant to CWA and 40 CFR parts 122, 123, and 124.

11. "Non-profit Organizations": shall include all developed parcels used by organizations organized and operated for nonprofit purposes which are exempt corporations under Revenue and Taxation Code 23701.

12. "Parcel": shall mean the smallest separately segregated lot, unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes and given a tax lot number by the Stanislaus County Tax Assessor.

13. "Parks/Cemeteries": shall include developed parcels used primarily for cemetery purposes or for publicly-owned places of recreation and enjoyment for general public use.

14. "Single-Family Residential": shall include all developed parcels with one single-family detached housing unit, or it shall include two single-family dwellings or a duplex located on a corner lot.

15. "Schools": shall include all developed parcels used by institutions for instruction or education operated by the state, an agency of the state, a church or a non-profit organization.

16. "Parks": shall include all developed parcels operated as a park by a public agency.

17. "Transportation/Utilities": shall include all developed parcels which are used for transportation, communications and utilities services, including trucking, aviation, railroads, suburban transit, power, water and other utilities.

SECTION 2. SEWER SERVICE CHARGES FOR RESIDENTIAL SERVICE. Each person owning property within the sewer district
and receiving residential sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) The monthly sewer service charges for dwelling units, mobile homes and mobile home spaces in mobile home parks connected or required to be connected to the sewage system shall be:

Each single-family dwelling or mobile home on a lot $9.74
Each dwelling unit in a duplex 7.60
One additional dwelling unit or mobile home on a lot 7.60
Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park 6.27

(b) In areas outside the Sewer District, the monthly sewer service charges for dwelling units or mobile homes or mobile home spaces in a mobile home park shall be at the rate set forth in subsection (a) above.

(c) For dwelling units or mobile homes required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewer service charges set forth in subsection (a) above, there shall be an additional charge of One and No/100ths ($1.00) Dollar per month per premises to cover the cost of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

SECTION 3. SEWER SERVICE CHARGES FOR COMMERCIAL SERVICE. Each person owning property within the sewer district and receiving commercial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) Commercial users (including churches) shall be grouped according to Biochemical Oxygen Demand (hereinafter referred to as B.O.D.) and Suspended Solids (hereinafter referred to as S.S.) strength characteristics and shall pay sewer service charges based on the quantity of water used, measured in gallons, which exceeds the minimum as defined in subsection (c) below, and the waste strength characteristics measured in milligrams per liter (hereinafter referred to as mg/l). The
Public Works and Transportation Director shall determine the waste strength characteristics of commercial users and assign them to one of the following commercial users groups:

<table>
<thead>
<tr>
<th>Sewer Service Charges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per 1000 Gals.</td>
</tr>
<tr>
<td>______________________</td>
</tr>
<tr>
<td>of Water Used</td>
</tr>
</tbody>
</table>

**Group 1**
- Combined B.O.D. and S.S. measured in mg/l is 400mg/l or less
- $1.61

**Group 2**
- Combined B.O.D. and S.S. measured in mg/l is in the range of 401mg/l to 900mg/l
- 1.87

**Group 3**
- Combined B.O.D. and S.S. measured in mg/l is in the range of 901mg/l to 1400mg/l
- 2.28

**Group 4**
- Combined B.O.D. and S.S. measured in mg/l is over 1401mg/l
- 2.74

(b) Sewer service charges for commercial users outside the Sewer District shall be at the rate set forth in subsection (a) above.

(c) Notwithstanding the charges set forth in subsections (a) and (b) above, there shall be a minimum per month sewer charge, for the first 1,680 cubic feet of water used, for commercial users in the above defined groups, as follows:

<table>
<thead>
<tr>
<th>Group</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group 1</td>
<td>$20.22</td>
</tr>
<tr>
<td>Group 2</td>
<td>23.30</td>
</tr>
<tr>
<td>Group 3</td>
<td>28.56</td>
</tr>
<tr>
<td>Group 4</td>
<td>34.27</td>
</tr>
</tbody>
</table>

(d) For commercial users required to be connected to the sewage system, but which have not been
connected to said system, in addition to the sewage service charges set forth in subsection (a) above, there shall be an additional charge of One and 50/100ths ($1.50) Dollars per month to cover the costs of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

(e) Commercial users shall have all water used on the premises metered in order to determine the users' sewer service charges.

(1) Commercial users on a public water system other than the City's shall obtain a metered water service from the water purveyor and shall pay the sewer service charge which would be made were such water from the City's water system.

(2) Commercial users not connected to a public water system shall allow the City to furnish, install and maintain a water meter with the user to pay for the cost of the meter and installation plus ten (10) percent. The user shall pay the sewer service charge which would be made were such water from the City's water system. Authorization shall be granted to City from user to install, read and maintain said meter by user executing an agreement on a form furnished by the Public Works and Transportation Director.

(f) In the case of existing meters which are under the ownership of users, the City will assume responsibility for maintenance of such meters upon:

(1) Receipt of transfer of title from the owner in a form satisfactory to the Public Works and Transportation Director, and

(2) Authorization being granted to City for reading and maintaining the meter as set forth in paragraph (e) above.

SECTION 4. SEWER SERVICE CHARGES FOR INDUSTRIAL SERVICE. Each person owning property within the sewer district and receiving industrial sewer service shall pay a sewer service charge to the City in accordance with the following rates:
(a) The monthly sewer service charges for industrial users shall be at the rate of $657.74 per million gallons of total flow.

(1) If Industry has an effluent meter for industrial flow measurement, the total flow shall be the sum of the metered flow and a sanitary flow.

Sanitary Sewage Flow: If Industry has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Public Works & Transportation Director as follows:

The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

(2) If the Industry has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows.

(3) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.

(b) If the Biochemical Oxygen Demand (B.O.D.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of $77.79 per one thousand (1000) pounds of B.O.D. will be made for the B.O.D. in excess of two hundred (200) mg/l based on industrial flow only.

(c) If the Suspended Solids (S.S.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of $71.61 per one thousand (1000) pounds of S.S. will be made for the S.S. in excess of two hundred (200) mg/l based on industrial flow only.

Industrial Charge shall be the sum of items (a), (b), and (c).

(d) Notwithstanding the charges set forth in subsection (a), (b) and (c) above, there shall be a minimum $10.00 per month sewer service charge.
(e) Sewer service charges for industrial users outside the sewer district shall be at the rate set forth in subsections (a), (b), (c), and (d) above.

SECTION 5. PREPAID SEWER SERVICE CHARGES. Any person who has prepaid sewer service charges for residential sewer service and the period for which said sewer service charges were prepaid includes the period covered by Section 2 of this resolution shall be entitled to receive sewer service for said period for the prepaid rates.

SECTION 6. EMPIRE SANITARY DISTRICT. The City of Modesto and the Empire Sanitary District entered into an agreement for sewer services on May 19, 1969, which agreement was amended on June 15, 1970, whereby the City of Modesto agreed to accept and treat the sewage collected in the District's system and the District agreed to pay a service charge for said service. Said agreement, as amended, further provides that service charges may be changed by the City to reflect any revision in sewer service charges made by City to other users of City's system. Therefore, the noncommercial flat monthly rate for sewer services shall be amended to read as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family or mobile home on a lot (1 dwelling unit only)</td>
<td>$3.59</td>
</tr>
<tr>
<td>Each dwelling unit in a duplex</td>
<td>2.49</td>
</tr>
<tr>
<td>One additional dwelling unit or mobile home on a lot</td>
<td>2.49</td>
</tr>
<tr>
<td>Each dwelling unit in an apartment building or dwelling group (triplex, fourplex, etc.) or each space in a mobile home park</td>
<td>2.49</td>
</tr>
<tr>
<td>Billing Fee</td>
<td>0.39</td>
</tr>
</tbody>
</table>
SECTION 7. NORTH CERES SEWER SERVICE AREA. Pursuant to an agreement entered into between the City of Modesto and the City of Ceres, dated December 18, 1979, the City of Ceres will operate and the City of Modesto will accept and treat sewage collected from a sewerage system in the area bounded by South 9th Street on the west, and Tuolumne River on the north, Mitchell Road on the east and Hatch Road on the south, which area is referred to as the North Ceres Sewer Service Area. Said agreement further provides that the City of Ceres shall pay bi-monthly sewer service charges to the City of Modesto as authorized by the Modesto Municipal Code and established from time to time by Modesto City Council resolution for industrial service outside the Modesto Municipal Sewer District No. 1.

SECTION 8. STORM DRAINAGE SEWER SURCHARGE. The storm drainage sewer surcharges shall be paid as set forth below:

(a) All developed parcels are classified according to their Intensity of Development Factor (IDF). This is a numeric value for each land use based upon generally accepted engineering standards and directly related to the land use of the particular property. The following land uses are identified and recognized, each of which has an assigned IDF, as follows:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Intensity of Development Factor (IDF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Residential</td>
<td>0.25</td>
</tr>
<tr>
<td>Duplex</td>
<td>0.50</td>
</tr>
<tr>
<td>Multi-Family High</td>
<td>0.95</td>
</tr>
<tr>
<td>Multi-Family Medium</td>
<td>0.80</td>
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<tr>
<td>Multi-Family Low</td>
<td>0.40</td>
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<tr>
<td>Multi-Family Very Low</td>
<td>0.25</td>
</tr>
<tr>
<td>Multi-Family Senior Mobile Home</td>
<td>0.31</td>
</tr>
<tr>
<td>Commercial</td>
<td>0.95</td>
</tr>
<tr>
<td>Industrial</td>
<td>0.75</td>
</tr>
</tbody>
</table>
Transportation/Utilities 0.40
Schools 0.25
Non-Profit Organizations 0.40
Government 0.70
Hospitals 0.50
Parks/Cemeteries 0.10
Agriculture 0.08

(b) An Area Range Number (ARN) is assigned to each property based on its square footage, according to the following table:

<table>
<thead>
<tr>
<th>ARN</th>
<th>Square Footage of Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>0-3,500 SF</td>
</tr>
<tr>
<td>2</td>
<td>3,501-7,000</td>
</tr>
<tr>
<td>3</td>
<td>7,001-10,500</td>
</tr>
<tr>
<td>4</td>
<td>10,501-14,000</td>
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<tr>
<td>5</td>
<td>14,001-17,500</td>
</tr>
<tr>
<td>6</td>
<td>17,501-21,000</td>
</tr>
<tr>
<td>7</td>
<td>Increments of 3500 SF</td>
</tr>
<tr>
<td>etc.</td>
<td></td>
</tr>
</tbody>
</table>

(c) Single-Family Residential charges shall be as follows:

<table>
<thead>
<tr>
<th>Square Footage of Property</th>
<th>Monthly Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-3500 SF</td>
<td>$1.57</td>
</tr>
<tr>
<td>3501-7000 SF</td>
<td>3.08</td>
</tr>
<tr>
<td>7000 + SF</td>
<td>4.62</td>
</tr>
</tbody>
</table>

(d) Residential users may participate in the Senior Citizens and Disabled Persons Water Discount Program for storm drainage sewer surcharge discounts if they qualify under the program guidelines.

(e) The IDF is multiplied by the ARN to obtain the Equivalent Runoff Unit (ERU) for a property. The ERU represents a unit of stormwater runoff.

(f) The property's ERU is charged at a monthly rate of $6.92. Therefore, the monthly property charge for all non Single-Family Residential is: ERU x $6.92.

(g) That the portion of the storm drainage surcharge related to street sweeping and storm water collection shall not apply to a parcel if more than a majority of all of the parcels which front on the city street do not have curbs and gutters.
That portion currently constitutes seventy percent (70%) of the surcharge.

SECTION 9. EFFECTIVE DATE. This resolution shall become effective October 1, 1992.

SECTION 10. SUPERSEDES PRIOR RESOLUTIONS. When it becomes effective, this resolution supersedes Modesto City Council Resolution No. 92-482.

SECTION 11. MOBILE HOME PARKS. That in response to mobile home parks' interests and inquiries, the continuing issue of fee equity in relation to mobile home parks is hereby referred to City staff for further study.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Acting Mayor Friedman

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: NORMA COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney

09/17/92 -13-
MODESTO CITY COUNCIL
RESOLUTION NO. 92-533

A RESOLUTION SETTING FORTH A REFUND PROGRAM
FOR A SURCHARGE ON SEWER SERVICE CHARGES FOR
AREAS OUTSIDE MODESTO MUNICIPAL SEWER
DISTRICT NO. 1.

WHEREAS, Section 5-6.02 of the Modesto Municipal Code
authorizes the Council to establish sewer service charges from
time to time by resolution, and

WHEREAS Section 5-6.02 authorizes the Council to
establish, by agreement or resolution, the rate to be charged for
furnishing sewer services to any user outside the boundaries of
the Modesto Municipal Sewer District No. 1 at rates different
from those established for persons owning property within said
Sewer District, and

WHEREAS, pursuant to an agreement dated November 9,
1970, between the City of Modesto and Proctor and Gamble, a
surcharge was established in the amount of 100% of the sewer
service charge for property located at the southeast corner of
Crows Landing Road and Whitmore Avenue outside said Sewer
District, and

WHEREAS, on January 1, 1979, the Council established a
surcharge of thirty-five percent (35%) on the sewer service
charges for persons owning property outside said Sewer District,
and

WHEREAS, since the establishment of said sewer service
surcharge, the City has been the recipient of State grant funds
for expansions of the Wastewater Treatment Plant, and

WHEREAS, as a recipient of said State grant funds, the City of Modesto is required to develop our service area and our sewer revenue program in compliance with requirements and guidelines established by the State Water Resources Control Board. Said State requirements having been developed to comply with Section 204(b)(1) of the Clean Water Act, Federal and State regulations and policies of the Water Resources Control Board, and

WHEREAS, in order to be in compliance with these State mandated regulations, the City is required to delete said thirty-five percent (35%) sewer service surcharge for those properties connected to City sanitary sewer and located outside Modesto Municipal Sewer District No. 1, and

WHEREAS, by Resolution No. 92-532 adopted on September 22, 1992, which will become effective on and after October 1, 1992, the Council has deleted said sewer service surcharge, and

WHEREAS, the Council has determined that it is appropriate to refund to those customers owning property located outside said Sewer District who have paid said surcharge for each user category in an amount equal to the amount that was paid for said surcharge within the statute of limitations of one (1) year, and

WHEREAS, said one (1) year statute of limitations shall
be that period beginning on October 1, 1991 and extending through September 30, 1992,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the amount paid for said thirty-five percent (35%) sewer service surcharge during the refund period of October 1, 1991 through September 30, 1992 shall be refunded to that person or persons who paid said surcharge to the City of Modesto for sewer service to a property located outside Modesto Municipal Sewer District No. 1 as listed in "EXHIBIT A", which is made a part hereto by this reference.

BE IT FURTHER RESOLVED that the amount paid for said one hundred percent (100%) sewer service surcharge during the refund period of October 1, 1991 through September 30, 1992 shall be refunded to Proctor and Gamble who paid said surcharge to the City of Modesto for sewer service to a property located outside Modesto Municipal Sewer District No. 1 as listed in "EXHIBIT A", which is made a part hereto by this reference.

BE IT FURTHER RESOLVED that the City shall credit the amount paid for said surcharge to the open account for each property listed in said "EXHIBIT A". Should an account be closed or transferred to a subsequent owner and/or renter, then and in that event, the City shall issue a check in the amount of the surcharge to the person or persons who paid said surcharge within said refund period.

BE IT FURTHER RESOLVED that this resolution shall be effective on and after October 1, 1992.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:  Councilmembers:  Bird, Cogdill, Dobbs, Muratore, Patterson, Vice Mayor Friedman

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  Mayor Lang

ATTEST:  

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  

MICHAEL D. MILICH, Acting City Attorney
<table>
<thead>
<tr>
<th>SERVICE NUMBER</th>
<th>SERVICE ADDRESS</th>
<th>SERVICE CLASS</th>
<th>AMOUNT REFUNDED</th>
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</thead>
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**SUB TOTAL** = $18,040.61

**TOTAL AMOUNT REFUNDED/ADJUSTED** = $20,571.74

**SERVICE CLASS DEFINITIONS**

- **SFD**: RESIDENTIAL SINGLE FAMILY DWELLING
- **SR1**: RESIDENTIAL 2-4 DWELLING UNITS
- **SR2**: RESIDENTIAL 5 OR MORE DWELLING UNITS
- **SG1**: SEWER GROUP 1 (COMMERCIAL)
- **IND**: INDUSTRIAL
MODESTO CITY COUNCIL
RESOLUTION NO. 92-534

A RESOLUTION ACCEPTING A GRANT OFFER FOR FEDERAL FUNDS TO COMPLETE THE AIRPORT'S FISCAL YEAR 1991/92 CAPITAL IMPROVEMENT.

WHEREAS, each year the City is eligible for Airport Improvement Program (AIP) funds to complete needed airport capital improvement projects, and

WHEREAS, on June 25, 1991, the City Council approved four (4) AIP projects amounting to $390,000, and budgeted $57,000 of City funds for certain projects, and

WHEREAS, the Federal Aviation Administration (FAA) has agreed to fund ninety percent (90%) of each project and has issued a grant offer dated September 2, 1992, in the amount of $351,000, and

WHEREAS, acceptance of the grant offer will obligate the City of Modesto to accomplish the projects as described in the AIP Project No. 3-06-0153-15 offer,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the grant offer from the Federal Aviation Administration in the amount of $351,000 to complete the Airport's Fiscal Year 1991/92 capital improvements.

BE IT FURTHER RESOLVED that the execution of the grant acceptance by the City's designated official, J. Edward Tewes, City Manager, be and it is hereby authorized.

BE IT FURTHER RESOLVED that the City Manager is also authorized to execute and submit all documents, including but not
limited to amendments, payment requests, and other documents which may be necessary regarding the aforementioned grant offer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, Acting City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO ESTIMATE ADDITIONAL FAA GRANT REVENUE

WHEREAS, the 1991-92 CIP included four Airport Projects amounting to $390,000; of this $333,000 was to be funded with Airport Improvement Program (AIP) funds, $37,000 was a transfer in from Fund 130, and $20,000 was to be provided by the gallonage tax revenue generated in Fund 632.

WHEREAS, in the 1991-92 CIP, one of these projects - the Landfill Soil Evaluation was not expected to be eligible for AIP funds, and was funded with Fund 632 monies.

WHEREAS, the FAA has agreed to fund 90% of this project along with the other three projects.

WHEREAS, the Grant Offer from the FAA has been awarded in the amount of $351,000, which is $18,000 greater than was originally budgeted.

WHEREAS, this was known at the time of the CIP revenue carryover analysis, and this additional revenue is included in the carryover adjustment along with the associated project.

WHEREAS, it is not necessary to budget this additional revenue again.

THEREFORE, no adjustment is necessary at this time.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NARRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CERTIFIED/EARTH METRICS FOR CONSULTING SERVICES FOR PREPARATION OF THE MODESTO GENERAL PLAN DRAFT ENVIRONMENTAL IMPACT REPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Certified/Earth Metrics for consulting services for preparation of the Modesto General Plan Draft Environmental Impact Report be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Acting Mayor Friedman

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTTEST: Norrine Coyle, City Clerk
RESOLUTION NO. 92-537

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $52,212 FROM CONTINGENCY RESERVE FOR CONSULTING SERVICES ON PREPARATION OF THE MODESTO GENERAL PLAN DRAFT ENVIRONMENTAL IMPACT REPORT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: General Fund Contingency Reserve (010 800 8000 8003) $52,212

TO: Services, Professional & Other (010 140 1401 0235) $52,212

Funds are needed for consulting services on preparation of the Modesto General Plan Draft Environmental Impact Report.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Acting Mayor Friedman

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: ____________________________

NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PUBLIC RESOURCES ADVISORY GROUP TO PROVIDE SPECIAL FINANCING ADVISORY SERVICES FOR THE WASTE-TO-ENERGY PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Public Resources Advisory Group to provide special financing advisory services for the Waste-to-Energy Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Coqdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

A TTTEST: __________________________

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-539

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CARROLL, BURDICK & MCDONOUGH TO PROVIDE SPECIAL COUNSEL SERVICES FOR THE WASTE-TO-ENERGY PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Carroll, Burdick & McDonough to provide special counsel services for the Waste-to-Energy project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: "Norrine Coyle" /City Clerk

NORRINE COYLE /City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-540

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SENIOR OPPORTUNITY SERVICE PROGRAM/SENIOR NUTRITION PROGRAM FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Senior Opportunity Service Program/Senior Nutrition Program for a grant of $36,347 under the Community Development Block Grant Program for Fiscal Year 1992-93 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-541

A RESOLUTION CREATING A COMMUNITY QUALITIES COMMITTEE AND SETTING FORTH THE COMMITTEE'S GOAL.

WHEREAS, the membership of the Human Services Committee consists of Vice Mayor Kenni Friedman as Chairperson, Councilmember Charles Bird and Councilmember Frank Muratore, and

WHEREAS, said members of the Human Services Committee at their meeting of August 31, 1992, agreed that the creation of a Community Qualities Committee - Participants for the Future, would be essential in helping the City Council plan for change, and

WHEREAS, by a memo dated September 16, 1992, the Human Services Committee set forth recommendations to the City Council relating to the formation of Community Qualities Committee with the intent to involve more people in problem solving and planning for the future, a copy of said memo is on file in the office of the City Clerk, and

WHEREAS, at its meeting of September 22, 1992, the Council considered the recommendations of the Human Services Committee, and the Council desires to establish a Community Qualities Committee as recommended,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there is hereby created a citizens committee to be known as the Community Qualities Committee.

BE IT FURTHER RESOLVED, that the goal of said Community Qualities Committee shall be as follows:
1. To improve and enhance Modesto's urban environment through citizen involvement.

2. To recommend to the City Council ideas for solving community needs.

3. To turn clients into producers.

4. To empower citizens.

5. To develop a process to help the City Council.

BE IT FURTHER RESOLVED that the Community Qualities Committee shall be comprised of 25 members, 7 of whom shall be appointed by the City Council, and 18 of whom shall be selected on the basis of neighborhood representation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Vice Mayor Friedman

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, Acting City Attorney
A RESOLUTION APPOINTING MEMBER OF THE ECONOMIC DEVELOPMENT LOAN COMMITTEE (REUBEN SENDEJAS)

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

SECTION 1. The following person is hereby appointed to the Economic Development Loan Committee:

Reuben Sendejas
1026 Arboleda Drive
Modesto, Ca. 95350

Term to expire 9/30/94

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Acting Mayor Friedman

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST:  
NORRINE COYLE, City Clerk
A RESOLUTION APPOINTING MEMBER OF THE TUOLUMNE RIVER REGIONAL PARK CITIZENS' ADVISORY COMMITTEE (DAVID GIANELLI)

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

SECTION 1. The following person is hereby appointed to the Tuolumne River Regional Park Citizens' Advisory Com.

David Gianelli
1444 Lorry Avenue
Modesto, Ca. 95355

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Tuolumne River Regional Park Citizens' 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 September, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Acting Mayor Friedman

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, CITY CLERK

Committees
MODESTO CITY COUNCIL
RESOLUTION 92-544

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO IMPLEMENT THE PHASE II BUDGET STRATEGY.

WHEREAS, the Phase II Budget Strategy was presented to the City Council on October 1, 1992 at a special Council Session.

WHEREAS, the proposed Phase II budget adjustments are summarized in the "Phase II Budget Strategy-Summary of Recommended Budget Reduction Options, dated 9/18/92. These adjustments are also described in detail in the Phase II Budget Strategy Detail", dated 9/18/92. Both of these documents were included in the packet that was submitted to Council on September 18, 1992 at a special Council Workshop.

WHEREAS, an adjustment has been made to the original proposed phase II adjustments as follows: In the Fire Services section, it was originally proposed that there would be engine redeployment and reduction of six positions by attrition for a savings of $235,000, and a reorganization of Fire Prevention & Support Service Division for a savings of $55,000, these adjustments can not be made until meet and confer issues are settled. The current MOU will not allow these adjustments. These two items will be presented to Council for adoption at another time.

THEREFORE, the following adjustments are necessary to implement the Phase II budget strategy: See attachment 1.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 1992, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:    Councilmembers: Bird, Dobbs, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES:    Councilmembers: None

ABSENT:  Councilmembers: None

ATTEST:  Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, Acting City Attorney
## Summary of Recommended Budget Reduction Options

### Revenue & Appropriations

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<th>Objt</th>
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<th>Total</th>
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# Budget Reduction

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## Summary of Recommended Budget Reduction Options

**Revenue & Appropriations**

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<td>11 Delay Replacement of 3 Patrol Vehicles for One Year</td>
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<td>48,000</td>
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<tr>
<td>11 Delay Replacement of 3 Patrol Vehicles for One Year</td>
<td>010 800 8000 8003</td>
<td>48,000</td>
<td>48,000</td>
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<td>11 C.Reserve</td>
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### Phase II Budget Strategy

#### Summary of Recommended Budget Reduction Options

**Revenue & Appropriations**

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<th>Agy</th>
<th>Orgn</th>
<th>Obj</th>
<th>Amount</th>
<th>Total</th>
<th>Adjustments</th>
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**Parks & Recreation Department**

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<th>Obj</th>
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<th>Total</th>
<th>Adjustments</th>
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<td>Eliminate P/T Museum Coordinator-vacant</td>
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<td>Eliminate Community Events Calendar</td>
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**Public Works Department**

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<th>Amount</th>
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<td>1672</td>
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## Phase II Budget Strategy

### Summary of Recommended Budget Reduction Options

#### Revenue & Appropriations

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<th>Adjustment</th>
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### Phase II Budget Strategy

#### Summary of Recommended Budget Reduction Options

Revenue & Appropriations

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### Phase II Budget Strategy

**Summary of Recommended Budget Reduction Options**

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### Phase II Budget Strategy

**Summary of Recommended Budget Reduction Options**

**Revenue & Appropriations**

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<td>67,253 67,253</td>
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MODESTO CITY COUNCIL
RESOLUTION 92-545

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO IMPLEMENT THE PUBLIC WORKS AND TRANSPORTATION AUDIT.

WHEREAS, the Public Works Audit was presented to the City Council on October 1, 1992 at a special Council Session.

WHEREAS, the proposed adjustments are outlined in the document titled "Budget Amendments by Fund" dated September 18, 1992. These adjustments are discussed in detail in the document titled "Staff Report on Public Works & Transportation Audit", dated June 2, 1992; and in the document titled "Analysis of the Public Works and Transportation Department - City of Modesto" prepared by Hughes, Heiss & Associates, dated April 7, 1992.

WHEREAS, four changes have been made to the proposed adjustments as follows: 1.) Item #64, purchase asphalt trucks/equipment is not included in the final adjustment. It was anticipated that this equipment would be purchased with the PERS refund monies. We have not yet received this refund, when the refund is made to the City, this equipment purchase will then be budgeted. 2.) Item #46, Purchase wheel lifts for the coach shop, this item is eligible for 80% federal funding; however the grant has already been submitted for FY 1992-93. It would be very difficult to modify the grant at this time, this purchase will instead be included in the FY 1993-94 grant application. 3.) Item #45, Install ventilation improvements at main and coach shops, again the portion for the coach shop, $1,500, is eligible for federal funds and will be included in the FY 1993-94 grant application. 4.) Item #47, Estimated savings from purchasing downsized vehicles assumed that we were purchasing 12-1/2 ton trucks, only 10 trucks were budgeted for purchase this year, therefore the savings will only be $20,000 rather than $24,000. All other adjustments are as they are presented in the "Budget Amendments by Fund" outline.

THEREFORE, the following adjustments are necessary:
See attachment 1.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Cogdill, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: Muratore

ABSENT: Councilmembers: None

Attest: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, Acting City Attorney
## Summary of Public Works Audit

### Revenues and Appropriations

<table>
<thead>
<tr>
<th>Ref. #</th>
<th>Budget Reduction Option</th>
<th>FY 92-93</th>
<th>Adjustments</th>
<th>Associated Revenue</th>
<th>Adjustments</th>
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### Sewer Fund

- **Elim 1 Admin Analyst-Filled**
  - Budget Reduction: (39,573)
  - Adjustments:
    - 621 480 5201 0110: (26,479)
    - 621 480 5201 0111: (4,282)
    - 621 480 5201 0160: (8,812)
    - 621 800 8000 8003: 39,573

- **Add Admin Svc Off**
  - Budget Reduction: 5,855

- **Elim Supv I-Vacant**
  - Budget Reduction: (57,070)
  - Adjustments:
    - 628 480 5312 0110: (36,701)
    - 628 480 5312 0111: (5,935)
    - 628 480 5312 0160: (14,434)
    - 628 800 8000 8003: 57,070

- **Upgrde Supv II to Superintendent**
  - Budget Reduction: 3,555
  - Adjustments:
    - 621 480 5212 0110: 34,198
    - 621 480 5212 0111: (31,934)
    - 621 480 5212 0160: 5,531
    - 621 800 8000 8003: 3,555

- **Upgrde 2 Equip Ops to Crewleaders**
  - Budget Reduction: 2,255
  - Adjustments:
    - 621 480 5212 0110: (13,652)
    - 621 480 5212 0111: (14,094)
    - 621 480 5212 0160: 2,597
    - 621 800 8000 8003: (2,255)
## Summary of Public Works Audit

**Revenues and Appropriations**

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<th>Ref. #</th>
<th>Budget Reduction Option</th>
<th>FY 92-93</th>
<th>Appropriations</th>
<th>Adjustment</th>
<th>Associated Revenue</th>
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## Summary of Public Works Audit

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## Summary of Public Works Audit
### Revenues and Appropriations

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### Service Fund

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### Summary of Public Works Audit

Revenues and Appropriations

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General Fund (CIP Reimbursable)

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## Summary of Public Works Audit

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### Summary of Public Works Audit
Revenues and Appropriations

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Summary of Public Works Audit
Revenues and Appropriations

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<tr>
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<td>Adjustment to Pers for P/W Audit (0161 Acct)</td>
<td>751 030 6651 0161</td>
<td>(2,683)</td>
<td>(212,893)</td>
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<td>Adjustment to Pers for P/W Audit Revenue</td>
<td></td>
<td>4992</td>
<td>(151,381)</td>
<td>(212,893)</td>
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<td>Grand Total</td>
<td></td>
<td>(105,893)</td>
<td>(105,893)</td>
<td></td>
</tr>
</tbody>
</table>

Notes:
1. There were only 10 1/2 ton pickups budgeted in FY 1992–93, not 12; therefore the total Fleet Fund savings are $20,000, not $24,000 as was originally estimated.
CITY OF MODESTO

RESOLUTION NO. 92-546

RESOLUTION APPROVING, AUTHORIZING AND DIRECTING EXECUTION OF CERTAIN INSTALLMENT FINANCING DOCUMENTS, APPROVING THE FORM AND AUTHORIZING DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT, AN OFFICIAL NOTICE OF SALE AND AN OFFICIAL BID FORM IN CONNECTION WITH THE OFFERING AND SALE OF CERTIFICATES OF PARTICIPATION RELATING THERETO AND AUTHORIZING AND DIRECTING CERTAIN ACTIONS WITH RESPECT THERETO

RESOLVED, by the City of Modesto, California (the “City”), as follows:

WHEREAS, the City, working together with the Modesto Public Financing Authority (the “Authority”), is proposing to proceed with an installment sale financing;

WHEREAS, in connection therewith, the City proposes to finance the acquisition, construction, installation and equipping of certain improvements to its municipal water system (the “Project”), as more particularly described in the hereinafter defined Installment Sale Agreement and it is in the public interest and for the public benefit that the City authorize and direct execution of the hereinafter defined Installment Sale Agreement and certain other financing documents in connection therewith;

WHEREAS, the financial advisor to the City has been directed to prepare a preliminary official statement containing information material to the offering and sale of the Certificates of Participation described below (the “Preliminary Official Statement”) and special legal counsel to the City has been directed to prepare a notice of sale (the “Official Notice of Sale”) and a bid form (the “Official Bid Form”) relating to the sale of the Certificates of Participation; and

WHEREAS, the documents below specified have been filed with the City and the members of the City Council, with the aid of its staff, have reviewed said documents;

NOW, THEREFORE, it is hereby ORDERED and DETERMINED, as follows:

Section 1. The below-enumerated documents be and are hereby approved, and the Mayor, the City Manager or the Finance Director is hereby authorized and directed to execute said documents, with such changes, insertions and omissions as may be approved by such official, and the City Clerk is hereby authorized and directed to attest to such official's signature:

(a) a Installment Sale Agreement, relating to the Project, between the Authority, as seller, and the City, as purchaser (the “Installment Sale Agreement”), so long as the stated term of the Installment Sale Agreement does not exceed thirty (30) years, so long as the principal amount of the Installment Sale Agreement does not exceed $28,000,000, and so long as the net interest cost to the City under the Installment Sale Agreement does not exceed seven percent (7%) per annum; and

(b) a trust agreement, by and among the Authority, the City and State Street Bank and Trust Company of California, N.A., as trustee, the selection of which trustee is hereby approved (the
"Trust Agreement"), relating to the financing, and the execution and delivery of certificates of participation evidencing the direct, undivided fractional interests of the owners thereof in Installment Payments to be made by the City under the Installment Sale Agreement (the "Certificates of Participation").

Section 2. The City's financial advisor, on behalf of the City, and its City Clerk, are authorized and directed to cause the Preliminary Official Statement, the Official Notice of Sale and the Official Bid Form to be distributed to such municipal bond broker-dealers, to such banking institutions and to such other persons as may be interested in purchasing the Certificates of Participation therein offered for sale.

Section 3. The City Clerk is authorized and directed to execute the Official Notice of Sale on behalf of the City and to call for bids for the sale of the Certificates. The Mayor, the City Manager or the Finance Director, on behalf of the City, is hereby delegated the authority to accept the best responsible bid for the purchase of the Certificates of Participation, determined in accordance with the Official Notice of Sale. The Mayor, the City Manager or the Finance Director is hereby authorized and directed to accept such bid, for and in the name of the City, by notice to the successful bidder. In the event two or more bids setting forth identical interest rates and premium, if any, are received, the Mayor, the City Manager or the Finance Director, on behalf of the City, may exercise his own discretion and judgment in making the award and may award the Certificates of Participation on a pro rata basis in such denominations as he shall determine. The Mayor, the City Manager or the Finance Director, on behalf of the City, may, in his discretion, reject any and all bids and waive any irregularity or informality in any bid. The Mayor, the City Manager or the Finance Director, on behalf of the City, shall award the Certificates of Participation or reject all bids not later than 26 hours after the expiration of the time prescribed for the receipt of proposals unless such time of award is waived by the successful bidder.

Section 4. The City Council hereby approves the preparation of a Preliminary Official Statement describing the financing, together with any changes therein or additions thereto deemed advisable by the Mayor, the City Manager or the Finance Director. The City Council authorizes and directs the Mayor, the City Manager or the Finance Director, on behalf of the City, to deem "final" pursuant to Rule 15c2-12 under the Securities Exchange Act of 1934 (the "Rule") the Preliminary Official Statement prior to its distribution by the financial advisor.

Section 5. The Mayor, the City Manager or the Finance Director is authorized and directed to cause the Preliminary Official Statement to be brought into the form of a final official statement (the "Final Official Statement") and to execute said Final Official Statement, dated as of the date of the sale of the Certificates of Participation, and a statement that the facts contained in the Final Official Statement, and any supplement or amendment thereto (which shall be deemed an original part thereof for the purpose of such statement) were, at the time of sale of the Certificates of Participation, true and correct in all material respects and that the Final Official Statement did not, on the date of sale of the Certificates of Participation, and does not, as of the date of delivery of the Certificates of Participation, contain any untrue statement of a material fact with respect to the City or omit to state material facts with respect to the City required to be stated where necessary to make any statement made therein not misleading in the light of the circumstances under which it was made. The Mayor, the City Manager or the Finance Director shall take such further actions prior to the signing of the Final Official Statement as are deemed necessary or appropriate to verify the accuracy thereof. The execution of the final Official Statement, which shall include such changes and additions thereto deemed advisable by the Mayor, the City Manager or the Finance Director and such information permitted to be excluded from the Preliminary Official Statement pursuant to the Rule, shall be conclusive evidence of the approval of the final Official Statement by the City.
Section 6. The final Official Statement, when prepared, is approved for distribution in connection with the offering and sale of the Certificates of Participation.

Section 7. The Mayor, the City Manager, the Finance Director, the City Clerk and all other appropriate officials of the City are hereby authorized and directed to execute such other agreements, documents, and certificates as may be necessary to effect the purposes of this resolution and the financing herein authorized.

Section 8. This Resolution shall take effect upon its adoption by this City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, Acting City Attorney

09/21/92
I, the undersigned City Clerk of the City of Modesto, hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted by the City Council of the City of Modesto at a meeting thereof on the 6th day of October, 1992, by the following vote of the members thereof:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

(SEAL)

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-547

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(139), AS AN
ADDITION TO P-D(139). (JAMES LEARY,
ARCHITECT FOR THE MODESTO CITY HOSPITAL)

WHEREAS, a verified application for an amendment to
Section 28-3-9 of the Zoning Map was filed by James Leary,
Architect, on behalf of the Modesto City Hospital on June 4,
1992, to rezone from Neighborhood Commercial Zone, C-1, to
Planned Development Zone, P-D(139), as an addition to P-D(139),
to allow a parking lot addition and a trash compactor, property
located on the southwest side of 18th Street, northwest of G
Street, in the City of Modesto described as follows:

All that certain real property situate in a
portion of the Southwest Quarter of section
28, Township 3 South, Range 9 East, Mount
Diablo Base and Meridian, City of Modesto,
County of Stanislaus, State of California,
more particularly described as follows:

Lots 10, 11, 12, and 13 of Block 129.

Including also the Southwest one-half of 80
foot 18th Street and the Northeast one-half
of the 20 foot alley, all immediately
adjacent to the above described property.

WHEREAS, after a public hearing was held on August 17,
1992, in the City Council Chambers, City Hall, 801 11th Street,
Modesto, California, it was found and determined by the Planning
Commission, by its Resolution No. 92-34, that rezoning of the
property as requested is required by public necessity,
convenience and general welfare for the following reasons:
1. The proposed rezoning from C-1 to P-D(139) allows for additional off-street parking while accommodating a necessary trash compactor in an optimum location.

2. The expanding hospital facilities at the current downtown location conforms to the General Plan.

and

WHEREAS, after a public hearing held on October 6, 1992, at 7:30 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of James Leary on behalf of the Modesto City Hospital for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 92-34 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2830-C.S. on the 6th day of October, 1992, reclassifying the above-described property from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(139), as an addition to P-D(139).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(139), as an addition to P-D(139), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plans and floor plans titled "Modesto City Hospital - Parking Lot Addition", as amended in red, stamped approved by the City Council on October 6, 1992.
2. All conditions of City Council Resolution No. 87-1051 not in conflict with this resolution shall remain in full force and effect and shall be applicable to the above-described property.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(139), as an addition to P-D(139):

The entire construction program shall be accomplished in one phase, construction having begun, and completion to be not later than August 17, 1995.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(139),
as an addition to P-D(139), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Muratore

ATTEST: NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney

APPROVED AS TO DESCRIPTION:

By Planning and Community Development Department
A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 28-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM C-1 TO P-D(139), AS AN ADDITION TO P-D(139). (JAMES LEARY, ARCHITECT FOR THE MODESTO CITY HOSPITAL)

WHEREAS, on October 6, 1992, the City Council introduced Ordinance No. 2830 -C.S. giving approval to a project relating to an amendment to Section Map 28-3-9 of the Zoning Map of the City of Modesto to reclassify from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(139), as an addition to P-D(139), property located on the southwest side of 18th Street, northwest of G Street, in the City of Modesto, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the
subject project relating to an amendment to Section Map 28-3-9 of the Zoning Map of the City of Modesto to reclassify from Neighborhood Commercial Zone, C-I, to Planned Development Zone, P-D(139), as an addition to P-D(139), property located on the southwest side of 18th Street, northwest of G Street, 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 6th day of October, 1992, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Muratore

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney

10/02/92--CA
MODESTO CITY COUNCIL
RESOLUTION NO. 92-549

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE RUMBLE ROAD LIFT STATION REHABILITATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for the Rumble Road lift station rehabilitation, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 29, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: NORMINE COYLE
NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF HOWELL CONSTRUCTION FOR WORK ON THE MCCLURE MANSION CARETAKER'S COTTAGE

WHEREAS, Resolution No. 92-474, adopted by the Council of the City of Modesto on August 25, 1992, approved the plans and specifications for work on the McClure Mansion caretaker's cottage and authorized the calling for bids; and

WHEREAS, the bids received for work on the McClure Mansion caretaker's cottage were opened at 11:05 a.m. on September 17, 1992, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Howell Construction in the amount of $41,281.11 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Howell Construction in the amount of $41,281.11 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $9,000 FROM CONTINGENCY RESERVE FOR WORK ON THE MCCLURE MANSION CARETAKER'S COTTAGE

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Parks Contingency Reserve
(140 800 8000 8003) $9,000

TO: McClure Cottage
(140 310 C294 6020) $7,500
(140 310 C294 6040) $1,500

The project requires an 1100' extension of a gas line to the McClure Mansion cottage. This work was not included in the original budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Coddill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:

NORRINE COYLE, City Clerk
MODesto City Council
Resolution No. 92-552

A Resolution Accepting the Bid of Conco West for the Replacement of the Woodland Sewage Pump Station Sluice Gate

WHEREAS, Resolution No. 92-371, adopted by the Council of the City of Modesto on July 7, 1992, approved the plans and specifications for the replacement of the Woodland sewage pump station sluice gate and authorized the calling for bids; and

WHEREAS, the bids received for the replacement of the Woodland sewage pump station sluice gate were opened at 11:00 a.m. on September 10, 1992, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Conco West in the amount of $94,900 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Conco West in the amount of $94,900 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: [City Clerk's Signature]
Norrine Coyle, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $25,883 TO COVER COST OF REPLACEMENT OF THE WOODLAND SEWAGE PUMP STATION SLUICE GATE

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Annual Sewer Rehabilitation Account $25,883
       (621 480 C603)

TO:   Woodland Avenue Influent Sluice Gates $25,882
       (621 480 B064)

This transfer is needed because some of the assumptions made in the Budget Estimate proved unworkable when a detailed design was undertaken. Real solutions were more expensive than originally estimated.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE INTERIOR COATING OF DIGESTER NO. 3 AT THE WATER QUALITY CONTROL PLANT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the interior coating of Digester No. 3 at the Water Quality Control Plant has been completed by Gibbs Painting Co., Inc. in accordance with the contract agreement dated March 17, 1992.

NOW, THEREFORE, BE IT RESOLVED that the interior coating of Digester No. 3 at the Water Quality Control Plant be accepted from said contractor, Gibbs Painting Co., Inc.;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $120,406 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-555

A RESOLUTION ACCEPTING THE MUNICIPAL GOLF COURSE PARKING LOT EXPANSION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Municipal Golf Course parking lot expansion has been completed by Patch Master of Central California in accordance with the contract agreement dated March 17, 1992.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Golf Course parking lot expansion be accepted from said contractor, Patch Master of Central California;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $73,957 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-556

A RESOLUTION AMENDING MODESTO CITY COUNCIL
RESOLUTION NO. 91-134 ESTABLISHING CEQA
PROCEDURES FOR THE EVALUATION AND MITIGATION
OF SCHOOL IMPACTS FROM RESIDENTIAL PROJECTS
IN CONJUNCTION WITH A GENERAL PLAN AMENDMENT,
REZONING, PREZONING, OR OTHER LEGISLATIVE ACT
BY THE MODESTO CITY COUNCIL.

WHEREAS, the Modesto City Council adopted Resolution
No. 91-134 establishing CEQA procedures for the evaluation and
mitigation of school impacts from residential projects in
conjunction with the General Plan Amendment, rezoning, prezoning,
or other legislative act by the Modesto City Council on March 5,
1991, and

WHEREAS, the Building Industry Association of Central
California (BIA) has requested minor changes in Resolution No.
91-134 and the CEQA procedures it established to insure that
local school districts will aggressively seek state funds to
partially offset school mitigation requirements, and

WHEREAS, representatives of the local school districts
have met with representatives of the BIA and have agreed upon
changes to the resolution and the CEQA procedures it established,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that Modesto City Council Resolution No. 91-134
is hereby amended to read as follows:

In each instance where a residential development
project that is located in an area classified as "Urban Reserve"
by the Modesto General Plan, or in an area classified for
nonresidential use by the Modesto General Plan (i.e. College West) as of March 5, 1991*, seeks legislative approval, and a public school district serving residents of the City of Modesto seeks to impose upon said development project mitigation measures in addition to those which are statutorily authorized and determined to be exclusive, the public school district shall:

1. Make an application to the State of California for the funds to provide school facilities to mitigate the impacts caused by new residential development projects and agree to diligently and expeditiously pursue funds from the State of California to address public school facility needs.

2. Submit to the Planning and Community Development Department of the City of Modesto the following:

   a. A letter from the District certifying that a valid application for state funding is on file with the state or, in the alternative, a letter from the district certifying that as of the date of the letter the District is ineligible for such funding which also certifies that the school district shall, within thirty (30) days after it has determined in good faith that it is so eligible, initiate a process leading to the filing of a valid application for such funding.

   b. A copy of its current "School Facilities Fees Plans" that documents existing and future enrollment and facilities needs.

Any public school capital facilities mitigation measures imposed in addition to those which are held to be statutorily mandated and exclusive should not apply to future residential projects that have completed the CEQA process (certification of an environmental impact report, adoption of a...
negative declaration, or adoption of an exemption determination) as of March 5, 1991*.

As each school district serving the residents of the City of Modesto may have unique capital facilities impacts placed on them by proposed residential projects, it shall be the responsibility of each of said districts to develop and present to the City a mitigation program that best meets their circumstances and needs.

The CEQA procedures attached hereto as Exhibit "A", and made a part hereof will augment existing procedures to systematically address the issues raised by public school districts serving residents of the City of Modesto.

*This resolution shall apply only to those residential development projects requiring legislative approval that have not completed CEQA review on or before October 6, 1992, except that resolution 91-134 as adopted on March 5, 1991, shall continue to apply to projects which have completed CEQA review prior to October 6, 1992.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: NRRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHIEL D. MILICH, Acting City Attorney

10/06/92--CA
EXHIBIT "A"

CEQA PROCEDURES FOR THE EVALUATION AND MITIGATION OF SCHOOL IMPACTS FROM RESIDENTIAL PROJECTS APPROVED WITH GENERAL PLAN AMENDMENTS, REZONING, PREZONING, OR OTHER LEGISLATIVE ACTS IN THE CITY OF MODESTO.

The following procedures shall be used to evaluate and mitigate the impacts on school facilities from proposed residential projects within the Modesto Urban Area that require the approval of a General Plan Amendment, rezoning, prezoning, or other legislative act on the part of the Modesto City Council.

1. Developers of residential projects that are subject to these procedures should contact each affected school district prior to submitting an application to the City of Modesto. This early consultation with the school district on such matters as housing mix, timing of development, phasing, etc. will assist both parties in reaching an agreement on the best method of mitigating school impacts, should the project later be found to have the potential for significant effects on school facilities.

2. Once an application for a residential project, which is not exempt from CEQA, has been determined to be complete, it will be referred to the appropriate school district(s) for "review and comment" in conjunction with the present environmental review process.

3. Each school district will provide the City of Modesto with the information needed to evaluate the impact of the proposed residential project on their facilities, including background data necessary to document the impact that a residential project may have on that district's facilities. Such information shall be provided to the City of Modesto in a timely manner consistent with the City's responsibilities under CEQA.

4. If it is determined that a proposed residential project may have a significant effect on a school district's facilities, then either an EIR shall be required, or the school impact shall be mitigated by the project applicant. It shall be the responsibility of the project applicant and school district to resolve the appropriate method of mitigation. Mitigation may take several forms, including but not limited to one or more of the following: fees, land dedication, special taxes, etc.
5. The impact on public school capital facilities shall be considered fully mitigated by the City of Modesto when it receives written notification from the appropriate school district(s) that the school district(s) and project applicant have resolved school impacts and by what means.

6. The above procedures shall apply when:

(a) a residential project seeks the approval of a General Plan Amendment, rezoning, prezoning, annexation, or other legislative act, and

(b) the project is located on property classified as "Urban Reserve," or some other nonresidential land use classification of the Modesto General Plan, as it existed on March 5, 1991, and

(c) a school district has imposed school mitigation fees pursuant to Government Code Section 53080, and

(d) a school district has a valid application for the funding of public school capital facilities pending before the State unless it is not eligible for such State funding in which case the school district shall, within thirty (30) days after it has determined in good faith that it is so eligible, initiate a process leading to the filing of a valid application for such funding.

7. The above procedures shall not apply to residential projects approved in conjunction with a General Plan Amendment, rezoning, prezoning, annexation, or other legislative act that have completed the CEQA process (certification of an environmental impact report, adoption of a negative declaration or adoption of an exemption determination) as of March 5, 1991.
MODESTO CITY COUNCIL
RESOLUTION NO. 92-557

A RESOLUTION APPROVING APPROPRIATION TRANSFER IN THE AMOUNT OF $8,000 TO FUND REIMBURSEMENT OF DEL ESTE WATER COMPANY AND THE STANISLAUS COUNTY HOUSING AUTHORITY FOR COSTS INVOLVED WITH RELOCATION OF UTILITY VAULT IN PELTON AVENUE

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Gas Tax Reserves
(070 800 8000 8003)
$8,000

TO: Pelton Avenue Improvements
(070 430 B524 6020)
$8,000

The City Attorney's Office has determined that the City is responsible for costs to move a concrete vault containing a Del Este water meter and an 8" backflow prevention device to allow construction of the Pelton Avenue improvement project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING THE REQUEST OF SAM INTERNATIONAL FOR REFUND OF $3,437.32 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Sam International for refund of $3,437.32 for overpayment of Business License Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-559

A RESOLUTION APPROVING THE REQUEST OF THE WARDEN'S OFFICE FOR REFUND OF $596.16 FOR OVERPAYMENT OF BUSINESS IMPROVEMENT AREA TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of The Warden's Office for refund of $596.16 for overpayment of Business Improvement Area Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: ________________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-560

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO INDEPENDENT LIVING CENTER/DISABILITIES RESOURCES AGENCY FOR INDEPENDENT LIVING FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1992-93

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Modesto Independent Living Center/Disabilities Resources Agency for Independent Living for a grant of $19,000 under the Community Development Block Grant Program for Fiscal Year 1992-93 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COMMUNITY TEMPORARY SHELTER SERVICES FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1992-93

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Community Temporary Shelter Services for a grant of $35,310 under the Community Development Block Grant Program for Fiscal Year 1992-93 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CENTER FOR HUMAN SERVICES FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1992-93

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Center for Human Services for a grant of $7,000 under the Community Development Block Grant Program for Fiscal Year 1992-93 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE VOLUNTEER CENTER OF STANISLAUS/ADULT LITERACY PROGRAM FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1992-93

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Volunteer Center of Stanislaus/Adult Literacy Program for a grant of $24,056 under the Community Development Block Grant Program for Fiscal Year 1992-93 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CENTER FOR SENIOR EMPLOYMENT/SENIOR AIDES PROGRAM FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1992-93

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Center for Senior Employment/Senior Aides Program for a grant of $15,000 under the Community Development Block Grant Program for Fiscal Year 1992-93 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-565

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CALTRANS TO PARTICIPATE IN A PROJECT TO MODIFY THE TRAFFIC SIGNALS AT 9TH AND L STREETS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Caltrans, to participate in a project to modify the traffic signals at 9th and L Streets be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-566

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $33,000 TO FUND A NEW CAPITAL IMPROVEMENT PROJECT - MODIFICATION OF TRAFFIC SIGNALS AT 9TH AND L STREETS

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Capital Facility Fees
(141 160 P854)

TO: 9th/L Traffic Signals
(141 160 C885 6040)

$33,000

It is necessary to transfer funds to provide funding of traffic signal modifications at 9th and L Streets to improve traffic safety.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING THE MODESTO CITY-COUNTY AIRPORT'S DISADVANTAGED BUSINESS ENTERPRISE (DBE) CONCESSION PLAN THAT ESTABLISHES GOALS OF 14%, 12.5%, AND 25% PARTICIPATION FOR FISCAL YEARS 1993, 1994 AND 1995, RESPECTIVELY.

WHEREAS, on April 30, 1992, the U.S. Department of Transportation published a final rule in the Federal Register amending 49 CFR Part 23, the Disadvantaged Business Enterprise (DBE) regulation, and

WHEREAS, the amendment added a new Subpart F, which establishes requirements of at least a 10% participation goal for DBE firms in airport concessions, and

WHEREAS, said amendment became effective on June 1, 1992, and requires airports that have annual enplanement (passenger boardings) of at least 10,000 passengers to have an approved DBE concession plan, and

WHEREAS, the Modesto City-County Airport in calendar year 1991 recorded a total of 31,230 passenger enplanements, and

WHEREAS, the Federal Aviation Administration (FAA) has notified airports that sponsors who have received a grant for airport development after January 1988 must have a plan approved by the FAA,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby adopt a Disadvantaged Business Enterprise (DBE) Airport Concession Plan that establishes goals of 14%, 12.5%, and 25% for Fiscal Years 1993, 1994, and 1995,
respectively.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Condill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-568

A RESOLUTION GRANTING THE REQUEST OF VICTORY OUTREACH CHURCH FOR ASSISTANCE BY THE POLICE DEPARTMENT FOR TRAFFIC CONTROL AT NO COST DURING A MARCH AGAINST DRUGS AND GANGS, TO BE HELD ON OCTOBER 24, 1992.

WHEREAS, the Victory Outreach Church proposes to have a march against drugs and gangs on October 24, 1992, and

WHEREAS, the Victory Outreach Church has requested the use of two Reserve Officers, two Motorcycle Officers, and one Black and White Police vehicle for two hours for traffic control on October 24, 1992, at no cost to the Victory Outreach Church, and

WHEREAS, at its meeting of September 24, 1992, the Council Financial Policy Committee considered said request and recommended that the estimated cost of $272.20 be provided from Organization No. 3622, Cultural-Promotions, Account No. 1000, Miscellaneous Promotions, and

WHEREAS, on October 6, 1992, the Council considered said request of the Victory Outreach Church for the use of two Reserve Officers, two Motorcycle Officers, and one Black and White Police vehicle for two hours on October 24, 1992, for traffic control, at no cost to the Victory Outreach Church, and said request was approved.

BE IT FURTHER RESOLVED that the Council approved the recommendation that the estimated cost of $272.20 be provided from Organization No. 3622, Cultural-Promotions, Account No. 1000,
Miscellaneous Promotions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: ___________________________

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _______________________________

MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-569

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF RICHARD HAGERTY FROM THE GENERAL PLAN CITIZENS STEERING COMMITTEE, EFFECTIVE OCTOBER 6, 1992

WHEREAS, Richard Hagerty was appointed a member of the General Plan Citizens Steering Committee on August 25, 1992; and

WHEREAS, Richard Hagerty has tendered his resignation from the General Plan Citizens Steering Committee, effective October 6, 1992.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Richard Hagerty from the General Plan Citizens Steering Committee be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore

ATTEST: ____________________________

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-570

A RESOLUTION APPOINTING MEMBER OF THE GENERAL PLAN CITIZENS STEERING COMMITTEE (ED BOYLE)

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

SECTION 1. The following person is hereby appointed to the General Plan Citizens Steering Committee:

Ed Boyle

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the General Plan Citizens Steering Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: __________________________

NORRINE COYLE, City Clerk

Committees
MODESTO CITY COUNCIL
RESOLUTION NO. 92-571

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(490). (THOMAS
D. WOODWORTH)

WHEREAS, a verified application for an amendment to
Section 28-3-9 of the Zoning Map was filed by Thomas D. Woodworth
on June 22, 1992, to rezone from Low Density Residential Zone,
R-1, to Planned Development Zone, P-D(490), to allow a mausoleum
structure on property located on the north side of Scenic Drive
east of Bodem Street described as follows:

All that certain real property situate in a
portion of the North half of Section 28,
Township 3 South, Range 9 East, Mount Diablo
Base and Meridian, in the City of Modesto,
County of Stanislaus, State of California,
described as follows:

All of the North 560.00 feet of City of
Modesto Block 595, the West 411.40 feet of
City of Modesto Block 602, and all of City of
Modesto Block 598.

Including all of the Northern one-half of
80.00 foot wide Scenic Drive immediately
adjacent to said Block 598.

Also including the Eastern one-half of 60.00
foot wide Bodem Street and the South one-
half of 60.00 foot wide Cedar Avenue
immediately adjacent to said Block 595.

WHEREAS, after a public hearing was held on August 31,
1992, in the City Council Chambers, City Hall, 801 11th Street,
Modesto, California, it was found and determined by the Planning
Commission, by its Resolution No. 92-36, that rezoning of the
property as requested is required by public necessity,

-1-

09/28/92--CA
convenience and general welfare for the following reasons:

1. The rezoning from R-2 to P-D for cemetery expansion is in accordance with community objectives as set forth in the General Plan, which provides for compatibility with adjoining land uses.

2. A Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated July 15, 1992 should be certified as adopted.

and

WHEREAS, after a public hearing held on October 13, 1992, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Thomas D. Woodworth for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 92-36 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2831-C.S. on the 20th day of October, 1992, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(490).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(490), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and
floor plans titled "Mausoleum for Acacia Memorial Park" as amended in red, stamped approved by the City Council on October 13, 1992.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Department Director. The landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

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

4. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

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

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

7. All signs shall comply with the sign requirements of the R-2 Zone.

8. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any claim, action or proceeding against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto of a P-D Zone approval, which action is brought within the time period provided for in Code of Civil Procedure Section 1094.6 and Public Resource Code 21167 of the State of California. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter...
be responsible to defend, indemnify, or hold City harmless.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(490):

The entire construction program shall be accomplished in one phase, construction to begin on or before August 31, 1994, and completion to be not later than August 31, 1995.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(490) becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMA COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney

APPROVED AS TO DESCRIPTION:

By Department of Planning and Community Development

09/28/92--CA
MODESTO CITY COUNCIL
RESOLUTION NO. 92-572

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 28-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-2 TO P-D(490). (THOMAS D. WOODWORTH)

WHEREAS, on October 20, 1992, the City Council introduced Ordinance No. 2831-C.S. giving approval to a project relating to an amendment to Section Map 28-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(490), property located on the north side of Scenic Drive east of Bodem Street, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 28-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium

09/28/92--CA
Density Residential Zone, R-2, to Planned Development Zone, P-D(490), property located on the north side of Scenic Drive east of Bodem Street.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers:

ABSENT: Councilmembers:  

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney

09/28/92--CA
MODESTO CITY COUNCIL
RESOLUTION NO. 92-573

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(491). (TIM
FISHER/ARCHITECTURE PLUS)

WHEREAS, a verified application for an amendment to
Section 22-3-9 of the Zoning Map was filed by Tim
Fisher/Architecture Plus on July 16, 1992, to reclassify from
Professional Office Zone, P-O, to Planned Development Zone, P-D,
to allow a two-story expansion of the Stanislaus Surgery Center
and conversion to an acute care hospital and including additional
two- and three-story medical office buildings, property located
between Oakdale Road and Santa Paula Drive north of East
Orangeburg Avenue, described as follows:

P-O to P-D(491)

All that certain real property situate in a portion of
the Northeast quarter of Section 22, Township 3 South,
Range 9 East Mount Diablo Base and Meridian in the City
of Modesto, County of Stanislaus, State of California,
described as follows:

All of Parcels A and B as shown on that certain parcel
map recorded in volume 37 of Parcel Maps at Page 96,
Stanislaus County Records, on March 26, 1986.

All of Parcel B as shown on that certain parcel map
recorded in Volume 34 of Parcel Maps at Page 27,
Stanislaus County Records, on June 23, 1983.

All of Parcel 2 as shown on that certain parcel map
recorded in Volume 43 of Parcel Maps at Page 53,
Stanislaus County Records, on October 26, 1990.

Including also all of the East one-half of 50.00 foot
wide Santa Paula Drive, the North one-half of 60.00
foot wide East Orangeburg Avenue, and West one-half of
100.00 foot wide Oakdale Road immediately adjacent to
the above described property.
and

WHEREAS, after a public hearing held on September 14, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 92-40, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed P-D zone is in accordance with community objectives as set forth in the General Plan, which provides for medical offices and hospital to be located in close proximity with one another at major centers of activity.

2. There are no unmitigated traffic impacts with this proposed P-D zone as it relates to the traffic mitigation for the adjoining Union Bank and verified by the negative declaration of environmental impact in E.A. No. 92-64 recommended on August 5, 1992.

and

WHEREAS, after a public hearing held on October 20, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Tim Fisher/Architecture Plus for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 92-40 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2832 -C.S. on the 20th day of October, 1992, reclassifying
the above-described property from Professional Office Zone, P-O, to Planned Development Zone, P-D(491).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(491), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Oakdale Road Master Plan" as amended in red, stamped approved by the Planning Commission on September 14, 1992.

2. Prior to the issuance of a building permit or start of construction, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping including Leyland Cypress shall be installed along the north and a portion of the west property line. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

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

   a. Six-foot-high decorative masonry wall setback 15 feet from and parallel to the entire west property line to within 15 feet of E. Orangeburg Avenue, subject also to the clear-vision triangle.

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

5. Street improvements on Oakdale Road, E. Orangeburg Avenue, and Santa Paula Drive consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.
6. Prior to issuance of a building permit or start of construction, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

7. Prior to issuance of a building permit or start of construction, the developer shall dedicate two-foot and four-foot planting easements for Oakdale Road and Santa Paula Drive, respectively, as required by the Public Works and Transportation Director.

8. That direct vehicular and pedestrian access between Santa Paula Drive and the project shall be denied except for the emergency access gate as shown on the approved plan.

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

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

11. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the north and south, substantially as shown in red on the plot plan.

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

13. All signs shall comply with the sign requirements of the P-O Zone except those as required by state law.

14. In the event no building permits or further approval is required from the City of Modesto
prior to the commencement of construction, developer shall, within 30 days or prior to the commencement of construction whichever shall first occur, pay to the City of Modesto the Capital Facilities Fee due for the hospital project.

15. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, offices, and employees from any claim, action or proceeding against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto of a P-D Zone approval, which action is brought within the time period provided for in Code of Civil Procedure Section 1094.6 and Public Resources Code 21167 of the State of California. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold city harmless.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(491):

The entire construction program be accomplished in one phase, construction to begin on or before September 14, 1994, and completion to be not later than September 14, 1995.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to
Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(491), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

APPROVED AS TO DESCRIPTION:

By Planning and Community Development

MICHAEL D. MILICH, Acting City Attorney

APPROVED AS TO FORM:

(SEAL)
MODESTO CITY COUNCIL
RESOLUTION NO. 92-574

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM P-O TO P-D(491). (TIM FISHER/ARCHITECTURE PLUS)

WHEREAS, on October 20, 1992, the City Council introduced Ordinance No. 2832-C.S. giving approval to a project relating to an amendment to Section Map 22-3-9 of the Zoning Map of the City of Modesto to reclassify from Professional Office Zone, P-O, to Planned Development Zone, P-D(491), property located between Oakdale Road and Santa Paula Drive north of East Orangeburg Avenue, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 22-3-9 of the Zoning Map of the City of Modesto to reclassify from

10/13/92--CA
Professional Office Zone, P-O, to Planned Development Zone, P-D(491), property located between Oakdale Road and Santa Paula Drive north of East Orangeburg Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMAN COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-975

A RESOLUTION ACCEPTING THE BID OF MCDONALD GLENN COMPANY FOR REMODELING CONTROL BUILDING AT THE WATER QUALITY CONTROL PLANT

WHEREAS, Resolution No. 92-501, adopted by the Council of the City of Modesto on September 8, 1992, approved the plans and specifications for the remodeling of the control building at the Water Quality Control Plant and authorized the calling for bids; and

WHEREAS, the bids received for remodeling of the control building at the Water Quality Control Plant were opened at 11:00 a.m. on October 1, 1992, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of McDonald Glenn Company in the amount of $594,125.00 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of McDonald Glenn Company in the amount of $594,125.00 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE DRY CREEK BIKE TRAIL UNDER THE EL VISTA BRIDGE

WHEREAS, Resolution No. 92-473, adopted by the Council of the City of Modesto on August 25, 1992, approved the plans and specifications for the Dry Creek bike trail under the El Vista bridge Plant and authorized the calling for bids; and

WHEREAS, the bids received for remodeling of the Dry Creek bike trail under the El Vista bridge were opened at 11:00 a.m. on September 17, 1992, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of George Reed, Inc. in the amount of $68,722.00 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of George Reed, Inc. in the amount of $68,722.00 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-577

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $24,000 TO COMPLETE THE BIKE TRAIL UNDER THE EL VISTA BRIDGE

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Wesson Ranch Neighborhood Park
(170 310 G963 6040)

TO: Dry Creek Bike Trail
(170 310 G847 6010)

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<tr>
<th>FROM</th>
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<th>Amount</th>
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<tr>
<td>Wesson Ranch Neighborhood Park</td>
<td>Dry Creek Bike Trail</td>
<td>$24,000</td>
</tr>
<tr>
<td>(170 310 G963 6040)</td>
<td>(170 310 G847 6010)</td>
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There was a shortfall in funds on this project as a result of having to include slope protection adjacent to the bike path to protect it from erosion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
RESOLUTION NO. 92-578

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND APPROVING THE USE OF A REQUEST FOR PROPOSALS TO PROCURE A CONTRACTOR TO OPERATE THE MODESTO-STANISLAUS DIAL-A-RIDE SYSTEM

WHEREAS, the existing contract for Dial-A-Ride expires on October 31, 1992; and

WHEREAS, staff feels the Request for Proposals process will encourage a greater variety of proposals and allow the Council more flexibility in selecting a contractor than does the low bid process.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the procurement of a contractor to operate the Modesto-Stanislaus Dial-A-Ride System is hereby waived.

BE IT FURTHER RESOLVED that the use of a Request for Proposals to procure a contractor to operate the DAR system is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AMENDED AGREEMENT WITH STORER TRANSIT SYSTEMS, INC. TO EXTEND DIAL-A-RIDE OPERATIONS THROUGH MAY 1, 1993

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Storer Transit Systems, Inc. to extend Dial-A-Ride operations through May 1, 1993, to provide more time for implementation of a new contract, be and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL, 
RESOLUTION NO. 92-579

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND 
THE MODESTO CHAMBER OF COMMERCE CONVENTION AND VISITORS BUREAU, TO PROVIDE 
FOR FUNDING FOR THE PURPOSE OF OPERATING THE CONVENTION AND VISITORS BUREAU

BE IT HEREBY RESOLVED by the Council of the City of Modesto that 
the agreement between the City of Modesto and the Modesto Chamber of 
Commerce Convention and Visitors Bureau, to provide for funding for the 
purpose of operating the Convention and Visitors Bureau 

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of 
the Council of the City of Modesto held on the 20th day of October , 
1992, by Councilmember Patterson, who moved its adoption, which motion 
being duly seconded by Councilmember Bird , was upon roll call 
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, 
Patterson, Mayor Lang 

NOES: Councilmembers: None 

ABSENT: Councilmembers: None 

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-580

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HENRY PALLESCHI FOR A COMMUNITY DEVELOPMENT BLOCK GRANT LOAN OF $16,377.50 FOR THE REPAIR OF PROPERTY LOCATED AT 118 MADERA AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Henry Palleschi for a Community Development Block Grant loan of $16,377.50 for the repair of property located at 118 Madera Avenue be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: ________________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-581

A RESOLUTION APPROVING REVISIONS TO CHAPTER 17, PUBLIC SERVICES, AND CHAPTER 18, ECONOMIC DEVELOPMENT REVOLVING LOAN FUND, OF THE COMMUNITY DEVELOPMENT PROGRAM POLICY AND PROCEDURES MANUAL.

WHEREAS, the Housing Program Office staff was directed to develop a plan for monitoring Public Service grantees and to revise the Chapter of the Policy and Procedures Manual on Public Services, and

WHEREAS, the documents were to ensure that units of service delivery are made explicit to:

a. Assist the Citizens Housing and Community Development Committee and City Council in evaluation of proposals for grants.

b. Identify a service to be rendered in exchange for Community Development Block Grant funding.

c. Provide the basis for Housing Program staff monitoring, and

WHEREAS, the proposed monitoring plan and revised Chapter 17 of the Policy and Procedures Manual provide more effective methods for monitoring agencies receiving grants for Public Services projects, and

WHEREAS, the Revolving Loan Fund Program was established in 1987 to assist small businesses who were unable to obtain financing elsewhere, and

WHEREAS, the Housing Program Office has developed
revised policy and procedures as directed, and

WHEREAS, on September 18, 1992, the Economic Development Loan Committee reviewed and recommended approval of the proposed revisions to Chapter 18, Economic Development Revolving Loan Fund, of the Community Development Program Policy and Procedure Manual, and

WHEREAS, on September 25, 1992, the Citizens Housing and Community Development Committee reviewed and recommended approval of the proposed revisions to Chapter 17, Public Services, of the Community Development Program Policy and Procedure Manual and the proposed monitoring plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that to provide a plan for monitoring Public Service grantees it does hereby approve the revisions to Chapter 17, Public Services, of the Community Development Program Policy and Procedure Manual, as set forth in Exhibit A, attached hereto, and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it does hereby approve the revisions to Chapter 18, Economic Development Revolving Loan Fund, of the Community Development Program Policy and Procedure Manual, as set forth in Exhibit B, attached hereto, and incorporated herein by reference.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers:

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
EXHIBIT A

CITY OF MODESTO

COMMUNITY DEVELOPMENT PROGRAM

POLICY & PROCEDURES MANUAL

CHAPTER 17

PUBLIC SERVICES
17.1 PROGRAM OBJECTIVES:

(i) Public Services are projects that improve the safety or the general welfare of the low-income citizens of Modesto, in general, and the low-income clients of the City's housing rehabilitation programs in particular.

(ii) The U.S. Department of Housing and Urban Development (HUD) defines Public Services in CFR 570.201(e) as:

"Provision of public services (including labor, supplies, and materials) which are directed toward improving the community's public services and facilities, including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, energy conservation, welfare, or recreational needs."

(iii) A public service must be either:

1) A new service or,

2) A quantifiable increase in the level of a service above that which has been provided by or on behalf of the City of Modesto.

17.2 LIMITATIONS OF FINANCIAL ASSISTANCE:

The amount of funds used for public services, as defined by HUD, including services provided by sub-recipients, shall not exceed fifteen percent (15%) of the total of each CDBG Entitlement grant made for that program year added to the program income for the previous program year. (CFR 570.201(e)(2).

17.3 ELIGIBILITY CRITERIA:

(i) The applicant(s) and the activity must be eligible for assistance as set forth in this chapter. The eligibility requirements set forth in this chapter may not be waived.

(ii) Any resident, City agency or nonprofit organization may request or suggest a public service that will be of benefit to low and moderate-income residents of Modesto.

(iii) City departments and/or legally incorporated nonprofit organizations may be eligible for direct funding or program funding of eligible public services.
17.4 **PROJECT PROPOSAL SELECTION:**

(i) Public service project proposals must be submitted on an application form prescribed by the City (see exhibit "A", attached) to the Housing Program Office or the citizen committees as outlined in the Citizen Participation Plan of the current CDBG application process.

(ii) The Housing Program Office staff shall review the public service proposals to determine whether they are eligible activities under CDBG regulations. Project requests that are determined to be eligible for assistance shall be presented to the Citizens Housing and Community Development Committee (CH&CDC) for review and/or modification as may be necessary, and recommendation of approval or disapproval. The CH&CDC shall forward its recommendation to the City Council for its consideration and either approval or disapproval.

(iii) The City Council shall conduct a Public Hearing to provide members of the public an opportunity to comment upon the proposed projects. If the City Council approves the project, the City shall amend its Final Statement of Community Development Objectives and Use of CDBG Funds if approved outside of the annual CDBG application process.

17.5 **PUBLIC SERVICE PROJECTS APPROVED BY THE CITY COUNCIL:**

(i) City departments shall make all arrangements for carrying out approved public service projects they have proposed. The Housing Program Office staff shall provide the City department with the proper budget account numbers and procedures for the project, and the necessary Beneficiary Profile forms. The City department shall be responsible for having the Beneficiary Profile forms properly completed by the clients of the approved public service, and returning them to the Housing Program Office. The City department shall provide the Housing Program Office with the necessary documentation and accounting for all of the disbursed CDBG funds for the project, and a final report on the entire project.

(ii) The City shall establish a written contract and performance measures with the nonprofit organization submitting the approved public service project. The agreement also shall detail the project's objectives, budget and procedures for drawdown of project funds, annual reporting, close-out reporting procedures and spot monitoring.
The agreement with the nonprofit organization shall be forwarded to the City Attorney for review and approval as to form. Following legal review, the proposed agreement item shall be placed on the City Council Agenda for consideration of approval and authorization for execution by the City Manager. Two (2) original agreements shall be signed by all parties to the agreement, and one (1) signed copy shall be delivered to the CITY CLERK and one (1) signed copy shall be delivered to the nonprofit organization.

17.6 MONITORING

(i) Housing related projects may be listed under the City's general heading of "Public Services" but will not be recorded under that heading for the Grantee Performance Report. Housing related projects are eligible under rehabilitation activities, but may not be restricted to one particular program.

(ii) Housing related projects financed by CDBG have included:

1) Contracts for Housing advisors with the Stanislaus County Housing Authority, who provided direct program support for the housing rehabilitation programs.

2) Fire Department Safety Program, which provides bilingual (English/Spanish and English/Asian) pamphlets on fire safety in the home. Smoke detectors have also been provided for the home. Smoke detectors have also been provided for distribution by the Fire Department to low-income households.

17.7 MONITORING PLAN FOR NONPROFIT ORGANIZATIONS/SUB-RECIPIENTS

17.7.1. INTRODUCTION

Nonprofit organizations may be eligible to receive funding from Community Development Block Grant (CDBG) funds as subgrantees of the City of Modesto to carry out their programs. In accordance with their agreements with the City, and in compliance with all applicable HUD, Federal and State rules, OMB Circulars and regulations, a standard monitoring plan is adopted and put into operation. The monitoring plan will enable the City to assist nonprofit organizations in the beginning of their projects by identifying problems and/or potential problems and making recommendations for corrections before they get too far off course.
The following methodology will be used to monitor agencies receiving CDBG funding for public service projects:

a. Send letter to ascertain current Board of Directors and their addresses and telephone numbers for nonprofit agencies.

b. Send letter (see sample, Exhibit "B") requesting a monitoring appointment. The letter includes a request for the documents/records/information the agency should have available when City staff visits. A copy of this letter will be sent to all current members of the agency’s Board of Directors (if agency is a nonprofit).

c. Follow-up by City staff with a phone call setting time and date to begin monitoring. A follow-up letter will be sent to the agency confirming the appointment.

d. Visit the agency and explain how the monitoring will be performed and obtain a copy of the agency’s IRS Letter of Determination; of 501(c)(3), nonprofit status; and California Franchise Tax Board Section 23701 d Notice of Tax Exemption.

e. Obtain an inventory of equipment and supplies purchased or leased partially or totally with CDBG funds, if applicable.

f. Review time and attendance records, personnel records, financial records, cancelled checks, bank statements, Board of Directors meeting agendas and minutes, agency by-laws, client case files, private vehicle mileage travel records, telephone bills and any other records/documents/information necessary to complete the monitoring duties.

g. Upon completing monitoring assignments, a complete written report will be prepared and sent to the agency with a copy to the agency’s Board of Directors, the City Manager, Planning and Community Development Director, City Attorney, and Community Development Program Manager.

h. The attached checklist (see Exhibit "C") will be used as a monitoring guide for each monitoring assignment.
17.7.3 RESULTS OF MONITORING OF AGENCIES:

a. No Monitoring Findings, Monitoring Concerns or Monitoring Recommendations - If no monitoring findings, concerns or recommendations are found, monitoring staff will send a letter, within 30 days of the monitoring, to the agency noting compliance with its Agreement with the City and with all applicable HUD, State and Federal regulations and OMB Circulars. A copy of the letter will be sent to the City Manager, City Attorney, Finance Director, Planning and Community Development Director, and the agency’s current Board of Directors.

b. Monitoring Findings - A monitoring finding is a program element which does not comply with Federal statute or the City, or severe situations involving the alleged misuse of funds, alleged political activity, alleged fraud, etc.

If monitoring findings are discovered during the monitoring process, the City Manager, within 30 days of completion of the monitoring of the agency, will send a certified letter, return receipt requested, to the Chairperson of the Board of Directors of the agency spelling out the findings, and offering an opportunity for the agency to respond within 14 days of the date of the City Manager’s letter.

If the monitoring finding is found to be justified, the agency will be given 30 days to provide a response indicating the corrective action it has taken to correct the monitoring finding. A follow-up monitoring visit to verify that the monitoring finding was corrected will be scheduled within 14 days of receiving information from the agency that the monitoring finding has been corrected. The City Manager, in some cases, may have to request Police Department or the Department of Housing and Urban Development (HUD) involvement to resolve the monitoring finding.

When the monitoring finding has been resolved, the City will, within 30 days, notify the agency administrator as well as all agency’s Board of Directors. A copy of all letters will be sent to the same persons mentioned in "a" above.
c. **Monitoring Concerns** - A monitoring concern represents either a potential finding or a program deficiency which should be improved before it leads to a finding. If a monitoring concern is detected, a letter will be sent, within 30 days of completion of the monitoring process. The agency will be required to respond within 14 days of the postmark date of the monitoring letter with an explanation of the corrective action it has taken to resolve the monitoring concern. Within 14 days of the postmark date of the letter from the agency, City staff will schedule a follow-up monitoring visit to verify that the monitoring concern was corrected. A letter will be sent to the agency indicating that the monitoring concern had been resolved. A copy of each monitoring letter will be sent to the City Manager, City Attorney, Finance Director, Planning and Community Development Director, the agency administrator and each current member of the agency’s Board of Directors.

d. **Monitoring Recommendations** - Monitoring recommendations are suggestions to improve program operations or program functions. If recommendations for improvement for the operation of the agency are made during the monitoring process, a letter will be sent within 30 days to the agency administrator with a copy to the Chairperson of the agency’s Board of Directors, all current Board members, the City Manager, City Attorney, Finance Director, and the Planning and Community Development Director. The agency is not required to respond to a monitoring recommendation.

e. If monitoring findings or monitoring concerns are found at the agency during the monitoring process, drawdown of Community Development Block Grant (CDBG) funds will be suspended until the monitoring findings or monitoring concerns are corrected to the satisfaction of the City. If extreme monitoring findings or extreme monitoring concerns exist, the agency may be ineligible for future funding under the CDBG program.
17.7.4 METHOD TO BE USED FOR REVIEWING FUNDING DRAWDOWN REQUESTS BY AGENCIES:

When an agency submits its request for drawdown of funds, the request will be accompanied by a report that will explain the following:

- the annual goals the agency agreed to achieve in its Agreement.
- the goals actually achieved during the period for which the funds are requested.
- the percent of the annual goals that was achieved during the period for which the drawdown is requested.
- if the agency fell short of its prorata percent of the annual goals, it must submit a statement explaining why it fell short of the goals for that period and what it has done or will do to improve its operations to catch up and meet its goals during the next drawdown period.

All drawdown requests will be reviewed by the Housing Program Supervisor and the Housing Financial Specialist prior to being presented to the Community Development Program Manager for approval for payment. The request must contain all statements required by the Agreement between the City and the agency.

City staff may visit the agency's offices or project sites to verify that the information contained in their drawdown report is accurate.

Note: All references to Agency Board of Directors pertain to nonprofit agencies receiving Community Development Block Grant Funds for public service projects.
CITY OF MODESTO
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM PROPOSAL
APPLICATION FOR FUNDING - PROGRAM YEAR 1999

1. ORGANIZATION NAME: ____________________ IRS TAX EXEMPT # ______

2. ADDRESS: __________________________________________ PHONE NO. ______

3. PROJECT TITLE: __________________________________________

4. AMOUNT OF CDBG FUNDS REQUESTED: ________________________

5. HUD CDBG ELIGIBLE ACTIVITY/CATEGORY: ______________________

6. CONTACT PERSON: ________________________ TITLE: __________

7. ADDRESS: __________________________________________ PHONE NO. ______

8. PROJECT DESCRIPTION AND SCOPE:
________________________________________________________________
________________________________________________________________
________________________________________________________________
________________________________________________________________
________________________________________________________________
________________________________________________________________

9. WHO WILL BENEFIT BY THIS PROJECT/PROGRAM:
________________________________________________________________
________________________________________________________________
________________________________________________________________
________________________________________________________________

10. HOW WILL BENEFICIARIES BE COUNTED AND MONITORED?
________________________________________________________________
________________________________________________________________
________________________________________________________________
________________________________________________________________

11. ENVIRONMENTAL IMPACT - DESCRIBE ANY POTENTIAL ENVIRONMENTAL HAZARD(S) THAT MAY RESULT FROM CARRYING OUT YOUR PROJECT/PROGRAM, AND HOW YOU INTEND TO MITIGATE THESE POTENTIAL HAZARDS:
________________________________________________________________
________________________________________________________________
________________________________________________________________
________________________________________________________________
________________________________________________________________

requests for funding are due at the Housing Program Office, 401 "H" Street, Modesto, CA., 95351, by ______, ______, ______, ______, ______.
12. DESCRIBE YOUR AGENCY’S EXPERIENCE IN CARRYING OUT THE PROPOSED PROJECT/PROGRAM: ________________________________________

13. DESCRIBE OTHER ACTIVITIES BENEFITTING LOW-INCOME PERSONS YOUR ORGANIZATION HAS CARRIED OUT: ________________________________________

14. STAFFING: WHAT FULL-OR PART-TIME POSITIONS WILL BE ASSIGNED TO THE PROJECT/PROGRAM? COMPLETE CHART BELOW, INCLUDING VOLUNTEERS AND CONTRACTED EMPLOYEES. ON A SEPARATE SHEET OF PAPER, PREPARE A SHORT PARAGRAPH DESCRIBING DUTIES AND RESPONSIBILITIES FOR EACH POSITION.

<table>
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<tr>
<th>POSITION TITLE</th>
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15. CONFLICT OF INTEREST - LIST ALL NAMES AND POSITIONS OF MEMBERS OF THE BOARD OF DIRECTORS, OFFICERS, WORKERS OR MEMBERS OF THE ORGANIZATION WHO ARE, OR ARE CLOSELY RELATED TO, AN ELECTED OR APPOINTED CITY OFFICIAL, APPOINTED MEMBER OF A CITY COMMISSION OR COMMITTEE, OR CITY EMPLOYEE. CONFLICT OF INTEREST REQUIRES A WRITTEN WAIVER FROM THE CITY ATTORNEY AND HUD BEFORE AN AGREEMENT IS SIGNED WITH THE CITY OF MODESTO AND CDBG FUNDS ARE DRAWN DOWN: ____________________________________

16. DESCRIBE YOUR FINANCIAL ACCOUNTING SYSTEM, AND HOW IT ADHERES TO OMB CIRCULAR A-110, INCLUDING YOUR ANNUAL AUDIT. ATTACH A COPY OF YOUR MOST RECENT CERTIFIED AUDIT AND FINANCIAL STATEMENT. ______________

* Required for nonprofit agencies.
**FINANCIAL INFORMATION:**

* 17. **PROPOSED BUDGET:**

<table>
<thead>
<tr>
<th>Category</th>
<th>CDBG FUNDS</th>
<th>OTHER FUNDS</th>
<th>TOTAL OF FUNDS</th>
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<tbody>
<tr>
<td>A. Personal Salaries</td>
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<td>B. Fringe Benefits</td>
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<td>E. Printing</td>
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<td>F. Utilities</td>
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<td>G. Rent</td>
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<td>H. Equipment Rent</td>
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<td>I. Transportation</td>
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<td>J. Contractual Services</td>
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<td>K. Insurance</td>
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<td>L. Equipment Purchase</td>
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<tr>
<td>M. Miscellaneous (List below)</td>
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</table>

**Total Budget**

A certified audit of all projects providing a service shall be required. Include audit costs as part of Contractual Services.

Attach documentation on other funds as to confirmation of the source of these funds and any requirements on the use of other funds.

**Miscellaneous:** (Please list all miscellaneous items here).

---

18. **WHAT EQUIPMENT/MATERIALS WILL BE PURCHASED PARTLY OR TOTALLY WITH CDBG FUNDS, HOW WILL IT BE DISPOSED OF AT THE END OF THE PROJECT/PROGRAM?**

---

19. **DESCRIBE OTHER SOURCES OF FUNDING AND AMOUNTS TO BE UTILIZED:**

---

20. **WILL THIS PROJECT/PROGRAM REQUIRE FUNDING IN FUTURE YEARS?**

   NO ____ YES ____. IF YES, DESCRIBE WHAT FUNDING WILL BE REQUIRED AND HOW IT WILL BE OBTAINED:

---

21. **WHAT FEES OR CHARGES WILL BE REQUIRED FOR MEMBERSHIP IN YOUR ORGANIZATION, OR FOR PARTICIPATION IN YOUR PROJECT/PROGRAM?**

---

* Required of nonprofit agencies.
22. STATE THE PERFORMANCE STANDARDS I.E. NUMBER OF MODESTO CLIENTS YOU WILL SERVE PER MONTH, QUARTER OR YEAR?

________________________________________________________________________

23. CERTIFICATIONS:

ORGANIZATION NAME: ____________________________________________________________________

PROJECT TITLE: ____________________________________________________________________

If this application is approved for funding assistance, the organization agrees to comply with all required federal, state, and local laws and regulations. The organization confirms that it is fully capable of fulfilling the obligations as cited in this proposal, and has attached the required documents referred to below.

I understand that any approval of this grant proposal is conditional upon the final acceptance of the Fiscal Year 199-9 CDBG application and funding by HUD, and signing an agreement with the City of Modesto on implementing the grant and monitoring requirements.

As a duly authorized representative of the organization, I submit this application to the City of Modesto and verify that the information included herein is true, correct, and complete.

PENALTY FOR FALSE OR FRAUDULENT STATEMENT:

U.S. Code Title 18, Section 1001, provides that a fine of up to $10,000 or imprisonment for a period not to exceed 5 years, or both, shall be the penalty for willful misrepresentation and the making of false, fictitious or fraudulent statements, knowing same to be false.

SIGNATURE: ________________________________

NAME: ________________________________ DATE: ____________________

(Print or Type)

TITLE: ________________________________ PHONE: ____________________

(Print or Type)

AGENCY ADDRESS: ________________________________

(Print or Type)

REQUIRED DOCUMENTS:

_____ * Copy of Articles of Incorporation as a non-profit corporation from the California Secretary of State.

_____ * Copy of By-Laws as registered with the California Secretary of State.

_____ * Copy of the U.S. Internal Revenue Service letter determining tax-exempt status under Section 501(c)(3) of the Internal Revenue Code.
* Copy of letter from the California Franchise Tax Board determining tax-exempt status under Section 23701d, Revenue and Taxation Code.

* Copy of a project/program budget timetable and fund drawdown schedule acceptable to the City of Modesto's CDBG Program.

* Copy of the duties and responsibilities for each position listed under staffing.

* Copy of names, addresses, phone numbers, and titles of current members of the Board of Directors and Officers of the organization.

* Copy of most recent certified Audit and Financial Statement.

* If a nonprofit agency applicant.
Dear ________________:

RE: APPOINTMENT TO MONITOR

The City of Modesto is in the process of monitoring all of the agencies that have been provided Community Development Block Grant (CDBG) funds for public service projects as subgrantees of the City. Our records show that your agency was awarded ________________________________ (per City Resolution No. ________) on ________________________________.

Ernie Richardson, Housing Program Supervisor, has been assigned the responsibility of monitoring subrecipients. He will be contacting you soon to set a time to visit your agency to conduct his monitoring duties, possibly assisted by other City staff. To speed up the monitoring process, please have the original records/documents/information identified by an "X" for the period from _____________________ through ____________________, available (and any other items listed if they are applicable to your agency’s operation):

Monitoring Documents/Records/Information

- Employee time and attendance records (timesheets)
- Personnel records (resumes, employment application, I-9’s, job vacancy postings, etc.)
- Payroll records (W-4’s, W-2’s, etc.)
- Training records, if applicable.
- Original of all cancelled checks for CDBG account.
- Original of all bank statements for CDBG account.
- All agency checkbooks for CDBG account.
- All agency accounting/financial/records for CDBG account.
- Inventory list of nonexpendable office furniture and equipment purchased partly or completely with CDBG funds.
- All travel expense records including private auto mileage records for agency business travel that was reimbursed in part or totally with CDBG funds.

- Records of clients served (including racial, ethnic, gender, head of household status, family size, and household income information) by fiscal year.

- Original copies of all telephone bills paid partly or totally with CDBG funds.

- Building or office rent receipts if paid partly or totally with CDBG funds.

- Conference/workshops/seminar/training expense receipts where CDBG funds were used for payment - partly or totally.

- Record by fiscal year of all program income generated partly or totally with CDBG funds.

- Copy of all agency financial audits of CDBG fund accounts.


- List by years served of all current and past Board Members including their name, current address, current telephone number, position held and time periods they served.

- Copy of Agency By-laws and all by-laws amendments.

- List of Agency CDBG paid staff with name, current title, annual salary and total hours worked per week and percent of salary paid with CDBG funds.

- Copy of Agency personnel policies.

- Copy of all Board Meeting Agendas and Board Meeting Minutes for this monitoring period.

- Copy of job descriptions for positions paid in past or totally with CDBG funds.

- Copy of agreements with the City of Modesto for services agency is to provide.

- Other documents (specified below).
Because we would like to complete the monitoring as soon as possible, and with the minimum amount of inconvenience to you and your agency, I ask your full cooperation with this endeavor. If there are questions, please contact Ernie Richardson at 577-5392.

Sincerely,

Community Development Program Manager

ERR: mjh

cc: Agency's Board Members
              Ernest Richardson, Housing Program Supervisor
CITY OF MODESTO

Housing Program Office

Monitoring Checklist for Agencies Receiving
CDBG Funds for Public Service Projects

Agency: ________________________________ Phone No. __________________
Address: ________________________________ Date Monitored: ______________
Contact Person: __________________________ Monitored By: __________________
Contact Person's Title: ____________________ CDBG Funding Amount: $________
Board Chairperson's Name: __________________ Effective Date of Agreement: _____
Source of Other Funds: ________________ Other Funding Amounts: $_________
Reason for Monitoring: __________________ Monitoring Period Covered: _________
Agency's Contracted Goals: Monthly ______ Quarterly ______ Annually ______

1. Have quarterly program status reports been received by the City?
   Yes ___ No ___. If "yes", date of last report. _______________________
   If "no", explain why not remarks: ________________________________

2. Are complete records being maintained that reflect racial, ethnic, gender, head of household, and family size data? Yes ___ No ___.
   If "yes", attach a sample of the records to this report. If "no", explain. ________________________________

3. If after August 31, has an annual activity report been submitted to the City showing the extent to which the categories of persons in question #2 have participated in or benefitted from the project?
   Yes ___ No ___. If "yes", was the report complete and accurate, and what was the date of the report? ________________________
   If "no", explain. ________________________________

4. Was there any program income received? Yes ___ No ___. If "yes", how much and when was it turned over to the City? _____________________
   (Attach a copy of the cancelled check to this report. If "no", explain. ____________________________

090492
5. Was a copy of the executed agreement available for inspection at the project site? Yes ___ No ___. If "yes", where was it located? _____________________________________________________________________ If "no", explain. _____________________________________________________________________

6. Were there official documents available at the project site that sanctioned the appointment of Board Members? Yes ___ No ___. If "yes", attach a copy of the document to this report. If "no", explain. _____________________________________________________________________

7. Was there a copy, at the project site, of the official document (Board resolution, Minutes of Meeting, etc.) that authorized persons who submitted an application for funding to do so? Yes ___ No ___. If "yes", attach a copy of the document to this report. If "no", explain. _____________________________________________________________________

8. Was there a copy at the project site of the official document that authorized the individual(s) to execute the Agreement? Yes ___ No ___. If "yes", attach a copy to this report. If "no", explain. _____________________________________________________________________

9. Were the majority of clients served low-income residents of the City of Modesto? Yes ___ No ___. If "yes", what percent? If "no", explain. _____________________________________________________________________

10. Were properly completed employee time sheets available for review at the project site? Yes ___ No ___. If "yes", where were they located and who maintained them? _____________________________________________________________________ If "no", explain _____________________________________________________________________

11. Were required building permits obtained? Yes ___ No ___. If "yes", when? _____________________________________________________________________ If "no", explain. _____________________________________________________________________

12. Were agency employees receptive to City staff to have access to and the right to examine records, books, papers or documents relating to the project? Yes ___ No ___. If "no", explain. _____________________________________________________________________

090492 -2- Monitoring Checklist
13. Were adequate property records being maintained at the project site? 
Yes ___ No ___. If "yes", who maintained them and where were they located? __________________ If "no", explain. __________________

14. Who are the paid staff members?

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Weekly Hours Worked</th>
<th>Hourly Rate</th>
<th>CDBG Paid To Date</th>
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15. Was there evidence of Federal and State Income Taxes being withheld for each employee? Yes ___ No ___. If "no", explain. __________________

16. Were travel expenditures accurate, reasonable, and necessary? Yes ___ No ___. If "no", explain. Attach a copy of travel reports. __________________

17. Was the project being carried out as stated in the Agreement? Yes ___ No ___. If "no", explain. __________________

18. Has the Agreement been assigned, in whole or in part, to any other organization? Yes ___ No ___. If "yes", name/address/phone number of organization and date assigned. (Attach a copy of the assignment document to this report). __________________
19. Who maintains the financial records for the organization?

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<tr>
<th>Name</th>
<th>Title</th>
<th>Address</th>
<th>Phone Number</th>
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20. Has notification been received from HUD determining your project ineligible? Yes __ No __. If "yes", when? _____________________________. (Attach a copy of the notification document to this report).

21. Are job vacancies for the agency posted in conspicuous places, available to all employees and applicants for employment, and state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age, handicap, sexual orientation, ancestry, national origin, or any other basis prohibited by law? Yes __ No __. If "yes", attach a copy of the latest posting to this report. If "no", explain._________________________________________________________________

22. Does the agency have current position descriptions at the project site? Yes __ No __. If "yes", attach a copy to this report. If "no", explain._________________________________________________________________

23. To the greatest extent feasible, are opportunities for training and employment being given to lower income residents of the City of Modesto? Yes __ No __. If "yes", attach evidence to this report. If "no", explain._________________________________________________________________

24. Has agency training been conducted for staff recently? Yes __ No __. If "yes", when, type of training, length of training, name and title of persons attending? _____________________________.

_________________________________________________________________

090492 -4- Monitoring Checklist
25. Were all required HUD regulations, handbooks, OMB Circulars A-110, A-122 and status referred to in the agreement, available at the project site? Yes ___ No ___. If "yes", which ones were there and were they current? _______________________________. If "no", explain. ______________________________________________________________________________________

26. Is the project manager (person responsible for carrying out the project) familiar with the basic requirements established by HUD and the City for use of these funds? Yes ___ No ___. If "no", explain. ______________________________________________________________________________________

27. Is the project manager located on-site and running the day-to-day operation of the program? Yes ___ No ___. If "no", explain. ______________________________________________________________________________________

28. Is the project accomplishing what it was designed to do? Yes ___ No ___. If "no", explain. ______________________________________________________________________________________

If this project has been designated as a low/moderate benefit project, what number and percentage of persons are served by the project that are lower income? Total #___ Low/Mod. #___ Low/Mod % __.

29. Is the project on schedule? If not, why not? Yes ___ No ___. If "no", explain. ______________________________________________________________________________________

30. Is the project operating within the approved budget? If not, why not? Yes ___ No ___. If "no", explain. ______________________________________________________________________________________

31. Does the project conform to any additional terms of the contract with the City? If not, why have these changes occurred? Yes ___ No ___. ______________________________________________________________________________________

32. Does the project conform to any additional terms of the contract with the City? If not, why have these changes occurred? Yes ___ No ___. ______________________________________________________________________________________

33. If employees work on both CDBG eligible and non-CDBG activities, are appropriate time distribution records being kept? Yes ___ No ___. If "no", explain. ______________________________________________________________________________________
34. Has your agency contracted out any of the work to be done under this project? Yes __ No __.
   a. If yes, contractor's name: ________________________________
   b. If the permission of the City was required, was it granted? Yes __ No __. If "no", explain. ________________________________

35. What procedure does the subrecipient use for procurement? Is it consistent with Attachment "0" of Circulars A-102 (governmental entities), or A-110 (non-profit entities)? Yes __ No __. If "no", explain. ________________________________

36. If the agency is required to maintain a client file, does it exist? If yes, review a sample of files if appropriate and retain names and phone numbers for future follow-up. Yes __ No __. If "no", explain. ________________________________

37. Is the information revealed by a site visit consistent with the records maintained by the agency and with data previously provided to the City? Yes __ No __. If "no", explain. ________________________________

Financial Records Information

1. Do the accounting records adequately identify the use of block grant funds (e.g., are expenditures identified according to the eligible activity categories under the CDBG Program)? Yes __ No __. If "no", explain. ________________________________

2. Does the subrecipient record encumbrances or obligations against CDBG funds when contracts are executed, purchase orders issued, etc.? Yes __ No __. If "no", explain. ________________________________

3. Are accounting records supported by source documentation (e.g., invoices, contracts, purchase orders)? Yes __ No __. If "no", explain. ________________________________
4. Does the financial data sampled reconcile with the reports provided to
   the City? Yes ___ No ___. If "no", explain. ________________________________

5. Does a spot check of records reveal any obvious instances where the
   following expenditures were not necessary or reasonable for proper and
   efficient administration of the program?
   a. Salaries and related costs? Yes ____ No ____
   b. Administrative services, contracts. Yes ____ No ____
   c. Travel expenditures. Yes ____ No ____
   d. Other administrative costs. Yes ____ No ____
   If "yes", explain. ______________________________________________________

6. Has the subrecipient requested drawdowns? Yes ____ No ___. If "yes",
   when and what amounts? ________________________________________________

Property Records

1. Is an inventory of property kept? Yes ____ No ___. If "no", explain.
   _________________________________________________________________

2. Does this inventory include a description of each item purchased partly
   or totally with CDBG funds? Yes ____ No ___. If "no", explain.
   _________________________________________________________________

3. Does this inventory include serial numbers? Yes ____ No ___. If "no",
   explain. ___________________________________________________________

4. Does this inventory include the original date and cost of acquisition
   of each item? Yes ____ No ___. If "no", explain. _________________________
   _________________________________________________________________

5. Does this inventory include the location of each item? Yes ____ No ___.
   If "no", explain. ____________________________________________________
6. Does this inventory include the source of funds item was purchased with? Yes ___ No ___. If "no", explain. ________________________________

7. Has the program operator put identification tags on property? Yes ___ No ___. If "no", explain. ________________________________

8. Does the program operator conduct periodic inventory checks? Yes ___ No ___. If "no", explain. ________________________________

Supporting Documentation For Claims (Accounting Procedures)

1. Are time sheets properly maintained and signed (by person and supervisor?) Yes ___ No ___. If "no", explain. ________________________________

2. Are invoices organized and maintained properly? Yes ___ No ___. If "no", explain. ________________________________

3. Can invoices be reconciled with requests for payment? Yes ___ No ___. If "no", explain. ________________________________

4. Are ledgers up-to-date? Yes ___ No ___. If "no", explain. ________________________________

5. Are there adequate controls on cash receipts, disbursements, etc.? (i.e. is there proper authorization for disbursements; are accounting duties segregated as much as possible or is there an adequate system of checks and balances?) Yes ___ No ___. If "no", explain. ________________________________

6. Are multiple funding sources adequately separated? Yes ___ No ___. If "no", explain. ________________________________
Procurement Procedures

1. Generally review program operator’s procurements procedures.

2. Are quick quotes obtained for small purchases (under $10,000)? Yes ___ No ___. If "no", explain. ____________________________________________________________________________________________

3. If any purchases or need for services were over $10,000, was competitive bid utilized? Yes ___ No ___. (review process, etc.). If "no", explain. ____________________________________________________________________________________________

4. Does program operator make efforts to utilize small minority and women-owned businesses? Yes ___ No ___. If "no", explain. ____________________________________________________________________________________________

5. Are requisitions, purchase orders, or invoices properly processed? Yes ___ No ___. (i.e. is receipt of supplies recorded so invoices can be paid; are invoices reviewed, etc.)? If "no", explain. ____________________________________________________________________________________________

1. Is budget reviewed by your agency on a monthly basis? Yes ___ No ___. If "no", explain. ____________________________________________________________________________________________

2. Does program administrator submit budget revisions or adjustments in writing to City staff for approval? Yes ___ No ___. If "no", explain. ____________________________________________________________________________________________
September 15, 1992

TO: Economic Development Loan Committee
FROM: Lydia Gonzalez, CDP Specialist
RE: Revolving Loan Fund Program Procedures

Attached to the Agenda you will find the Revolving Loan Fund Program Procedures with the recommended changes.

A couple of the Committee members indicated they would like to include the loan-to-value ratios in the RLF Procedures while others did not. The inclusion of these ratios would specifically indicate the value placed on the collateral used to secure the loan.

The representatives from HUD, upon their review and recommendation of the Procedures, indicated that though it is advisable to establish those ratios and use them accordingly it is not necessary to include them in the Procedures.

The purpose of the RLF Procedures is to provide an overview of the application process. By including the ratios, then we would have to include the steps to the various type of analysis the applications would have to undergo.

Staff recommendation: To establish the loan-to-value ratios and not to include them in the Procedures, but rather use as a guideline and present the information regarding the collateral to the Committee in the application summary.
EXHIBIT B

CITY OF MODESTO

COMMUNITY DEVELOPMENT PROGRAM

POLICY & PROCEDURES MANUAL

CHAPTER 18

ECONOMIC DEVELOPMENT REVOLVING LOAN FUND (RLF)
CHAPTER 18
ECONOMIC DEVELOPMENT REVOLVING LOAN FUND (RLF)

18.1 PRIMARY OBJECTIVES

The City of Modesto established an Economic Development Revolving Loan Fund (RLF) in 1987 as part of its Community Development Block Grant (CDBG) program to expand economic opportunities benefitting principally persons of low and moderate income in accordance with regulation in Title I of the Housing and Community Development Act of 1974, as amended (24 CFR, Part 570). Loan funds are available for various economic development activities undertaken by private businesses which create or retain jobs for low and moderate income persons, or which provide a needed service to a low income area.

The Economic Development Revolving Loan Fund will provide loans in conjunction with private investment for the development and expansion of businesses, to expand the City’s tax base and leverage public and private investment.

The program is intended to provide assistance to projects whose needs are not currently being met by existing Federal program or private financial sources.

The primary purpose of this program is to assist those businesses located within the City limits of Modesto which will create or retain jobs for low to moderate income persons.

18.2 ELIGIBLE APPLICANTS

Funds are available on a competitive basis to assist new and existing businesses located within the City limits of Modesto and as an inducement to encourage firms to locate in the City. Applicants may be a sole proprietorship, a partnership or a for-profit corporation with a proposed project in the City of Modesto.

18.3 ELIGIBLE ACTIVITIES

Eligible activities for funding under the RLF Program include all normal project development costs, including but not limited to:

- Land and building acquisition; off-site improvements; building construction, renovation or expansion; capital equipment; interim financing; clearance, demolition and site preparation; parking facilities; relocation; project ‘soft costs’ (i.e. reasonable engineering and architectural costs); working capital; venture capital; and SBA 504 Program Companion Loans.

Proposed activities are subject to eligibility determination depending on their adherence to the Community Development Block Grant regulations.

18.4 INELIGIBLE ACTIVITIES

The following activities/borrowers will not be eligible for an RLF loan:

- Nonprofit organization; speculative building and renovation; land banking; loans for the
sole purpose of investing in high interest accounts or other improvements not related to direct job creation/retention.

18.5 TARGET AREAS

The RLF may be used within the City limits of Modesto providing that it is demonstrated that the funded activities principally benefit low and moderate income persons through job creation/retention and/or by providing a needed service in a low income area (must include documentation to show that the area is low income and requires the proposed service).

18.6 PROGRAM STANDARDS

a). Jobs Created/Retained:
   The major goal of this program is to create new permanent full-time jobs and to retain existing jobs. It is expected that at least one new job will be created and/or an existing jobs retained for every $10,000 in RLF financing provided. At least 51% of the jobs created/retained must be to benefit low to moderate income persons.

b). Maximum Loan Amount:
   Except under circumstances determined by the Economic Development Loan Committee an RLF loan will not exceed $50,000.

c). Client Investment:
   Applicants must provide, in general, at least a 10 percent (10%) cash injection for the project except in the case of a SBA 504 Companions Loan. Applicants must demonstrate that an RLF loan would provide "gap" or "last resort" financing.

d). Private Financial Commitments:
   Firm private financial commitments must be submitted to the City before preliminary approval and legally binding commitments must be secured prior to any final RLF loan approval. Private financial commitments may be in the form of loans from financial institutions, the SBA, investors or other sources. City RLF participation can be subordinated. Private lender commitments may be qualified only on the condition of City approval of funds and/or the award of other funds to be linked to the RLF loan. Any RLF loan made prior to the full commitment of private funds will be subject that commitment.

e). Loan Terms:
   The terms of the loan will depend on the type of project being funded. Interest rates shall reflect the amount of risk and pledged security as determined and evaluated by the Economic Development Loan Committee. The interest rate will generally approximate the current commercial bank prime rate.

f). Loan Portfolio:
   The City will maintain a loan portfolio which will demonstrate the uses of funds through the Revolving Loan Fund Program. Each year one-third of the Community Development Block Grant Entitlement allocated for the Revolving Loan Fund Program will be earmarked for assisting start-up businesses. The remaining two-thirds will be used to assist existing or established businesses.
g) Security:
The City of Modesto shall obtain sufficient and adequate collateral to secure all RLF loans. This will usually be in the form of liens on the assets financed, including fixed assets such as machinery and real estate, accounts receivable, inventory and lease agreements. Liens upon non-project assets of the borrower may also be used to secure the loan. It will also be the general policy of the City of Modesto to require personal guarantees by the principal borrowers as deemed appropriate in the circumstances. Personal guarantees will normally be required of all persons/entities holding a 20% or more interest.

18.7 NECESSARY AND APPROPRIATE DETERMINATIONS
In order to ensure that any assistance does not unduly enrich the for-profit business, the City shall conduct an analysis to determine that the amount of any financial assistance to be provided is not excessive, taking into account the actual needs of the business in making the project financially feasible and the extent of public benefit expected to be derived from the economic development project. The analysis will be documented as well as any factors it considered in making its determination that the assistance is necessary or appropriate to carry out the project.

18.8 LOAN APPLICATION AND APPROVAL PROCESS

A. INITIAL INTERVIEW

The initial interview will serve as a screening mechanism to determine if the applicant or project meets the requirements set by the U. S. Department of Housing and Urban Development (HUD) and the City of Modesto for the City of Modesto’s Revolving Loan Fund Program.

Any outside agency assisting the City of Modesto, whether through a contractual service or grant supported service, must refer applicants to the Housing Program Office when interested in the Revolving Loan Fund Program. During the initial interview, the Housing Program Office (HPO) staff will discuss the proposed project and determine the following:

1. Explain the purpose of the program and the requirements set by HUD. Emphasize that the purpose of the program is to create jobs for individuals of low to moderate income or where a business provides a needed service to a low income area.

2. Explain that this program is for businesses located within the City limits of Modesto. Determine if the proposed project falls within the City limits of Modesto.

3. Determine if financing is or may be available elsewhere. Indicate to client that program eligibility requires at least one letters of denial from two local lending institutions.

4. Discuss the collateral available to secure the loan. Adequate security for the loan is required.

5. Discuss the applicant’s credit history.

The initial interview, whether via phone or office visit, will be documented on the Initial Contact Sheet (Attachment A) and will be a part of the case file/loan file. This form will provide pertinent information to the Staff regarding the Revolving Loan Fund Program, such as:
a. Types of businesses inquiring about the program.
b. Determine whether the business is in need of business technical services.
c. Assist with the marketing aspects of the program.

Contact made with the individual will be documented on the Case Notes Form (Attachment B).

B. LOAN APPLICATION PROCESS

If the client appears to meet the program requirements and guidelines of the Revolving Loan Fund Program according to the initial interview, the applicant will be directed to pick up a loan application package which consists of the following documents:

a. PROGRAM INFORMATION SHEET (Attachment C) - This form will review the program requirements that were discussed during the initial interview. It will also serve as the welcoming letter and thank you letter for the client's interest in the program.

b. LOAN APPLICATION (Attachment D) - This document will outline all the pertinent information regarding the proposed loan. This information will assist in determining the feasibility of the project.

c. PERSONAL FINANCIAL STATEMENT (Attachment E) - This document will provide information which will be used to conduct a portion of the financial analysis. This form will also indicate whether or not there may be additional monies which could be invested into the project by the applicant(s). Each individual who is involved in the business must fill out this form.

d. CREDIT AUTHORIZATION FORM (Attachment F) - This form will authorize the City of Modesto's Housing Program Office to pull a credit report to assist with the credit analysis. This form must be completed by each individual who will be involved in the business.

e. PROGRAM ACKNOWLEDGEMENT FORM (Attachment G) - This form will indicate that the City is not guaranteeing the loan and will explain the application process. This form will also summarize the program requirements and with the client's signature it indicates the client acknowledges the program requirements.

The loan application package will not be mailed. The individuals referred by Staff will be directed to pick up the application package at the Housing Program Office. Only those individual which have been through the initial interview and appear to meet the requirements of the program will be directed to pick up the package.

C. LOAN APPLICATION REVIEW

After the client has picked up the application, Staff will wait for the complete loan application to be returned to the Housing Program Office.

When the client has returned the loan application Staff will review the application for completeness. If any section of the application has not been filled out or the letters of denial or any other attachments are not included, Staff will notify the client via mail indicating that the application will not be considered without all the information requested.

Not until all the information has been provided by the client will Staff pull a credit report and conduct the credit analysis. At this time an initial personal budget analysis will be conducted based on the information provided on the personal financial statement(s).

Staff will discuss the project further with the client during the next scheduled appointment. Regardless of whether the initial budget analysis or credit analysis is favorable or not, an
appointment will be scheduled at which the client will be informed.

During the scheduled appointment, Staff will continue discussing the proposed venture with the client and the program requirements. As a result of the interview, Staff will be able to determine if the client still appears to be eligible. Staff will review and provide the client the Loan Package Preparation list (Attachment H). Staff will keep a copy of the list in the client's file which will aid Staff with the flow of paperwork and to indicate which information has been provided by the client.

In reviewing the document check list, Staff will determine if the client will need assistance in preparing the business plan, which consists of the general business information, the market analysis, the hiring plan and the cash flow projections. If Staff cannot immediately handle or foresees not being able to handle the preparation of the business plan, the client will be referred to an outside agency which will provide this service. (If the business plan is prepared by an outside agency, City staff will review for accuracy and completeness as the plan will assist with the Necessary and Appropriate determination and the overall recommendation of the loan). The City will also review all documentation which will support or assist in determining whether the number of jobs to be created are feasible or reasonable (Employment Projection Form).

D. LOAN PACKAGE ANALYSIS

In order for City staff to have a complete picture of the proposed of the program and determine whether or not the proposed project is feasible City staff will conduct the following:

Credit Analysis: This will determine the credit worthiness of the individuals involved. It will give staff an idea of whether the client is responsible in paying financial obligations

Personal Budget Analysis: Based on the information provided on the personal financial statement, the tax returns, the credit report and the cash flow projections. This will determine whether or not the client will be able to meet their personal financial obligations and whether proposed draws are reasonable.

Cost Estimate Analysis: Based on the uses of funds outlined in the loan application. This will assist in determining whether or not the amount requested for the project indicated is reasonable. The general principal is that the level of CDBG assistance cannot be adequately determined if costs are understated or inflated.

Collateral Analysis: Based on the loan application information. Staff will verify that the items listed as collateral will be sufficient to adequately secure the loan. If property or equipment is part of the collateral then the title reports and UCC-3 filings will be pulled.

Financial Analysis: Based on the cash flow projections, current income statements and balance sheets. This will assist in determining the repayment of the loan, the ability to create the proposed jobs and/or whether or not the client may expect an appropriate return. Ratios will be compared to industry averages.

Necessary and Appropriate Analysis: This will be the final analysis and will summarize all the information provided by the client. This information will then be presented to the Economic Development Loan Committee with Staff's recommendation. This report will be in summary form but will include sufficient detail to support the Committee's decisions.

Verification of mortgage balances and bank account balances will be part of the above analyses in order to obtain an accurate view of the client's financial and equity positions.
E. APPROVAL PROCESS

Staff will summarize the information regarding the proposed project in the Necessary and Appropriate Analysis and will present it with Staff’s recommendation to the Economic Development Loan Committee.

The clients will be instructed to attend the meeting in order for them to make available any additional information which may be requested by the Committee.

If, after the review of the Necessary and Appropriate Analysis and interviewing the client, the Committee agrees that the loan should be funded, the loan package will be referred to City Council with the Committee’s recommendation for approval.

The City Council will be the final approving party for the loan application. Even after Staff and Committee have recommended approval, the City Council may reject the application. Staff will then be responsible for providing the result of the City Council action to the client and to the Economic Development Loan Committee.

If approved the client will complete the process with the signing of the loan documents.

F. LOAN CLOSING AND DISBURSEMENT OF FUNDS

Staff will prepare all loan closing documents, including but not limited to the promissory note, the collateral filings, deeds of trust and recordings, appropriate lien filings, etc. All the documents will then be reviewed by the City Attorney for their accuracy.

Upon the City Attorney’s approval, Staff will contact the client and schedule an appointment in order for the client to sign the loan documents. The client will need to pay the appropriate loan application fees plus any additional costs such as UCC filings, DMV fees, etc., at the time of the signing of the documents.

During the signing of the loan documents, the client will be reminded of the purpose of the program and will be made aware of the monitoring schedule. The client will need to sign the following documents.

1. Loan Agreement
2. Promissory Note
3. Security Agreement
4. Borrower acknowledgement and certification
5. UCC filings
6. Vehicle Title slips
7. Deeds of trust - for collateral purposes
8. Consent to removal of fixtures - landlord waiver

After the documents have been signed by the client, they will be forwarded to the City Manager, with a memo, for his/her signature. Only after the loan documents have been signed by the City Manager and returned to the Housing Program Office will the disbursement of funds be considered.

Prior to the disbursement of any CDBG funds Staff will need to document whether or not the client’s initial investments have been injected into the business/project. If not, the client will be reminded that those monies must be injected into the business prior to loan funds being disburse. Staff will also need to verify that the client has provided proofs of the necessary insurances if those have been set as a condition of the loan.

Loan proceeds will not be disbursed in one lump sum but rather as invoices are provided to the Staff. Staff will request payment directly to the company providing the service and/or product to the client. If the client has already paid and is requesting to be reimbursed Staff will request a
cancelled check and receipt from the client as proof that the product and/or service has been paid for and received.

Staff will verify invoices by contacting the business imprinted on the invoice. Staff will also monitor the disbursement of the funds to coincide with proposed allocated costs.

18.9 MONITORING PROCESS

The monitoring visits will serve as the means of gathering and providing information to and from the client. By implementing this process, Staff will be able to easily know whether or not the business is meeting the National Objective of creating jobs for individuals of low to moderate income.

Also, Staff will be able to know whether or not the client needs special business technical assistance which has not been yet provided and will refer the client to the appropriate agency. Monitoring the loan will also assist with client’s adherence to the conditions of the loan such as providing the necessary insurance coverage, providing the business financial statements, tax returns, etc.

After the funds have been disbursed a monitoring schedule will be presented to the client. The schedule will be as follows:

A. FIRST VISIT - Three months after the funding of the loan.
   During the first visit, staff will seek additional information regarding the operation of the business. Staff will inquire if additional assistance is needed by the client in order to provide for an efficient operating business. Staff will provide the client with Employment Verification Forms (Attachment I) to verify job creation. Staff will meet the new hires. Staff will photograph the business site to include in the file.

B. SECOND VISIT - Six months after the funding of the loan.
   During the second visit, Staff will request the business financial statements for the first months of operation (for start-up businesses only). If the business funded is an existing business Staff will request business financial statement for the applicable accounting periods. Staff will also inquire whether or not taxes have been paid and will review the business books and provide technical assistance. Staff will continue to monitor for job creation and will meet any new employees which have been recently hired.

C. THIRD VISIT - Nine months after the funding of the loan.
   During the third visit, Staff will continue to monitor for job creation. Staff will provide and/or request information to assist the business owner. Staff will also continue to monitor for job creation.

D. FOURTH VISIT - Twelve months after the funding of the loan.
   During the fourth visits Staff will continue to monitor for job creation. Staff will request income and balance statements for the appropriate accounting period.

After the fourth visit, Staff will visit the business at six-month intervals until the loan is paid off. Visits will be supplemented with written reports.

On an annual basis, the client will be required to provide their annual income tax filing, current business licenses, current personal financial statements, and year-end business financial statements. Staff will monitor on a monthly basis the repayment of the loan and will assist the Finance Department and provide any appropriate information to the Economic Development Loan Committee regarding the status of the loan.

Certain loans will need more assistance in complying with the loan terms or the conditions of the loan. Staff will continuously monitor these loans and will assist the clients in satisfying both the conditions of the loan and the loan terms.
INTERVIEW & ASSESSMENT

Name of business: ______________________________
Address: ______________________________ Phone: ____________
City/State/Zip: __________________________ Phone: _______

Type of business: ( ) Wholesale ( ) Manufacturing
( ) Retail ( ) Service ( ) Other

Specific Product or Service: ______________________________

Status: ( ) New ( ) Start-up ( ) Existing

Type: ( ) Sole Proprietor ( ) Partnership ( ) Corporation

Loan Amount Requested: $____________________

Purpose of the loan: ______________________________________
________________________
________________________

Referred by: ______________________________

Determinations/Instructions: ____________________________
________________________
________________________

Business Technical Services/Assistance Needed: YES/NO, specify:____________________
________________________
________________________

Other information: ______________________________________
________________________
________________________

Signed: __________________________ Date: __________
Dear Small Business Owner:

Thank you for your interest in the City of Modesto’s Revolving Loan Fund Program. Funds for this program are made available through the U.S. Department of Housing and Urban Development’s Community Block Grant Program. The Department of Housing and Urban Development sets the minimum program regulations and it is within those parameters that it is administered by the City of Modesto’s Housing Program Office.

The City of Modesto’s Revolving Loan Fund Program was implemented in 1987 and was established primarily to assist small businesses within the City limits of Modesto and who are not able to obtain financing elsewhere.

The purpose of the program is to CREATE JOBS FOR INDIVIDUALS OF LOW TO MODERATE INCOME.

Attached you will find the loan application package. Please fill it out completely. If certain questions do not apply to you indicate by writing N/A. Do not leave any blank space. Return the completed loan application to the City of Modesto Housing Program Office at 401 “H” Street, Modesto, California, 95351.

The application will be reviewed and you will be notified of a second interview to continue discussing the project. If you have any questions or need additional assistance filling out these forms contact the Housing Program Office at 577-5368.

Good luck!!!
CITY OF MODESTO
REVOLVING LOAN FUND PROGRAM

LOAN APPLICATION

Business Name: __________________________________________
Address: ________________________________________________
________________________________________________________
Business Phone: ( ) ______________________________________
Owner (s): ______________________________________________
________________________________________________________________
Type of business: ( ) Manufacturing ( ) Wholesale ( ) Service
( ) Retail ( ) other
Business Status: ( ) Start Up Venture - business not yet established
( ) New business - less than one year since its establishment
( ) Existing business - more than one year established

Business Description/Type of Product/service provided:
________________________________________________________________
________________________________________________________________
________________________________________________________________
Current Number of Employees: _______ Jobs to be created: _______
Method of hiring individuals from low to moderate income (indicate which agencies you will use to assist you in filling the positions created by your company):

( ) Job Training Partnership Act- Private Industry Council
( ) Greater Avenues for Independence - GAIN Program
( ) Other employment agency
( ) Employment Development Department

Loan Amount Requested: $ __________ Client Investment: $ __________
Source of client’s investment: ______________________________________
________________________________________________________________
Purpose of the loan: ________________________________________________
________________________________________________________________
________________________________________________________________
________________________________________________________________
________________________________________________________________
USES OF FUNDS:  
( ) Working Capital $__________
( ) Improvements $__________
( ) Equipment/Machinery $__________
( ) Furniture/Fixtures $__________
( ) Other $__________

Collateral to secure the loan:
( ) Residence: Value: $__________
( ) Vehicles Value: $__________
( ) Equipment Value: $__________
( ) Accounts Receivable Value: $__________
( ) Other: Value: $__________

SOURCES OF FINANCING: Indicate which local lending institutions you have tried to obtain financing from and was denied. **PLEASE ATTACH TWO LETTERS OF DENIAL, without these letters the application is incomplete.**

<table>
<thead>
<tr>
<th>Name of Bank:</th>
<th>Amount $__________</th>
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<tr>
<td>Type of loan:</td>
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<th>Name of Bank:</th>
<th>Amount $__________</th>
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<td>Type of loan:</td>
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BUSINESS CREDIT REFERENCES (if applicable):

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<thead>
<tr>
<th>Creditor</th>
<th>Address</th>
<th>Phone</th>
<th>High Credit</th>
<th>Balance</th>
<th>Status</th>
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Are your books audited by outside accountants? ( ) Yes ( ) No
If yes, date of last audit: __________ Name of accountant: __________

Are you applying for additional credit at any other source? ( ) Yes ( ) No
If yes, at which agency: __________

BUSINESS INFORMATION:

Workman's compensation: Policy # __________

Business Casualty Insurance: Policy # __________ Agent: __________
Banking:  (  ) Checking (  ) Savings (  ) Other
Name of bank: ______________________________________________

I(WE) CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND AUTHORIZE THE CITY OF MODESTO TO VERIFY THE ACCURACY OF THESE STATEMENTS. I UNDERSTAND THAT ANY INFORMATION OR DOCUMENTATION PROVIDED TO THE CITY OF MODESTO IN CONSIDERATION OF THIS LOAN APPLICATION MAY BE USED TO COMPILE DATA AND PROVIDE INFORMATION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

Signed: ____________________________________________ Date: ____________
Applicant’s Signature

Signed: ____________________________________________ Date: ____________
Co-Applicant’s Signature
CITY OF MODESTO  
REVOLVING LOAN FUND  

PERSONAL FINANCIAL STATEMENT  
FOR  

( ) Applicant  ( ) Co-Applicant  
doing business as:  

Complete this form if you are: 1) the sole proprietor of the business, 2) a partner in a partnership, 3) an officer or stockholder with 20% or more ownership in a corporation; or 4) any other entity providing a guaranty on the loan.  

Residence Address: __________________________  Home Phone: ____________  
Social Security Number: ______________________  Date of Birth: ____________  

ASSETS:  
Cash on Hand: __________________________  LIABILITIES:  
Savings: __________________________  Accounts Payable: __________________________  
IRA accounts: __________________________  Installment Accounts: __________________________  
Accounts Receivable: __________________________  Revolving Accounts: __________________________  
Real Estate-value: __________________________  Auto account balance: __________________________  
Auto-value: __________________________  Mortgage balance: __________________________  
Personal Property: __________________________  Unpaid Taxes: __________________________  
Total Assets: __________________________  Other Liabilities: __________________________  

II. CONTINGENT LIABILITIES  
As endorser or co-signer: __________________________  Legal Claims & Judgements: __________________________  
Provision for Federal Income Tax: __________________________  Other special debt: __________________________  
Auto account balance: __________________________  

Description of items listed in either Section I or Section II above:  
____________________________________________________________________  
____________________________________________________________________  
____________________________________________________________________  
____________________________________________________________________  

III. BANK INFORMATION: ( ) Checking  ( ) Savings  ( ) Other  
Name of Bank: __________________________
IV PERSONAL CREDIT INFORMATION (if necessary attach an additional sheet):

<table>
<thead>
<tr>
<th>CREDITOR</th>
<th>HIGH CREDIT</th>
<th>CURRENT BALANCE</th>
<th>MONTHLY PAYMENT</th>
<th>TYPE OF ACCOUNT</th>
<th>CURRENT STATUS</th>
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</table>

V. REAL ESTATE OWNED (List each parcel separately. Use supplemental sheets if necessary. Each sheet must be identified as a supplement to this and signed.):

<table>
<thead>
<tr>
<th>Address/ Type</th>
<th>Title in name of</th>
<th>Date of purchase</th>
<th>Original Cost</th>
<th>Mortgage Balance</th>
<th>Present Value</th>
<th>Monthly Payment</th>
<th>Current Status</th>
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Lender is authorized to make all inquiries deemed necessary to verify the accuracy of the statements made herein and to determine my credit worthiness. I certify the above statements contained in the schedules are a true and accurate statement of my personal financial condition as of the date indicated below.

Signed: _______________________________ Date: ________________
To whom it may concern:

I, ______________________________, am applying for a loan under the City of Modesto’s Revolving Loan Fund Program and authorize the City of Modesto to review and analyze my credit history.

My social security number is: __________________________

Signed: ____________________________________________

Date: ______________

Attachment "F"
Attachment "G"

CITY OF MODESTO
REVOLVING LOAN FUND

PROGRAM ACKNOWLEDGEMENT FORM

I/We understand the purpose of the City of Modesto's Revolving Loan Fund Program in that is to create jobs for individuals of low to moderate income households. If approved, the business will be monitored to meet the purpose of the program.

I/We also understand that this service is only available to businesses located within the City limits of Modesto. I/We understand that I/we must include at least two letters of denial from two local lending institutions.

The City of Modesto will prepare a set of documents hereinafter referred to as a "loan package". The loan package is specifically intended for application under the Revolving Loan Fund Program.

The loan package will be analyzed to determine if the amount of funds requested are deemed necessary and appropriate by City Staff and by the Economic Development Loan Committee.

I/We understand the reviewing body for these loans is the Economic Development Loan Committee and the approving body is the Modesto City Council.

I/We understand that in the provision of this assistance, the City of Modesto does not and cannot guarantee that I/we will receive any loan(s), loan guarantee(s), or grants from the City of Modesto or from public or private lenders.

I/We further acknowledge that the City of Modesto may request information from/me/us, and that failure to furnish the information on a timely basis will delay the specific assistance provided.

I/We further understand that all information provided to the City of Modesto for the preparation of the loan package will be public information and will be provided to the public, if so requested.

I/We certify that I/we have read the above statements and will be able to provide the necessary documentation to prepare the loan package. I/We understand the purpose of the program which is to create jobs for individuals of low to moderate income.

Signed: ___________________________ Date: _____________

Signed: ___________________________ Date: _____________
The City of Modesto is requesting the following information from you and your business in order to prepare a loan package for program loan under the City of Modesto’s Revolving Loan Fund Program:

<table>
<thead>
<tr>
<th>Checklist Item</th>
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</thead>
<tbody>
<tr>
<td>Business Plan</td>
</tr>
<tr>
<td>Partnership Agreement (if applicable)</td>
</tr>
<tr>
<td>Fictitious Name Statement</td>
</tr>
<tr>
<td>City Business License</td>
</tr>
<tr>
<td>Tax Identification Number</td>
</tr>
<tr>
<td>Cost Estimates - (Machinery, Equipment, etc)</td>
</tr>
<tr>
<td>Lease Agreement</td>
</tr>
<tr>
<td>Permits and licenses</td>
</tr>
<tr>
<td>Summary of collateral</td>
</tr>
<tr>
<td>Purchase agreement (if applicable)</td>
</tr>
<tr>
<td>Preliminary plans and specifications</td>
</tr>
<tr>
<td>Balance Sheet - existing business provide the past 3 years plus current</td>
</tr>
<tr>
<td>Income Statement - existing business provide the past 3 years plus current information</td>
</tr>
<tr>
<td>Accounts Receivable Information</td>
</tr>
<tr>
<td>Business Tax Information - Tax Schedule for the past three years</td>
</tr>
<tr>
<td>Federal and State Tax Returns of principal(s) for the past 3 years</td>
</tr>
<tr>
<td>Resumes of the principals</td>
</tr>
</tbody>
</table>
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CALTRANS TO INSTALL WHEELCHAIR RAMPS AND MODIFY THE TRAFFIC SIGNAL ON MCHENRY AVENUE (STATE HIGHWAY 108) AND MORRIS AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Caltrans to install wheelchair ramps and modify the traffic signal on McHenry Avenue (State Highway 108) and Morris Avenue be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

A TEST: ____________________________

NORMINE COYLE, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $54,000 TO FUND INSTALLATION OF WHEELCHAIR RAMPS AND MODIFICATION OF TRAFFIC SIGNAL AND MCHENRY AND MORRIS AVENUES

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Capital Facility Fees  
       (141 160 P854)  
       $54,000

TO: McHenry/Morris Signal modifications  
    (141 160 C870 6000)  
    $54,000

To provide funding for the traffic signal modifications on McHenry Avenue at Morris Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
          NORMINE COYLE, City Clerk
A RESOLUTION ESTABLISHING ANGLE PARKING IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 92-82

WHEREAS, Chapter 2 of Title III of the Modesto Municipal Code authorizes the City Council, by resolution, to establish angle parking in the City of Modesto.

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

SECTION 1. ANGLE PARKING. Angle parking is hereby established at the following locations:

Angle Parking:

Portions of 10th Street, between I & K Streets (west side) (diagonal)

18th Street, between G and H Streets (west side) (diagonal)

Chestnut Street, between Jefferson and Madison Streets (south side) (diagonal)

Jefferson Street, between Chestnut and Elm Streets (west side) (diagonal)

F Street, between 10th and 11th Streets (south side) (diagonal)

I Street, between 9th and 12th Streets (both sides) (diagonal)

P Street, between 9th and Needham Streets (both sides) (diagonal)

Coldwell Avenue, between Tully Road and College Avenue

4th Street, between E Street and G Street (west side)

16th Street, between I Street and J Street (east side)
SECTION 2. The Public Works and Transportation Director is hereby directed to implement the provisions of this resolution.

SECTION 3. Resolution No. 92-81 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-585

A RESOLUTION APPROVING A PART-WIDTH STREET LESS THAN FORTY (40) FEET IN WIDTH FOR A PORTION OF WALNUT WAY ADJACENT TO APPROVED VESTING TENTATIVE SUBDIVISION MAP BUEHNER ESTATES.

WHEREAS, by Planning Commission Resolution No. 92-42, the vesting tentative subdivision map Buehner Estates was approved by the Planning Commission on September 14, 1992, and

WHEREAS, the approved subdivision divides a 0.6-acre site into five (5) R-1 lots and is located at the northeast corner of Guthmiller Drive and Walnut Way, and

WHEREAS, condition number 3 of said Planning Commission Resolution No. 92-42 reads as follows:

3. That a 40-foot minimum part-width street shall be developed along the Walnut Avenue street frontage where the total dedicated right-of-way is a minimum of 40 feet in width.

and

WHEREAS, the subdivider has control of only the east 25-feet of the south portion of Walnut Way right-of-way and is unable to obtain approval from the owner of the property to the west to construct Walnut Way to at least 40-foot part-width residential street standards, and

WHEREAS, condition number 9 of said Planning Commission Resolution No. 92-42 reads as follows:

9. That the east 25 feet of Walnut Way, where the dedicated right-of-way is 25 feet in width, shall be improved to city standards. A cash deposit or a certificate of deposit shall be provided for the
remaining street improvements for the improvement of the west 15 feet of Walnut Way to complete the street to a 40-foot part-width street standard as approved by the Director of Public Works and Transportation.

and

WHEREAS, Modesto Municipal Code Section 4-4.302(a)(8) requires City Council approval of a part-width street of less than 40 feet, and

WHEREAS, said matter was considered by the City Council on October 20, 1992, in the Council Chambers located at 801 11th Street in the City of Modesto, at which time it was found and determined that for public convenience and necessity approval of a part-width street less than 40 feet in width for Walnut Way adjacent to the approved vesting tentative subdivision map Buehner Estates should be granted, and

WHEREAS, the City Council has reviewed the findings of the City of Modesto Environmental Assessment Committee which resulted in a Negative Declaration in regard to the environmental impact of the proposed subdivision,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that for public convenience and necessity the construction of the portion of Walnut Way adjacent to Buehner Estates subdivision to a part-width street less than 40 feet wide be, and it hereby is, approved for the following reasons:

1. Walnut Way is along the west boundary of the Buehner Estates subdivision. The south portion of
the west 25 feet of the ultimate Walnut Way street right-of-way is not under the subdivider's control.

2. The development of Walnut Way as a 40-foot part-width street, within the right-of-way under the subdivider's control, would create a 10-foot offset in the center line of Walnut Way.

3. The public interest to develop Walnut Way without an offset in the centerline outweighs the policy of having all part-width streets a minimum of 40 feet in width.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Planning And Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the vesting tentative map of Buehner Estates Subdivision.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-586

A RESOLUTION APPROVING THE REQUEST OF COUNTRY FORD TRUCKS FOR REFUND OF
$21,829.97 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request
of Country Ford Trucks for refund of $21,829.97 for overpayment of Business
License Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 20th day of October, 1992, by
Councilmember Patterson, who moved its adoption, which motion being duly
seconded by Councilmember Bird, was upon roll call carried and the
resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-587

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $13,425 TO COVER THE ADDITIONAL COST OF THE PASSENGER TERMINAL FIRE PROTECTION WATER MAIN

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Airport Contingency Reserve $13,425
(631 800 8000 8003)

TO: Passenger Terminal Debt $13,425
(632 480 6472 6040)

Funds are needed to pay Del Este Water Company for cost overrun of the terminal fire protection water main.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
RESOLUTION NO. 92-588

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO APPROPRIATE FUNDING FROM THE GENERAL FUND CONTINGENCY RESERVE FOR THE VILLAGE ONE STREET REALIGNMENT PROJECT, TO BE BUDGETED IN FUND 130.

WHEREAS, funds are needed to develop conceptual street realignments for certain streets within Village One as directed by Council at the September 15, 1992, meeting during review of the Village One Facilities Master Plan, and

WHEREAS, the project will reside in fund 130; however, the funding is provided by the General Fund,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments are necessary:

SPECIAL FUND FOR CAPITAL OUTLAYS (130)

<table>
<thead>
<tr>
<th>Fund/Agy/Organization</th>
<th>Increase</th>
<th>(Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>130-430-C897-6010</td>
<td>Village One-Street Alignment</td>
<td>$1,000</td>
</tr>
<tr>
<td>130-430-C897-6040</td>
<td>Village One-Street Alignment</td>
<td>5,000</td>
</tr>
<tr>
<td>010-700-7000-7130</td>
<td>Transfer Out to Fund 130</td>
<td>6,000</td>
</tr>
<tr>
<td>010-800-8000-8003</td>
<td>General Fund Contingency Reserve</td>
<td>(6,000)</td>
</tr>
<tr>
<td>Revenues</td>
<td></td>
<td></td>
</tr>
<tr>
<td>130-700-7000-9010</td>
<td>Transfer In From General Fund</td>
<td>$6,000</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST: 

NORRINE COYLE, City Clerk

 APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-589

A RESOLUTION AUTHORIZING CITY STAFF TO ISSUE A REQUEST FOR PROPOSALS TO QUALIFIED CONTRACTORS FOR THE PURPOSE OF DEVELOPING A PLAN FOR BENEFICIAL REUSE/DISPOSAL OF WASTEWATER BIOSOLIDS.

WHEREAS, wastewater biosolids are a byproduct of the wastewater treatment process at the 1221 Sutter Avenue wastewater treatment facility, and

WHEREAS, disposal of biosolids now requires the development of a biosolids management program; and, a permit from the California Regional Water Quality Control Board is also a mandatory requirement for disposal of biosolids, and

WHEREAS, beneficial reuse is understood to include recycling in agriculture as a fertilizer soil amendment or conditioner; composting/co-composting; or any other appropriate use allowed by local, state and federal regulations, and

WHEREAS, it is the recommendation of City staff that the Council authorize City staff to issue a request for proposals to qualified consultants for the purpose of developing a plan for beneficial reuse/disposal of wastewater biosolids,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to issue a request for proposals to qualified contractors for the purpose of developing a plan for beneficial reuse/disposal of wastewater biosolids.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:  Councilmembers:  Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  None

ATTEST:  NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  MICHAEL D. MILICH, Acting City Attorney
A RESOLUTION APPROVING AN EXTENSION TO THE CURRENT MEMORANDUM OF UNDERSTANDING (MOU) WITH THE MODESTO CITY EMPLOYEES ASSOCIATION (MCEA) TO INCLUDE FISCAL YEAR 1992-93.

WHEREAS, by Resolution No. 91-503 adopted on July 23, 1991, by the approved a Memorandum of Understanding (MOU) between the City of Modesto and the Modesto City Employees Association (MCEA) for the Fiscal Year 1991-92, and

WHEREAS, the City's negotiators and Modesto City Employees Association have agreed to extend the Fiscal Year 1991-92 Memorandum of Understanding to cover Fiscal Year 1992-93,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve an extension to the Fiscal Year 1991-92 Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association to cover Fiscal Year 1992-93.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMA COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-591

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, on October 1, 1992, the City Council adopted recommendations for implementation of the Public Works and Transportation audit, and

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

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

SECTION 1. CLASSIFICATIONS CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classifications:

Junior Civil Engineer
Administrative Services Officer
Laboratory Supervisor
Integrated Waste Specialist
Industrial Waste Supervisor
Fleet Manager
Water Superintendent

10/14/92--CA
Wastewater Collections Superintendent

The specifications for the classification of Junior Civil Engineer (Range 430), as shown on the attached Exhibit "A", Administrative Services Officer (Range 435), as shown on the attached Exhibit "B", Laboratory Supervisor (Range 433), as shown on the attached Exhibit "C", Integrated Waste Specialist (Range 435), as shown on the attached Exhibit "D", Industrial Waste Supervisor (Range 432), as shown on the attached Exhibit "E", Fleet Manager (Range 441), as shown on the attached Exhibit "F", Water Superintendent (Range 441), as shown on the attached Exhibit "G", and Wastewater Collections Superintendent (Range 441), as shown on the attached Exhibit "H", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATIONS AMENDED. The Positions Classification Plan of the City of Modesto is hereby amended to revise the following classifications:

Assistant Civil Engineer

Associate Civil Engineer

The revised specifications for the classification of Assistant Civil Engineer (Range 433), as shown on the attached Exhibit "I", and Associate Civil Engineer (Range 439), as shown on the attached Exhibit "J", which are hereby made a part of this resolution by reference, are hereby approved and made a part of
the Position Classification Plan of the City of Modesto.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after October 20, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
JUNIOR CIVIL ENGINEER
ASSISTANT CIVIL ENGINEER

DEFINITION

To perform professional and technical engineering work in assigned
areas of responsibility such as plan and development review, contract
administration, design, investigation, and construction of public
works projects.

DISTINGUISHING CHARACTERISTICS

Junior Civil Engineer - This is the entry level class in the Civil
Engineer series, and as such may be assigned to assist with the design
and planning of projects in all areas of engineering services.
Incumbents are expected to work initially under close supervision, but
as experience is gained, to carry out assignments of progressively
increasing difficulty with greater independence. Work assignments are
usually performed under the supervision of a professional engineer.

This class is distinguished from the next higher level of Assistant
Civil Engineer in that the latter operates with greater independence
and performs engineering work of greater complexity.

Assistant Civil Engineer - This is the second level in the Civil
Engineer series. Incumbents in this class are expected to perform a
wide variety of professional engineer work of average difficulty.
Assistant Civil Engineers carry out assignments with independent
judgment and discretion. Incumbents may be assigned various tasks
within a project area. Incumbents usually work under the supervision
of a professional engineer.

This class is distinguished from the Associate level of Civil Engineer
in that the latter is a registered professional engineer, and as such
has responsible charge for an engineering project.

SUPERVISION RECEIVED AND EXERCISED

Junior Civil Engineer - Receives general supervision from higher level
engineering staff.

Assistant Civil Engineer - Receives general supervision from higher
level engineering staff. May exercise functional and technical
supervision over assigned engineering staff.
EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Prepares calculations, cost estimates, and contract drawings and specifications for public works projects on facilities such as buildings, bridges, roads, utility lines, aqueducts, conduits, sewer lines, wastewater facilities, water pump stations and water lines, and similar public works infrastructure.

Assists in reviewing plans, cost estimates, and specifications of other staff, agencies and private developers for conformance with City standard specifications.

Prepares profiles and cross sections and computes stresses and strains; makes foundation studies and lays out water mains, sewers, wastewater plants and drainage systems.

Reviews the work of field survey parties in the making of plans, maps, charts, and diagrams.

Checks subdivision and building plans for compliance with established requirements.

May prepare and check legal descriptions for deeds, easements, and rights-of-way.

May assist in gathering and analyzing data concerning rainfall, run-off, stream flow, water level, water quality, and ground water infiltration.

Reviews routine field and laboratory tests of construction materials; writes memoranda and reports.

Performs engineering design on computer applications and draws plans on CAD systems.

May coordinate engineering projects between contractors and the City.

Performs complex engineering calculations and field inspections.

Assigns work, provides instruction and training, and assists in performance evaluation of subordinate personnel.

Provides engineering data and cost estimates for the City budget.

Checks and analyzes Environmental Impact Reports and other CEQA documents.

Responds to citizen complaints concerning engineering problems.
EXAMPLES OF DUTIES (Continued)

Administers and enforces City codes and standards on engineering projects.

Prepares permit applications to various regulatory agencies related to Public Works projects.

Performs complex engineering calculations.

Checks private building plans for compliance with City building codes and ordinances.

Conducts feasibility studies and planning for water line and sewer line extensions.

Assists in developing Master Plans for sewer collection, storm drain collection, inside Water Treatment Plant and water distribution system.

Provides engineering data and cost estimates for the City operating budget and Capital Improvement Program.

Performs health related investigations, studies, and other engineering and regulatory activities involving domestic water supply, sewage treatment systems, sewage collection, and disposal systems.

Performs related duties as assigned.

QUALIFICATIONS

Knowledge of:

Knowledge of statistics and advance mathematics, including algebra and analytic geometry.

Topographic and construction surveying, stress analysis, analytical mechanics and the strength, properties, and uses of construction materials.

Common methods and equipment utilized in engineering construction and of inspection methods used in reviewing such work.

Real property descriptions.

Civil engineering design and drafting methods and equipment.
QUALIFICATIONS (Continued)

Knowledge of:

Principles and practices of engineering as applied to public works or structural engineering.

Modern developments, current literature, and sources of information regarding engineering.

Learn the use of Computer Assisted Drafting and Design (CAD) software/hardware, and other engineering related software.

IN ADDITION TO THE KNOWLEDGES FOR JUNIOR CIVIL ENGINEER, THE ASSISTANT CIVIL ENGINEER REQUIRES:

Knowledge of:

Pertinent Federal, State, and local rules, regulations, and ordinances.

Ability to:

Make complex engineering computations and to check, design, and prepare engineering plans, studies, profiles, and maps.

Use drafting instruments and ensure proper maintenance thereof.

Use and maintain Computer Assisted Design and Drafting systems.

Develop and maintain effective working relationships with all levels of representatives from governmental and private agencies, construction and consultant contractors, co-workers, and the public.

Communicate clearly and concisely, both orally and in writing.

IN ADDITION TO THE ABILITIES FOR JUNIOR CIVIL ENGINEER, THE ASSISTANT CIVIL ENGINEER REQUIRES:

Ability to:

Learn and apply City engineering policies and procedures.

Learn applicable laws and regulatory codes applicable to areas of assigned responsibility.

Learn to prepare, understand, and interpret engineering construction plans, specifications, and other contract documents.
EXPERIENCE AND TRAINING GUIDELINES:

Any combination equivalent to experience and education that could likely provide the required knowledge and abilities would be qualifying. A typical way to obtain the knowledge and abilities would be:

**Experience: JUNIOR CIVIL ENGINEER**

None required.

**Education:**

Equivalent to a Bachelor's Degree from an accredited college or university, with major course work in civil engineering, OR possession of a valid certificate as Engineer-in-Training issued by the State of California Board of Registration for Professional Engineers and Land Surveyors.

**Experience: ASSISTANT CIVIL ENGINEER**

One year of directly related engineering experience and possession of a valid certificate as Engineer-in-Training issued by the State of California Board of Registration for Professional Engineers and Land Surveyors.

**Education:**

Equivalent to a Bachelor's degree from an accredited college or university with major course work in civil engineering or a related field. Possession of a valid certificate as Engineer-in-Training issued by the State of California Board of Registration for Professional Engineers and Land Surveyors.

**License or Certificate: (Both)**

Possession of, or the ability to obtain, a valid California driver's license.
ADMINISTRATIVE SERVICES OFFICER

DEFINITION

Under general administrative direction, to plan, organize, and direct the administrative services of a department; provide administrative support to the Department Director in assigned program areas; and perform related work as assigned.

SUPERVISION RECEIVED AND EXERCISED

General direction is provided by the department Director.

May exercise direct supervision over managerial and other subordinate staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Directs the budgetary and fiscal control process, and prepares the budget.

Supervises the preparation of personnel documents and payroll.

Supervises and directs managerial, technical, and support staff.

Develops and improves programs for the effective utilization of office space, forms and supplies, equipment, and other property.

Develops time and cost studies of unit operations and recommends changes to promote more efficient production.

Develops production standards.

Identifies, analyzes, and recommends solutions to a variety of administrative and fiscal problems.

May oversee and coordinate the activities of a unit/division within the department.

Functions as liaison for review, evaluation, recommendation and implementation of administrative hearing procedures.

Conducts comprehensive cost benefit analyses.

Negotiates terms and conditions of various service contracts.

Prepares and revises departmental rules and manuals of procedure and directs the instruction of their use.

Exhibit "B"
EXAMPLES OF DUTIES - (Continued)

Reviews and analyzes applicable state and federal legislation for departmental impact.

Coordinates departmental training activities.

Conducts special projects and administrative studies, preparing reports of findings and recommendations.

Attends various City Council, Board, Commission, and other governmental meetings; prepares and presents agenda items to the City Council.

Supervises the keeping of property records and recommends the granting of requests for purchase of major items of new property, or repair of existing property.

Confers with representatives of other agencies on administrative services problems; and negotiates leases.

Performs related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and modern methods of public and business administration with special reference to organization, fiscal, and budgetary preparation and control.

Principles and practices of supervision.

Modern office methods, forms, and equipment.

Technical report writing procedures and grant proposal development.

Applications of statistical methods to management analysis.

Advanced methods of report preparation and presentation.

English usage, spelling, grammar, punctuation at an advanced level.

Administrative research techniques, sources and availability of information.

Applicable Federal, State, and local laws and regulations related to the department.
QUALIFICATIONS (Continued):

Ability to:

Plan, organize, and direct the diverse and complex administrative program of the department.

Research, analyze, and make recommendations on administrative, management, and procedural practices.

Conduct fact finding projects.

Perform advanced professional level work in designated areas of the work of the department.

Perform budget analysis, preparation, and monitoring.

Delegate authority and responsibility.

Schedule and program work on a long and short term basis.

Devise and operate effective internal control procedures.

Analyze a variety of complex technical and administrative problems; make sound policy and procedural recommendations.

Prepare, review, and approve comprehensive analyses and reports; make effective presentations of conclusions and recommendations orally and in writing.

Formulate and recommend policies and budgets.

Interpret and make sound decisions in accordance with laws, regulations, and policies.

Read, understand, and apply complex materials.

Establish comprehensive record keeping systems.

Administer contract services.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective relationships with those contacted during the course of work.
Experience and Training Guidelines:

Any combination of training, experience, and education which demonstrates the possession of the knowledge and abilities stated above, and the ability to perform the duties of this position. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of administrative experience at an advanced level in a public agency, including supervisory experience.

Training:

Equivalent to a Bachelor's Degree from an accredited college or university with major course work in public administration, business administration, economics, accounting, management, personnel, or a related field.
LABORATORY SUPERVISOR

DEFINITION

To collect and analyze the more complicated chemical, biochemical, and bacteriological analyses of water, wastewater, and related solids and liquids, relevant to the operation of wastewater treatment and potable water systems; monitor, maintain and recommend improvements to the Laboratory's quality assurance/quality control programs; plan, organize, direct, and review the work of the subordinate laboratory staff; obtain and renew necessary laboratory procedure certifications; perform related work as required.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Water Quality Control Superintendent. Exercises direct supervision over subordinate laboratory personnel.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Provides direction and supervision to staff; recommends selection of staff.

Reviews work performed and adjusts to schedules and available resources.

Provides for staff training and professional development.

Evaluates employee performances and conducts performance reviews.

Assists upper level management in the operation and organization of the laboratory and coordinates laboratory services to other divisions.

Develops and writes procedures for analytical laboratory methods.

Maintains and requisitions laboratory supplies and equipment.

Develops and writes analytical laboratory procedures; instructs laboratory staff in performing all laboratory analyses.

Prepares reports to Federal, State, and Local agencies; maintains up-to-date knowledge of these agencies' regulations pertaining to laboratory, water quality, and wastewater discharge.

Performs routine and non-routine chemical, biological, and microbiological laboratory analyses.

Exhibit "C"
EXAMPLES OF DUTIES - (Continued)

Collects routine and non-routine samples, trains laboratory staff and other staff in sample collection, as required.

Recognizes, corrects, and reports safety hazards.

Performs the more technically complex laboratory tasks.

Uses personal computer to perform word processing, spreadsheet, and specialized functions.

Participates in budget preparation.

Performs related duties as assigned.

QUALIFICATIONS

Knowledge of:

Modern management principles and practices.

Principles and practices of water/wastewater laboratory operations, maintenance, and management.

Principles of chemistry, biology, and microbiology.

Standard approved laboratory practices and procedures.

Laboratory safety.

Mathematics required in a water and wastewater treatment laboratory.

Wastewater and water treatment processes.

Use of laboratory equipment.

Compilation and evaluation of laboratory data, and writing clear and accurate reports.

Applicable regulatory codes and laws.

Effective communication techniques.
QUALIFICATIONS (Continued)

Ability to:

Cooperate and communicate effectively with other City employees, persons from other agencies, and the public.

Effectively plan, direct, and review the work of others.

Perform careful and accurate laboratory analyses.

Understand and carry out other written instructions without close supervision.

Work within City safety standards.

Make sound decisions regarding the proper operation of the laboratory.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of laboratory analyses experience performing chemical, biological, or microbiological analyses or three years in water/wastewater laboratory operations, including one year in a supervisory capacity.

Training:

Equivalent to a Bachelor's degree in organic/inorganic chemistry, biochemistry, or a closely related field.

License or Certificate

Possession of, or the ability to obtain, an appropriate and valid California driver's license.

Must possess a Grade II Laboratory Technologist Certificate with the ability to obtain a Grade III Laboratory Technologist Certificate, issued by the California Water Pollution Control Association, no later than two and a half years after employment with the City.
INTEGRATED WASTE SPECIALIST

DEFINITION

Under general direction, plans, organizes, and implements an integrated solid waste management program; represents the City and provides staff support to a variety of intergovernmental committees, subcommittees, and authorities as well as other City staff; performs related duties as required. This position will, in the absence of the Solid Waste Program Manager, supervise the responsibilities of that position.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Solid Waste Program Manager. Exercises direct supervision of professional, technical, and clerical staff engaged in developing and implementing an integrated waste management program.

EXAMPLES OF DUTIES - Duties may include but are not limited to the following:

Plans, organizes, and implements an integrated solid waste management program for waste characterization, source reduction, recycling, composting, and transformation.

Reviews and analyzes legislation for impact on solid waste management activities.

Supervises other professional, technical, and clerical staff.

Provides technical expertise and program planning and implementation in the area of integrated solid waste management; monitors solid waste collection and disposal.

Attends City Council and other board meetings, as directed; prepares and presents information to these groups.

Develops new programs and evaluates existing programs, processes, policies and procedures.

Prepares and oversees the preparation and implementation of marketing and public information campaigns designed to secure public input and participation.

Reviews and analyzes issues and proposals and prepares special reports.

Represents the City with State and Federal agencies, community and civic groups and other regulatory bodies.

Exhibit "D"
EXAMPLES OF DUTIES - (Continued)

Plans, develops, and maintains integrated solid waste management program budget.

Serves as liaison with City licensed private disposal companies.

Develops and recommends implementation of fee structures, using cost analysis techniques, to support solid waste management programs.

Develops contracts; monitors implementation of contracts for compliance and levels of service, and assists in the negotiation of terms and contracts.

Uses personal computer to perform word processing, spreadsheet, and specialized functions.

Performs other duties as assigned.

QUALIFICATIONS

Knowledge of:

Solid waste collection, disposal, and source reduction methods and systems.

Local, State, and Federal legislation, regulations, and judicial issues and decisions concerning solid waste management.

Environmental issues and concerns related to solid, hazardous, and recoverable waste collection and disposal.

Written and oral communication techniques and methodologies, including graphic presentations.

Principles and practices of public administration, program planning, and implementation.

Cost elements and revenue sources connected to waste collection, disposal, and recovery.

Cost analysis; public sector budget preparation and implementation; state and federal grant programs.

Marketing and public information practices.

Principles and practices of supervision.
QUALIFICATIONS (continued)

Hazardous materials and hazardous waste storage, treatment, and disposal.

Automated information systems.

Ability to:

Plan, develop, organize, and implement an integrated solid waste management program.

Coordinate and integrate waste management programs with other agencies.

Analyze issues, legislation, regulations, and court decisions.

Collect and analyze data to draw logical conclusions and make appropriate recommendations.

Identify operational and administrative problems and implement problem resolving changes.

Conduct cost analysis studies.

Develop and maintain effective working relationships with individuals and with groups.

Prepare written and oral reports; speak to community groups, news media, and the general public.

Communicate clearly and concisely with the general public and also with representatives from County, State, and Federal agencies.

Administer program budgets.

Supervise professional, technical, and clerical staff.
Experience and Training Guidelines:

Any combination of education and/or experience which has provided the knowledge, skills, and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Four years of progressively responsible experience in comprehensive waste management, land use, or environmental planning, including one year in a lead or supervisory capacity.

Education:

Graduation from an accredited college or university with a Bachelor's Degree in Public Administration, Environmental Science, Environmental Engineering, or a related field.

License or Certificate

Possession of, or the ability to obtain, an appropriate and valid California driver's license.
INDUSTRIAL WASTE SUPERVISOR

DEFINITION

Leads the activities of the Industrial Waste Division and Industrial Pretreatment Program. Provides technical guidance and supervision to Industrial Waste Inspectors. Plans, directs, reviews, and evaluates the activities of field technicians. Performs expert inspection on industrial, commercial, and residential discharges to the sewage and storm drain system. Does related work, as required. This is a highly technical and responsible regulatory position involving work independent of close supervision.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Water Quality Control Superintendent. Exercises direct supervision over Industrial Waste Inspectors.

EXAMPLES OF DUTIES

Duties may include, but are not limited to, the following:

Provides technical guidance and supervision of Industrial Waste Inspectors in support of programs associated with the Pretreatment Program.

Provides review and development of plans and audits to minimize wastewater flow and loading.

Responds to emergency situations involving actual or suspected improper industrial waste discharge, chemical and/or industrial waste violations, and assists in coordinating actions to remedy the situation.

Oversees groundwater discharges to wastewater, and associated permitting processes.

Prepares data for entry into data processing systems.

Provides field expertise in inspection of point and non-point sources and discharges, sampling of industrial wastewater, and field measurements of industrial wastewater flows.

Assists the Deputy Director in the implementation of a grease trap ordinance, and ensures and monitors the ongoing inspection of grease traps of restaurants and businesses.

Investigates reports of illegal discharges and/or dumping of toxic substances into sewers and storm drains.

Exhibit "E"
EXAMPLES OF DUTIES (Continued)

Implements illicit connection prevention program for pretreatment and non-point source programs.

Assists the Water Quality Control Superintendent in the instruction and training of subordinate personnel including the techniques of meter reading, sampling, inspecting, safety, and emergency procedures governing implementation and enforcement of pretreatment regulations.

Serves as the City's Pretreatment Program representative for subjects relating to pretreatment, and non-point source issues.

Initiates legal procedures, in conjunction with violations of Federal, State, and local regulations.

Resolves problems between City and industries related to wastewater discharges and fees.

Supervises storm water monitoring program; monitors storm water discharges from permitted industries for compliance with State permit.

Conducts illicit discharge and illegal dumping prevention program for storm water system.

Monitors water quality of storm water system.

Implements safety rules, regulations, and emergency procedures.

Initiates and prepares special studies and reports.

Assists the Water Quality Control Superintendent with the review and development of industrial waste discharge limits.

May act as an expert witness in court appearances.

Performs other duties as required.

QUALIFICATIONS

Knowledge of:

Modern principles and practices of chemistry, biology, ecology, or geology, as applied to wastewater, industrial wastes, or storm water.

Methods of detection of industrial wastes and effects of wastes on treatment plants and collection systems.
QUALIFICATIONS (Continued)

Knowledge of:

Non-point sources problems and methods of detection, and effects of such problems on collection systems and receiving waters.

Biological treatment processes.

Wastewater sampling techniques and flow measurement techniques.

Procedures associated with hazardous materials clean-up.

Federal, State, and local regulations regarding wastewater and storm water discharges, and the industrial pre-treatment program.

National Pollutant Discharge Elimination System (NPDES).

Confined space entry procedures.

Ability to:

Direct the activities of para-technical personnel.

Work in, with, and around wastewater, industrial wastes, and hazardous substances.

Interpret and apply Federal, State, and local rules, regulations, and standards.

Show proficiency in the use of computer systems and laboratory equipment.

Sample wastewater and discharges of suspected industrial wastes.

Create professional business correspondence, memoranda, reports, and other documentation associated with this classification.

Deal tactfully and effectively with the public and other City employees, individually and in groups.

Work in the immediate vicinity of laboratory chemicals and reactive agents used to analyze suspected industrial wastes.

Respond to emergencies associated with industrial wastes at any time of the day or night.

Perform work in the field; lift and carry sampling equipment, and perform flow metering studies.
QUALIFICATIONS (Continued)

Ability to:

Safely remove and replace up to 100-110 pound manhole covers (20-25 pounds with a 3.2 lifting device).

Work well under pressure.

Wear a respirator or breathing apparatus, and protective clothing and equipment, as needed.

Educate industries on matter of wastewater discharges and the disposition of industrial wastes.

Work in the field without close supervision.

Experience and Training Guidelines:

Any combination of education and/or experience which has provided the knowledge, skills, and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of increasingly responsible experience in an industrial pretreatment program with a regulatory agency, with at least two years at the level of Industrial Waste Inspector, including one year of supervisory experience.

Education:

Equivalent to graduation from an accredited college or university with a Bachelor's Degree in chemistry, microbiology, environmental science, environmental engineering, biology, sanitary engineering, or a related field.

License or Certificate:

Possession of, or the ability to obtain, an appropriate and valid California driver's license.

California Water Pollution Control Association (CWPCA) Grade I Industrial Waste Certificate. An Industrial Pretreatment Inspector Certification is desirable.
DEFINITION

The Fleet Manager will direct, manage, and organize a fleet management program, including procurement, utilization, repair, operation, budget, cost allocation, fueling, maintenance, and disposition of all City vehicles, heavy and specialized equipment; and perform related work, as assigned.

SUPERVISION RECEIVED AND EXERCISED

General direction is provided by a Deputy Director of Public Works; responsibilities include direct and indirect supervision of Equipment Supervisors, Mechanics, and other support staff involved in maintenance and repair operations of City owned facilities.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Develops and administers operating procedures for the work unit.

Assists a Deputy Director of Public Works in the development and implementation of goals, objectives, policies, and priorities of the fleet operation.

Develops and administers a computer-based vehicle replacement and rental program to ensure the fleet is kept in good working order and vehicles are replaced on a reasonable schedule.

Develops and administers a fuel usage/consumption computer-based program to ensure accurate monitoring of City-wide fuel usage.

Develops and implements plans to meet environmental goals, including introduction and evaluation of alternative fueled vehicles.

Develops and manages a computer-based preventative maintenance program to ensure effective maintenance of inventory and tracking of vehicle history.

Maintains Federal, State, and Local regulations for the storage, handling, and usage of hazardous materials and hazardous waste.

Initiates new and innovative maintenance programs to improve service to departments and ensure efficient equipment use, including training for equipment operators.

Plans and directs the activities of departmental employees engaged in analyzing defective equipment, as well as repairing, adjusting, servicing, and storing City vehicles.

Analyzes and monitors vehicle expenditures for all City departments making recommendations regarding the use and purchase of new vehicles.

Exhibit "F"
EXAMPLES OF DUTIES (Continued)

Develops and administers a vehicle abuse control program and a vehicle collision prevention program.

Develops proposals for, and recommends improvements to, fleet maintenance facilities.

Conducts cost effective procurement, resource utilization, budget, and project cost analysis.

Prepares and presents reports to the City Council.

Prepares monthly and annual cost and operation reports.

Performs other duties as assigned.

QUALIFICATIONS

Knowledge of:

Professional and technical aspects of fleet management.

Current trends and technological developments pertaining to procurement (includes equipment specifications), utilization, operation, budget, cost allocation, usage of alternative fuels, and fueling maintenance.

Principles and practices of public administration, organization, including personnel and fiscal administration.

Business practices applicable to fleet management, including systems analysis, computer utilization, financial record keeping, and management.

Principles of supervision, training, and performance evaluation.

Principles and practices of automotive repair shop management for automotive, heavy equipment, and buses.

Laws and regulations pertinent to safety and environmental concerns.
QUALIFICATIONS (Continued)

Ability to:

Develop, plan, organize, and manage a complex centralized fleet management program including sedans, trucks, heavy equipment, buses, and other equipment.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective working relationships with those contacted during the course of work.

Manage a comprehensive information system for internal auditing, billing, fueling, and equipment management.

Prepare and administer a budget.

Implement vehicle replacement policies and develop and manage a preventative maintenance program.

Plan, organize, evaluate, train, and supervise the activities of specialized and technical employees.

Analyze administrative and technical problems and make policy and procedural recommendations for their solution.

Prepare comprehensive reports of equipment management activities and costs.

Plan, direct, and coordinate the work of others.

Make presentations to the City Council.

Exercise independent judgment within general policy guidelines.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:
EXPERIENCE AND TRAINING GUIDELINES (Continued)

Experience:

Five years of experience in a responsible management position administering a fleet management operation including the purchase, replacement, maintenance, and disposition of heavy trucks, equipment, and passenger vehicles, three years of which must include supervisory duties.

Training:

Equivalent to a Bachelor's Degree in Public Administration, Business Administration, or a directly related field is desirable.

License or Certificate

Possession of, or the ability to obtain, an appropriate and valid California driver's license.
DEFINITION

To manage, direct, and coordinate the activities of the Water Division of the Public Works and Transportation Department, including water production maintenance, repair, and reconstruction work; to coordinate water related activities with other divisions and departments.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from a Deputy Director of Public Works. Exercises direct supervision over supervisory, maintenance, and clerical staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Direct, oversee, and participate in the development of the Division work plan; assign work activities, projects, and programs; monitor work flow and productivity; implement policies and procedures; review and evaluate work products and productivity, methods, and procedures.

Assist in the preparation of the organization's operating and capital improvement budget; assist in budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials, and supplies; administer the approved budget.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Establish performance standards and evaluate performance of subordinate personnel.

Recommend goals and objectives; assist in the development of policies and procedures.

Manage, direct, and organize a program of water production, treatment, and distribution activities.

Review capital improvement plans related to the assigned services and provide input regarding future maintenance activities. Identify and initiate needed capital improvement projects.

Exhibit "G"
EXAMPLES OF DUTIES (Continued)

Receive, investigate, and respond to citizen requests, suggestions, and complaints.

Coordinate organization's activities with those of other organizations, departments, and outside agencies; provide staff assistance to the Deputy Director of Public Works; prepare and present staff reports and other necessary correspondence.

Inspect and monitor the water production and distribution system for needed maintenance and repairs.

Inspect work sites before, during, and after completion to assure work is completed in a satisfactory and thorough manner; inspect work sites, equipment and tools for compliance with safety standards; inspect and approve work done by outside contractors.

Supervise safety program; coordinate and attend weekly safety meetings; ensure the adherence to safe work practices by subordinate personnel.

Prepare various reports and direct special projects as required.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

- Materials, methods, practices, and equipment used in water production and distribution maintenance and repair activities.

- Principles and practices of supervision, training, and personnel management.

- Principles of budget preparation and expenditure control.

- Types and level of maintenance and repair activities generally performed in a water system maintenance and repair program.

- Occupational hazards and standard safety precautions necessary in the work.

- Record keeping and reporting procedures.
QUALIFICATIONS (Continued)

Water quality regulations pertaining to storm water management: National Pollutant Discharge Elimination System (NPDES) Storm Water Permit regulations, and Underground Injection Control regulations.

Ability to:

Organize, direct, and implement a comprehensive water system maintenance program.

Conduct studies, prepare comprehensive reports, and determine cost effective ways for conducting the assigned maintenance activities.

Supervise, train, and evaluate assigned staff.

Prepare and administer a budget.

Interpret and apply Federal, State, and local policies, procedures, laws, and regulations.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five years of increasingly responsible experience performing water production, treatment, and distribution maintenance work, including two years of supervisory or lead responsibility.

Training:

Equivalent to an Associate of Arts degree from an accredited college with major course work in civil engineering, chemistry technology, personnel supervision, or a related field.
License or Certificate:

Possession of, or ability to obtain, an appropriate and valid California driver's license.

American Water Works Association (AWWA) Grade 2 Water Distribution System Certification is desirable.
WASTEWATER COLLECTIONS SUPERINTENDENT

DEFINITION

To manage, direct, and coordinate the activities of the Wastewater Collections Division of the Public Works and Transportation Department, including maintenance, repair, and reconstruction work; to coordinate collection related activities with other divisions and departments.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from a Deputy Director of Public Works. Exercises direct supervision over supervisory, maintenance and clerical staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Direct, oversee, and participate in the development of the Division work plan; assign work activities, projects, and programs; monitor work flow and productivity; implement policies and procedures; review and evaluate work products, methods, and procedures.

Coordinate organization's activities with those of other organizations, departments, and outside agencies; provide staff assistance to the Deputy Director of Public Works; prepare and present staff reports and other necessary correspondence.

Assist in the preparation of the organization's budget and Capital Improvement Program; assist in budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials, and supplies; administer the approved budget.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Establish performance standards and evaluate performance of subordinate personnel.

Recommend goals and objectives; assist in the development of policies and procedures.

Manage, direct, and organize a program of wastewater and storm water collection activities, including collection system maintenance, and pump station maintenance.

Exhibit "H"
EXAMPLES OF DUTIES (Continued)

Review capital improvement plans related to the assigned services and provide input regarding future maintenance activities. Identify and initiate needed capital improvement projects.

Receive, investigate, and respond to citizen requests, suggestions, and complaints.

Inspect and monitor the wastewater and storm water collection systems for needed maintenance and repairs.

Inspect work sites before, during, and after completion to assure work is completed in a satisfactory and thorough manner; inspect work sites, equipment and tools for compliance with safety standards; inspect and approve work done by outside contractors.

Supervise organization's safety program; coordinate and attend weekly safety meetings; ensure the adherence to safe work practices by subordinate personnel.

Prepare various reports and direct special projects as required.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Materials, methods, practices, and equipment used in wastewater and storm water collection systems, including rockwell drainage systems and catchbasins in the positive storm drain system.

Principles and practices of supervision, training, and personnel management.

Principles of budget preparation and expenditure control.

Types and level of maintenance and repair activities generally performed in a collection system maintenance and repair program.

Occupational hazards and standard safety precautions necessary in the work.

Record keeping and reporting procedures.

Regulations pertaining to storm water management: National Pollutant Discharge Elimination System (NPDES) Storm Water Permit regulations, and Underground Injection Control regulations.
QUALIFICATIONS (Continued)

Ability to:

Organize, direct, and implement a comprehensive wastewater collection maintenance program.

Supervise, train, and evaluate assigned staff.

Prepare and administer a budget.

Conduct studies, prepare comprehensive reports, and determine cost effective ways for conducting the assigned maintenance activities.

Interpret and apply applicable Federal, State, and local policies, procedures, laws, and regulations.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five years of increasingly responsible experience performing wastewater and storm water collection system maintenance work, including two years of supervisory or lead responsibility.

Training:

Equivalent to an Associate of Arts degree from an accredited college with major course work in civil engineering, construction technology, personnel supervision, or a related field.
License or Certificate:

Possession of, or ability to obtain, an appropriate and valid California driver's license.

California Water Pollution Control Association (CWPCA) Grade 2 Wastewater Collection System Certification is desirable.
JUNIOR CIVIL ENGINEER
ASSISTANT CIVIL ENGINEER

DEFINITION

To perform professional and technical engineering work in assigned areas of responsibility such as plan and development review, contract administration, design, investigation, and construction of public works projects.

DISTINGUISHING CHARACTERISTICS

Junior Civil Engineer - This is the entry level class in the Civil Engineer series, and as such may be assigned to assist with the design and planning of projects in all areas of engineering services. Incumbents are expected to work initially under close supervision, but as experience is gained, to carry out assignments of progressively increasing difficulty with greater independence. Work assignments are usually performed under the supervision of a professional engineer.

This class is distinguished from the next higher level of Assistant Civil Engineer in that the latter operates with greater independence and performs engineering work of greater complexity.

Assistant Civil Engineer - This is the second level in the Civil Engineer series. Incumbents in this class are expected to perform a wide variety of professional engineer work of average difficulty. Assistant Civil Engineers carry out assignments with independent judgment and discretion. Incumbents may be assigned various tasks within a project area. Incumbents usually work under the supervision of a professional engineer.

This class is distinguished from the Associate level of Civil Engineer in that the latter is a registered professional engineer, and as such has responsible charge for an engineering project.

SUPERVISION RECEIVED AND EXERCISED

Junior Civil Engineer - Receives general supervision from higher level engineering staff.

Assistant Civil Engineer - Receives general supervision from higher level engineering staff. May exercise functional and technical supervision over assigned engineering staff.

Exhibit "I"
EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Prepares calculations, cost estimates, and contract drawings and specifications for public works projects on facilities such as buildings, bridges, roads, utility lines, aqueducts, conduits, sewer lines, wastewater facilities, water pump stations and water lines, and similar public works infrastructure.

Assists in reviewing plans, cost estimates, and specifications of other staff, agencies and private developers for conformance with City standard specifications.

Prepares profiles and cross sections and computes stresses and strains; makes foundation studies and lays out water mains, sewers, wastewater plants and drainage systems.

Reviews the work of field survey parties in the making of plans, maps, charts, and diagrams.

Checks subdivision and building plans for compliance with established requirements.

May prepare and check legal descriptions for deeds, easements, and rights-of-way.

May assist in gathering and analyzing data concerning rainfall, run-off, stream flow, water level, water quality, and ground water infiltration.

Reviews routine field and laboratory tests of construction materials; writes memoranda and reports.

Performs engineering design on computer applications and draws plans on CAD systems.

May coordinate engineering projects between contractors and the City.

Performs complex engineering calculations and field inspections.

Assigns work, provides instruction and training, and assists in performance evaluation of subordinate personnel.

Provides engineering data and cost estimates for the City budget.

Checks and analyzes Environmental Impact Reports and other CEQA documents.

Responds to citizen complaints concerning engineering problems.
EXAMPLES OF DUTIES (Continued)

Administers and enforces City codes and standards on engineering projects.

Prepares permit applications to various regulatory agencies related to Public Works projects.

Performs complex engineering calculations.

Checks private building plans for compliance with City building codes and ordinances.

Conducts feasibility studies and planning for water line and sewer line extensions.

Assists in developing Master Plans for sewer collection, storm drain collection, inside Water Treatment Plant and water distribution system.

Provides engineering data and cost estimates for the City operating budget and Capital Improvement Program.

Performs health related investigations, studies, and other engineering and regulatory activities involving domestic water supply, sewage treatment systems, sewage collection, and disposal systems.

Performs related duties as assigned.

QUALIFICATIONS

Knowledge of:

- Knowledge of statistics and advance mathematics, including algebra and analytic geometry.

- Topographic and construction surveying, stress analysis, analytical mechanics and the strength, properties, and uses of construction materials.

- Common methods and equipment utilized in engineering construction and of inspection methods used in reviewing such work.

- Real property descriptions.

- Civil engineering design and drafting methods and equipment.
QUALIFICATIONS (Continued)

Knowledge of:

Principles and practices of engineering as applied to public works or structural engineering.

Modern developments, current literature, and sources of information regarding engineering.

Learn the use of Computer Assisted Drafting and Design (CAD) software/hardware, and other engineering related software.

IN ADDITION TO THE KNOWLEDGES FOR JUNIOR CIVIL ENGINEER, THE ASSISTANT CIVIL ENGINEER REQUIRES:

Knowledge of:

Pertinent Federal, State, and local rules, regulations, and ordinances.

Ability to:

Make complex engineering computations and to check, design, and prepare engineering plans, studies, profiles, and maps.

Use drafting instruments and ensure proper maintenance thereof.

Use and maintain Computer Assisted Design and Drafting systems.

Develop and maintain effective working relationships with all levels of representatives from governmental and private agencies, construction and consultant contractors, co-workers, and the public.

Communicate clearly and concisely, both orally and in writing.

IN ADDITION TO THE ABILITIES FOR JUNIOR CIVIL ENGINEER, THE ASSISTANT CIVIL ENGINEER REQUIRES:

Ability to:

Learn and apply City engineering policies and procedures.

Learn applicable laws and regulatory codes applicable to areas of assigned responsibility.

Learn to prepare, understand, and interpret engineering construction plans, specifications, and other contract documents.
EXPERIENCE AND TRAINING GUIDELINES:

Any combination equivalent to experience and education that could likely provide the required knowledge and abilities would be qualifying. A typical way to obtain the knowledge and abilities would be:

Experience: JUNIOR CIVIL ENGINEER

None required.

Education:

Equivalent to a Bachelor's Degree from an accredited college or university, with major course work in civil engineering, OR possession of a valid certificate as Engineer-in-Training issued by the State of California Board of Registration for Professional Engineers and Land Surveyors.

Experience: ASSISTANT CIVIL ENGINEER

One year of directly related engineering experience and possession of a valid certificate as Engineer-in-Training issued by the State of California Board of Registration for Professional Engineers and Land Surveyors.

Education:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in civil engineering or a related field. Possession of a valid certificate as Engineer-in-Training issued by the State of California Board of Registration for Professional Engineers and Land Surveyors.

License or Certificate: (Both)

Possession of, or the ability to obtain, a valid California driver's license.


DEFINITION

To supervise and perform responsible professional field and office engineering work in connection with the location, design, construction, and maintenance of public works; and to participate in a variety of services and special studies requiring the application of professional knowledge and skills.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from higher level engineering staff. Exercises functional and technical supervision over assigned engineering staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Supervise and perform engineering design calculations for buildings, water lines, sewer lines, pump stations, roads, storm drains, and other on-site improvements.

Review and check residential and commercial building plans or pumps related to structures such as streets, sidewalks, gutters, and other offsite construction; check plans for conformance with Federal, State, and local regulations including line, grade, size, elevation, and location of structures; check calculations.

Maintain records of all plans and contract documents; prepare and maintain records of plan checking procedures.

Conduct feasibility studies and planning for water line and sewer line extensions.

Investigate field problems affecting property owners, contractors, and maintenance operations.

Coordinate activities with consultants, engineers, developers, contractors, other City departments and divisions, and with outside agencies.

Develop plans, specifications, and other contract documents.

Plan, prepare, and design a variety of engineering projects such as roads, water lines, pump stations, sewer lines, storm facilities and other storage tanks, structures, and pumps.

Exhibit "J"
EXAMPLES OF DUTIES (Continued)

Provide technical and professional engineering support services relative to assigned area of responsibility.

Prepare special engineering studies and reports; perform special assignments on engineering problems as necessary.

Calculate the quantity, quality, and cost of materials used for various projects.

Supervise, coordinate, and direct the activities of plan checking such as permits, preparing and maintaining records of plans and documents.

Assign, schedule, coordinate and review the work and projects of engineering staff; provide training and technical assistance as required.

Resolve work problems and interpret administrative policies to engineering staff, other departments, consultants, contractors, and the general public.

Review and check plans of consulting engineers, architects, and private contractors; make technical engineering decisions and establish technical criteria.

Provide information to the public; respond to and resolve citizen inquiries and complaints.

Perform health related investigations, studies, and other engineering and regulatory activities involving domestic water supply, sewage treatment systems, sewage collection, and disposal systems.

Make and check engineering calculations, designs, drawings, and other engineering documents.

Enforce a wide variety of regulations and laws pertaining to public health.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Prepare plans and specifications, maps, deeds, and legal descriptions.

Participate in the preparation of a budget.

Coordinate Capital Improvements Program submittals.
EXAMPLES OF DUTIES (Continued)

May act as Division Chief as required.

Prepare and coordinate regulatory permits related to Public Works projects.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of civil engineering.

Pertinent Federal, State, and local rules, regulations, and ordinances.

Methods, materials, and techniques used in the construction of private and public works projects.

Modern developments, current literature, and sources of information regarding civil and structural engineering.

Principles of advanced mathematics and their application to engineering work.

Applicable laws and regulatory codes relevant to assigned area of responsibility.

City engineering policies and procedures.

Computer Assisted Drafting and Design software.

Ability to:

Prepare plans and drawings neatly and accurately, using Computer Assisted Drafting and Design.

Make engineering design computations and check, design, and prepare engineering plans and studies.

Learn and apply City engineering policies and procedures.

Learn applicable laws and regulatory codes applicable to areas of assigned responsibility.

Learn to prepare, understand, and interpret engineering construction plans, specifications, and other contract documents.
QUALIFICATIONS (Continued)

Ability to:

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Perform technical research and solve engineering problems.

Conduct comprehensive engineering studies and prepare reports with recommendations.

Supervise and train assigned staff.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Two years of experience performing the duties of Assistant Civil Engineer in the City of Modesto.

OR

Three years of increasingly responsible experience in professional civil engineering.

Training:

Equivalent to a Bachelor's Degree from an accredited college or university with major course work in civil engineering or a related field.

License or Certificate:

Possession of a Certificate of Registration as a professional civil engineer in the State of California.
A RESOLUTION AMENDING EXHIBIT "G" OF
RESOLUTION NO. 91-464 ENTITLED, "A RESOLUTION
GRANTING A SALARY INCREASE TO MANAGEMENT AND
CONFIDENTIAL EMPLOYEES, INCLUDING COUNCIL
APPOINTEES, AND RESCINDING RESOLUTION NO. 90-
608".

WHEREAS, on July 9, 1991, the City Council adopted
Resolution No. 91-464 entitled, "A Resolution Granting A Salary
Increase To Management And Confidential Employees, Including
Council Appointees, And Rescinding Resolution No. 90-608", and

WHEREAS, on February 4, 1992, the City Council adopted
Resolution No. 92-62 which amended Exhibit G of Resolution No.
91-464 to change the title of Word Processing System Supervisor,
at salary range 423, to Systems Analyst on the Class Range Table,
and

WHEREAS, on October 1, 1992, the City Council adopted
recommendations for implementation of the Public Works and
Transportation audit, and

WHEREAS, said recommendations included in part creation
of new job classifications, amendments of some existing
classifications and elimination of others, and

WHEREAS, the Council desires to implement certain
changes to accommodate a portion of said audit,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto as follows:
SECTION 1. AMENDMENT TO RESOLUTION NO. 91-464.

Exhibit "G" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective July 2, 1991", attached to Resolution No. 91-464, is hereby amended as shown on the amended Exhibit "G" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective October 20, 1992," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" revises class specifications for Assistant Civil Engineer at salary range 433 and Associate Civil Engineer at range 439, and adopts class specifications for Administrative Services Officer at range 435, Laboratory Supervisor at range 433, Integrated Waste Specialist at range 435, Industrial Waste Supervisor at range 432, Junior Civil Engineer at range 430, Fleet Manager at range 441, Water Superintendent at range 441, and Wastewater Collections Superintendent at range 441.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after October 20, 1992.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney

10/15/92--CA
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<td></td>
</tr>
</tbody>
</table>
| 407   | Word Processing Technician I  
       Administrative Clerk II (Confidential) |
| 408   |       |
| 409   |       |
| 410   |       |
| 411   | Word Processing Technician II  
       Microfilm Services Supervisor |
| 412   |       |
| 413   | Senior Personnel Clerk |
| 414   |       |
| 415   | Senior Word Processing Technician  
       Secretary |
| 416   |       |
| 417   |       |
| 418   | Custodian Supervisor  
       Legal Secretary |
| 419   |       |

Exhibit "G"
CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
Effective October 20, 1992

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>420</td>
<td>Worker's Compensation Claims Representative</td>
</tr>
<tr>
<td></td>
<td>Employee Benefits Coordinator</td>
</tr>
<tr>
<td></td>
<td>Legal Services Technician</td>
</tr>
<tr>
<td></td>
<td>Office Services Supervisor</td>
</tr>
<tr>
<td></td>
<td>Deputy City Clerk</td>
</tr>
<tr>
<td></td>
<td>Executive Secretary</td>
</tr>
<tr>
<td>421</td>
<td></td>
</tr>
<tr>
<td>422</td>
<td>Office Supervisor</td>
</tr>
<tr>
<td>423</td>
<td>Systems Analyst</td>
</tr>
<tr>
<td>424</td>
<td>Assistant Planner</td>
</tr>
<tr>
<td></td>
<td>Asst. City Clerk/Auditor</td>
</tr>
<tr>
<td>425</td>
<td>Police Records Supervisor</td>
</tr>
<tr>
<td></td>
<td>Administrative Analyst I</td>
</tr>
<tr>
<td></td>
<td>Executive Assistant</td>
</tr>
<tr>
<td></td>
<td>Legal Services Supervisor</td>
</tr>
<tr>
<td>426</td>
<td>Warehouse Supervisor</td>
</tr>
<tr>
<td></td>
<td>Museum Supervisor</td>
</tr>
<tr>
<td>427</td>
<td>Events Supervisor</td>
</tr>
<tr>
<td>428</td>
<td>Zoning Inspector</td>
</tr>
<tr>
<td></td>
<td>Parks Maintenance Supervisor I</td>
</tr>
<tr>
<td></td>
<td>Airport Maintenance Supervisor</td>
</tr>
<tr>
<td></td>
<td>Trees Maintenance Supervisor I</td>
</tr>
<tr>
<td></td>
<td>Equipment Maintenance Supervisor</td>
</tr>
<tr>
<td></td>
<td>Social Services Coordinator</td>
</tr>
<tr>
<td></td>
<td>Buyer</td>
</tr>
<tr>
<td></td>
<td>Accountant II</td>
</tr>
<tr>
<td></td>
<td>Assistant Budget Analyst</td>
</tr>
<tr>
<td></td>
<td>Public Works Supervisor I</td>
</tr>
<tr>
<td>429</td>
<td></td>
</tr>
<tr>
<td>430</td>
<td>Associate Planner</td>
</tr>
<tr>
<td></td>
<td>Parks Construction Supervisor I</td>
</tr>
<tr>
<td></td>
<td>Junior Civil Engineer</td>
</tr>
</tbody>
</table>
### CITY OF MODESTO
### CLASS RANGE TABLE
### MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
### Effective October 20, 1992

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 431   | Administrative Analyst II  
      | Affirmative Action Officer  
      | Personnel Analyst  
      | Training Coordinator  
      | Assistant Risk Manager  
      | Recycling Program Coordinator  
      | Budget Analyst |
| 432   | Plant Mechanic Supervisor  
      | Recreation Supervisor II  
      | Historical Buildings Supervisor  
      | Senior Accountant  
      | Youth Program Supervisor  
      | Assistant Traffic Engineer  
      | Industrial Waste Supervisor |
| 433   | Assistant Civil Engineer  
      | Laboratory Supervisor |
| 434   | Senior Programmer Analyst  
      | Electrical Supervisor  
      | Assistant Equipment Maint. Supv.  
      | Engineering Systems Manager  
      | Sr. Housing Rehab. Specialist  
      | Public Works Supervisor II  
      | Building Maintenance Supervisor  
      | Secondary Treatment Site Supv.  
      | Parks Maintenance Supervisor II  
      | Events Coordinator  
      | Operations Supervisor  
      | Landscape Designer  
      | Arborist  
      | Trees Maintenance Supv. II  
<pre><code>  | Land Surveyor |
</code></pre>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 435   | Management Analyst  
        | Deputy City Attorney I  
        | Senior Personnel Analyst  
        | Public Information Officer  
        | Public Services Supervisor  
        | Budget Officer  
        | Financial Analyst  
        | Administrative Services Officer  
        | Integrated Waste Specialist |
| 436   | Senior Planner  
        | Parks Construction Supervisor II |
| 437   | Property Agent |
| 438   | Equipment Maintenance Supt.  
        | Asst. Water Quality Control Supt.  
        | Transportation Planner  
        | Housing Program Supervisor |
| 439   | Deputy City Attorney II  
        | Associate Civil Engineer |
| 440   | Principal Accountant  
        | Purchasing Officer |
| 441   | Community Development Program Manager  
        | Sr. Deputy City Attorney I  
        | Airport Manager  
        | Solid Waste Program Manager  
        | Transit Manager  
        | Streets Maintenance Supt.  
        | Parking & Traffic Supt.  
        | Parks Maintenance Supt.  
        | Risk Manager  
        | Assistant Personnel Director  
        | Recreation Superintendent  
        | Golf Superintendent  
        | Fleet Manager  
        | Wastewater Collections Superintendent  
        | Water Superintendent |
CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective October 20, 1992

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 442   | Supv. Building Inspector  
       | Finance Data Processing Manager  
       | Supv. Construction Inspector |
| 443   | Deputy Chief Bldg. Official |
| 444   | Water Quality Control Supt.  
       | Principal Planner |
| 445   | Finance Division Manager |
| 446   | Senior Civil Engineer  
       | Traffic Engineer |
| 447   | Chief Building Official  
       | Assistant to City Manager  
       | Asst. Parks & Recreation Dir. |
| 448   | Sr. Deputy City Attorney II |
| 449   | |
| 450   | Deputy Director Public Works - Engineering  
       | Deputy Director Public Works - Operations  
       | Deputy Director Public Works - Transportation |
| 451   | |
| 452   | Assistant City Attorney |
RESOLUTION NO. 92-593

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF RALPH LOZANO FROM THE DOWNTOWN IMPROVEMENT DISTRICT ADVISORY BOARD, EFFECTIVE OCTOBER 20, 1992

WHEREAS, Ralph Lozano was appointed a member of the Downtown Improvement District Advisory Board on January 5, 1988; and

WHEREAS, Ralph Lozano has tendered his resignation from the Downtown Improvement District Advisory Board, effective October 20, 1992; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of Ralph Lozano from the Downtown Improvement District Advisory Board be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPOINTING MANUEL GONSALVES TO THE AFFIRMATIVE ACTION/DISABILITY COMMISSION

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

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

SECTION 1. The following person is hereby appointed to the Affirmative Action/Disability Commission:

Manuel Gonsalves

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the Affirmative Action/Disability 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 20th day of October 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: HORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-595
(Authorizing Resolution)

BOND RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
RELATING TO THE FINANCING OF A PROJECT AT THE HEALTH
FACILITIES OF MEMORIAL HOSPITALS ASSOCIATION

RESOLVED, by the City Council of the City of Modesto, California (the "City"), as follows:

WHEREAS, the City, a municipal corporation and charter city, is authorized and empowered by the provisions of the City of Modesto Health Facilities Financing Law (constituting Chapter 4 of Title VIII of the Modesto Municipal Code) (the "Law") to issue revenue bonds to finance construction, expansion, remodeling, renovation, furnishing, equipping, and acquisition of health facilities operated by participating health institutions (including by reimbursing expenditures made or refinancing indebtedness incurred for such purpose);

WHEREAS, Memorial Hospitals Association (the "Corporation") has applied to the City for the issuance of its health facility revenue bonds on behalf of the Corporation in an aggregate principal amount not to exceed twenty-one million dollars ($21,000,000) for the purpose of providing financing for (a) the refunding and defeasance of the City's Health Facility Revenue Bonds (Memorial Hospitals Association), 1988 Series A (the "1988 Bonds"), the proceeds of which were used to make a loan to the Corporation to finance certain improvements to the Corporation's hospital facility located at 1700 Coffee Road, Modesto, California, and (b) to provide for the acquisition from Memorial Hospital Foundation of its interest in the Advanced Medical Diagnostic Center building, located on the campus of the Corporation's hospital facility located at 1700 Coffee Road, Modesto, California, which provides magnetic resonance imaging, cardiac catherization, cardiology, myelography and angiography services; and

WHEREAS, it is in the public interest and for the public benefit that the City Council approve the terms of the issuance and sale of such revenue bonds;

NOW, THEREFORE, it is hereby DETERMINED, as follows:

Section 1. Pursuant to the Law, revenue bonds of the City designated as the "City of Modesto Health Facility Revenue Bonds (Memorial Hospitals Association), 1992 Series A" (the "Bonds"), in an aggregate principal amount not to exceed twenty-one million dollars ($21,000,000), for the purposes described above, are hereby approved and authorized to be issued.

Section 2. The Finance Director or any deputy or assistant of the Finance Director designated by the Finance Director is hereby authorized and directed in the name and on behalf of the City to sell the Bonds, at any time within one year of the adoption of this Resolution, at public or private sale, in such aggregate amount and at such price and at such interest rate or rates as he, with consent of the Corporation, may determine, and upon such terms and conditions as he, with the consent of the Corporation, may determine.

Section 3. The proposed form of first supplemental loan agreement relating to the Bonds, by and between the City and the Corporation, supplemental to that certain Loan Agreement, dated as of June 1, 1991, by and between the City and the Corporation (the "First Supplemental Loan Agreement"), is hereby approved and adopted, and the Corporation agrees to execute and deliver such supplemental loan agreement to the City in accordance with the terms and conditions thereof.
Agreement”), as presented to this meeting, is hereby approved. The Finance Director or any person designated by the Finance Director is hereby authorized and directed in the name and on behalf of the City to execute and deliver to the Corporation a First Supplemental Loan Agreement in substantially said form, with such changes therein as such officer may require or approve, such approval to be conclusively evidenced by execution and delivery thereof.

Section 4. The proposed form of first supplemental indenture of trust relating to the Bonds, between the City and U.S. Trust Company of California, N.A., as trustee (the “Trustee”), supplemental to that certain Indenture of Trust, dated as of June 1, 1991, by and between the City and the Trustee (the “First Supplemental Indenture”), as presented to this meeting, is hereby approved. The Finance Director or any person designated by the Finance Director is hereby authorized and directed in the name and on behalf of the City to execute and deliver a First Supplemental Indenture in substantially the form presented to this meeting with such changes therein as such officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof. The date, maturity dates, interest rate or rates, interest payment dates, denominations, forms, registration privileges, place or places of payment, terms of redemption and other terms of the Bonds shall be as provided in said Indenture as finally executed.

Section 5. The proposed form of escrow deposit and trust agreement, relating to the defeasance of the 1988 Bonds, by and among the City, the Corporation and the Trustee, as successor trustee for the 1988 Bonds and as escrow bank, dated the date of delivery of the Bonds (the “Escrow Agreement”), as presented to this meeting, be and the same is hereby approved. The Finance Director or any person designated by the Finance Director is hereby authorized and directed in the name and on behalf of the City to execute an Escrow Agreement in substantially the form presented at this meeting with such changes therein as such officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 6. The proposed form of bond purchase contract, between A.G. Edwards & Sons, Inc., as representative of the underwriters (the “Underwriter”), and the City, approved by the Corporation (the “Bond Purchase Contract”), as presented to this meeting, is hereby approved. The Finance Director or any person designated by the Finance Director is hereby authorized and directed in the name and on behalf of the City to execute a Bond Purchase Contract in substantially the form presented at this meeting with such changes therein as such officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 7. The City Council hereby approves the Preliminary Official Statement describing the financing, in substantially the form on file with the City Clerk, together with any changes therein or additions thereto deemed advisable by the Finance Director or any deputy or assistant of the Finance Director designated by the Finance Director. The City Council authorizes and directs the Finance Director or any deputy or assistant of the Finance Director designated by the Finance Director, on behalf of the City, to deem “final” pursuant to Rule 15c2-12 under the Securities Exchange Act of 1934 (the “Rule”) the Preliminary Official Statement prior to its distribution by the Underwriter.

Section 8. The Underwriter, on behalf of the City, is authorized and directed to cause the Preliminary Official Statement be distributed to such municipal bond broker-dealers, to such banking institutions and to such other persons as may be interested in purchasing the Bonds therein offered for sale.

Section 9. The Finance Director or any deputy or assistant of the Finance Director designated by the Finance Director is authorized and directed to cause the Preliminary Official Statement to be brought into the form of a final official statement (the “Final Official Statement”) and to execute said Final Official Statement, dated as of the date of the sale of the Bonds, and a statement that the facts relating to the City contained in the Final Official Statement, and any
supplement or amendment thereto (which shall be deemed an original part thereof for the purpose of such statement) were, at the time of sale of the Bonds, true and correct in all material respects and that the Final Official Statement did not, on the date of sale of the Bonds, and does not, as of the date of delivery of the Bonds, contain any untrue statement of a material fact with respect to the City or omit to state material facts with respect to the City required to be stated where necessary to make any statement made therein not misleading in the light of the circumstances under which it was made. The Finance Director or any deputy or assistant of the Finance Director designated by the Finance Director shall take such further actions prior to the signing of the Final Official Statement as are deemed necessary or appropriate to verify the accuracy thereof. The execution of the final Official Statement, which shall include such changes and additions thereto deemed advisable by the Finance Director or any deputy or assistant of the Finance Director designated by the Finance Director and such information permitted to be excluded from the Preliminary Official Statement pursuant to the Rule, shall be conclusive evidence of the approval of the Final Official Statement by the City.

Section 10. The Final Official Statement, when prepared, is approved for distribution in connection with the offering and sale of the Bonds.

Section 11. The Bonds shall be executed by the manual or facsimile signature of the Mayor, the seal of the City shall be affixed thereon (or a facsimile reproduced thereon) and attested by the manual or facsimile signature of the City Clerk, in the form set forth in and otherwise in accordance with said Indenture.

Section 12. The Bonds, when so executed, shall be delivered to the Trustee for authentication by the Trustee. The Trustee is hereby requested and directed to authenticate the Bonds by executing the Trustee's Certificate of Authentication appearing thereon, and to deliver the Bonds, when duly executed and authenticated, to the purchaser thereof in accordance with written instructions executed on behalf of the City by the Finance Director or any person designated by the Finance Director, which instructions said officers are hereby authorized and directed, for and on behalf of the City, to execute and deliver to the Trustee. Said instructions shall provide for the delivery of the Bonds to the purchaser thereof, upon payment of the purchase price thereof.

Section 13. The City Clerk is hereby authorized and directed to attest the signature of the Finance Director or any person designated by the Finance Director and to affix and attest the seal of the City as may be required in connection with the execution and delivery of the First Supplemental Indenture, the First Supplemental Loan Agreement, the Bond Purchase Contract, the Official Statement and the Bonds in accordance with this Resolution.

Section 14. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents, which they deem necessary or advisable in order to consummate the issuance, sale and delivery of the Bonds and otherwise to effectuate the purposes of this Resolution and the transactions contemplated thereby.

Section 15. This Resolution shall take effect upon its adoption by this City Council.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES, and in favor thereof: Council Members Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Council Members None

ABSENT: Council Members Friedman

(SEAL)

APPROVED AS TO FORM:

By Michael Millich
MICHAEL MILLICH, Acting City Attorney

ATTEST: ________________________________
            City Clerk
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO APPROVING THE ISSUANCE OF REVENUE BONDS AND THE LOAN OF THE PROCEEDS THEREOF TO MEMORIAL HOSPITALS ASSOCIATION

RESOLVED, by the City Council of the City of Modesto, California (the "City"), as follows:

WHEREAS, the City, a municipal corporation and charter city, is authorized and empowered by the provisions of the City of Modesto Heath Facilities Financing Law (constituting Chapter 4 of Title VIII of the Modesto Municipal Code) (the "Law") to issue revenue bonds to finance construction, expansion, remodeling, renovation, furnishing, equipping, and acquisition of health facilities operated by participating health institutions (including by reimbursing expenditures made or refinancing indebtedness incurred for such purpose);

WHEREAS, Memorial Hospitals Association (the "Corporation") has applied to the City for the issuance of its health facility revenue bonds on behalf of the Corporation in an aggregate principal amount not to exceed twenty-one million dollars ($21,000,000) for the purpose of providing financing for (a) the refunding and defeasance of the City's Health Facility Revenue Bonds (Memorial Hospitals Association), 1988 Series A, the proceeds of which were used to make a loan to the Corporation to finance certain improvements to the Corporation's hospital facility located at 1700 Coffee Road, Modesto, California, and (b) to provide for the acquisition from Memorial Hospital Foundation of its interest in the Advanced Medical Diagnostic Center building, located on the campus of the Corporation's hospital facility located at 1700 Coffee Road, Modesto, California, which provides magnetic resonance imaging, cardiology, myelography and angiography services; and

WHEREAS, section 147(f) of the Internal Revenue Code of 1986 requires the City Council, as the duly elected representative of the City, to approve the issuance of such revenue bonds after a public hearing following reasonable notice;

WHEREAS, the City Council has, on the date hereof, held a public hearing following duly published notice thereof, and all persons desiring to be heard have been heard;

WHEREAS, this resolution constitutes action giving approval for the issuance of the Bonds; and

WHEREAS, it is in the public interest and for the public benefit that the City Council approve the issuance of the Bonds;

NOW, THEREFORE, it is hereby ORDERED AND DETERMINED, as follows:

Section 1. The issuance of the Bonds in the maximum aggregate principal amount of $21,000,000 for the purposes described above, is hereby approved.

Section 2. This Resolution shall take effect upon its adoption by this City Council.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES, and in favor thereof: Council Members

NOES: Council Members

ABSENT: Council Members

Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang
None
Friedman

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL MILlich, Acting City Attorney

ATTEST: City Clerk

-2-
MODesto CITY COUNCIL
RESOLUTION NO. 92-597

A RESOLUTION ACCEPTING THE BID OF GROVER LANDSCAPING, INC. FOR THE
ROBERTSON ROAD NEIGHBORHOOD PARK PROJECT

WHEREAS, Resolution No. 92-488, adopted by the Council of the
City of Modesto on October 1, 1992, approved the plans and
specifications for the Robertson Road Neighborhood Park project
and authorized the calling for bids; and

WHEREAS, the bids received for the Robertson Road Neighborhood
Park project were opened at 11:00 a.m. on October 1, 1992, and later tabulated by
the Director of Public Works & Transportation for the consideration of
the Council; and

WHEREAS, the Director of Public Works & Transportation has
recommended that the bid of Grover Landscaping, Inc. in the amount of
$252,430.64
be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the bid of Grover Landscaping, Inc. in the amount of
$252,430.64 be accepted and the execution of a contract for the
completion of the project by the City's designated officials be
authorized.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 27th day of October
1992, by Councilmember Friedman, who moved its adoption, which
motion being duly seconded by Councilmember Muratore, was upon
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____________________________
Norrine COyle, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO TRANSFER AND CONSOLIDATE FUNDS FOR THE ROBERTSON ROAD NEIGHBORHOOD PARK-PARTIAL PHASE I DEVELOPMENT.

WHEREAS, this project will regrade the earth, and install the underground utilities and landscaping for the new Robertson Road Park located at the Southwest corner of Red Pine Drive and Hammond Street.

WHEREAS, this project was partially budgeted last year in account 140-310-B014, also the street improvements for this park were budgeted last year in account 140-310-B022.

WHEREAS, this project is anticipated to cost more than originally anticipated, it is now necessary to provide additional funding, savings in the Street improvement account as well as three other projects provides the additional funding.

WHEREAS, for ease of accounting of this project, it is also necessary to consolidate this year’s allocation with last years.

THEREFORE, the following adjustments are necessary:

SPECIAL FUND FOR CAPITAL OUTLAYS (130)

<table>
<thead>
<tr>
<th>Fund/Agy/Organization</th>
<th>Increase/Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures</td>
<td></td>
</tr>
<tr>
<td>130-310-P346-6010 Standiford Neighborhood Park Booster Pump</td>
<td>$(353)</td>
</tr>
<tr>
<td>130-310-P346-6070 Standiford Neighborhood Park Booster Pump</td>
<td>(9,000)</td>
</tr>
<tr>
<td>130-700-7000-7140 Transfer out to fund 140</td>
<td>9,353</td>
</tr>
</tbody>
</table>

PARKS FUND (140)

<table>
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<tr>
<th>Expenditures</th>
<th></th>
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<tr>
<td>140-310-C569-6040 Robertson NBH Park-Partial Phase I</td>
<td>132,062</td>
</tr>
<tr>
<td>140-310-B022-6040 Robertson NBH Park-Street Impts</td>
<td>(31,487)</td>
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<tr>
<td>140-310-B014-6040 Robertson NBH Park-Partial Phase I</td>
<td>(82,410)</td>
</tr>
<tr>
<td>140-310-B014-6060 Robertons NBH Park-Partial Phase I</td>
<td>(2,550)</td>
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<tr>
<td>140-310-B023-6040 Pesticide Storage Container</td>
<td>(3,006)</td>
</tr>
<tr>
<td>140-310-B023-6060 Pesticide Storage Container</td>
<td>(921)</td>
</tr>
<tr>
<td>Revenues</td>
<td></td>
</tr>
<tr>
<td>140-700-7000-9130 Transfer In from fund 130</td>
<td>9,353</td>
</tr>
<tr>
<td>140-700-7000-9150 Transfer In from fund 150</td>
<td>2,335</td>
</tr>
</tbody>
</table>

PARK AND RECREATION FACILITIES FUND (150)

<table>
<thead>
<tr>
<th>Expenditures</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>150-310-P962-6060 Sonoma NBH Park</td>
<td>(2,335)</td>
</tr>
<tr>
<td>150-700-7000-7140 Transfer out to fund 140</td>
<td>2,335</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-599

A RESOLUTION ACCEPTING THE CONSTRUCTION OF PROJECT NO. 19 - REPLACEMENT OF CURB, DRIVE APRONS, AND SIDEWALKS AT VARIOUS LOCATIONS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works that the construction of Project No. 19 - replacement of curb, drive aprons, and sidewalks at various locations has been completed by W.S. Bennett Construction, Inc. in accordance with the contract agreement dated February 18, 1992.

NOW, THEREFORE, BE IT RESOLVED that the construction of Project No. 19 - replacement of curb, drive aprons, and sidewalks at various locations be accepted from said contractor, W.S. Bennett Construction, Inc.

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $91,783.52 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JOHNIE F. LAU TO PROVIDE PROPERTY OWNER WITH FUNDS TO REPAIR REAL PROPERTY UNDER THE RENTAL REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Johnnie F. Lau to provide property owner with funds to repair real properties located at 2128 Palisades Avenue, No. 3; 2129 Palisades Avenue, No. 1; 2129 Palisades Avenue, No. 4; 2204 Palisades Avenue, No. 3; 2408 Yorkton Avenue, No. 2; 2408 Yorkton Avenue No. 3; and 2409 Yorkton Avenue No. 4, under the Rental Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:    Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:    Councilmembers: None
ABSENT:  Councilmembers: None

ATTEST: ____________________________
         NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-601

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CITY SCHOOLS FOR THE PROVISION OF D.A.R.E. CLASSES AT ITS K-8 SCHOOLS FOR 1992-93

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto City Schools for the provision of D.A.R.E. classes at its K-8 schools for 1992-93 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk

WHEREAS, the Modesto City Schools had executed a D.A.R.E. contract with the City of Modesto for the provision of D.A.R.E. classes at its K-8 schools for the 1992-93 school year. The schools were to reimburse the City $89,166 for officer’s time.

WHEREAS, on September 30, 1992, Modesto City Schools sent a memorandum stating that it was exercising its option to terminate the contract. A new contract, calling for Modesto City Schools to pay $64,500 was attached to the September 30, 1992 memorandum. The shortfall is $24,666.

WHEREAS, the Police Department does not want to scale back the D.A.R.E. classes at this time, as it would be disruptive to the many children currently participating in the classes.

WHEREAS, the Police Department feels this revenue can be recovered with increased D.A.R.E. donations.

THEREFORE, the following adjustments are necessary:

GENERAL FUND (010)

<table>
<thead>
<tr>
<th>Fund/Agy/Organization</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenues</td>
<td></td>
</tr>
<tr>
<td>010-190-1911-3729</td>
<td>D.A.R.E. Reimbursement</td>
</tr>
<tr>
<td>010-190-1911-8107</td>
<td>Donations (D.A.R.E.)</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GREYHOUND LINES, INC. FOR THE LEASE OF A PORTION OF MODESTO TRANSPORTATION CENTER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Greyhound Lines, Inc. for the lease of a portion of the Modesto Transportation Center be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-604

A RESOLUTION SETTING TIME AND PLACE FOR HEARING FOR RUDY BONZI, INC. REQUESTING A NEW TEN YEAR LICENSE FOR COLLECTION OF INDUSTRIAL GARBAGE AND SALVAGEABLE WASTE IN THE CITY OF MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that November 24, 1992, at 4:00 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of Rudy Bonzi, Inc.'s request for new ten year license for collection of industrial garbage and salvageable waste 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 27th day of October, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-605

A RESOLUTION ACCEPTING THE RESIGNATION OF LAURANCE A. MARTIN FROM THE GENERAL PLAN STEERING COMMITTEE

WHEREAS, Laurance Martin was appointed a member of the General Plan Steering Committee on August 25, 1992; and

WHEREAS, Laurance Martin has tendered his resignation from the General Plan Steering Committee, effective October 27, 1992.

NOW, THEREFORE BE IT RESOLVED that the resignation of Laurance Martin from the General Plan Steering Committee be, and hereby is accepted with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle,
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-606

A RESOLUTION APPROVING THE REQUEST BY KOSO, INC. FOR DIRECT CITY ASSISTANCE FOR A CHRISTMAS PARADE TO BE HELD ON DECEMBER 5, 1992, IN THE CITY OF MODESTO.

WHEREAS, KOSO, Inc., which operates KO93 FM radio in Modesto, by letter dated July 24, 1992, has requested Direct City Assistance to hold a Christmas Parade on December 5, 1992, in the City of Modesto, and

WHEREAS, the City Council, by Resolution No. 80-1066 as amended by Resolution No. 83-128, adopted a "Policy for Evaluating Requests for Direct City Assistance," and

WHEREAS, the Council referred the matter to the Financial Policy Committee, and

WHEREAS, at its meeting of October 14, 1992, the Financial Policy Committee reviewed the budget and by a report dated October 22, 1992, recommended to the Council that the Council authorize support for the request, with City expenditures not to exceed $1,600, and that such funds be appropriated from account 010-360-3622-1000, and

WHEREAS, the Council deems it appropriate to grant approval for Direct City Assistance to KOSO, Inc., as recommended by the Financial Policy Committee, to hold a Christmas Parade to be held on December 5, 1992, in the City of Modesto, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the request of KOSO,
Inc., to hold a Christmas Parade to be held on December 5, 1992, subject to the following conditions:

1. The City's personnel will erect City's reviewing stand with canvas top on "I" Street close to the cannon in the Courthouse Park prior to 9:00 a.m. for use for the parade on Saturday, December 5, 1992, and will remove said reviewing stand thereafter.

2. The following parade route is approved as the parade route to be used on Saturday, December 5, 1992, subject to approval of the Police Chief and Public Works and Transportation Director: starting at 10th and "F" Streets, north on 10th Street to "I" Street, east on "I" Street to 17th Street; then dismantle.

3. The City Public Works and Transportation Department will supply a street sweeper for the parade.

4. The City of Modesto will provide two (2) Equestrian Police Officers, ten (10) Reserve Officers, and nine (9) Motor Officers to maintain traffic control along the parade route.

5. The City Public Works and Transportation Department will provide two hundred (200) barricades to be placed during parade activities on corners and at other appropriate locations as designated by the Police Department.

6. KOSO, Inc., shall indemnify, defend and hold harmless the City of Modesto, its officers, agents and employees, from any and all liability, costs, damages or injuries to persons
or damage to property, which may arise out of or in any way be connected with the KOSO, Inc., parade.

7. KOSO, Inc., shall furnish to the City Clerk of City current and valid certificate of insurance evidencing coverages of general liability insurance as shall protect KOSO, Inc., and its agents and employees from claims for damages for bodily injury and property damage which may arise out of the KOSO, Inc., Christmas parade. Said insurance certificate shall be subject to the approval of the Risk Manager and shall designate the City of Modesto as an additional insured.

BE IT FURTHER RESOLVED that the City Clerk shall furnish KOSO, Inc., with a copy of this resolution. KOSO, Inc., shall file a written acceptance of this resolution with the City Clerk, and no right shall be conferred hereby until said acceptance is filed.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

( SEAL )

ATTEST: JUDY C. HALL, Acting City Clerk

APPROVED AS TO FORM:

By __________________________
MICHAEAL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-607

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND KLEINFELDER, INC. TO PREPARE A TOXIC EMISSIONS INVENTORY REPORT AND TOXIC EMISSION INVENTORY PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Kleinfelder, Inc. to prepare a Toxic Emissions Inventory Report and Toxic Emission Inventory Plan be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of November, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY L. HALL, Acting City Clerk
A RESOLUTION ACCEPTING THE FRANZIA COURT AND RENO AVENUE; KANSAS AVENUE AND EMERALD; AND DALE ROAD WATERLINES AS COMPLETE

WEREAS, a report has been filed by the Director of Public Works and Transportation that the Franzia Court and Reno Avenue; Kansas Avenue and Emerald; and Dale Road waterlines has been completed by Rolfe Construction Company in accordance with the contract agreement dated January 21, 1992.

NOW, THEREFORE, BE IT RESOLVED that the Franzia Court and Reno Avenue; Kansas Avenue and Emerald; and Dale Road waterlines be accepted from said contractor, Rolfe Construction Company;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $109,799.05 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of November, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION ACCEPTING THE PUMP STATION NO. 20 EMERGENCY GENERATOR SET ADDITION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works and Transportation that the Pump Station No. 20 emergency generator set addition has been completed by Conco West, Inc. in accordance with the contract agreement dated May 21, 1991.

NOW, THEREFORE, BE IT RESOLVED that the Pump Station No. 20 emergency generator set addition be accepted from said contractor, Conco West, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $78,425 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of November, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-610

A RESOLUTION OF INTENTION TO VACATE AND
ABANDON RENO AVENUE STREET RIGHT-OF-WAY
LOCATED BETWEEN KANSAS AVENUE AND THE
NORTHERLY EXTENSION OF FRANZIA COURT AND
RESERVE AN EASEMENT FOR A CITY OF MODESTO
WATER LINE.

WHEREAS, the City Council has received and referred to
the Planning Commission a request by Don Baker to vacate and
abandon Reno Avenue between Kansas Avenue and the northerly
extension of Franzia Court, and

WHEREAS, a title report was submitted with the
abandonment request which vests the underlying fee in Reno Avenue
in the name of the last owner prior to the subdivision of the
land creating Reno Avenue, which upon abandonment would create a
free-standing non-conforming parcel, and

WHEREAS, the City will not allow a free-standing non-
conforming parcel to be created and has required the proponent of
the abandonment to arrange for the transfer of the underlying fee
interest to the City, so the City can transfer the underlying fee
to the adjoining owners who are proponents of abandonment, and

WHEREAS, the proposed street abandonment has been
referred to affected City departments and local utility
companies, and no objection to the abandonment has been received,
and

WHEREAS, notices of an informal public hearing to
consider the request to vacate and abandon Reno Avenue between

11/03/92--CA
Kansas Avenue and the northerly extension of Franzia Court were posted in the area and said public hearing was held by the Planning Commission on July 20, 1992, and

WHEREAS, the Planning Commission by Resolution No. 92-28, adopted on July 20, 1992, found and determined as follows:

1. The Reno Avenue street right-of-way between Kansas Avenue and the extension of Franzia Court is unnecessary for present or prospective public vehicular use. The street right-of-way is duplicated by a street to the west, Franzia Court, which contains a more direct alignment with the northerly portion of Reno Avenue, providing a direct route between Woodland and Kansas Avenues.

2. That utility easements will be reserved for all MID irrigation lines as well as all City water lines.

3. The abandonment and vacation of the subject street right-of-way is in conformance with the City of Modesto General Plan.

4. This abandonment and vacation was subject to environmental review by the City of Modesto Environmental Assessment Committee on June 10, 1992, recommending that a Negative Declaration be certified and filed.

and

WHEREAS, the Planning Commission by said Resolution No. 92-28 recommended to the City Council the vacation and abandonment of a portion of Reno Avenue street right-of-way and the reservation of several utility easements within the subject Reno Avenue street right-of-way abandonment located between Kansas Avenue and Franzia Court, subject to the following conditions:

1. An easement for existing utilities shall be reserved as approved by the Modesto Irrigation
2. That the abandoned street shall be closed off at Franzia Court and Kansas Avenue with the installation of curb, gutter and sidewalk and/or barricade in conformance with the City of Modesto's Standard Specifications. Signage will be provided at each end of abandoned street right-of-way that indicates "not a public street".

3. A six-foot-high chain-link fence with wood slats shall be installed along the center line of the abandoned street right-of-way from the Franzia Court-Reno Avenue connection south to the westerly extension of the northerly property line of 1233 Kansas Avenue. A fence or barricade shall extend across the width of the north end of the abandoned right-of-way consistent with setback and clear vision standards. A gate may be provided south of the centerline to serve 920 Franzia. A fence or barricade or gate shall extend east along the north property line of 1237 Kansas Avenue to the required fence along the abandoned right-of-way centerline described above. A fence or barricade shall extend west along the north property line of 1233 Kansas Avenue to the required fence along the abandoned right-of-way centerline described above.

4. That prior to the vacation and abandonment of the street by the City Council, the applicant of the abandonment shall post a security with the City in an amount to be determined by the City Engineer to guarantee construction of the required fence and street improvements.

5. That prior to the vacation and abandonment of the street by the City Council, the applicant of the abandonment shall agree in writing to comply with all conditions of abandonment imposed by the City Council. Said agreement shall also specify that the required improvements will be installed within 90 days following final abandonment action by the City Council.

6. When the underlying title of the abandoned street right-of-way is deeded to the City by the heirs of the original subdivider, the City shall quitclaim its interest to adjacent property owners with no cost to the adjacent property owners. The adjacent property owners will receive right-of-
way to centerline of the street.

7. The abandonment of Reno Avenue shall be limited at its southern end to a distance of 35 feet from the centerline of Kansas Avenue.

8. The City Council shall not consider the street abandonment until the underlying title of the abandoned right-of-way has been legally transferred to the City.

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

SECTION 1. The Council of the City of Modesto hereby declares its intention to vacate and abandon Reno Avenue street right-of-way located between Kansas Avenue and the northerly extension of Franzia Court and the reservation of an easement for a City of Modesto water line, subject to the conditions recommended by the Planning Commission and hereinabove set forth. Said proposed vacation and abandonment is more particularly shown on that certain map entitled "Vacate And Abandon Reno Avenue Right Of Way From Kansas Ave. to Franzia Ct." dated October 12, 1992, which is on file in the office of the City Clerk, and more particularly described on Exhibit "A" attached hereto, and by this reference made a part hereof as though set forth in full herein.

SECTION 2. The Council of the City of Modesto hereby elects to proceed with the proposed vacation and abandonment referred to above, pursuant to the provisions of the State of California Streets and Highways Codes, Sections 8300-8363 and
Public Streets, Highways, and Service Easements Vacation Law.

SECTION 3. Notice is hereby given that November 24, 1992, at the hour of 4:00 p.m., in the Council Chambers, 801 11th Street, Modesto, California is hereby fixed as the time and place for hearing all persons interested in or objecting to the proposed vacation and abandonment.

SECTION 4. The City Clerk is hereby directed to cause to be published in full in The Modesto Bee, the official newspaper of the City of Modesto, the date, place and hour of said hearing once each week for two (2) successive weeks before the date set for said hearing.

SECTION 5. The Planning and Community Development Director is hereby directed to cause notices of the proposed vacation and abandonment of Reno Avenue street right-of-way located between Kansas Avenue and the northerly extension of Franzia Court, to be posted conspicuously at each end of Reno Avenue right-of-way located between Kansas Avenue and the northerly extension of Franzia Court, at least fourteen (14) days before the date set for the hearing. At least three (3) such notices shall be posted. Such notices shall state the passage of this Resolution of Intention, the time and place for the hearing, and shall describe the portion of the street proposed to be abandoned.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, Acting City Attorney

APPROVED AS TO DESCRIPTION:

By

Public Works and Transportation Department, Engineering Services
CURVE DATA

\[
\Delta = 96^\circ 12' 46" \quad d = 23' 54' 02"
\]
\[
R = 20.00' \quad R = 230.00'
\]
\[
L = 33.58' \quad L = 95.94'
\]
\[
T = 22.30' \quad T = 48.68'
\]

APPROVED BY:

REVISED:

DATE: 11/12/92

DRAWN:

REVIEWED:

FILE NO. 4-A-759

EXHIBIT "A"
VACATE AND ABANDON RENO AVENUE RIGHT-OF-WAY FROM KANSAS AVENUE TO FRANZIA COURT

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northwest quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the centerline intersection of Kansas Avenue and Reno Avenue; thence along said centerline of Reno Avenue, North 5°20'45" West, 35.17 feet, to a point on a line which is parallel with and 35.00 feet, measured at right angles, Northerly from said centerline of Kansas Avenue and the true point of beginning of this description; thence along said parallel line, North 89°45'00" West, 35.02 feet, to a point on a non-tangent curve from which point a radial line bears North 47°56'23" West; thence Northeasterly along said non-tangent curve concave to the Northwest, having a Radius of 15.00 feet, a Central Angle of 47°24'22" and an Arc Length of 12.41 feet; thence along a tangent line, said line being an Eastern line of Parcel "B", as per map filed April 30, 1981, in Book 31 of Parcel Maps, Page 102, Stanislaus County Records, North 5°20'45" West, 20.85 feet; thence continuing along said Eastern boundary of Parcel "B" the following courses: North 9°14'08" East, 74.17 feet, and North 25°39'35" East, 106.84 feet, to the Northeastern corner of Parcel "B"; thence along the Eastern extension of the Northern line of Parcel "B", South 89°45'00" East, 11.07 feet, to a point on a Western line of 40.00 Reno Avenue; thence along said Western and Southwestern lines of Reno Avenue the following courses: North 25°39'35" East, 104.03 feet; North 7°17'12" East, 59.07 feet; North 13°13'40" West, 75.23 feet; North 34°06'10" West, 91.77 feet; and North 54°22'50" West, 178.66 feet; thence along a tangent curve concave to the South, having a Radius of 20.00 feet, a Central Angle of 96°12'46" and an Arc Length of 33.58 feet, to its point of tangency on the Southeastern line of 60.00 foot Franzia Court; thence along said Southeastern line of Franzia Court, South 29°24'24" West, 28.51 feet, to a point of cusp with a tangent curve; thence Northerly along said tangent curve concave to the West, having a Radius of 230.00 feet, a Central Angle of 23°54'02" and an Arc Length of 95.94 feet, to a point on a Northeastern line of said 40.00 foot Reno Avenue from which point a radial line bears North 84°29'38" West; thence along the Northeastern and Eastern lines of 40.00 foot Reno Avenue the following courses: South 54°22'50" East, 232.30 feet; South 34°06'10" East, 106.29 feet; South 13°13'40" East, 89.83 feet; South 7°17'12" West, 72.77 feet; South 25°39'35" West, 214.88 feet; South 9°14'08" West, 60.55 feet; and South 5°20'45" East, 30.88 feet, to point on a line which is parallel with and 35.00 feet, measured at right angles, Northerly from the centerline of Kansas Avenue; thence along said last mentioned parallel line, North 89°45'00" West, 20.10 feet, to the point of beginning.
Reserving therefrom the following described property as a Public Utility Easement:

Commencing at the centerline intersection of Kansas Avenue and Reno Avenue; thence along said centerline of Reno Avenue, North 5°20'45" West, 35.17 feet, to a point on a line which is parallel with and 35.00 feet, measured at right angles, Northerly from said centerline of Kansas Avenue and the true point of beginning of this description; thence along said parallel line, North 89°45'00" West, 35.02 feet, to a point on a non-tangent curve from which point a radial line bears North 47°56'23" West; thence Northeasterly along said non-tangent curve concave to the Northwest, having a Radius of 15.00 feet, a Central Angle of 47°24'22" and an Arc Length of 12.41 feet; thence along a tangent line, said line being an Eastern line of Parcel "B", as per Map filed April 30, 1981, in Book 31 of Parcel Maps, Page 102, Stanislaus County Records, North 5°20'45"West, 20.85 feet; thence continuing along said Eastern Boundary of Parcel "B" the following courses: North 9°14'08" East, 74.17 feet, and North 25° 39'35" East, 106.84 feet, to the Northeastern corner of Parcel "B"; thence along the Eastern extension of the Northern line of Parcel "B", South 89°45'00" East, 33.21 feet, to a point on said centerline of Reno Avenue; thence along the centerline of Reno Avenue the following courses: South 25°39'35" West, 116.76 feet; South 9°14'08" West, 66.00 feet; and South 20'45" East, 31.47 feet, to the true point of beginning.
A RESOLUTION ACCEPTING SIX QUITCLAIMS FOR THE UNDERLYING FEE OF RENO AVENUE FROM THE NORTHERLY EXTENSION OF FRANZIA COURT TO KANSAS AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that six quitclaims accepting the underlying fee of Reno Avenue from the northerly extension of Franzia Court to Kansas Avenue be, and they are hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of November, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION APPROVING ASSUMPTION BY SIERRA VISTA CHILDREN'S CENTER OF TWO COMMUNITY DEVELOPMENT BLOCK GRANTS WITH A COMBINED TOTAL OF $85,000

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the two Community Development Block Grants per Resolution No. 87-1138 for $10,000 and Resolution No. 88-900 for $75,000, awarded to Brethren Community Services in October 20, 1987 and November 22, 1988, respectively, are hereby approved for assumption by Sierra Vista Children's Center.

BE IT FURTHER RESOLVED that the grant assumption agreement be prepared by City. After said agreement is prepared, execution by the City Manager is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk
A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND CALTRANS TO EXTEND THE COMPLETION DATE FROM JANUARY 1, 1993, TO MARCH 1, 1993, FOR INSTALLING WHEELCHAIR RAMPS AND TRAFFIC SIGNAL MODIFICATIONS AT 9TH AND D STREETS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Caltrans, to extend the completion date from January 1, 1993, to March 1, 1994, for installing wheelchair ramps and traffic signal modifications at 9th and D Streets be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of November, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-614

A RESOLUTION APPROVING A GRANT APPLICATION FOR A FULLY FUNDED "STUDENT PEDESTRIAN AND BICYCLE TRAFFIC EDUCATION AND OCCUPANT PROTECTION PROGRAM" THROUGH THE GOVERNOR'S OFFICE OF TRAFFIC SAFETY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the grant application for a fully funded "Student Pedestrian and Bicycle Traffic Education and Occupant Protection Program" through the Governor's Office of Traffic Safety be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of November, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-615

A RESOLUTION ACCEPTING WITH REGRET, THE RESIGNATION OF DON JORDAN FROM THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE AND THE HOUSING REHABILITATION LOAN COMMITTEE, EFFECTIVE NOVEMBER 3, 1992

WHEREAS, Don Jordan was appointed a member of the Citizens Housing and Community Development Committee on November 12, 1991, and a member of the Rehabilitation Loan Pool Subcommittee on October 25, 1988; and

WHEREAS, Don Jordan has tendered his resignation from the Citizens Housing and Community Development Committee and the Housing Rehabilitation Loan Committee effective November 3, 1992; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of Don Jordan be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of November 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION APPOINTING REUBEN TORCH TO THE CULTURE COMMISSION

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

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

SECTION 1. That Reuben Torch is hereby appointed to the Culture Commission.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of November, 1992, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Boards and Commissions

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-617

A RESOLUTION APPOINTING DENNIS JACKMAN TO THE CITIZENS ADVISORY COMMITTEE ON RECYCLING

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

SECTION 1. Dennis Jackman is hereby appointed to the Citizens Advisory Committee on Recycling.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of November, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-618

A RESOLUTION APPOINTING FRED SANDOW TO THE HOUSING REHABILITATION LOAN POOL SUBCOMMITTEE

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

SECTION 1. Fred Sandow is hereby appointed to the Housing Rehabilitation Loan Pool Subcommittee.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Housing Rehabilitation Loan Pool Subcommittee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of November, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-619

A RESOLUTION REAPPOINTING ROSE LITTLER TO THE HUMAN RELATIONS COMMISSION

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

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

SECTION 1. That Rose Littler is hereby reappointed to the Human Relations Commission.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed member of the Human Relations Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of November, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk

Boards and Commissions

RESCINDED

1993-204

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.
A RESOLUTION REAPPOINTING TIM FISHER TO THE PLANNING COMMISSION

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

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

SECTION 1. That Tim Fisher is hereby reappointed to the Planning Commission.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed member of the 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 3rd day of November, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk
A RESOLUTION ACCEPTING THE 1992 RESIDENTIAL STREET OVERLAYS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works and Transportation that the 1992 residential street overlays has been completed by George Reed, Inc. in accordance with the contract agreement dated July 14, 1992.

NOW, THEREFORE, BE IT RESOLVED that the 1992 residential street overlays be accepted from said contractor, George Reed, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $415,604.71 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-622

A RESOLUTION APPROVING A RIGHT OF WAY CERTIFICATION FOR A PROJECT TITLED OAKDALE ROAD AND SYLVAN AVENUE STREET OVERLAY

WHEREAS, the right of way certification assures the State that necessary right of way has been secured to construct the Oakdale Road and Sylvan Avenue Street overlay project.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the right of way certification for the project titled Oakdale Road and Sylvan Avenue Street Overlay be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DAVID A. AND PAMELA S. BASMAJIAN FOR THE PURCHASE OF 21,789+ S.Q. OF THEIR PROPERTY NEEDED FOR THE CLAUS ROAD BRIDGE WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and David A. and Pamela S. Basmajian for the purchase of 21,789+ s.q. of their property needed for the Claus Road bridge widening project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-624

A RESOLUTION ADOPTING A SCHEDULE FOR PREPARATION OF THE FISCAL YEAR 1993-94 APPLICATION TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING AND ATTENDANT CITIZEN PARTICIPATION PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Community Development Block Grant Application Schedule and Citizen Participation Plan for fiscal year 1993-94, a copy of which is attached hereto as Exhibit A, is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Community Development Block Grant Application Schedule and Citizen Participation Plan by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried out and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs

ATTEST: ____________________________
NORRINE COYLE, City Clerk
## Description

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<thead>
<tr>
<th>Description</th>
<th>NOV</th>
<th>DEC</th>
<th>JAN</th>
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<th>APR</th>
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<tbody>
<tr>
<td>1. City Council Meeting to Approve CDBG Application Process and Attendant Citizen Participation Plan; City Hall, 801 11th St.</td>
<td>11-10-92 4:00 P.M.</td>
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<td>2. CH&amp;CDC Meeting to Open the Period for Submission of Requests for Funding; City Hall Council Chambers, 801 11th Street.</td>
<td>11-20-92 12:00 Noon</td>
<td>1-29-93 5:00 P.M.</td>
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<td>3. Staff Workshop to Assist Agencies in Submitting Requests for Funding; H.P.O., 401 &quot;H&quot; Street</td>
<td>12-7-92 4:00 P.M.</td>
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<td>4. Begin Staff Analysis of Requests for Funding, H.P.O., 401 &quot;H&quot; Street.</td>
<td>1-29-93 5:00</td>
<td>2-22-93</td>
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<td>5. CH&amp;CDC Meeting to Consider Requests for Funding; City Hall Council Chambers, 801 11th Street.</td>
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<td>6. CH&amp;CDC Meeting to Approve Final Staff Recommendations for CDBG Allocations; City Hall Council Chambers, 801 11th Street</td>
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<td>7. City Council Public Hearing to Consider CH&amp;CDC Recommendations for CDBG Allocations; City Hall Council Chambers, 801</td>
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<tr>
<td>8. Deadline for Submission of CDBG Application to HUD</td>
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**NOTES**

- **November 1992**
  - 11-10-92 4:00 P.M.
  - 11-20-92 12:00 Noon

- **December 1992**
  - 12-7-92 4:00 P.M.

- **January 1993**
  - 1-29-93 5:00 P.M.

- **February 1993**
  - 2-22-93

- **March 1993**
  - 3-3-93 7:00 P.M.

- **April 1993**
  - 4-16-93 12:00 Noon

- **May 1993**
  - 5-4-93 7:30 P.M.
  - 5-29-93 5:00 P.M.
MODESTO CITY COUNCIL
RESOLUTION NO. 92-625

A RESOLUTION APPOINTING PRESTON OLIVER TO THE GENERAL PLAN CITIZENS STEERING COMMITTEE

BE IT RESOLVED by the Council of the City of Modesto that Preston Oliver is hereby appointed to the General Plan Steering Committee.

BE IT FURTHER RESOLVED the City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the General Plan Citizens Steering Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION GRANTING APPROVAL TO THE
AMERICAN LEGION POST NO. 74 AND MODESTO
JAYCEES TO CONDUCT A VETERANS' DAY PARADE IN
THE CITY OF MODESTO ON WEDNESDAY, NOVEMBER
11, 1992, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, the American Legion Post No. 74 and Modesto
Jaycees have filed an Application for Direct City Assistance to
use portions of city streets and for the City to provide traffic
control, relating to a Veterans' Day Parade to be held on
Wednesday, November 11, 1992, for use of Downey Community Park in
connection with the parade in honor of Veterans' Day, and

WHEREAS, the Council, by Resolution No. 83-128, adopted
a "Policy for Evaluating Requests for Direct City Assistance," and

WHEREAS, the City Council deems it appropriate to grant
approval to the American Legion Post No. 74 and Modesto Jaycees
relating to said Veterans' Day Parade and to grant the American
Legion Post No. 74 and Modesto Jaycees' request for traffic
control and for the use of Downey Community Park for assembly
purposes in connection with the parade, subject to certain
conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that it does hereby approve the Application for
Direct City Assistance filed by American Legion Post No. 74 and
Modesto Jaycees relating to a Veterans' Day Parade to be held on
Wednesday, November 11, 1992, subject to the following conditions:

1. The parade assembly will take place on November 11, 1992, at the Downey Community Park parking area from approximately 9:00 a.m. to 9:30 a.m. and the parade will commence at approximately 9:30 a.m. and terminate at approximately 11:00 a.m.

2. The parade route, subject to approval of the Police Chief, will include Brighton Avenue from Downey Community Park west to Coffee Road, Coffee Road from Brighton Avenue south to Scenic Drive, and Scenic Drive from Coffee Road west to Saint Stanislaus Catholic Cemetery, a total distance of approximately 1.6 miles.

3. The City of Modesto will provide three (3) Police Motorcycle Escorts and two (2) squad cars to maintain traffic control along the parade route.

4. The Parks and Recreation Department will reserve the Downey Community Park parking area for parade assembly on November 11, 1992, from approximately 8:00 a.m. to 10:00 a.m.

5. The American Legion Post No. 74 and Modesto Jaycees shall be responsible for the removal of all trash and debris from the streets used for the aforementioned Veterans' Day Parade which accumulates as a result of the parade.

6. The American Legion Post No. 74 and Modesto Jaycees shall indemnify and hold harmless the City of Modesto, its officers, agents and employees from and against any and all costs, damages, injuries, liability or loss to persons or property which may arise out of or in any way be connected with the Veterans' Day Parade, and use of Downey Community Park and all streets, within the City for the aforementioned Veterans' Day Parade.

7. The American Legion Post No. 74 and Modesto Jaycees agrees to provide by November 10, 1992, and keep in force on November 10 and 11, 1992, a policy acceptable to the Risk Manager of the City of Modesto of public liability insurance covering any and all claims for injuries to persons or property arising out of the aforementioned
Veterans' Day Parade, with combined single limits of Five Hundred Thousand ($500,000.00) Dollars per occurrence for bodily injury, sickness and disease, including death resulting therefrom, and Five Hundred Thousand ($500,000.00) Dollars for claims for property damage.

The policy of insurance so provided shall contain a contractual liability endorsement covering the liability assumed by the American Legion Post No. 74 and Modesto Jaycees, under the terms of this resolution. Certificate(s) evidencing the insurance shall be filed with the City Clerk.

BE IT FURTHER RESOLVED that the City Clerk shall furnish the American Legion Post No. 74 and Modesto Jaycees with a copy of this resolution. The American Legion Post No. 74 and Modesto Jaycees shall file a written acceptance of this resolution with the City Clerk, and no right shall be conferred hereby until said acceptance is filed.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
A RESOLUTION AMENDING SECTIONS 1 AND 2 OF RESOLUTION NO. 78-788 ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE P-D(200)." (SANDCASTLE PROPERTIES)

WHEREAS, Planned Development Zone, P-D(200), was approved by the City Council by Ordinance No. 1774-C.S., which became effective on October 28, 1978, to allow construction of a 70,000 sq. ft. commercial complex on property located on the east side of Sisk Road, north of Standiford Avenue, and

WHEREAS, Modesto City Council Resolution No. 78-788 approved the development plan for Planned Development Zone, P-D(200), subject to certain conditions of approval contained therein, and

WHEREAS, on June 18, 1990, the Planning Commission, by Resolution No. 90-53, approved an amendment to Planned Development Zone, P-D(200), for a freestanding building addition at the corner of Sisk Road and Vintage Drive, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(200), was filed by Sandcastle Properties on July 14, 1992, to allow the commercial complex to be developed as a condominium on the property on the northeast side of Sisk Road between Sullivan Court and Vintage Drive, and

WHEREAS, after a public hearing on October 5, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning
Commission, by its Resolution No. 92-44, that amendment of Planned Development Zone, P-D(200), as proposed, is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed amendment to P-D(200) will allow separation of ownership of the individual commercial suites, and the parking and open spaces will be maintained in common via a property owners' association.

2. A Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated August 5, 1992, should be certified as adopted.

WHEREAS, by Resolution No. 92-44 the Planning Commission recommended to the Council that Planned Development Zone, P-D(200), be amended to allow a commercial condominium on the property on the northeast side of Sisk Road between Sullivan Court and Vintage Drive, and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 6:30 p.m. on November 17, 1992, and

WHEREAS, after said public hearing held on November 17, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto, the Council found and determined that the application of Sandcastle Properties for an amendment to Planned Development Zone, P-D(200), should be granted as consonant with public necessity, convenience and general welfare for the reasons set
forth in Planning Commission Resolution No. 92-44 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2833-C.S. on the 17th day of November, 1992, amending Sections 1 and 2 of Ordinance No. 1774-C.S., to allow a commercial condominium,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Sections 1 and 2 of Modesto City Council Resolution No. 78-78 entitled "A Resolution Approving a Development Plan for Planned Development Zone, P-D(200)" are hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(200), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Site Plan to Accompany Planned Development Amendment, P-D(200)" as amended in red, stamped approved by the Planning Commission on October 5, 1992.

2. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway and parking easement for on-site traffic circulation and parking for the benefit of Lot 'A' and Parcel 30, substantially as shown in red on the plot plan.

3. Prior to sale of a condominium unit, a parcel map shall be recorded.

4. Prior to City Council approval of a final subdivision map, the subdivider shall submit evidence in a form satisfactory to the City Attorney that there has been created a property owners' Association to guarantee common facility and private property maintenance in accordance with the approved plans.
5. The condominium conversion shall be subject to the provisions of the Condominium Conversion Tenant Displacement Policy adopted by the City Council on September 8, 1981.

6. All conditions of Planning Commission Resolution No. 90-53 not in conflict with this action shall remain in full force and effect.

7. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any claim, action or proceeding against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto of a P-D amendment approval, which action is brought within the time period provided for in Code of Civil Procedure Section 1094.6 and Public Resource Code 21167 of the State of California. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless."

"SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(200):

That the condominium conversion coincide with the timing allowed for recordation of a final vesting parcel map, based on the October 5, 1992, Planning Commission approval of the vesting tentative parcel map."
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-628

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO P-D(200) PROPERTY LOCATED ON THE NORTHEAST SIDE OF SISK ROAD BETWEEN SULLIVAN COURT AND VINTAGE DRIVE. (SANDCASTLE PROPERTIES)

WHEREAS, on November 17, 1992, the City Council introduced Ordinance No. 2833-C.S. giving approval to a project relating to an amendment to Planned Development Zone, P-D(200), property located on the northeast side of Sisk Road between Sullivan Court and Vintage Drive, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Planned Development Zone, P-D(200), property located on the northeast side of Sisk Road between Sullivan Court and Vintage Drive.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-629

A RESOLUTION AUTHORIZING AN APPLICATION FOR
BICYCLE PROJECT FUNDING UNDER PROPOSITION 116
(CLEAN AIR AND TRANSPORTATION ACT) OF THE
CALIFORNIA TRANSPORTATION COMMISSION AND
CERTIFYING FINANCIAL COMMITMENT TO THE PROJECT.

WHEREAS, the City of Modesto owns the property or has the
right of easement for an eight-foot-wide bike path on the south
side of Dry Creek from East La Loma Park to Claus Road, and

WHEREAS, the development of the Dry Creek Bike Path is
currently the number one priority in the Modesto Bicycle Plan, and

WHEREAS, with the advent of new air quality legislation
and an effort to continue the City's past commitment to bicycle
facilities for its citizens, filing an application for funding of
the construction of a Class 1 Bikeway along Dry Creek presents the
opportunity to secure funding that will not be available next year,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City
of Modesto that it does hereby authorize the City Manager to file
an application for Bicycle Project Funding under Proposition 116
(Clean Air and Transportation Act) of the California Transportation
Commission.

BE IT FURTHER RESOLVED that the Council hereby certifies the
financial commitment to the project as follows:

a) No other capital funds previously programmed, planned, or approved for bicycle projects will be used for other purposes.
b) New development fees, taxes or exactions, or permit fees have not and will not be included in the operating budgets for this project.

c) No other state funding sources will be used to complete this project if costs exceed those identified in the approved application.

d) The City of Modesto, the applicant agency, has the financial and institutional ability to accept the legal liabilities associated with this project.

BE IT FURTHER RESOLVED that the negative declaration has previously been certified.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized to execute any other documents in relation to said application for funding of the Bicycle Project Funding under Proposition 116 (Clean Air and Transportation Act) of the California Transportation Commission.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1992, by Councilmember _Bird__________, who moved its adoption, which motion being duly seconded by Councilmember ____Dobbs____, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NARRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-630

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS, LOST, STOLEN, UNCLAIMED AND/OR SEIZED PROPERTY ACCUMULATED BY THE CITY OF MODESTO AT A PUBLIC AUCTION TO BE CONDUCTED BY ROGER ERNST AND ASSOCIATES ON DECEMBER 5, 1992, AT 824 KIERNAN AVENUE, AND DECEMBER 7, 1992, AT 501 NORTH JEFFERSON AND 621 11TH STREET.

WHEREAS, the City of Modesto desires to sell City surplus property, and lost, stolen, unclaimed and/or seized property which has been accumulated by the City of Modesto, and

WHEREAS, it is desirable to authorize the sale of said surplus property at an auction to be held on December 5 and 7, 1992, and

WHEREAS, a detailed list of the items to be sold at said auction, entitled "Surplus Unclaimed Property Listing", is on file in the Office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby authorize the sale of City surplus property, and lost, stolen, unclaimed and/or seized property which has been accumulated by the City of Modesto and which is included on the "Surplus Unclaimed Property Listing", which list is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that said property is authorized to be sold at a public auction to be conducted by Roger Ernst and Associates on Saturday, December 5, 1992, at a large facility located at 824 Kiernan Avenue, and on Monday, December 7, 1992, at 501 North Jefferson, City Corporation Yard, and 621 11th

11/10/92--CA
Street, Police Department Vehicle Maintenance Shop, subject to an agreement between the City of Modesto and Roger Ernst and Associates for auctioneering services which was entered into on the 4th day of October, 1988, and which agreement was approved by Council Resolution No. 88-757; subject also to the appropriate insurance being on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that at least five (5) days before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the lists of the items to be offered for sale can be inspected in the Office of the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-531

A RESOLUTION REVISIONING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, on October 1, 1992, the City Council adopted recommendations for implementation of the Public Works and Transportation audit, and

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

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

SECTION 1. CLASSIFICATIONS CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classifications:

Junior Traffic Engineer
Associate Traffic Engineer
Building Maintenance Superintendent

The specifications for the classification of Junior Traffic Engineer (Range 430), as shown on the attached Exhibit "A", Associate Traffic Engineer (Range 439), as shown on the attached Exhibit "B", and Building Maintenance Superintendent

11/12/92--CA
(Range 441), as shown on the attached Exhibit "C", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATIONS AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classifications:

Assistant Traffic Engineer
Building Maintenance Supervisor

The revised specifications for the classification of Assistant Traffic Engineer (Range 433), as shown on the attached Exhibit "D", and Building Maintenance Supervisor (Range 428), as shown on the attached Exhibit "E", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after November 17, 1992.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1992, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMJNE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
CITY OF MODESTO
No. 3117
No. 3115

JUNIOR TRAFFIC ENGINEER
ASSISTANT TRAFFIC ENGINEER

DEFINITION

To perform professional and technical engineering work in assigned areas of responsibility such as field and office research, analysis and records maintenance; design and modify traffic control devices; develop recommendations for coordinating traffic improvement projects; perform related work as assigned.

DISTINGUISHING CHARACTERISTICS

Junior Traffic Engineer - This is the entry level class in the Traffic Engineer series, and as such may be assigned to assist with the design and planning of projects in all areas of traffic engineering services. Incumbents are expected to work initially under close supervision, but as experience is gained, to carry out assignments of progressively increasing difficulty with greater independence. Work assignments are usually performed under the supervision of a higher level engineering staff.

This class is distinguished from the next higher level of Assistant Traffic Engineer in that the latter operates with greater independence and performs engineering work of greater complexity.

Assistant Traffic Engineer - This is the second level in the Traffic Engineer series. Incumbents in this class are expected to perform a wide variety of professional traffic engineering work of average difficulty. Assistant Traffic Engineers carry out assignments with independent judgment and discretion. Incumbents may be assigned various tasks within a project area. Incumbents usually work under the supervision of higher level engineering staff.

This class is distinguished from the Associate level of Traffic Engineer in that the latter is a registered professional engineer, and as such has responsible charge for an engineering project.

SUPERVISION RECEIVED AND EXERCISED

Junior Traffic Engineer - Receives general supervision from higher level engineering staff.

Assistant Civil Engineer - Receives general supervision from higher level engineering staff. May exercise functional and technical supervision over assigned engineering staff.

Exhibit "A"
EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Researches, recommends, and implements traffic control and transportation policies and procedures.

Responds to citizen complaints and public requests for traffic control device changes; evaluates requests and prepares recommendations and necessary correspondence.

Tracks accidents within the City to identify potentially hazardous situations; recommend changes to improve traffic safety.

Conducts hazardous location analysis, traffic studies, and prepares reports on traffic control issues for review by the higher level engineering staff.

Prepares plans, specifications and cost estimates for traffic signal projects.

Programs and operates the City's computerized traffic signal master controller.

Provides engineering data and cost estimates for the City operating budget and Capital Improvement Program.

Evaluates traffic flow within the City; conducts traffic engineering studies and surveys.

Provides advice and technical assistance to staff and the public on traffic control and transportation planning matters.

Confers with a variety of public and private officials on related issues and may serve as the City's representative to other governmental agencies.

Reviews engineering plans prepared by other agencies and/or consultants, and prepares comments and recommendations.

Designs channelization and other traffic control plans and oversees the installation of the more difficult plans.

Performs related duties as assigned.
IN ADDITION TO THE DUTIES FOR JUNIOR TRAFFIC ENGINEER, THE ASSISTANT TRAFFIC ENGINEER REQUIRES:

Plans, organizes, and supervises the work of staff in the Traffic Paint Division, Traffic Sign Division, Parking Lot/Bus Shelter Maintenance Division, and the validated parking lot operations.

Recommends and assists in the implementation of goals and objectives; establishes schedules and methods for assigned repair and maintenance; implements policies and procedures.

Participates in budget preparation and administration; prepares cost estimates for budget recommendations; submits justifications for budget items; monitors and controls expenditures.

Maintains time, material, and equipment use records. Performs complex engineering calculations.

QUALIFICATIONS

Knowledge of:

Statistics and engineering mathematics, including algebra and analytic geometry.

Principles and practices of traffic and highway engineering, including highway capacity analysis.

Traffic engineering design and drafting methods and equipment.

Methods and techniques of field data collection, tabulation, and analysis.

Applicable traffic and zoning codes, ordinances, state, and federal laws and guidelines.

Microcomputer applications related to traffic engineering analysis.

Operation and maintenance of traffic control devices and equipment.

IN ADDITION TO THE KNOWLEDGE FOR JUNIOR TRAFFIC ENGINEER, THE ASSISTANT TRAFFIC ENGINEER REQUIRES:
Junior/Assistant Traffic Engineer

Knowledge of:

- Equipment, materials, methods, and tools used in the maintenance and repair of parking facilities, parking meters, traffic signs, and traffic painting and striping.

- Elements of agreements for the use of privately owned land for the operation of parking facilities.

- Procedures and requirements used in preparing Federal and State grant applications, and preparing grant reports.

Ability to:

- Prepare clear, concise, and accurate reports, records, and correspondence; communicate clearly and concisely, both in writing as well as orally.

- Apply engineering principles and techniques to evaluate and solve simple to difficult traffic engineering problems.

- Make complex engineering computations and to check, design, and prepare engineering plans, studies, profiles, and maps.

- Establish and maintain effective working relationships with all levels of representatives from governmental and private agencies, constructions and consultant contractors, co-workers, and the public.

- Use and maintain Computer Assisted Design and Drafting systems.

IN ADDITION TO THE ABILITIES FOR JUNIOR TRAFFIC ENGINEER, THE ASSISTANT TRAFFIC ENGINEER REQUIRES:

Ability to:

- Perform technical research.

- Prepare and present recommendations.

- Learn applicable laws and regulatory codes applicable to areas of assigned responsibility.

- Prepare, understand, and interpret traffic engineering plans, specifications, and other contract documents.

- Assist in supervising a municipal bus system.
Junior/Assistant Traffic Engineer

Assist in preparing and administering a budget.

Use computer software such as SOAP, PASSER, Transit, and Netsim.

EXPERIENCE AND TRAINING GUIDELINES:

Any combination equivalent to experience and education that could likely provide the required knowledge and abilities would be qualifying. A typical way to obtain the knowledge and abilities would be:

Experience: JUNIOR TRAFFIC ENGINEER

None required.

Education:

Equivalent to a Bachelor's Degree from an accredited college or university, with major course work in civil or traffic engineering, OR possession of a valid certificate as Engineer-in-Training issued by any State Board of Registration approved by the National Council of Engineering Examiners (NCEE).

License or Certificate:
Possession of, or the ability to obtain, a valid California driver's license.

Experience: ASSISTANT TRAFFIC ENGINEER

One year of directly related engineering experience.

Education:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in civil and/or traffic engineering or a related field.

License or Certificate:
Possession of a valid certificate as Engineer-in-Training issued by the State Board of Registration for approval by the National Council of Engineering Examiners (NCEE).

Possession of, or the ability to obtain, a valid California driver's license.
ASSOCIATE TRAFFIC ENGINEER

DEFINITION

To supervise and perform responsible professional field and office engineering work in connection with traffic engineering and transportation; plan and design traffic control systems; administer traffic control programs; and to participate in a variety of services and special studies requiring the application of professional knowledge and skills.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from higher level engineering staff. Exercises functional and technical supervision over assigned engineering staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Responsible for a major section of the Traffic Engineering Division, such as the traffic signal/electrical system and traffic operations.

Plan, organize, direct, review, and evaluate the work of the Traffic Engineering Section.

Provide advice and technical assistance to City and Department staff, commissions, committees, and the public on traffic and transportation matters.

Confer with a variety of public and private officials on traffic engineering issues, and serve as the City's representative to other governmental agencies.

Respond to inquiries from state, federal, local agencies, and the public.

Develop traffic administration policies and procedures; provide for the selection, training, and professional development of assigned staff.

Ensure the Public Works and Transportation Department's compliance with applicable ordinances, codes, and laws; review traffic operating conditions in the field.

Issue work orders for new or changed traffic control devices.

Exhibit "B"
Associate Traffic Engineer

Respond to public requests for traffic control changes; develop and analyze traffic management plan designs to improve neighborhood livability; and assist in design and continuation of traffic management duties.

Review traffic and transportation elements of environmental impact reports and major developments for compliance with federal, state, and local policies, rules, and regulations.

Direct or conduct studies and prepare reports and correspondence on traffic control issues for presentation to the City Council.

Investigate contested traffic citations.

Answer interrogatories and testify in court relative to traffic violations and vehicle accident and injury claims against the City.

Issue street use permits for offstreet construction, block parties, parades, football games, and related activities.

Conduct radar speed studies.

Applies for and administers traffic or transportation grant funds for studies and construction projects.

Monitor developments in the traffic control field and recommends and implements policy and procedure improvements.

Develop and implement the annual budget for traffic engineering activities for the assigned section.

Communicate effectively in both oral and written format; and perform related work as assigned.

Develop and manage the High Accident Location Management Program and the Arterial Traffic Management Program; perform design review on major development and street construction projects; and coordinate efforts between the City, developers, and other agencies.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of traffic and highway engineering, including highway capacity analysis.
Pertinent Federal, State, and local rules, regulations, and ordinances.

Methods and techniques of field data collection, tabulation, and analysis.

Applicable traffic and zoning codes, ordinances, regulations, and guidelines.

Computer applications relating to traffic engineering analysis.

Operation and maintenance of traffic control devices and equipment.

Principles of grant funding application and administration.

Principles and techniques of effective employee supervision, including selections, training, work evaluation, and discipline.

Principles and practices of budget development and administration.

Ability to:

Listen to and communicate effectively with a wide range of citizens and business groups, both in oral and written format.

To speak effectively in public.

Plan, assign, direct, review, and evaluate the work of others.

Manage and prioritize a diverse traffic control program.

Analyze complex traffic control problems, evaluate alternatives, and reach sound conclusions.

Prepare clear, concise, and accurate reports, records, and correspondence.

Exercise sound independent judgment within established guidelines.

Represent the City effectively in meetings with others.

Research and evaluate potential grants and other funding sources.
Establish and maintain effective working relationships with those contacted in the course of work.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Two years of performing the duties of Assistant Traffic Engineer in the City of Modesto.

OR

Three years of increasingly responsible experience in professional traffic engineering.

Training:

Equivalent to a Bachelor's Degree from an accredited college or university with major course work in traffic or highway engineering, or a related field.

License or Certificate:

Possession of a Certificate of Registration as a professional engineer (civil or traffic). Ability to obtain the State of California Certificate within one year of hire.
BUILDING MAINTENANCE SUPERINTENDENT

DEFINITION

To manage, direct, and coordinate the maintenance, repair, and alteration of all City facilities; to protect the City's investment in its facilities and provide the proper physical environment for serving the public; to maintain building and custodial service management and control; to maintain architectural planning and design; to coordinate maintenance activities with programs; and to assess and act on needs of user groups.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from an Assistant Director of Parks and Recreation. Exercises direct supervision over supervisory and maintenance staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Directs, oversees, and participates in the development of the Division work plan; assigns work activities, projects, and programs; monitors work flow and productivity; implements policies and procedures; reviews and evaluates work products, methods, and procedures.

Develops the organization's budget and Capital Improvement Program; oversees its implementation; participates in the forecast of funds; administers the approved budget.

Implements and operates a maintenance management system for city facilities.

Participates in recommending the appointment of personnel; provides or coordinates staff training; works with employees to correct deficiencies; implements discipline procedures; recommends employee disciplinary actions.

Recommends goals and objectives; assists in the development of policies and procedures.

Manages full range of building maintenance duties for all City buildings, including preventive maintenance of all building structures and stationary equipment on a scheduled basis.

Exhibit "C"
EXAMPLES OF DUTIES - (continued)

Reviews capital improvement plans related to the assigned services and provides input regarding future maintenance activities. Identifies and initiates needed capital improvement projects.

Receives, investigates, and responds to departmental and citizen requests, suggestions, and complaints.

Supervises division's safety program and ensures the adherence to safe work practices by subordinate personnel.

Prepares various reports and directs special projects as required.

Assembles and analyzes cost and performance data.

Develops performance standards and work schedules for staff.

Develops plans and specifications for remodeling, renovation, and small construction projects.

Negotiates, oversees, and coordinates architectural, maintenance and service contracts, and maintains liaison between the architect and/or contractor and the appropriate operating department.

Coordinates and provides technical assistance and advice in the review of plans and specifications, and during construction.

Prepares and reviews cost estimates for proposed work, and recommends final acceptance of completed work.

Develops and executes performance standards, procedures, and methods to assure the physical safety and a clean and healthful environment of all buildings.

Manages building security including the issuance of keys; develops an emergency plan.

Manages energy usage within City facilities, including implementation of energy conservation measures.

Manages building and custodial services to ensure responsiveness to customers, including regular, ongoing communication with operating departments; assesses needs and determines opportunities for improvement in the level of service provided to the department.

Performs related duties as assigned.
QUALIFICATIONS:

Knowledge of:

Custodial service management and control.

Materials, supplies, methods, practices, and equipment used in heating, ventilation, air conditioning, electrical, plumbing, and carpentry activities.

Principles and practices of supervision, training, and personnel management.

Commercial plan review procedures, including reading and interpreting blueprints and/or drawings.

Estimating procedures for additions, remodeling and renovation projects.

Current trends and practices in privatizing services.

Principles of budget preparation and expenditure control.

Types and level of maintenance and repair activities generally performed in custodial service maintenance and repair program.

Building maintenance principles and practices as applied to public facilities.

Management of facilities security and detection devices.

Energy conservation measures.

Applicable Federal, State, and local building, safety and health codes; handicapped accessibility standards; asbestos abatement and requirements for working with asbestos materials.

Ability to:

Organize, direct, and implement a comprehensive maintenance management program.

Manage, supervise, train, and evaluate assigned staff.

Prepare and administer a budget.

Conduct studies, prepare comprehensive reports, and determine cost effective ways for conducting the assigned maintenance and custodial activities.
QUALIFICATIONS - Continued

Ability to:

Establish, maintain and promote a customer service focus and cooperative working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Manage resources to improve productivity.

Use computers and computer assisted design techniques.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five years of increasingly responsible experience performing custodial service management, building maintenance/renovation/remodeling experience (plumbing, painting, electrical, construction); and architectural planning and design, including two years of supervisory or lead responsibility.

Training:

Equivalent to an Associate of Arts degree from an accredited college with major course work in heating, ventilation, and air conditioning (HVAC); and building infrastructure maintenance such as plumbing, electrical, etc.

License or Certificate:

Possession of, or the ability to obtain, an appropriate and valid California driver's license.
To perform professional and technical engineering work in assigned areas of responsibility such as field and office research, analysis and records maintenance; design and modify traffic control devices; develop recommendations for coordinating traffic improvement projects; perform related work as assigned.

DISTINGUISHING CHARACTERISTICS

Junior Traffic Engineer - This is the entry level class in the Traffic Engineer series, and as such may be assigned to assist with the design and planning of projects in all areas of traffic engineering services. Incumbents are expected to work initially under close supervision, but as experience is gained, to carry out assignments of progressively increasing difficulty with greater independence. Work assignments are usually performed under the supervision of a higher level engineering staff.

This class is distinguished from the next higher level of Assistant Traffic Engineer in that the latter operates with greater independence and performs engineering work of greater complexity.

Assistant Traffic Engineer - This is the second level in the Traffic Engineer series. Incumbents in this class are expected to perform a wide variety of professional traffic engineering work of average difficulty. Assistant Traffic Engineers carry out assignments with independent judgment and discretion. Incumbents may be assigned various tasks within a project area. Incumbents usually work under the supervision of higher level engineering staff.

This class is distinguished from the Associate level of Traffic Engineer in that the latter is a registered professional engineer, and as such has responsible charge for an engineering project.

SUPERVISION RECEIVED AND EXERCISED

Junior Traffic Engineer - Receives general supervision from higher level engineering staff.

Assistant Civil Engineer - Receives general supervision from higher level engineering staff. May exercise functional and technical supervision over assigned engineering staff.
Examples of Duties - Duties may include, but are not limited to, the following:

Researches, recommends, and implements traffic control and transportation policies and procedures.

Responds to citizen complaints and public requests for traffic control device changes; evaluates requests and prepares recommendations and necessary correspondence.

Track accidents within the City to identify potentially hazardous situations; recommend changes to improve traffic safety.

Conducts hazardous location analysis, traffic studies, and prepares reports on traffic control issues for review by the higher level engineering staff.

Prepares plans, specifications and cost estimates for traffic signal projects.

Programs and operates the City's computerized traffic signal master controller.

Provides engineering data and cost estimates for the City operating budget and Capital Improvement Program.

Evaluates traffic flow within the City; conducts traffic engineering studies and surveys.

Provides advice and technical assistance to staff and the public on traffic control and transportation planning matters.

Confers with a variety of public and private officials on related issues and may serve as the City's representative to other governmental agencies.

Reviews engineering plans prepared by other agencies and/or consultants, and prepares comments and recommendations.

Designs channelization and other traffic control plans and oversees the installation of the more difficult plans.

Performs related duties as assigned.
Junior/Assistant Traffic Engineer

IN ADDITION TO THE DUTIES FOR JUNIOR TRAFFIC ENGINEER, THE ASSISTANT TRAFFIC ENGINEER REQUIRES:

Plans, organizes, and supervises the work of staff in the Traffic Paint Division, Traffic Sign Division, Parking Lot/Bus Shelter Maintenance Division, and the validated parking lot operations.

Recommends and assists in the implementation of goals and objectives; establishes schedules and methods for assigned repair and maintenance; implements policies and procedures.

Participates in budget preparation and administration; prepares cost estimates for budget recommendations; submits justifications for budget items; monitors and controls expenditures.

Maintains time, material, and equipment use records. Performs complex engineering calculations.

QUALIFICATIONS

Knowledge of:

Statistics and engineering mathematics, including algebra and analytic geometry.

Principles and practices of traffic and highway engineering, including highway capacity analysis.

Traffic engineering design and drafting methods and equipment.

Methods and techniques of field data collection, tabulation, and analysis.

Applicable traffic and zoning codes, ordinances, state, and federal laws and guidelines.

Microcomputer applications related to traffic engineering analysis.

Operation and maintenance of traffic control devices and equipment.

IN ADDITION TO THE KNOWLEDGE FOR JUNIOR TRAFFIC ENGINEER, THE ASSISTANT TRAFFIC ENGINEER REQUIRES:
Junior/Assistant Traffic Engineer

Knowledge of:

Equipment, materials, methods, and tools used in the maintenance and repair of parking facilities, parking meters, traffic signs, and traffic painting and striping.

Elements of agreements for the use of privately owned land for the operation of parking facilities.

Procedures and requirements used in preparing Federal and State grant applications, and preparing grant reports.

Ability to:

Prepare clear, concise, and accurate reports, records, and correspondence; communicate clearly and concisely, both in writing as well as orally.

Apply engineering principles and techniques to evaluate and solve simple to difficult traffic engineering problems.

Make complex engineering computations and to check, design, and prepare engineering plans, studies, profiles, and maps.

Establish and maintain effective working relationships with all levels of representatives from governmental and private agencies, constructions and consultant contractors, co-workers, and the public.

Use and maintain Computer Assisted Design and Drafting systems.

IN ADDITION TO THE ABILITIES FOR JUNIOR TRAFFIC ENGINEER, THE ASSISTANT TRAFFIC ENGINEER REQUIRES:

Ability to:

Perform technical research.

Prepare and present recommendations.

Learn applicable laws and regulatory codes applicable to areas of assigned responsibility.

Prepare, understand, and interpret traffic engineering plans, specifications, and other contract documents.

Assist in supervising a municipal bus system.
Junior/Assistant Traffic Engineer

Assist in preparing and administering a budget.

Use computer software such as SOAP, PASSER, Transit, and Netsim.

EXPERIENCE AND TRAINING GUIDELINES:

Any combination equivalent to experience and education that could likely provide the required knowledge and abilities would be qualifying. A typical way to obtain the knowledge and abilities would be:

**Experience:** JUNIOR TRAFFIC ENGINEER

None required.

**Education:**

Equivalent to a Bachelor's Degree from an accredited college or university, with major course work in civil or traffic engineering, OR possession of a valid certificate as Engineer-in-Training issued by any State Board of Registration approved by the National Council of Engineering Examiners (NCEE).

**License or Certificate:**
Possession of, or the ability to obtain, a valid California driver's license.

**Experience:** ASSISTANT TRAFFIC ENGINEER

One year of directly related engineering experience.

**Education:**

Equivalent to a Bachelor's degree from an accredited college or university with major course work in civil and/or traffic engineering or a related field.

**License or Certificate:**
Possession of a valid certificate as Engineer-in-Training issued by the State Board of Registration for approval by the National Council of Engineering Examiners (NCEE).

Possession of, or the ability to obtain, a valid California driver's license.
BUILDING MAINTENANCE SUPERVISOR

DEFINITION

To plan, organize, supervise and provide for the maintenance, repair, and alteration of City facilities; also direct heating, ventilation, and air conditioning (HVAC) and related maintenance and repair. Provide for janitorial services and perform related work as assigned.

SUPERVISION RECEIVED AND EXERCISED

Receive direction from the Building Maintenance Superintendent. Exercise direct supervision over contractors and assigned maintenance personnel.

EXAMPLE OF DUTIES: - Duties may include, but are not limited to, the following:

Plan, organize, and supervise the work of employees engaged in the repair, alteration, and painting of City facilities.

Recommend and assist in the implementation of goals and objectives; establish schedules for building maintenance services.

Assist in preparation of organization's budget and administration; prepare cost estimates for budget recommendations; submit justifications for budget items; monitor and control expenditures.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement disciplinary procedures.

Perform the full range of building maintenance duties as required; perform electrical, plumbing, carpentry, locksmithing, and heating, ventilation, and air conditioning maintenance and repair duties in the upkeep of City building facilities; operate the full range of equipment and tool related assigned activities.

Answer questions and provide information to the public and employees; investigate complaints and recommend corrective action, as necessary, to resolve complaints.

Review plans and specifications for maintenance and repair work done by contractors, and suggest changes.

Inspect completed contract work for acceptability.

Maintain time, material, and equipment use records.

Exhibit "E"
EXAMPLES OF DUTIES - (continued)

Coordinate and work with other departments whenever building modifications are made or office layouts are modified and monitor work performance.

Inspect buildings routinely to check need for maintenance or repairs, compliance with building safety regulations and conformity to fire regulations.

Assist in coordinating building maintenance services activities with other City departments, divisions, and sections, and with outside agencies.

Determine need for repairs and establish work priorities.

Interpret building plans and specifications.

Consult with engineers and outside contractors concerning heating, mechanical, and electrical requirements.

Plan and supervise custodial care for City buildings.

Review and approve requisitions for maintenance and custodial supplies and equipment.

Coordinate and attend weekly safety meetings; ensure the adherence to safe work practices by subordinate personnel.

Inspect work sites before, during and after completion to assure work is completed in a satisfactory and thorough manner; inspect work sites, equipment and tools for compliance with safety standards; inspect and approve work done by outside contractors.

Prepare instructional bulletins and correspondence.

Make verbal and written reports.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods, practices, and equipment used in electrical, plumbing, carpentry, and heating, ventilation, air conditioning (HVAC), and repair services and activities.

Applicable Federal, State, and local building safety and health codes.

Principles of personnel supervision and training.
QUALIFICATIONS (continued)

Computer operated heating, ventilation, and air conditioning (HVAC) systems and City computer.

Safe work practices.

Ability to:

Interpret building plans and specifications.

Supervise building maintenance services and activities.

Estimate costs of building repairs.

Organize and maintain accurate maintenance records and prepare reports of maintenance projects and activities.

Communicate clearly and concisely, both orally and in writing.

Supervise, train, and evaluate assigned staff.

Ensure adherence to safe work practices.

Establish and maintain effective working relationships with those contacted during the course of work.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of increasingly responsible experience performing journey level janitorial and building maintenance duties, including one year of supervisory or lead responsibility.

Training:

Equivalent to completion of the twelfth grade supplemented by specialized training in building maintenance/janitorial or a related field.

License or Certificate:

Possession of, or the ability to obtain, an appropriate and valid California driver's license.
MODESTO CITY COUNCIL
RESOLUTION NO. 92-632

A RESOLUTION AMENDING EXHIBIT "G" OF RESOLUTION NO. 91-464 ENTITLED, "A RESOLUTION GRANTING A SALARY INCREASE TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING COUNCIL APPOINTEES", AND RESCINDING RESOLUTION NO. 90-608".

WHEREAS, on July 9, 1991, the City Council adopted Resolution No. 91-464 entitled, "A Resolution Granting A Salary Increase To Management And Confidential Employees, Including Council Appointees, And Rescinding Resolution No. 90-608", and

WHEREAS, on February 4, 1992, the City Council adopted Resolution No. 92-62 which amended Exhibit G of Resolution No. 91-464 to change the title of Word Processing System Supervisor, at salary range 423, to Systems Analyst on the Class Range Table, and

WHEREAS, on October 1, 1992, the City Council adopted recommendations for implementation of the Public Works and Transportation audit, and

WHEREAS, said recommendations included in part creation of new job classifications, amendments of some existing classifications and elimination of others, and

WHEREAS, on October 20, 1992, the City Council adopted Resolution No. 92-692 which amended Exhibit G of Resolution No. 91-464 to revise certain class specifications, and

WHEREAS, the Council desires to implement further changes to accommodate a portion of said audit,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. AMENDMENT TO RESOLUTION NO. 91-464.
Exhibit "G" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective July 2, 1991", attached to Resolution No. 91-464, is hereby amended as shown on the amended Exhibit "G" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective November 17, 1992", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" revises class specifications for Assistant Traffic Engineer at salary range 433 and Building Maintenance Supervisor at salary range 428, and adopts class specifications for Junior Traffic Engineer at salary range 430, Associate Traffic Engineer at salary range 439, and Building Maintenance Superintendent at salary range 441.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after November 17, 1992.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1992, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney

11/16/92--CA
CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
Effective November 17, 1992

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>403</td>
<td>Administrative Clerk I (Confidential)</td>
</tr>
<tr>
<td>404</td>
<td></td>
</tr>
<tr>
<td>405</td>
<td></td>
</tr>
<tr>
<td>406</td>
<td></td>
</tr>
</tbody>
</table>
| 407   | Word Processing Technician I  
       | Administrative Clerk II (Confidential) |
| 408   |       |
| 409   |       |
| 410   |       |
| 411   | Word Processing Technician II  
       | Microfilm Services Supervisor |
| 412   |       |
| 413   | Senior Personnel Clerk |
| 414   |       |
| 415   | Senior Word Processing Technician  
       | Secretary |
| 416   |       |
| 417   |       |
| 418   | Custodian Supervisor  
       | Legal Secretary |
| 419   |       |

Exhibit "G"
CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective November 17, 1992

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>420</td>
<td>Worker's Compensation Claims Representative Employee Benefits Coordinator Legal Services Technician Office Services Supervisor Deputy City Clerk Executive Secretary</td>
</tr>
<tr>
<td>421</td>
<td></td>
</tr>
<tr>
<td>422</td>
<td>Office Supervisor</td>
</tr>
<tr>
<td>423</td>
<td>Systems Analyst</td>
</tr>
<tr>
<td>424</td>
<td>Assistant Planner Asst. City Clerk/Auditor</td>
</tr>
<tr>
<td>425</td>
<td>Police Records Supervisor Administrative Analyst I Executive Assistant Legal Services Supervisor</td>
</tr>
<tr>
<td>426</td>
<td>Warehouse Supervisor Museum Supervisor</td>
</tr>
<tr>
<td>427</td>
<td>Events Supervisor</td>
</tr>
<tr>
<td>429</td>
<td></td>
</tr>
<tr>
<td>430</td>
<td>Associate Planner Parks Construction Supervisor I Junior Civil Engineer Junior Traffic Engineer</td>
</tr>
<tr>
<td>RANGE</td>
<td>TITLE</td>
</tr>
<tr>
<td>-------</td>
<td>-------</td>
</tr>
</tbody>
</table>
| 431   | Administrative Analyst II  
       | Affirmative Action Officer  
       | Personnel Analyst  
       | Training Coordinator  
       | Assistant Risk Manager  
       | Recycling Program Coordinator  
       | Budget Analyst |
| 432   | Plant Mechanic Supervisor  
       | Recreation Supervisor II  
       | Historical Buildings Supervisor  
       | Senior Accountant  
       | Youth Program Supervisor  
       | Industrial Waste Supervisor |
| 433   | Assistant Civil Engineer  
       | Laboratory Supervisor  
       | Assistant Traffic Engineer |
| 434   | Senior Programmer Analyst  
       | Electrical Supervisor  
       | Assistant Equipment Maint. Supv.  
       | Engineering Systems Manager  
       | Sr. Housing Rehab. Specialist  
       | Public Works Supervisor II  
       | Secondary Treatment Site Supv.  
       | Parks Maintenance Supervisor II  
       | Events Coordinator  
       | Operations Supervisor  
       | Landscape Designer  
       | Arborist  
       | Trees Maintenance Supv. II  
<pre><code>   | Land Surveyor |
</code></pre>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 435   | Management Analyst  
       | Deputy City Attorney I  
       | Senior Personnel Analyst  
       | Public Information Officer  
       | Public Services Supervisor  
       | Budget Officer  
       | Financial Analyst  
       | Administrative Services Officer  
       | Integrated Waste Specialist |
| 436   | Senior Planner  
       | Parks Construction Supervisor II |
| 437   | Property Agent |
| 438   | Equipment Maintenance Supt.  
       | Asst. Water Quality Control Supt.  
       | Transportation Planner  
       | Housing Program Supervisor |
| 439   | Deputy City Attorney II  
       | Associate Civil Engineer  
       | Associate Traffic Engineer |
| 440   | Principal Accountant  
       | Purchasing Officer |
| 441   | Community Development Program Manager  
       | Sr. Deputy City Attorney I  
       | Airport Manager  
       | Solid Waste Program Manager  
       | Transit Manager  
       | Streets Maintenance Supt.  
       | Parking & Traffic Supt.  
       | Parks Maintenance Supt.  
       | Risk Manager  
       | Assistant Personnel Director  
       | Recreation Superintendent  
       | Golf Superintendent  
       | Fleet Manager  
       | Wastewater Collections Superintendent  
       | Water Superintendent  
<pre><code>   | Building Maintenance Superintendent |
</code></pre>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 442   | Supv. Building Inspector  
        | Finance Data Processing Manager  
        | Supv. Construction Inspector |
| 443   | Deputy Chief Bldg. Official |
| 444   | Water Quality Control Supt.  
        | Principal Planner |
| 445   | Finance Division Manager |
| 446   | Senior Civil Engineer  
        | Traffic Engineer |
| 447   | Chief Building Official  
        | Assistant to City Manager  
        | Asst. Parks & Recreation Dir. |
| 448   | Sr. Deputy City Attorney II |
| 449   |       |
| 450   | Deputy Director Public Works - Engineering  
        | Deputy Director Public Works - Operations  
        | Deputy Director Public Works - Transportation |
| 451   |       |
| 452   | Assistant City Attorney |
A RESOLUTION APPROVING THE FINAL MAP OF THE
SUN RIDGE SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Bright Development, a California corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 9.74 acres, known as the Sun Ridge Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 31st day of August, 1992, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Sun Ridge Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts 11/12/92--CA
determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1992, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-634

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND BISSELL AND KARN, INC. FOR ADDITIONAL SERVICES RELATED TO THE WIDENING OF THE CLAUS ROAD BRIDGE OVER DRY CREEK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Bissell and Karn, Inc. for additional engineering services related to the widening of the Claus Road bridge over Dry Creek be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1992, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:  Councilmembers:  Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES:  Councilmembers:  None

ABSENT: Councilmembers:  None

ATTEST:  
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-635

A RESOLUTION APPOINTING ALICE TULLOCH, DEPUTY DIRECTOR OF PUBLIC WORKS AND TRANSPORTATION, TO THE TECHNICAL COMMITTEE FOR THE MID SURFACE WATER PROJECT

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

SECTION 1. Alice Tulloch, Deputy Director of Public Works and Transportation, is hereby appointed as the Regular Member, to the Technical Committee for the MID Surface Water Project.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Technical Committee of the MID Surface Water Project and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1992, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-636

A RESOLUTION APPROVING A JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE CITIES OF CERES, HUGHSON, MODESTO, TURLOCK, DELHI COUNTY WATER DISTRICT, DENAIR COMMUNITY SERVICE DISTRICT, HILMAR COUNTY WATER DISTRICT, AND KEYES COMMUNITY SERVICES DISTRICT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Joint Exercise of Powers agreement between the cities of Ceres, Hughson, Modesto, Turlock, Delhi County Water District, Denair Community Service District, Hilmar County Water District, and Keyes Community Services District for the purpose of creating a joint powers authority responsible for providing treated surface water from the Turlock Irrigation District to the aforementioned public entities be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1992, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-637

A RESOLUTION DESIGNATING COUNCILMEMBER DAVID COGDILL TO SERVE AS VICE MAYOR FOR THE ENSUING YEAR PURSUANT TO SECTION 603 OF THE CHARTER OF THE CITY OF MODESTO

BE IT RESOLVED by the Council of the City of Modesto that Councilmember David Cogdill is hereby designated to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1992, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City
Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-638

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF ROGER JACKSON FROM THE HUMAN RELATIONS COMMISSION

WHEREAS, Roger Jackson was appointed a member of the Human Relations Commission on January 24, 1989; and

WHEREAS, Roger Jackson has tendered his resignation from the Human Relations Commission, effective November 17, 1992; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of Roger Jackson from the Human Relations Commission be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1992, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-639

A RESOLUTION VACATING AND ABANDONING RENO
AVENUE STREET RIGHT-OF-WAY LOCATED BETWEEN
KANSAS AVENUE AND THE NORTHERLY EXTENSION OF
FRANZIA COURT AND RESERVE AN EASEMENT FOR A
CITY OF MODESTO WATER LINE.

WHEREAS, the Council of the City of Modesto adopted
Resolution No. 92-610 on November 4, 1992, declaring its
intention to vacate and abandon Reno Avenue between Kansas Avenue
and the northerly extension of Franzia Court, and

WHEREAS, the Reno Avenue street right-of-way located
between Kansas Avenue and the northerly extension of Franzia
Court to be vacated and abandoned is more particularly shown on
that certain map entitled, "Vacate And Abandon Reno Avenue Right
Of Way From Kansas Ave. to Franzia Ct." dated October 12, 1992,
which is on file in the office of the City Clerk, and

WHEREAS, said Resolution No. 92-610 was published in
The Modesto Bee, the official newspaper of the City of Modesto,
once each week for two (2) successive weeks prior to the
hereinafter referred to hearing, and

WHEREAS, the Planning And Community Development
Director of the City of Modesto has caused notices of said
proposed vacation and abandonment to be posted conspicuously
along the lines of the property proposed to be vacated and
abandoned at least fourteen (14) days before the date of the
hereinafter referred to hearing in the manner specified by law,
and

11/09/92--CA
WHEREAS, a public hearing was held by the Council of the City of Modesto on Tuesday, November 24, 1992, at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time all persons interested in or objecting to the proposed vacation were afforded the opportunity to appear, and

WHEREAS, the Planning Commission recommended that the abandonment be made subject to the conditions contained in Planning Commission Resolution No. 92-28, and

WHEREAS, all things and acts necessary to be done as required by Division 9, Part 3, of the Streets and Highways Code of the State of California in order to vacate and abandon said property have been done and accomplished, and

WHEREAS, the Council finds and declares that the Reno Avenue street right-of-way located between Kansas Avenue and the northerly extension of Franzia Court is unnecessary for present or prospective street purposes, and that the vacation and abandonment thereof is in the public interest,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby orders and declares the vacation and abandonment of the Reno Avenue street right-of-way located between Kansas Avenue and the northerly extension of Franzia Court, as shown on the map entitled "Vacate And Abandon Reno Avenue Right Of Way From Kansas Ave. to Franzia Ct." on file in the office of the City Clerk, and more particularly described on

11/09/92--CA
Exhibit "A" which is attached hereto and made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED that the Council of the City of Modesto hereby reserves an easement for a City of Modesto water line in the Reno Avenue street right-of-way located between Kansas Avenue and the northerly extension of Franzia Court, and

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this resolution, attested under the seal of the City, to be recorded in the Office of the County Recorder of Stanislaus County.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney

APPROVED AS TO DESCRIPTION:

By LINDA BOSTON

PUBLIC WORKS AND TRANSPORTATION
Engineering Services

11/09/92--CA
VACATE AND ABANDON RENO AVENUE RIGHT-OF-WAY FROM KANSAS AVENUE TO FRANZIA COURT

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northwest quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the centerline intersection of Kansas Avenue and Reno Avenue; thence along said centerline of Reno Avenue, North 5°20'45" West, 35.17 feet, to a point on a line which is parallel with and 35.00 feet, measured at right angles, Northerly from said centerline of Kansas Avenue and the true point of beginning of this description; thence along said parallel line, North 89°45'00" West, 35.02 feet, to a point on a non-tangent curve from which point a radial line bears North 47°56'23" West; thence Northeasterly along said non-tangent curve concave to the Northwest, having a Radius of 15.00 feet, a Central Angle of 47°24'22" and an Arc Length of 12.41 feet; thence along a tangent line, said line being an Eastern line of Parcel "B", as per map filed April 30, 1981, in Book 31 of Parcel Maps, Page 102, Stanislaus County Records, North 5°20'45" West, 20.85 feet; thence continuing along said Eastern boundary of Parcel "B" the following courses: North 9°14'08" East, 74.17 feet, and North 25°39'35" East, 106.84 feet, to the Northeastern corner of Parcel "B"; thence along the Eastern extension of the Northern line of Parcel "B", South 89°45'00" East, 11.07 feet, to a point on a Western line of 40.00 foot Reno Avenue; thence along said Western and Southwestern lines of Reno Avenue the following courses: North 25°39'35" East, 104.03 feet; North 7°17'12" East, 59.07 feet; North 13°13'40" West, 75.23 feet; North 34°06'10" West, 91.77 feet; and North 54°22'50" West, 178.66 feet; thence along a tangent curve concave to the South, having a Radius of 20.00 feet, a Central Angle of 96°12'46" and an Arc Length of 33.58 feet, to its point of tangency on the Southeastern line of 60.00 foot Franzia Court; thence along said Southeastern line of Franzia Court, South 29°24'24" West, 28.51 feet, to a point of cusp with a tangent curve; thence Northerly along said tangent curve concave to the West, having a Radius of 230.00 feet, a Central Angle of 23°54'02" and an Arc Length of 95.94 feet, to a point on a Northeastern line of said 40.00 foot Reno Avenue from which point a radial line bears North 84°29'38" West; thence along the Northeastern and Eastern lines of 40.00 foot Reno Avenue the following courses: South 54°22'50" East, 232.30 feet; South 34°06'10" East, 106.29 feet; South 13°13'40" East, 89.83 feet; South 7°17'12" West, 72.77 feet; South 25°39'35" West, 214.88 feet; South 9°14'08" West, 60.55 feet; and South 5°20'45" East, 30.88 feet, to point on a line which is parallel with and 35.00 feet, measured at right angles, Northerly from the centerline of Kansas Avenue; thence along said last mentioned parallel line, North 89°45'00" West, 20.10 feet, to the point of beginning.
VACATE AND ABANDON RENO AVENUE RIGHT-OF-WAY FROM KANSAS AVENUE TO FRANZIA COURT
(Page Two)

Reserving therefrom the following described property as a Public Utility Easement:

Commencing at the centerline intersection of Kansas Avenue and Reno Avenue; thence along said centerline of Reno Avenue, North 5°20'45" West, 35.17 feet, to a point on a line which is parallel with and 35.00 feet, measured at right angles, Northerly from said centerline of Kansas Avenue and the true point of beginning of this description; thence along said parallel line, North 89°45'00" West, 35.02 feet, to a point on a non-tangent curve from which point a radial line bears North 47°56'23" West; thence Northeasterly along said non-tangent curve concave to the Northwest, having a Radius of 15.00 feet, a Central Angle of 47°24'22" and an Arc Length of 12.41 feet; thence along a tangent line, said line being an Eastern line of Parcel "B", as per Map filed April 30, 1981, in Book 31 of Parcel Maps, Page 102, Stanislaus County Records, North 5°20'45"West, 20.85 feet; thence continuing along said Eastern Boundary of Parcel "B" the following courses: North 9°14'08" East, 74.17 feet, and North 25°39'35" East, 106.84 feet, to the Northeastern corner of Parcel "B"; thence along the Eastern extension of the Northern line of Parcel "B", South 89°45'00" East, 33.21 feet, to a point on said centerline of Reno Avenue; thence along the centerline of Reno Avenue the following courses: South 25°39'35" West, 116.76 feet; South 9°14'08" West, 66.00 feet; and South °20'45" East, 31.47 feet, to the true point of beginning.
MODESTO CITY COUNCIL
RESOLUTION NO. 92-640

A RESOLUTION ACCEPTING QUITCLAIMS OF THE UNDERLYING FEE OF RENO AVENUE IN CONJUNCTION WITH THE ABANDONMENT OF RENO AVENUE STREET RIGHT OF WAY LOCATED BETWEEN KANSAS AVENUE AND THE NORTHERLY EXTENSION OF FRANZIA COURT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the quitclaims of the underlying fee of Reno Avenue in conjunction with the abandonment of Reno Avenue street right of way located between Kansas Avenue and the northerly extension of Franzia Court be accepted, and hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: 
NORRINE COYLE, City Clerk
RESOLUTION NO. 92-641


WHEREAS, Article 11 of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code of the State of California, commencing with Section 53580 (the "Act") authorizes local agencies to incur indebtedness for the purpose of refunding any revenue bonds of the local agency, and the Act provides a complete, additional and alternative method for such financing;

WHEREAS, the City of Modesto (the "City") hereby finds and declares that it is necessary, essential and a public purpose for the City to engage in a program (the "Program") of refunding certain revenue bonds of the City issued to finance the construction and development of multifamily rental housing (the "1983 Bonds"), and has determined to borrow money for such purpose by the issuance of revenue bonds as authorized by the Act;

WHEREAS, the City hereby finds and declares that this resolution is being adopted pursuant to the powers granted by the Act;

WHEREAS, Westdale Commons, a California Limited Partnership (the "Borrower") has requested that the City issue and sell the Bonds (hereinafter defined) for the purpose of refunding outstanding revenue bonds of the City previously issued to finance the construction and development of a multifamily rental housing project located at 4121 Dale Road in the City of Modesto, California (the "Project"); and

WHEREAS, all conditions, things and acts required to exist, to have happened and to have been performed precedent to and in the issuance of the Bonds and the implementation of the Program as contemplated by this resolution and the documents referred to herein exist, have happened and have been performed in due time, form and manner as required by the laws of the State of California, including the Act.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto, as follows:

Section 1. The City hereby finds and declares that the above recitals are true and correct.

Section 2. Pursuant to the Act and the Indenture (hereinafter defined), refunding revenue bonds of the City, designated as "City of Modesto Variable Rate Demand Multifamily Housing Refunding Revenue Bonds (Westdale Commons Apartments), 1992 Series A" in an aggregate principal amount not to exceed $5,600,000 (the "Bonds"), are hereby authorized to be issued. The Bonds shall be executed by the manual or facsimile signature of the Mayor, the seal or facsimile of the seal of the City shall be reproduced thereon and attested by the manual or facsimile signature of the City Clerk, in the form set forth in and otherwise in accordance with the Indenture.

Section 3. The indenture of trust (the "Indenture") between the City and Bank of America National Trust and Savings Association, as trustee (the "Trustee") in the form presented to this meeting, is hereby approved. The Mayor, Mayor Pro Tem, City Manager and the Finance Director (the "Designated Officers") are, and each of them acting alone is, hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Indenture, and the City Clerk or any Deputy City Clerk is hereby authorized and directed, for and in the name and on behalf of the City, to attest the Designated Officer's signature on the Indenture, in substantially said form, with such additions thereto or changes therein as are recommended or approved by such officers upon consultation with bond counsel to the City, including such additions or changes as are necessary or advisable in accordance with Section 9 hereof (provided that no additions or changes shall authorize an aggregate principal amount of Bonds in excess of $5,600,000 result in an initial true interest cost on the Bonds in excess of 6.0% per annum or result in an underwriter's discount or fee in excess of 2.0% of the aggregate principal amount of the Bonds), the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Indenture. The date, maturity dates, interest rate or rates, interest payment dates, denominations, form registration privileges, manner of execution, place of payment, terms of redemption, the right of the owners of the Bonds to tender their Bonds for repurchase, and other terms of the Bonds shall be as provided in the Indenture as finally executed.

Section 4. The loan agreement (the "Loan Agreement") among the Trustee, the City and the Borrower, in the form presented to this meeting, is hereby approved. The Designated Officers of the City are, and each of them acting alone is, hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Loan Agreement in said form, with such additions thereto or changes therein as are recommended or approved by such officers upon consultation with bond counsel to
the City including such additions or changes as are necessary or advisable in accordance with Section 9 hereof, the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Loan Agreement.

Section 5. The amended and restated regulatory agreement and declaration of restrictive covenants (the "Regulatory Agreement") among the City, the Trustee and the Borrower, and the agreement regarding redemption, defeasance and payment of 1983 Bonds (the "1983 Bonds Agreement") among the City, the Borrower, the Trustee and Bank of America National Trust and Savings Association, as successor trustee for the 1983 Bonds, each in the form presented to this meeting, is hereby approved. The Designated Officers of the City are, and each of them acting alone is, hereby authorized and directed for and in the name of and on behalf of the City, to execute and deliver the Regulatory Agreement and the 1983 Bonds Agreement in said forms, with such additions thereto or changes therein as are recommended or approved by such officers upon consultation with bond counsel to the City including such additions or changes as are necessary or advisable in accordance with Section 9 hereof, the approval of such changes to be conclusively evidenced by the execution and delivery by the City of such Agreements.

Section 6. The bond purchase agreement (the "Purchase Contract") among the City, the Borrower and PaineWebber Incorporated, or any successor thereto, (the "Underwriter"), in the form presented to this meeting, is hereby approved. The Designated Officers of the City are, and each of them acting alone is, hereby authorized and directed, for and in the name and on behalf of the City, to accept the offer of the Underwriters to purchase the Bonds contained in the Purchase Contract (when such offer is made and if such offer is consistent with Section 3 hereof) and to execute and deliver said Purchase Contract in said form, with such additions thereto or changes therein as are recommended or approved by such officers upon consultation with bond counsel to the City, the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Purchase Contract.

Section 7. The preliminary official statement relating to the Bonds (the "Preliminary Official Statement") and the remarketing agreement among the City, the Borrower, American Savings Bank, f.a., as credit provider, the Trustee and PaineWebber Incorporated, as remarketing agent or any successor thereto, (the "Remarketing Agreement"), in the form presented to this meeting, are hereby approved. The Designated Officers are, and each of them acting alone is, hereby authorized and directed, for and in the name and on behalf of the City, to bring to final form the Preliminary Official Statement (the "Official Statement") upon sale of the Bonds and to execute the Official Statement and the Remarketing Agreement in said forms, with such addition thereto or changes therein as are recommended or approved by such officers upon consultation with bond counsel to the City, the
approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Official Statement and the Remarketing Agreement. The Underwriter is hereby authorized to distribute copies of the Preliminary Official Statement to persons who may be interested in the purchase of the Bonds and are directed to deliver copies of the Official Statement to all actual purchasers of the Bonds.

Section 8. The Bonds, when executed, shall be delivered to the Trustee for authentication. The Trustee is hereby requested and directed to authenticate the Bonds by executing the Trustee's certificate of authentication and registration appearing thereon, and to deliver the Bonds, when duly executed and authenticated, to the Underwriter in accordance with written instructions executed on behalf of the City by one of the Designated Officers, which instructions such officers are, and each of them is, hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver to the Trustee. Such instructions shall provide for the delivery of the Bonds to the Underwriters in accordance with the Purchase Contract, upon payment of the purchase price therefor.

Section 9. All actions heretofore taken by the officers and agents of the City with respect to the establishment of the Program and the sale and issuance of the Bonds are hereby approved, confirmed and ratified, and the proper officers of the City, including the Designated Officers, 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 and execute and deliver any and all certificates, agreements and other documents which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and delivery of the Bonds in accordance with this Resolution and resolutions heretofore adopted by the City and in order to carry out the Program, including but not limited to those certificates, agreements and other documents described in the Indenture, the Loan Agreement, the Regulatory Agreement, the 1983 Bonds Agreement, the Purchase Contract and the other documents herein approved and any certificates, agreements or documents as may be necessary to further the purpose hereof, evidence credit support or additional security for the Bonds (including an intercreditor agreement), or evidence the obligation to purchase Bonds upon tender by the Bondholders (including a tender agent agreement), but which shall not create any obligation or liability of the City other than with respect to the revenues and assets derived from the proceeds of the Bonds.

Section 10. 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 24th day of November, 1992, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: ______________________

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ______________________

MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-642

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR WATER/SEWER BORE AND JACK PROJECT ACROSS STATE ROUTE 99

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for water/sewer bore and jack project across State Route 99, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 17, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Friedman

ATTEST: NARRINE COYLE City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-643

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF ONE POLICE VEHICLE THROUGH THE STATE OF CALIFORNIA COOPERATIVE PURCHASING CONTRACT

WHEREAS, the Public Works and Transportation Department has requested this purchase to replace one police vehicle that possess high mileage and has unacceptable downtime for repairs; and

WHEREAS, the City has used the State's Cooperative Purchasing Program because the State purchases in such large numbers they can extend the savings to public agencies.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of one Police vehicle is hereby waived.

BE IT FURTHER RESOLVED that purchase of one Police vehicle through the State of California Cooperative Purchasing Contract for a total price of $15,447.50 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-644

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO ROTARY CLUB FOR INSTALLATION OF THE PLAY EQUIPMENT DONATED TO THE ROBERTSON ROAD NEIGHBORHOOD PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Modesto Rotary Club for the installation of play equipment donated to the Robertson Road Neighborhood Park be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 92-645  

A RESOLUTION RECOMMENDING TO THE COUNTY OF STANISLAUS THAT ZONING USE PERMIT NO. 92-23 BY MARTIN DAVID FOR A GOLF DRIVING RANGE WITH VOLLEYBALL AND RESTAURANT/RETAIL FACILITIES BE DENIED ON PROPERTY LOCATED ON THE NORTH SIDE OF BANGS AVENUE EAST OF DALE ROAD IN THE CITY'S URBAN RESERVE AREA.

WHEREAS, on March 13, 1990, the City of Modesto and the County of Stanislaus entered into an agreement wherein the County agreed to limit development within the City's Sphere of Influence, and

WHEREAS, pursuant to the Modesto-County agreement, the City Council reviews Conditional Use Permits for new uses (other than for churches and agricultural uses), and

WHEREAS, Council Policy 4.028 guides consideration of development proposals within the City's Sphere of Influence, and

WHEREAS, Martin David has filed Use Permit Application No. 92-23 with the County of Stanislaus for a proposed golf driving range with volleyball, restaurant/retail store facilities on property located on the north side of Bangs Avenue east of Dale Road in the City's Urban Reserve Area as designated in the General Plan, and

WHEREAS, of the four distinct county areas within the Sphere of Influence, the aforesaid property is located in Area 4, within the City's Urban Reserve and is designated on the County General Plan map as Urban Transition, and

11/23/92--CA
WHEREAS, the proposed project is within an area which the City Council has directed the General Plan Steering Committee to consider for a Phase I Business Park, and

WHEREAS, City staff has found this proposal to be incompatible with future Business Park use of the area, and

WHEREAS, the proposed development is a commercial establishment which intrudes into an area that is not yet ready for urban development, and

WHEREAS, premature urban development creates planning difficulties because it precludes options in terms of area-wide land use and circulation patterns,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby recommends to the County of Stanislaus that Conditional Use Permit No. 92-23 be denied because of its incompatibility with the future Business Park use of the area.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to deliver a certified copy of this resolution to the Board of Supervisors of Stanislaus County.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the ___24th___ day of _____November_____, 1992, by Councilmember __Dobbs__________, who moved its adoption, which motion being duly seconded by __Mayor Lang____________, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: ____________________________

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________________________

MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-646

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $146,422.48 FROM CONTINGENCY RESERVE TO REIMBURSE THE WILLIAM LYON COMPANY FOR STREET AND SEWER IMPROVEMENTS INSTALLED IN THE DRY CREEK MEADOWS SUBDIVISION

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: CFF Parks Contingency Reserve $1,423.05
      CFF Expressway Loop Reserve $31,789.43
      CFF Sewer Contingency Reserve $113,210.00

TO: Yosemite Neighborhood Park $1,423.05
    Claus Rd. Street Construction $31,789.43
    Extend Subtrunk Sewers $113,210.00

The William Lyon Company has completed City required street and sewer improvements in the Dry Creek Meadows Subdivision. The work was performed under approved reimbursement agreements executed in 1990. Funds were not encumbered. Money is needed to pay the Developer, who has completed the work.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: [Signature]
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-647

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO SET UP A TRUST ACCOUNT.

WHEREAS, the City owes to William Lyon Company a sum of $294,379.48. This amount was due to three reimbursement agreements that had been entered into as a result of work performed by the William Lyon Company on the following projects:

<table>
<thead>
<tr>
<th>Project Number</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>135-310-P167-6040</td>
<td>Yosemite Park Improvements</td>
<td>$1,423.00</td>
</tr>
<tr>
<td>133-430-P876-6040</td>
<td>Claus Road Street Improvements</td>
<td>$179,746.48</td>
</tr>
<tr>
<td>621-480-P561-6040</td>
<td>Sanitary Sewer Subtrunk Claus Road</td>
<td>$113,210.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$294,379.48</strong></td>
</tr>
</tbody>
</table>

and

WHEREAS, the William Lyon Company owes to City $268,000 in fees for future improvements at the Yosemite Boulevard/New Claus Road/Garner Road Intersection. A portion of this money will be used to fund the Del Monte Corporation gate relocation, and

WHEREAS, the William Lyon Company has requested that the City pay them the net difference of the amounts, $26,379.48, and consider their debt paid in full. This amount will be paid from 621-480-P561-6040 Sanitary Sewer Subtrunk-Claus Road, and

WHEREAS, the following remaining funds will be moved to a trust account:

<table>
<thead>
<tr>
<th>Project Number</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>135-310-P167-6040</td>
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<td>$1,423.00</td>
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<tr>
<td>133-430-P876-6040</td>
<td>Claus Road Street Improvements</td>
<td>$179,746.48</td>
</tr>
<tr>
<td>621-480-P561-6040</td>
<td>Sanitary Sewer Subtrunk Claus Road</td>
<td>$86,830.52</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$268,000.00</strong></td>
</tr>
</tbody>
</table>
NOW, THEREFORE, BE IT RESOLVED that this resolution transfers the amount originally owed by William Lyon, $268,000, to a trust account to be used as agreed upon in the development agreement.

BE IT FURTHER RESOLVED that the Finance Director 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 24th day of November, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAIL D. MILICH, Acting City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MARGARET R. SAHLMAN, TRUSTEE FOR THE MARGARET R. SAHLMAN TRUST, FOR THE ACQUISITION OF 1,633 SQUARE FEET OF HER PROPERTY NEEDED TO WIDEN SCENIC AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Margaret R. Sahlman, Trustee for the Margaret R. Sahlman Trust, for the acquisition of 1,633 sq. ft. of her property needed to widen Scenic Avenue for the appraised value of $12,200 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Friedman

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SHIMON AMADIN FOR THE ACQUISITION OF 1,500 SQ. FT. OF HIS PROPERTY NEEDED TO WIDEN SCENIC AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Shimon Amadin for the acquisition of 1,500 sq. ft. of his property needed to widen Scenic Avenue for the appraised value of $7,400 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEND: 
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ATMOSPHERICS, INC. FOR THE USE OF A SMALL PARCEL OF LAND AT THE AIRPORT FOR WEATHER EQUIPMENT

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: ____________________________

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-651

A Resolution Accepting Improvements in Dry Creek Meadows No. 1 Subdivision and Authorizing Release of Subdivision Bonds

WHEREAS, The William Lyons Company, subdividers of Dry Creek Meadows No. 1 Subd. have filed subdivision bonds for faithful performance and labor and materials in the amount of $757,300.00 and $378,650.00 respectively to guarantee improvements in Dry Creek Meadows No. 1 Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated November 13, 1992 indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Public Works Department; and

WHEREAS, the Director of Public Works has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the subdivision bonds upon expiration of the statutory period.

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

1. The improvements in Dry Creek Meadows No. 1 Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $757,300.00 upon recordation of notice of completion.

3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $378,650.00 upon expiration the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-652

A RESOLUTION APPROVING THE APPLICATION FOR
GRANT FUNDS FOR THE ENVIRONMENTAL ENHANCEMENT
AND MITIGATION PROGRAM UNDER THE SECTION
164.56 OF THE STREETS AND HIGHWAYS CODE FOR
THE CLAUS ROAD PEDESTRIAN/BICYCLE TRAIL AND
UNDERCROSSING PROJECT.

WHEREAS, the Legislature of the State of California has
enacted AB 471 (Chapter 106 of the Statutes of 1989), which is
intended to provide $10 million annually for a period of 10 years
for grant funds to local, state and federal agencies and
nonprofit entities for projects to enhance and mitigate the
environmental impacts of modified or new public transportation
facilities, and

WHEREAS, the Resources Agency has established the
procedures and criteria for reviewing grant proposals and is
required to submit to the California Transportation Commission a
list of recommended projects from which the grant recipients will
be selected, and

WHEREAS, said procedures and criteria established by
the Resources Agency require a resolution certifying the approval
of application by the applicant's governing body before
submission of said application to the State, and

WHEREAS, the application contains assurances that the
applicant must comply with, and

WHEREAS, the applicant, if selected, will enter into an
agreement with the State of California to carry out the
environmental enhancement and mitigation project,
NOW, THEREFORE, BE IT RESOLVED that the City Council hereby:

1. Approves the filing of an application for the Environmental Enhancement and Mitigation Program for grant assistance.

2. Certifies that said applicant will make adequate provisions for operation and maintenance of the project.

3. Appoints J. Edward Tewes, City Manager, as agent of the City of Modesto to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, payment requests and so on, 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 24th day of November, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney

11/18/92--CA
A RESOLUTION APPROVING THE APPLICATION FOR LAND AND WATER CONSERVATION FUNDS FOR THE EAST LA LOMA NEIGHBORHOOD PARK GROUP PICNIC SHADE STRUCTURE PROJECT.

WHEREAS, the Congress under Public Law 88-578 has authorized the establishment of a Federal Land and Water Conservation Fund Grant-In-Aid Program, providing matching funds to the State of California and its political subdivisions for acquiring lands and developing facilities for public outdoor recreation purposes, and

WHEREAS, the State Department of Parks and Recreation is responsible for administration of the program in the state, setting up necessary rules and procedures governing application by local agencies under the program, and

WHEREAS, said adopted procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of applications and the availability of local matching funds prior to submission of said applications to the state, and

WHEREAS, the proposed East La Loma Neighborhood Park Group Picnic Shade Structure project is consistent with the Statewide Comprehensive Recreation Resources Plan: California Outdoor Recreation Plan - 1988, and

WHEREAS, the project must be compatible with the land use plans of those jurisdictions immediately surrounding the project,
NOW, THEREFORE, BE IT RESOLVED that the City Council hereby:

1. Approves the filing of an application for Land and Water Conservation Fund assistance, and

2. Certifies that said agency has matching funds from Fund 140, Park Fund, and can finance 100 percent of the project, half of which will be reimbursed, and

3. Certifies that the project is compatible with the land use plans of those jurisdictions immediately surrounding the project, and

4. Appoints the City Manager as agent of the City to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, agreements, amendments, billing statements, and so on 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 24th day of November, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND VAIL ENGINEERING FOR CONSULTANT SERVICES FOR VILLAGE ONE FINANCING PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Vail Engineering for consultant services for the Village One Financing Plan be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1992, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: Dobbs
ABSENT: Councilmembers: Friedman

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-655

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO PROVIDE FUNDING FROM THE GENERAL FUND FOR THE VILLAGE ONE INFRASTRUCTURE FINANCING PLAN.

WHEREAS, on September 8, 1992, the City Council directed staff to seek a qualified consultant to further assist City staff to:

1. Revise the Village One Financing Plan to accommodate recently recommended changes in the Village One Public Facilities Master Plan, and

2. Provide professional assistance to City staff on selecting appropriate financing mechanisms in Village One, and

WHEREAS, staff has selected Vail Engineering to assist in the financing mechanisms for Village One, and

WHEREAS, this project is to be financed by the General Fund. The General Fund is to be reimbursed as Village One develops. The project will reside in Fund 130, and

WHEREAS, this resolution provides the financing for the project in the amount of $38,500,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments are necessary:

SPECIAL FUND FOR CAPITAL OUTLAYS (130)

<table>
<thead>
<tr>
<th>Fund/Agy/Organization</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures</td>
<td></td>
</tr>
<tr>
<td>130-140-C236-6010 Village One Infrastructure Financing Plan</td>
<td>$38,500</td>
</tr>
<tr>
<td>Revenues</td>
<td></td>
</tr>
<tr>
<td>130-700-7000-9010 Transfer in from Fund 010</td>
<td>$38,500</td>
</tr>
<tr>
<td>Fund/Agy/Organization</td>
<td>Increase/Decrease</td>
</tr>
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<td>-----------------------</td>
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<tr>
<td>010-700-7000-7130</td>
<td></td>
</tr>
<tr>
<td>Transfer Out to Special Fund for Capital Outlays</td>
<td></td>
</tr>
<tr>
<td>010-800-8000-8003</td>
<td></td>
</tr>
<tr>
<td>General Fund Contingency Reserve</td>
<td></td>
</tr>
</tbody>
</table>

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1992, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Bird, Cogdill, Muratore, Patterson, Mayor Lang

**NOES:** Councilmembers: Dobbs

**ABSENT:** Councilmembers: Friedman

**ATTEST:**

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-656

A RESOLUTION DENYING WITHOUT PREJUDICE THE
APPEAL FILED BY FREDERICK FABIAN AND RUTH
TALBERT TO A PLANNING COMMISSION DECISION
DENYING A REZONING FROM LOW DENSITY
RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT
ZONE, P-D, PROPERTY LOCATED ON THE SOUTH SIDE
OF EVERGREEN AVENUE EAST OF WEST ORANGEBURG
AVENUE, AND AFFIRMING THE DECISION OF THE
PLANNING COMMISSION. (FABIAN/TALBERT)

WHEREAS, a verified application for an amendment to
Section 19-3-9 of the Zoning Map was filed by Frederick Fabian
and Ruth Talbert on July 15, 1992, to reclassify from Low Density
Residential Zone, R-1, to Planned Development Zone, P-D, property
located on the south side of Evergreen Avenue east of West
Orangeburg Avenue, described as follows:

All that certain real property situate in a portion of
the Northwest quarter of Section 19, Township 3 South,
Range 9 East Mount Diablo Base and Meridian in the City
of Modesto, County of Stanislaus, State of California,
described as follows:

Beginning at the Northwest corner of the Evergreen Park
No. 2 Subdivision, according to the official map there­
of, filed in the office of the Recorder of Stanislaus
County, California, March 5, 1982, in Volume 29 of
Maps, Page 134; thence along the West line of said
subdivision Southerly 287.52 feet to the most Northern
line of the Orangeview Manor Subdivision, according to
the official map thereof, filed in the office of the
Recorder of Stanislaus County, California, on February
17, 1988, in Volume 32 of Maps, Page 67; thence along
said North line, Westerly 151 feet; thence leaving said
North line, Northerly 280.45 feet to the South line of
60.00 foot wide Evergreen Avenue; thence Westerly along
said South line being a curve concave to the North,
70.74 feet to a point of tangency with a line bearing
Easterly; thence continuing along said South line,
Easterly 80.33 feet to the point of beginning.

Including also all of the South one-half of 60.00 foot

12/09/92--CA
wide Evergreen Avenue immediately adjacent to the above described property.

and

WHEREAS, a public hearing was held by the Planning Commission on September 14, 1992, in the City Council Chambers, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after considering said evidence, the Planning Commission found and determined that rezoning of the property as requested is not required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 92-41, and denied the application of Frederick Fabian and Ruth Talbert to amend Section 19-3-9 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, property located on the south side of Evergreen Avenue east of West Orangeburg Avenue, and

WHEREAS, an appeal to the decision of the Planning Commission's denial of the request to rezone from Low Density Residential Zone, R-1, to Planned Development, P-D, property located on the south side of Evergreen Avenue east of West Orangeburg Avenue, was filed with the Office of the City Clerk by F.M. Fabian, by letter dated September 22, 1992, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on October 20, 1992, at 7:30 p.m., and

12/09/92--CA
WHEREAS, a continuance of the appeal hearing was requested by Frederick M. Fabian by letter dated October 19, 1992, said appeal then being continued for public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on December 8, 1992, at 4:00 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal to the denial of the requested rezoning of the property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, property located on the south side of Evergreen Avenue east of West Orangeburg Avenue, should be denied without prejudice and the decision of the Planning Commission should be affirmed for the reasons set forth in Planning Commission Resolution No. 92-41 and quoted below:

1. The proposed P-D zone falls far short of several important and basic development standards for Modesto including excessive density, parking shortage, lack of sufficient building/parking setbacks and excessive height.

2. The development plan for the proposed housing project does not adequately provide for compatibility with adjoining existing and potential residential properties.

3. The applicant has not demonstrated that he can legally limit the occupancy as presented.

and

WHEREAS, the City Council certifies it has reviewed and considered the findings of the City of Modesto Environmental

12/09/92--CA
Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the requested rezoning,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Frederick Fabian and Ruth Talbert to the decision of the Planning Commission denying the request to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, property located on the south side of Evergreen Avenue east of West Orangeburg Avenue, is denied without prejudice for the reasons set forth in Planning Commission Resolution No. 92-41 and quoted above, and the decision of the Planning Commission is hereby affirmed.

BE IT FURTHER RESOLVED by the Council that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the proposed project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the ___th day of ___December__, 1992, by Councilmember ___Bird______, who moved its adoption, which motion being duly seconded by Councilmember ___Muratore______, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, Acting City Attorney

APPROVED AS TO DESCRIPTION:

By [Signature]
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

12/09/92--CA
MODESTO CITY COUNCIL
RESOLUTION NO. 92-657

A RESOLUTION GRANTING THE APPEAL OF DENNIS WILSON, MID-VALLEY ENGINEERING, INC., TO A STAFF DECISION REGARDING AN APPLICATION FOR THE PELANDALE-SNYDER REORGANIZATION, GENERAL PLAN AMENDMENT, PREZONE AND CHANGE OF SPHERE OF INFLUENCE, PROPERTY LOCATED ON THE NORTH SIDE OF SNYDER AVENUE AND MID LATERAL NO. 6, BETWEEN DALE ROAD AND THE UNION PACIFIC RAILROAD.

WHEREAS, on September 3, 1992, the City received an application for the Pelandale-Snyder Reorganization, General Plan Amendment, prezone, change of Sphere of Influence, and environmental review of 403.7 acres on the north side of Snyder Avenue and MID Lateral No. 6, between Dale Road and the Union Pacific Railroad tracks, and

WHEREAS, SB 1559, signed on September 14, 1992, mandated an exchange of revenue as well as responsibility of service delivery between the City and County in annexations, and

WHEREAS, by letter dated October 1, 1992, addressed to Dennis Wilson, Mid-Valley Engineering, Inc., from the Planning and Community Development Department, Mr. Wilson was notified, pursuant to Government Code Section 65943, that by staff decision the application was deemed incomplete until the developer could show how the project would resolve the requirements of SB 1559; namely, the issues of revenue and service levels in annexations should be resolved, and

WHEREAS, by letter dated October 16, 1992, from Mr. Wilson an appeal to City staff's decision was filed with the City
Clerk, and

WHEREAS, AB 3029, signed on October 27, 1992, clarified that the issues of revenue and service between the City and County need to be addressed for incorporations only, and

WHEREAS, the Stanislaus Local Action Formation Commission (LAFCO) would still use its local policy and authority to condition the annexation upon City agreement to make the county "revenue neutral", and

WHEREAS, said appeal was set for a public hearing before the Council of the City of Modesto at its regular meeting place located in the Council Chambers, City Hall, 801 11th Street, Modesto, California, on November 10, 1992, and

WHEREAS, on November 10, 1992, by motion of the Council, said appeal was referred to the Community Development and Housing Committee for consideration for the Committee to provide a recommendation to the City Council in consideration of AB 3027 and to consider a policy requiring proponents to provide solutions to the County "revenue neutral" issue, and said public hearing on the appeal was continued to December 8, 1992, at 4:00 p.m., in the City Council Chambers, 801 11th Street, Modesto, California, and

WHEREAS, on November 16, 1992, the Community Development and Housing Committee discussed the matter and recommended to Council to not delay prezone/annexation projects, but the proponents must acknowledge the City will not be responsible for any alleged County revenue shortfalls and all LAFCO conditions must
be met, and

WHEREAS, on December 8, 1992, at 4:00 p.m., in the City Council Chambers, 801 11th Street, Modesto, California, the Council held said public hearing on said appeal, and

WHEREAS, after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that the appeal of Dennis Wilson, Mid-Valley Engineering, Inc., to a staff decision to not process an application for the Pelandale-Snyder Reorganization, General Plan Amendment, prezone and change of Sphere of Influence, property located on the north side of Snyder Avenue and MID Lateral No. 6, between Dale Road and the Union Pacific Railroad, should be granted, and the City staff decision should be overruled for the following reason:

Delay in the development application process will have a negative impact on economic development.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that for the reasons set forth above, the decision of City staff to not process the application for the Pelandale Snyder Reorganization, General Plan Amendment, prezone and change of Sphere of Influence, property located on the north side of Snyder Avenue and MID Lateral No. 6, between Dale Road and the Union Pacific Railroad, is hereby overruled, the appeal is granted, and City staff is hereby directed to process said prezone and annexation application, subject to the proponent agreeing to
acknowledge in writing that the City will not be responsible for any revenue sharing with the County as a condition of annexation and the annexation cannot be completed until all conditions imposed by LAFCO have been met.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: Bird, Patterson

ABSENT: Councilmembers: None

ATTEST: 

Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, Acting City Attorney
A RESOLUTION DESIGNATING ENSLEN PARK LOCATED AT STODDARD AND ENSLEN AVENUES AS A MODESTO LANDMARK PRESERVATION SITE.

WHEREAS, Chapter 10 of Title IX of the Modesto Municipal Code establishes Landmark Preservation Site status as a way to recognize, preserve, enhance and perpetuate significant landmarks in the community, and

WHEREAS, a public hearing was held on August 17, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, in which the Landmark Preservation Commission found and recommended in their Resolution No. 16, that Enslen Park is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.

2. The physical condition is such that preservation, maintenance, or adaptive use is economically feasible.

3. The distinguishing characteristics of significance are for the most part original and intact or capable of restoration.

4. The existing or proposed use is compatible with the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on December 8, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that Enslen Park is eligible for designation as a Landmark Preservation Site.
for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Enslen Park is located at Stoddard and Enslen Avenues, and more particularly described as follows:

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northeast quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Block 524 of the CITY OF MODESTO, as per map filed December 21, 1942 in Volume 15 of Maps, Stanislaus County Records.

BE IT FURTHER RESOLVED that Enslen Park has historic, architectural, archaeological, cultural, engineering or aesthetic significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. Enslen Park was purchased in 1906 with $2,000 given to the Women's Improvement Club (WIC) by James Enslen. The WIC subsequently directed it to the City of Modesto.

2. The park was designed by James McLaren. The Women's Improvement Club supervised the construction of the park and the landscaping.

3. It is economically viable.

BE IT FURTHER RESOLVED that pursuant to Section 9-10.104(e)(1) of the Modesto Municipal Code, the City Clerk shall record a copy of this resolution with the County Recorder's Office of Stanislaus County.

11/30/92--CA
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney

APPROVED AS TO DESCRIPTION:

By PUBLIC WORKS DEPARTMENT
    Engineering Division
MODESTO CITY COUNCIL
RESOLUTION NO. 92-659

A RESOLUTION DESIGNATING GRACEADA PARK
LOCATED AT NEEDHAM STREET AND SYCAMORE AVENUE
AS A MODESTO LANDMARK PRESERVATION SITE.

WHEREAS, Chapter 10 of Title IX of the Modesto
Municipal Code establishes Landmark Preservation Site status as a
way to recognize, preserve, enhance and perpetuate significant
landmarks in the community, and

WHEREAS, a public hearing was held on August 17, 1992,
in the City Council Chambers, City Hall, 801 11th Street,
Modesto, California, in which the Landmark Preservation
Commission found and recommended in their Resolution No. 17, that
Graceada Park is eligible for designation as a Landmark
Preservation Site for the following reasons:

1. The location and setting is compatible with future
   preservation and use.

2. The physical condition is such that preservation, maintenance, or adaptive use is economically feasible.

3. The distinguishing characteristics of significance are for the most part original and intact or capable of restoration.

4. The existing or proposed use is compatible with the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on December 8, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that
Graceada Park is eligible for designation as a Landmark

12/03/92--CA
Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Graceada Park is located at Needham Street and Sycamore Avenue, and more particularly described as follows:

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northeast quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Blocks 531, 532 and 533 of the CITY OF MODESTO, as per maps filed December 21, 1942 in Volume 15 of Maps, Stanislaus County Records.

BE IT FURTHER RESOLVED that Graceada Park has historic, architectural, archaeological, cultural, engineering or aesthetic significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. Graceada Park, consisting of three blocks of land, was donated by Thomas Beard and T. P. Wisecarver in 1906 to the Women's Improvement Club (WIC). The WIC subsequently donated the park to the City of Modesto.

2. John McLaren, who designed Golden Gate Park in San Francisco, was retained as a consultant for developing the plans for the park.

3. It is economically viable.

BE IT FURTHER RESOLVED that pursuant to Section 9-10.104(e)(1) of the Modesto Municipal Code, the City Clerk shall record a copy of this resolution with the County Recorder's Office of Stanislaus County.

The foregoing resolution was introduced at a regular

12/03/92--CA
meeting of the Council of the City of Modesto held on the 8th day of December, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney

APPROVED AS TO DESCRIPTION:

By PUBLIC WORKS DEPARTMENT
Engineering Division

12/03/92--CA
MODESTO CITY COUNCIL
RESOLUTION NO. 92-660

A RESOLUTION APPROVING THE ADDITION OF CHAPTER 19, ENTITLED "HOME FUNDED HOUSING REHABILITATION PROGRAM (HP)", TO THE COMMUNITY DEVELOPMENT PROGRAM POLICY AND PROCEDURES MANUAL.

WHEREAS, the U. S. Department of Housing and Urban Development (HUD) has allocated the amount of $750,000 in HOME Funds to the City of Modesto, and

WHEREAS, the HUD program, which will provide funding for rehabilitation of housing, has regulations, restrictions, and requirements that differ from those of the Community Development Block Grant (CDBG) program, and

WHEREAS, said differences will impact, to some degree, the manner in which the City manages its Housing Rehabilitation program operations; therefore, it is necessary to amend the City of Modesto's Community Development Program Policy and Procedures Manual to address the requirements of said HUD program, and

WHEREAS, on November 20, 1992, the Citizens Housing and Community Development Committee (CH&CDC) completed its review of a new chapter, Chapter 19, entitled "Home Funded Housing Rehabilitation Program (HP)", to be added to said Manual, and

WHEREAS, the CH&CDC has recommended to the City Council the addition of said Chapter 19 to the Community Development Program Policy and Procedure Manual, as set forth in Exhibit A, attached hereto, and incorporated herein by reference,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, to insure that staff activities related to use of HOME Funds will be in harmony with HUD regulations, it does hereby approve the adoption of Chapter 19, entitled "Home Funded Housing Rehabilitation Program (HP)", to the Community Development Program Policy and Procedure Manual, as set forth in Exhibit A, attached hereto, and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
19.1 Program Objectives

A. The HOME Program is designed to expand the local supply of decent affordable housing for low and very-low income families with emphasis on rental housing and to build State and local capacities to administer affordable housing programs, and provide for coordinated assistance to participants in the development of affordable low-income housing.

B. The HOME Program is funded by a separate grant from the United States Department of Housing and Urban Development (HUD), and all administrative costs are funded through the City of Modesto’s Community Development Block Grant (CDBG) funds.

C. The HOME Program allows the use of funds for owner and non-owner occupied dwellings for low cost rehabilitation, as a means of a cost effective development strategy.

The program enables the rental property owner to upgrade the unit while still providing a cash flow sufficient enough to maintain the property for low-income tenants.

The Housing Authority of Stanislaus County will apply for, a special allotment of Section 8 Certificates or Housing Vouchers for very low income tenants who will live in the completed rental units and who qualify for its program.

The HOME Program has rent limitations that are determined by HUD. They are calculated at 50 percent and 65 percent of Modesto median area income. Actual limits are determined and published by HUD annually.

D. The key to a successful HOME rental housing project is whether the Rehabilitation is feasible from the standpoint of the investor and whether it is likely that market rents after rehabilitation would not exceed rental levels established by HUD. The City of Modesto, as with all its housing rehabilitation programs, discourages permanent displacement of tenants affected by HOME-funded rehabilitation projects.

19.2 Eligibility Criteria

A. Both the applicant for assistance and the residential property must be eligible for assistance as set forth in this chapter. The eligibility requirements set forth in this chapter may not be waived.
B. Except when the Housing Rehabilitation Loan Committee (HRLC) recommends additional assistance to maintain the continued safe occupancy of the property by low-income tenants, participation in the HOME Program is limited to a one-time rehabilitation of an existing structure(s).

C. The applicant for a HOME-funded project must have legal and/or equitable title to the property, and the property must be located within the incorporated limits of the City Modesto.

D. Except for the restriction of not combining HOME funded rehabilitation projects with Rental Rehabilitation Program projects, nothing in this chapter should be construed to establish or limit the eligibility for financial assistance under any other housing rehabilitation programs operated by the Housing Program Office.

E. Denial of any applicant’s request for financial and/or technical assistance may be appealed to the HRLC, the CH&CDC, and the Modesto City Council, respectively.

F. All property owner(s) affected by changes in HOME Program policy shall receive written notification of such changes from the Housing Program Office.

G. The property owner(s) may apply for financial and/or technical assistance from the Housing Program Office by signing the Request For Assistance form. All persons listed on the title report as having legal interest in the ownership of the property shall be required to sign the Request For Assistance, as well as all other documents necessary for loan origination, loan closing and requests for disbursements of loan funds.

H. Applicants for rehabilitation assistance are required to submit information about their income, credit, employment, assets, assistance benefits, and other information requested by the Housing Program Office to verify their eligibility for assistance. Full disclosure is required by each individual having a legal interest in the property. Failure to provide all requested information may result in denial of the applicant’s loan request.

19.3 Types of Assistance Available

A. Financial Assistance

The amount of financial assistance permitted for a HOME rehabilitation project must be within maximum limits to ensure that the equity is sufficient to secure the loan. Both the amount of financial assistance and extent of repairs must be determined necessary by the Housing Rehabilitation Loan Committee. The Committee will review the HOME project and make a recommendation to the City Council. The City Council will then approve, revise, or deny the Committee’s recommendation.
1. **Direct City Loan at 5% Interest - Payment Required**

The applicant(s) must be the non-occupant owner(s) who will sign an agreement for the term of the loan to rent to tenants who qualify according to the rental levels established by HUD. The property must be in the Mandatory Target Area.

2. **Direct City Loan at 3% Interest - Payment Required**

The applicant(s) must be the owner-occupant(s) of the unit that is located within the mandatory target area with a total household income that is between 50% and 80% of the Modesto median area income as established by HUD.

3. **Deferred Payment Loan at 3% Interest - Payments Not Required**

The applicant(s) must be the owner-occupant(s) of the unit with a total household income of up to 50% of the Modesto median area income as established annually by HUD. Installment payments are not required, but may be made at the option of the borrower(s).

All loan principal and accrued interest on these loans are payable in full upon the sale or transfer of the title to the property, or if the property is no longer occupied by the owner.

**B. Technical Assistance**

1. Applicant(s) may request technical assistance with initial, progress, and final inspections, preparation of plans, work write ups, cost estimating, and bidding assistance.

2. Applicant(s) also may request assistance in monitoring of rehabilitation work.

**C. Relocation and Displacement Benefits**

Where extensive rehabilitation work causes temporary or permanent displacement of households under this program, relocation benefits will be offered by the Housing Program Office.

**D. Paint Rebate and Insulation Programs**

Property owners who finance their rehabilitation projects with HOME Program funds are eligible to participate in the Housing Maintenance Paint and Insulation Rebate Programs. Eligibility criteria for participating in these programs are covered in Chapter 11 of the Policy and Procedures Manual. All expenses for the Paint and Insulation Rebate Programs will be paid from Community Development Block Grant (CDBG) Funds.
19.4 Eligible Rehabilitation and Financial Assistance Limits

A. Mandatory Rehabilitation

The City of Modesto requires that repairs designated as "mandatory" by the building inspector be completed by the property owner, whether the property owner receives financial assistance under this program or obtains his funds from other sources.

B. Voluntary Rehabilitation

Repairs designated as "voluntary" by this chapter are eligible for assistance, but are not mandatory unless required for the unit to meet Housing Quality Standards per HUD regulations and for correcting incipient hazards. Incipient hazards are conditions that will become hazards within a short period of time, i.e., six months.

For administrative purposes the repairs have been classified into five categories, as described below:

1. Class A: Housing Code Violations

All violations of the Modesto Housing Code listed in the Notice and Order issued by the Building Inspection Division must be corrected. The limit on the amount of financial assistance available for mandatory repairs may not exceed the maximum amount allowed by HUD. Also, the HRLC must agree the repairs are reasonable and necessary, and there is sufficient equity in the property to secure the loan. The City Council must approve all loans.

2. Class B: Potential or Incipient Hazards

Necessary repairs that will become hazards over the period of the loan, and listed by the Housing Rehabilitation Specialist. The same maximum loan limits apply as in "A" above. All class "A" code violations must be corrected first.

3. Class C: Neighborhood Upgrading

This category includes fencing, landscaping, carport and garage repairs. The same maximum loan limits apply as for class "A" and "B," except class "A" and "B" violations must be corrected first.
4. **Class D: General Property Improvement**

This class includes all other types of improvements not included in the other classes, including such items as built-in appliances and garbage disposals. Not more than $2,500 in financial assistance can be provided for items in this Class. Class "A," and "B," items must be corrected first.

5. **Class E: Energy Savings**

These improvements are available to make homes more energy efficient, and are eligible for financial assistance. There is a limit of $5,000 in assistance for this Class. The total dollar amount for all rehab cannot exceed the maximum dollar amount established by HUD for the unit size being rehabbed.

19.5 **STAFF RESPONSIBILITIES**

**A. Owner and Tenant Contact For Mandatory Target Area Properties**

The Housing Program Office staff determine the legal owner(s) of the property and contact them by telephone, letter or personal visit, to explain the program and arrange the initial inspection. The Housing Program Office staff complete the Inspection Appointment sheet and give a copy to the Housing Rehabilitation Specialist and the Building Inspector. The Housing Rehabilitation Specialist notifies the Housing Financial Specialist who orders a P.I.R.T. from a local title company in advance of the inspection appointment.

If the property owner refuses to authorize the inspection, the assigned Housing Program staff person notifies the Housing Program Supervisor in writing, listing the attempts to contact the property owner(s) and the results of each contact.

The Housing Program Supervisor contacts the property owner(s) by telephone and follows up with a certified letter, explaining the mandatory nature of the program, and requests an inspection. If the property owner still refuses to allow the inspection, the Housing Program Supervisor notifies the Chief Building Official in writing, with copies of all the attempts to contact the property owner(s), and requests assistance with obtaining an Inspection Warrant from the Municipal Court. A courtesy copy of the letter and supporting documentation sent to the Chief Building Official is also forwarded to the City Attorney.

**B. Initial Property Inspection**

The Building Inspector accompanied by a Housing Rehabilitation Specialist performs the initial inspection to check for compliance with the City of Modesto Housing Code. The Building Inspector explains to the property owner the inspection procedure, that code violations detected during the inspection...
will be included in the Notice and Order, and the approximate time the Notice and Order will be mailed.

The Housing Rehabilitation Specialist who accompanies the Building Inspector on the initial inspection fills out the Inspection Survey, and asks the property owner(s) to contact him/her upon receipt of the Notice and Order. The Housing Rehabilitation Specialist also obtains information about tenants or owners that were not included in the inspection appointment notes. The Housing Rehabilitation Specialist then refers all Housing Code questions to the Building Inspector, and makes no further contacts with the property owner(s) unless requested to do so by the City Attorney.

If health and safety hazards are found during the inspection, the Building Inspector, upon return to his office, prepares a Notice and Order. If there are no Housing Code violations, the Building Inspector signs the Inspection Appointment form, marks it "NO CODE VIOLATIONS" and gives it to the Housing Rehabilitation Specialist. The Housing Rehabilitation Specialist sends a letter to the property owner(s) indicating no code violations, and congratulating him/her for maintaining this property well. Also, the property owner is invited to participate in the voluntary programs administered by the HPO.

If the property owner refuses to allow the initial inspection, the Building Inspector refers the case to the Chief Building Official and the City Attorney with a request for an Inspection Warrant.

C. Notice and Order

For units inspected, the Building Inspector prepares a draft of the Notice and Order, then forwards it to the Housing Program Office Secretary for typing. The Building Inspector presents the typed Notice and Order to the Chief Building Official for approval. After receiving approval he returns the approved copy to the Housing Program Office Administrative Staff for mailing by Certified Mail, return receipt requested.

For properties containing code violations, the Building Inspector prepares and signs a Certificate of Existence of Substandard Building and gives it to the Housing Financial Specialist for recording.

For property owners receiving Notice and Orders, the Housing Rehabilitation Specialist contacts them if a building permit has not been obtained and started in the time spelled out in the Notice and Order. If there is no response from the property owner(s), or he refuses to obtain a permit and begin the repairs, the Housing Rehabilitation Specialist requests assistance in writing from the Building Inspector. The Building Inspector sends a 60-Day Notice. At the expiration of the 60-Day Notice, if a building permit has not been obtained and the repair work has not been started, the Building Inspector sends a Final Notice to the property owner(s).
If the property owner does not respond to the Final Notice within 30 days, the Chief Building Official requests assistance from the City Attorney. The Housing Rehabilitation Specialist sends a copy of the file to the Chief Building Official for review prior to his requesting assistance from the City Attorney.

D. **Explanation of Program and Options**

The Housing Rehabilitation Specialist:

1. Contacts the property owner(s) after receiving evidence that the property owner has received the Notice and Order. The Housing Rehabilitation Specialist then explains the Notice and Order items, and the appeal process.

2. Explains the assistance available through the Housing Program Office, fills out the Request for Assistance form, obtains the property owner(s) signature(s). He then gives one copy to the property owner(s), retains one copy for the case file, and gives the last copy to the Housing Financial Specialist.

3. Reviews the Inspection Survey with the property owner(s) and formulates the basis of a Work Write-Up of eligible mandatory and voluntary rehabilitation work items.

4. Obtains the property owner(s) signature(s) on the Advance Payment Agreement which authorizes ordering of Pest Control Report, property appraisal, architectural drawings/plans.

5. Explains the Owner Participation Agreement to property owner if he wishes to act as his own contractor.

6. Provides a cost estimate for the proposed work and explains that an exact dollar amount will not be available until the bids have been obtained from contractors.


8. Explains requirements for the Paint and Insulation Rebate Programs.

9. Informs the property owner(s) of available relocation assistance and notifies the Housing Finance Specialist when a relocation plan is needed.

10. Orders the Pest Control Report, inserts all pest control findings into the Work Write-Up, obtains owner(s) approval of the project and posts it for bidding.
11.6 PROJECT CLOSEOUT

A. After all Building Permit repair items have been completed, and the Pest Control Clearance has been obtained, the Housing Rehabilitation Specialist and the Building Inspector conduct a final inspection. If all the rehabilitation work is approved, the Building Inspector signs the Certificate of Completion, and the Certificate of Compliance. The Housing Financial Specialist delivers the Certificate of Compliance to the County Recorder for recording.

If there is additional work to be done beyond the Building Permit items, the Housing Rehabilitation Specialist monitors the project until all the additional work is completed. The Housing Rehabilitation Specialist then obtains the signature of the property owner and the contractor on the Certificate of Completion and advises the Housing Financial Specialist that the Certificate of Compliance can be recorded.

B. The Housing Rehabilitation Specialist obtains all final check requests and documentation, including a copy of the paint rebate and insulation rebate agreements and submits them to the Housing Financial Specialist for processing for final payment.

C. The Housing Financial Specialist reviews all documents and processes the final check request and sends it to the City Finance Department.

D. The Housing Rehabilitation Specialist turns in the field file to the Secretary, for combining with the Finance file and labeling for storage.

E. The Housing Rehabilitation Specialist advises the Housing Program Supervisor when the project is completed. The Housing Program Supervisor sends a Rehabilitation Questionnaire to the property owner to obtain an evaluation of the effectiveness of the rehabilitation project and the type of customer service received from the Housing Program Office Staff. The Rehabilitation Questionnaire when returned is reviewed by the entire Housing Program Office Staff to evaluate:
1. Likes and dislikes about the program.

2. Recommendations for improvements for the program.

3. Whether or not the program helped the property owner.

F. After the Rehabilitation Questionnaire has been reviewed by the Housing Program Office staff and weak areas noted and discussed, the Housing Financial Specialist files it.

G. Immediately after weak program areas are pointed out in the Rehabilitation Questionnaire, the Housing Program Supervisor will take steps to improve the weak areas.
A RESOLUTION ACCEPTING AS COMPLETE, IMPROVEMENTS IN COLLIER PARK SUBDIVISION AND AUTHORIZING RELEASE OF CERTIFICATE OF DEPOSIT

WHEREAS, Barry Highiet of DANO Construction, subdivider of Collier Park Subdivision, has filed a Certificate of Deposit for faithful performance and labor and materials in the amount of $48,300,000 to guarantee improvements in Collier Park Subdivision; and

WHEREAS, the Director of Public Works in a memorandum dated November, 19, 1992, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Public Works Department; and

WHEREAS, the Director of Public Works has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the Certificate of Deposit upon expiration of the statutory periods.

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

1. The improvements in Collier Park Subdivision are hereby accepted as complete.
2. The City Clerk is hereby authorized to release a portion of the Certificate of Deposit for faithful performance in the amount of $32,200.00, upon recordation of the notice of completion.
3. The City Clerk is hereby authorized to release a portion of the Certificate of Deposit for labor and materials in the amount of $16,100.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
A RESOLUTION ACCEPTING IMPROVEMENTS IN PINE TREE VILLAGE NO. 3 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, James Horn Construction, subdividers of Pine Tree Village No. 3 Subdivision, have filed subdivision bonds for faithful performance and labor and materials in the amount of $827,000.00 and $413,500.00 respectively to guarantee improvements in Pine Tree Village No. 3 Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated November 19, 1992, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Public Works Department; and

WHEREAS, the Director of Public Works has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the subdivision bonds upon expiration of the statutory period.

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

1. The improvements in Pine Tree Village No. 3 Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $827,000.00 upon recordation of notice of completion.

3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $413,500.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-663

A RESOLUTION APPROVING A COOPERATIVE ANNUAL AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR PROVIDING AUTOMOTIVE REPLACEMENT PARTS FROM FOUR LOCAL MODESTO FIRMS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the cooperative annual agreement between the City of Modesto and Stanislaus County for providing automotive replacement parts from four local Modesto firms be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-664

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND WINGS EXPRESS, INC. FOR THEIR OPERATIONS AT THE AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Wings Express, Inc. for their operations at the Airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL,
RESOLUTION NO. 92-665

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
JOSEPH J. AND ANNA M. GOMES FOR THE ACQUISITION OF 1320 S.F. OF THEIR PROPERTY
NEEDED TO WIDEN SCENIC AVENUE FOR THE APPRAISED VALUE OF $6,350

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and Joseph J. and Anna M. Gomes
for the acquisition of 1320 s.f. of their property needed to widen Scenic
Avenue for the appraised value of $6,350

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 8th day of December 1992, by Councilmember Friedman, who moved its adoption, which motion
being duly seconded by Councilmember Dobbs, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ______________________
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GEORGIA E. BARNARD, TRUSTEE FOR THE BARNARD LIVING TRUST, FOR THE ACQUISITION OF 1300 S.F. OF HER PROPERTY NEEDED TO WIDEN SCENIC AVENUE FOR THE APPRAISED VALUE OF $9,624

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Georgia E. Barnard, Trustee for the Barnard Living Trust, for the acquisition of 1300 s.f. of her property needed to widen Scenic Avenue for the appraised value of $9,624 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GALLO GLASS COMPANY FOR THE LEASE OF MARK TWAIN PARK SITE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Gallo Glass Company for the lease of Mark Twain Park site be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-668

A RESOLUTION APPROVING AN AMENDMENT TO A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES J. CARNABUCCI, DOING BUSINESS AS NIBBLES, AT THE MODESTO AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended lease agreement between the City of Modesto and Charles J. Carnabucci, doing business as Nibbles, at the Modesto Airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-669

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING THE CONFLICT OF INTEREST
CODE OF THE DISABLED ACCESS APPEALS BOARD OF
THE CITY OF MODESTO.

WHEREAS, pursuant to Government Code Section 87300,
every local agency must adopt a conflict of interest code, and
WHEREAS, the City Clerk is authorized to maintain a
current list of the City agencies/departments which have adopted
conflict of interest codes, and
WHEREAS, pursuant to Government Code Section 82011,
this Council is the code reviewing body for agencies of the City
of Modesto, and
WHEREAS, the Council has recently created a Disabled
Access Appeals Board by adoption of Ordinance No. 2804-C.S., and
WHEREAS, the Council at its meeting of December 8,
1992, considered the adoption of a conflict of interest code for
the Disabled Access Appeals Board of the City of Modesto,
NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code of the
Disabled Access Appeals Board of the City of Modesto as
submitted, a copy of which Code is attached hereto, is hereby
approved.

RESCINDED
1994-709

12/08/92

-1-
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
CONFLICT OF INTEREST CODE
OF THE
DISABLED ACCESS APPEALS BOARD
OF THE CITY OF MODESTO

Section 1. DEFINITIONS.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

Section 2. DESIGNATED POSITIONS.

The persons holding positions listed in Exhibit "A" are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

Section 3. DISCLOSURE CATEGORIES.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq. Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Exhibit B specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Exhibit B. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests...
which he or she foreseeably can affect materially through the conduct of his or her office.

Section 4. STATEMENTS OF ECONOMIC INTERESTS: PLACE OF FILING.
All designated employees within this code shall file statements of economic interests with the City Clerk.

Section 5. STATEMENTS OF ECONOMIC INTERESTS: TIME OF FILING.
(A) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions.

(B) Annual Statements. All designated employees shall file statements no later than April 1.

(C) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 5.5. STATEMENTS FOR PERSONS WHO RESIGN 30 DAYS AFTER APPOINTMENT.
Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons shall not file either an assuming or leaving office statement.

Section 6. CONTENTS OF AND PERIOD COVERED BY STATEMENTS OF ECONOMIC INTERESTS.
(A) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(B) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received
during the previous calendar year provided, however, that the period covered by an employee’s first annual statement shall begin on the effective date of the code or the date of assuming office, whichever is later.

(C) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. MANNER OF REPORTING.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment of Real Property Reports. When an investment or an interest in real property\(^1\) is required to be reported,\(^2\) the statement shall contain the following:

(1) A statement of the nature of the investment or interest;

(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(3) The address or other precise location of the real property;

(4) A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars ($1,000), exceeds ten thousand dollars

\(^1\) For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

\(^2\) Investments and interests in real property which have a fair market value of less than $1,000 are not investments and interests of real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual’s spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

9-30-92
($10,000), or exceeds one hundred thousand dollars ($100,000).

(B) Personal Income Disclosure. When personal income is required to be reported, the statement shall contain:

1. The name and address of each source of income aggregating two hundred and fifty dollars ($250) or more in value, or fifty dollars ($50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars ($1,000) or less, greater than one thousand dollars ($1,000), or greater than ten thousand dollars ($10,000);

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name and address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall

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3 A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

4 Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if
contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars ($10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

Section 8. DISQUALIFICATION.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect

the clients or customers are within one of the disclosure categories of the filer.
investment worth one thousand dollars ($1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars ($1,000) or more;

(C) Any source of income, other than gifts and loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars ($250) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating $250 or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

Section 8.3. LEGALLY REQUIRED PARTICIPATION.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

Section 9. MANNER OF DISQUALIFICATION.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of a department, this determination and disclosure shall be made in writing to his or her appointing official.
authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

Section 10. ASSISTANCE OF THE COMMISSION AND COUNSEL.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the City Attorney, provided that nothing in this section requires the City Attorney to issue any formal or informal opinion.

Section 11. VIOLATIONS.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.
<table>
<thead>
<tr>
<th>Designated Positions</th>
<th>Disclosure Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairperson; Vice Chairperson; all Board members</td>
<td>1</td>
</tr>
<tr>
<td>Consultant</td>
<td>2</td>
</tr>
</tbody>
</table>
Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

**Group 1:** Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G, and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

**Group 2:** A consultant is any natural person who under contract provides information, advice, recommendation or counsel to any agency. The head of the commission, board or committee which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

9-30-92
MODESTO CITY COUNCIL  
RESOLUTION NO. 92-670

A RESOLUTION GRANTING THE REQUEST FOR  
ADDITIONAL FINANCIAL ASSISTANCE FILED BY  
MODESTO BABE RUTH BASEBALL IN LIEU OF  
PARTICIPATION IN THE SOON-TO-BE-ESTABLISHED  
CITY OF MODESTO YOUTH SPORTS SCHOLARSHIP  
PROGRAM.

WHEREAS, Modesto Babe Ruth Baseball is suffering from  
major financial problems, and

WHEREAS, the City of Modesto, through the budget  
process, has already provided financial assistance to Modesto  
Babe Ruth Baseball, and

WHEREAS, due to unforeseen circumstances that have put  
Modesto Babe Ruth Baseball in a difficult financial position  
during the 1992 season, a request for additional City assistance  
has been received, and

WHEREAS, City staff is in the process of developing a  
youth scholarship program that will be in place prior to the  
Spring, 1993 season which Modesto Babe Ruth Baseball participants  
would have been eligible for; however, their financial need is  
immediate, and the additional financial assistance will be in  
ilieu of participation in the soon-to-be-established City of  
Modesto Youth Sports Scholarship Program, and

WHEREAS, the City Council, by Resolution No. 80-1065 as  
amended by Resolution No. 81-716, adopted a "Policy For  
Evaluating Requests For City Financial Assistance, and

WHEREAS, the Financial Policy Committee considered said  
request on November 17, 1992, and has recommended that Modesto
Babe Ruth Baseball be given $2,500, in lieu of participation in the soon-to-be-established City of Modesto Youth Sports Scholarship Program, and

WHEREAS, the Council has reviewed said policy and finds said request to be in conformance with said policy and in addition finds it appropriate to grant approval for financial assistance to Modesto Babe Ruth Baseball in lieu of participation in the soon-to-be-established City of Modesto Youth Sports Scholarship Program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby grants the request for financial assistance filed by Modesto Babe Ruth Baseball in the amount of $2,500, as recommended by the Financial Policy Committee, in lieu of participation in the soon-to-be-established City of Modesto Youth Sports Scholarship Program.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By Michael D. Milich, Acting City Attorney

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-671


WHEREAS, Bravo! Repertory Dance Theatre has been selected to host the 1993 Regional Dance America/Pacific Festival, May 19-23, 1993, which will be held at the Modesto Centre Plaza, and

WHEREAS, a request for financial assistance to help defray the costs of the festival was presented to the Financial Policy Committee at its meeting of November 17, 1993, and

WHEREAS, the City Council, by Resolution No. 80-1065 as amended by Resolution No. 81-716, adopted a "Policy For Evaluating Requests For City Financial Assistance", and

WHEREAS, the Financial Policy Committee has recommended that Bravo! Repertory Dance Theatre be given $2,700, which is ten percent less than the amount requested, and

WHEREAS, the Council has reviewed said request and finds said request to be in conformance with said policy and in addition finds it appropriate to grant approval for financial assistance to the Bravo! Repertory Dance Theatre to help defray the costs of said festival,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby grants the request for financial assistance filed by the Bravo! Repertory Dance Theatre in the
amount of $2,700, as recommended by the Financial Policy Committee, to help defray costs for the 1993 Regional Dance America/Pacific Festival, May 19-32, 1993, to be held at the Modesto Centre Plaza.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO ESTIMATE DONATION REVENUE AND TO APPROPRIATE THIS REVENUE FOR GRAFFITI ABATEMENT.

WHEREAS, the City Council accepted a contribution of $8,000 from Resource Development on March 24, 1992, to be used towards graffiti abatement citywide.

WHEREAS, this donation was set aside in a trust account for future use. It is now necessary to appropriate these funds for expenditure.

WHEREAS, it is necessary to increase the revenue estimate and appropriate the following items for Graffiti abatement.

THEREFORE, the following adjustment is necessary:

**GENERAL FUND (010)**

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Rev-Obj</th>
<th>Increase/(Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures</td>
<td></td>
</tr>
<tr>
<td>010-160-1601-0140</td>
<td>Salary &amp; Wages-part-time</td>
</tr>
<tr>
<td>010-140-1405-0368</td>
<td>Graffiti abatement supplies</td>
</tr>
<tr>
<td>Revenues</td>
<td></td>
</tr>
<tr>
<td>010-510-9510-8107.16</td>
<td>Donations</td>
</tr>
</tbody>
</table>

**FLEET FUND (720)**

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Rev-Obj</th>
<th>Increase/(Decrease)</th>
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</thead>
<tbody>
<tr>
<td>Expenditures</td>
<td></td>
</tr>
<tr>
<td>720-480-5814-5061</td>
<td>Airless Paint Sprayer &amp; Supplies</td>
</tr>
<tr>
<td>Revenues</td>
<td></td>
</tr>
<tr>
<td>720-510-9510-8107.16</td>
<td>Donations</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-673

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $30,000 FROM CONTINGENCY RESERVE TO THE UNIT 2/3 WASTEWATER TREATMENT PLANT EXPANSION PROJECT ACCOUNT

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

FROM: Sewer Fund Contingency Reserve $30,000
       (621 800 8000 8003)

To: Unit 2/3 Construction $30,000
   (625 480 6761 6060)

Resolution of the claim on the Unit 2/3 Project, and audits on all of the EPA grants will generate additional charges against this account. This transfer will finance the charges associated with the claim resolution and the project audits.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-674

A RESOLUTION AUTHORIZING THE CITY OF MODESTO TO CO-SPONSOR "EARTH DAY IN THE PARK 1993" TO BE HELD ON SUNDAY, APRIL 4TH, IN GRACEADA PARK; ALLOWING THE SALE OF MERCHANDISE IN THE PARK; AND AUTHORIZING THE SOLICITATION OF BIDS FOR THE PURPOSE OF ENTERING INTO A CONTRACT WITH A PRIVATE SPECIAL EVENTS COORDINATOR FOR SAID EVENT.

WHEREAS, in 1970, "Earth Day" was established to encourage public awareness of programs successful in protecting the environment and conserving natural resources, and

WHEREAS, public concern about protecting the Earth is rapidly rising as new scientific information about environmental threats such as global warming, ozone depletion, acid rain, air pollution, and water pollution becomes available, and

WHEREAS, citizens and their governments are being encouraged to renew their commitment to meet the global environmental challenge, and

WHEREAS, by Council Resolution No. 92-129 adopted on March 24, 1992, the City Council acknowledged "Earth Day in the Park" as an annual event and encouraged individual citizens, community organizations, other local bodies, and the private sector to support and become actively involved in "Earth Day in the Park", and

WHEREAS, "Earth Day in the Park" allows for a long-term commitment of building a safe, just, and sustainable planet, and

WHEREAS, "Earth Day in the Park" is co-sponsored by the
Citizens' Advisory Committee on Recycling (CACOR), and

WHEREAS, the City of Modesto has been requested to also co-sponsor the event to allow the event to be covered under the umbrella of the City's existing insurance policy; to authorize the sale of merchandise (with emphasis on merchandise which is environmentally sensitive) in Graceada Park during the event which would contribute to the festival atmosphere; and to solicit bids for the purpose of entering into a contract with a private special events coordinator to coordinate all activities for "Earth Day in the Park 1993" as recommended by CACOR,

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

1. That the City of Modesto is hereby authorized to co-sponsor "Earth Day in the Park 1993" to be held on Sunday, April 4th, at Graceada Park.

2. That to provide a forum for merchants to display as well as sell their merchandise (with emphasis on merchandise which is "environmentally sensitive"), the sale of merchandise in Graceada Park at said event is hereby authorized.

3. That the Purchasing Officer of the City of Modesto is hereby authorized to solicit bids for the purpose of entering into a contract with a private special events coordinator to coordinate all activities for "Earth Day in the Park 1993".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-675

A RESOLUTION RESOLVING NEGOTIATIONS IMPASSE AND
AUTHORIZING IMPLEMENTATION OF THE CITY'S LAST
AND FINAL OFFER FOR REVISIONS TO THE MEMORANDUM
OF UNDERSTANDING WITH THE MODESTO CITY FIRE
FIGHTERS ASSOCIATION.

WHEREAS, the City of Modesto and the Modesto City Fire
Fighters Association (MCFFA) have been meeting and conferring in
good faith since mid-May, 1992, and have been unable to reach an
agreement, and

WHEREAS, the current Memorandum of Understanding with the
MCFFA expired on June 30, 1992, and the MCFFA has declared an
impasse, having twice failed to ratify the City's last offer, the
City's offer is more specifically set forth in an attachment to
this resolution which is attached hereto marked Exhibit "A" and
made a part hereof, and

WHEREAS, City staff has recommended that the City Council
resolve the impasse by authorizing the implementation of the City's
last offer, which, when implemented, would allow modification to
the Minimum Staffing Policy, in conjunction with the proposed
redeployment plan, and provide significant cost savings, while
maintaining or improving current service levels, as more
specifically set forth in the report referred to above, and

WHEREAS, in addition to the reduction in Minimum Staffing
the City's offer provides for written requests for station
assignments, modifies the Maternity Leave Policy, provides for
Family Care Leave, and allows greater flexibility in health
insurance options for both active members and retirees; the offer also provides for the revision of job descriptions to reflect added duties for personnel assigned to the Airport Fire Station and modifies appeals hearing language,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that the City staff has made a good faith effort to reach agreement with the MCFFA and has twice encouraged MCFFA to continue negotiations when the MCFFA declared impasse or indicated that further negotiations were futile; the Council further declares that the MCFFA membership failed to ratify the City's last offer, although the City and the MCFFA reached tentative agreement during negotiations; however, MCFFA has again declared impasse and declined the City's offer of continued negotiations.

BE IT FURTHER RESOLVED that the City has contracted with a consultant, Fire Loss Management Systems, for an independent analysis of the effects of the proposed redeployment in an effort to address any potential employee or public safety and service level or service level issues, and the Consultant's analysis indicates that the same level of service will be maintained City-wide following redeployment, with the service level to the Airport and neighborhoods near the Airport potentially increased. The analysis further indicates that the level of health and safety for fire personnel as it relates to the staffing of apparatus and minimum resource response to incidents will remain unchanged.
BE IT FURTHER RESOLVED that the Council hereby resolves the negotiations impasse and authorizes implementation of the City's last and final offer as set forth in said Exhibit A.

BE IT FURTHER RESOLVED that said implementation shall be effective January 1, 1993.

BE IT FURTHER RESOLVED that the Council hereby authorizes City staff to proceed with the amendment of job descriptions for Fire Fighter, Fire Engineer and Fire Captain.

BE IT FURTHER RESOLVED that the Council hereby authorizes City staff to proceed with preparation of an amendment to the Budget in January as part of the mid-year budget revisions to accommodate the action taken herein.

BE IT FURTHER RESOLVED that the Council hereby authorizes City staff to proceed with contracting for a comprehensive management audit of the Fire Department.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ~NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ~MICHAEL D. MILICH, Acting City Attorney

12/14/92
CITY'S OFFER TO
MODESTO CITY FIRE FIGHTERS ASSOCIATION
OCTOBER 9, 1992

Airport Protection/Minimum Staffing

Eliminate 6 positions (3 Engineers, 3 Captains) through attrition in lieu of layoffs. Extra personnel to be temporarily reassigned within the Fire Department, pending attrition. Minimum Staffing reduced to 39, as proposed 6-1-92.

Reduce Sworn Staffing at the Bureau

May eliminate one Engineer position, may reassign one non-sworn support position from Support Services to the Bureau.

Request for Station Assignment

Employees may submit written requests prior to January 1 of each year indicating desired station assignment.

Airport Duties

Job descriptions to be modified to indicate that personnel assigned to the Airport Fire Station may be required to perform the functions related to airport security and safety, as proposed 6-8-92.

Pregnancy/Family Leave

Modify pregnancy leave policy to coordinate with the new State Family Leave Law, as proposed 5-19-92.

Appeals Hearing

Modify appeals process to indicate that failure of employee to appear at a hearing shall be deemed withdrawal of the appeal, as proposed 6-1-92.

Health Care Benefits

1) Retirees may stay on the City Self-Funded Health Plan beyond age 65, with required Medicare coverage.

2) Retirees may draw down their health fund accounts at either the City contribution rate or the full premium rate, with their designation made at the time of retirement or at open enrollment.

3) Two California Professional Fire Fighter health plans, Protector and Protector Plus, will be recognized optional plans. Only one of the plans will be designated as "primary" for distribution purposes.

Exhibit "A"
MODESTO CITY COUNCIL
RESOLUTION NO. 92-676

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF MARGARET SNYDER FROM THE INTERNATIONAL FRIENDSHIP COMMITTEE, EFFECTIVE DECEMBER 8, 1992

WHEREAS, Margaret Snyder was appointed a member of the International Friendship Committee on October 4, 1988; and

WHEREAS, Margaret Snyder has tendered her resignation from the International Friendship Committee effective December 8, 1992; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of Margaret Snyder from the International Friendship Committee be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:    Councilmembers:  Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:    Councilmembers:  None
ABSENT:  Councilmembers:  None

ATTEST:  ________________________________
          NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-677

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF CAROL QUINLAN FROM THE INTERNATIONAL FRIENDSHIP COMMITTEE, EFFECTIVE DECEMBER 8, 1992

WHEREAS, Carol Quinlan was appointed a member of the International Friendship Committee on February 19, 1991; and

WHEREAS, Carol Quinlan has tendered her resignation from the International Friendship Committee effective December 8, 1992; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of Carol Quinlan from the International Friendship Committee be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-678

A RESOLUTION REVISING THE TIPPING FEES AT THE WASTE-TO-ENERGY FACILITY AND RESCINDING RESOLUTION NO. 90-799.

WHEREAS, the City of Modesto and the County of Stanislaus are joint partners in the Waste-to-Energy facility which is owned by Ogden-Martin, Inc., and

WHEREAS, on July 14, 1992, the Board of Supervisors authorized the Stanislaus County Department of Public Works to raise tipping fees at the Fink Road Landfill and at the Ash Monofill located at the Fink Road Landfill, and

WHEREAS, effective January 1, 1993, landfill fees will increase from $25.00 per ton to 26.50 per ton, and the Ash Monofill tipping fees will increase from $25.00 per ton to $29.00, and

WHEREAS, revenue that will be generated by the increase in fees will be needed to pay for State mandated postclosure activities at the City/County closed Geer Road Landfill, and

WHEREAS, the State of California through the Integrated Waste Management Board and under the requirements of Title 14 of the California Code of Regulations, requires that a landfill operator show the ability to finance post closure of a landfill for a period of 30 years after the closure of the landfill, and one of the approved mechanisms for providing the financial guarantee is the obligation of funds form another source, and
WHEREAS, since the Geer Road Landfill is a City/County enterprise project, City and County staff met and discussed the available alternatives for providing the long-term funding, and staff agreed that the funding should come from the County-wide waste stream because that is where the waste originated that was disposed of in the Geer Road Landfill, and

WHEREAS, tipping fees at the Waste-to-Energy Facility are set by joint action of the Contracting Communities, the City of Modesto and the Stanislaus County, and the Council is required to hold a public hearing prior to setting tipping fees at the Facility, and

WHEREAS, the Solid Waste-to-Energy Executive Committee has discussed this issue and has recommended approval of an increase in the tipping fee, and staff has recommended, upon concurrence by the County Board of Supervisors, that the tipping fee at the Waste-to-Energy Facility be increased from the present $25.00 per ton to $26.50 per ton, effective January 1, 1993, and

WHEREAS, the 15th day of December, 1992, at 7:30 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for consideration of an increase in tipping fees at the Waste-to-Energy facility,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase in tipping fees at the City-County Waste-to-Energy facility, said tipping fees to be increased from $25.00 per ton to $26.50 per ton, said fees to be effective January 1, 1993.
fees to be effective January 1, 1993.

BE IT FURTHER RESOLVED that Resolution No. 90-799 is hereby rescinded, effective December 31, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Bird

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-679

A RESOLUTION ADOPTING A REVISED SCHEDULE OF RATES AND CHARGES FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO, ELIMINATING THE CITY OF MODESTO SUBSIDY, AND SUPERSEeding RESOLUTION NO. 91-768.

WHEREAS, Section 5-5.32 of the Modesto Municipal Code provides that charges to customers for garbage service in the City of Modesto shall be set by the City Council by resolution and may be revised from time to time after holding a public hearing thereon, and

WHEREAS, the City Council has previously, by Resolution No. 91-768, adopted a schedule of rates and charges for garbage service in the City of Modesto, and

WHEREAS, the Council Utility Services and Franchise Committee has recommended to the City Council a revised schedule of rates and charges for garbage service in the City of Modesto, commencing January 1, 1993, and

WHEREAS, December 15, 1992, at 7:30 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, was set as the date, time and place for consideration of said recommended revised schedule of rates and charges for garbage service in the City of Modesto, and

WHEREAS, a public hearing was held at said time and place, at which time evidence, both oral and documentary, was received and considered, and
WHEREAS, it was found and determined by the Council of the City of Modesto that the existing schedules of rates and charges for garbage service in the City of Modesto should be revised commencing on January 1, 1993, as follows: that an increase to the customer of $1.39 per 90 gallon container and an increase of $1.25 per 60 gallon container would be justified; that additional containers should be increased from $7.00 to $10.00 per month; that an increase of $0.50 per cubic yard per pickup in commercial rates is needed; and, the subsidy of $0.68 to each residential household on the initial garbage container should be eliminated,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Schedule of Rates and Charges, which is attached hereto, is hereby adopted as the revised schedule of rates and charges to be charged by all licensed collectors of garbage in the City of Modesto for garbage service effective January 1, 1993, until revised by the City Council.

BE IT FURTHER RESOLVED that the City of Modesto subsidy of $0.68 to each residential household on the initial garbage container is hereby eliminated.

BE IT FURTHER RESOLVED that any person who has prepaid garbage service charges for residential garbage service shall be entitled to receive garbage service for the balance of said prepaid period at the prepaid rates.
BE IT FURTHER RESOLVED that Resolution No. 91-768 is hereby superseded, effective December 31, 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1992, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Bird

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS

Monthly Rates
(Once a Week Pickup Service)

<table>
<thead>
<tr>
<th>Container Size</th>
<th>Monthly Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>One 60 gallon container</td>
<td>$10.55</td>
</tr>
<tr>
<td>One 90 gallon container</td>
<td>$12.69</td>
</tr>
<tr>
<td>Each additional container</td>
<td>$10.00</td>
</tr>
</tbody>
</table>

The standard container rates shall apply for service when containers are placed in a location set forth in Section 5-5.10 of the Municipal Code Container Locations (a-1) (a-2) (a-3) (a-4) (a-5).

DETACHABLE CONTAINERS

Number of Collections Per Week

<table>
<thead>
<tr>
<th>Container Size</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 CY</td>
<td>26.80</td>
<td>43.60</td>
<td>60.40</td>
<td>77.20</td>
<td>94.00</td>
<td>110.80</td>
</tr>
<tr>
<td>1 1/2 CY</td>
<td>35.20</td>
<td>60.40</td>
<td>85.60</td>
<td>110.80</td>
<td>136.00</td>
<td>161.20</td>
</tr>
<tr>
<td>2 CY</td>
<td>43.60</td>
<td>77.20</td>
<td>110.80</td>
<td>144.40</td>
<td>178.00</td>
<td>211.60</td>
</tr>
<tr>
<td>3 CY</td>
<td>60.40</td>
<td>110.80</td>
<td>161.20</td>
<td>211.60</td>
<td>262.00</td>
<td>312.40</td>
</tr>
<tr>
<td>4 CY</td>
<td>77.20</td>
<td>144.40</td>
<td>211.60</td>
<td>278.80</td>
<td>346.00</td>
<td>413.20</td>
</tr>
<tr>
<td>5 CY</td>
<td>94.00</td>
<td>178.00</td>
<td>262.00</td>
<td>346.00</td>
<td>430.00</td>
<td>514.00</td>
</tr>
<tr>
<td>6 CY</td>
<td>110.80</td>
<td>211.60</td>
<td>312.40</td>
<td>413.20</td>
<td>514.00</td>
<td>614.80</td>
</tr>
</tbody>
</table>

DETACHABLE CONTAINER RENTAL RATES

ARE INCLUDED IN ABOVE SCHEDULE

| Monthly rental rate | 1 CY to 6 CY | 10.00 |

DROP BOX CONTAINERS

Pickup charge: $80.00
Rental charge: 2.00 Day with $46.00 maximum for each 30-day rental period
Disposal charge: Actual charge to be paid by customer

Garbage company will provide up to 40 CY Drop-box containers for above stated charges subject only to load limit of transfer vehicle.

COMPACTORS

Number of collections per week

<table>
<thead>
<tr>
<th>Front Loader Type</th>
<th>Size</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 CY</td>
<td>72.40</td>
<td>144.80</td>
<td>217.20</td>
<td>269.60</td>
<td>322.00</td>
<td>384.40</td>
<td></td>
</tr>
<tr>
<td>4 CY</td>
<td>93.20</td>
<td>186.40</td>
<td>279.60</td>
<td>332.80</td>
<td>386.00</td>
<td>459.20</td>
<td></td>
</tr>
</tbody>
</table>

Roll-Off Type - 6 CY to 40 CY 83.50 per pickup

Washing of compactor at the request of customer $30. Disposal charge: Actual charge to be paid by customer.

EXTRA PICKUPS

Standard containers or equivalent: $3.50 plus $0.60/container
Detachable containers: $6.00 plus $1.15/CY

SPECIAL SERVICE CONDITIONS

In situations where none of the above rates reasonably apply, the cost of service is to be negotiated between the garbage company and the customer. In case of dispute the Public Works and Transportation Director shall make a determination and his decision shall be final.

DETACHABLE CONTAINER ONLY

REPLACEMENT AND CLEANING SERVICE

<table>
<thead>
<tr>
<th>Size</th>
<th>1 CY</th>
<th>1 1/2 CY</th>
<th>2 CY</th>
<th>3 CY</th>
<th>4 CY</th>
</tr>
</thead>
<tbody>
<tr>
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<td>10.00</td>
<td>11.00</td>
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NOTATIONS

1. The above rates include the 10 cent per month per household recycling surcharge.
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE LINDEN STREET, MARTIN LUTHER KING BOULEVARD AND LAUREL AVENUE STORM DRAIN EXTENSION

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for the Linden Street, Martin Luther King Blvd. & Laurel Ave. Storm Drain Extension, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 14, 1993, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-681

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS
FOR FURNISHING TWO STREET SWEEPERS

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing two street sweepers, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 4, 1993, at 11:00 am. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _______________________
NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF HIWAY MARKING SYSTEMS, INC. FOR:
THERMOPLASTIC TRAILERS WITH PREMELTING KETTLES

WHEREAS, Resolution No. 92-422, adopted by the Council of the City of Modesto on July 28, 1992, approved the plans and specifications for thermoplastic applicator, trailer and kettles and authorized the calling for bids; and

WHEREAS, the bids received for thermoplastic applicator, trailer and kettles were opened at 11:00 a.m. on August 24, 1992, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Hiway Marking Systems, Inc. in the amount of $27,737.00 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Hiway Marking Systems, Inc. in the amount of $27,737.00 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lange

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE City Clerk
A RESOLUTION REJECTING BIDS RECEIVED FOR THERMOPLASTIC APPLICATOR OPENED IN THE OFFICE OF THE CITY CLERK ON AUGUST 24, 1992, AND AUTHORIZING INFORMAL REBIDDING

WHEREAS, Resolution No. 92-422, adopted by the Council of the City of Modesto on July 28, 1992, approved the plans and specifications for thermoplastic applicator, trailer and kettles; and

WHEREAS, the bids received for thermoplastic applicator, trailer and kettles were opened at 11:00 a.m. on August 24, 1992;

WHEREAS, the specifications for thermoplastic applicator no longer meet current requirements.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that all bids received for thermoplastic applicator, opened in the office of the City Clerk on August 24, 1992, are hereby rejected.

BE IT FURTHER RESOLVED that new specifications for thermoplastic applicator be written and the item rebid using the informal bid process.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO APPROPRIATE FUNDS FOR THE VILLAGE ONE STREET ALIGNMENTS.

WHEREAS, this project will provide funds for consultant services to engineer precise street realignments and to modify the utility systems to conform to the realignments.

WHEREAS, the Council previously appropriated funds to this project at the September 15, 1992 Council meeting, and recommended further study. These new realignments are a result of that study.

WHEREAS, this project is budgeted in Fund 130, and the funding is provided by the General Fund. It is therefore necessary to transfer funds from Fund 010 to Fund 130.

THEREFORE, the following adjustment is necessary:

General Fund (010)

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<tr>
<th>Fund/Agy/Org/Rev-Obj</th>
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<tr>
<td>Expenditures</td>
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<tr>
<td>010-800-8000-8008</td>
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<td>010-700-7000-7130</td>
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Special Fund for Capital Outlays (130)

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<td>130-700-7000-9010</td>
<td>Transfer In From Fund 010 $ 50,000</td>
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<table>
<thead>
<tr>
<th>Expenditures</th>
<th>Increase/Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>130-430-C897-6010</td>
<td>Village One Street Realignment 50,000</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ______________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ________________________________
MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-685

A RESOLUTION AUTHORIZING SELECTION PROCESS FOR CONSULTANT SERVICES TO ENGINEER PRECISE STREET REALIGNMENTS IN VILLAGE ONE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT FOR CONSULTANT SERVICES.

WHEREAS, staff has developed recommended conceptual street realignments for streets in Village One as directed at the September 15, 1992, Council meeting, and the Community Development and Housing Committee has reviewed staff's recommended conceptual street realignments and concurs with the proposal, and

WHEREAS, staff recommendations for street realignments include (1) the realignments previously reviewed and approved at the September 15, 1992, Council meeting, and (2) the realignments resulting from further study that Council requested, and

WHEREAS, an informal selection process for consultant services will reduce the time to complete the precise alignments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to issue an informal request for proposal to local engineering firms for consultant services to engineer precise street realignments in Village One, to select a local engineering firm based on proposals received and the firm's qualifications, and to negotiate an agreement for services with the selected firm.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the agreement contingent upon approval by the City Attorney.

-1-
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: 

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  

MICHAEL D. MILICH, Acting City Attorney
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE FINANCING AGREEMENTS WITH OWNERS OF PROPERTIES FOR THE PURPOSE OF REHABILITATING THOSE PROPERTIES PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute financing agreements with Johnnie F. Lau, Mike Christoulakis and Roldolfo Sandoval, owners of properties on Chrysler Drive and Rosedale Avenue, for the purpose of rehabilitating those properties pursuant to the City of Modesto's Housing Rehabilitation program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-687

A RESOLUTION APPOINTING ZANA ROBERSON AND ROBERT ANDREWS TO THE
AFFIRMATIVE ACTION/DISABILITY COMMISSION

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

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

SECTION 1. The following persons are appointed to the Affirmative
Action/Disability Commission:

Zana Roberson and Robert Andrews

SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the newly appointed members of the Affirmative
Action/Disability 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 15th day of December,
1992, by Councilmember Dobbs , who moved its adoption, which motion
being duly seconded by Councilmember Cogdill , was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

Boards and Commissions
MODESTO CITY COUNCIL
RESOLUTION NO. 92-688

A RESOLUTION APPOINTING TERRY MANZONI TO THE HUMAN RELATIONS COMMISSION

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

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

SECTION 1. The following person is hereby appointed to the Human Relations Commission: Terry Manzoni

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

Boards and Commissions
A RESOLUTION APPOINTING WILLIAM FAGAN TO THE HOUSING REHABILITATION LOAN COMMITTEE

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

SECTION 1. The following person is hereby appointed to the Housing Rehabilitation Loan Committee:

William Fagan

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NARRINE COYLE, City Clerk

Committees
A RESOLUTION APPOINTING MICHAEL FRANZIA TO THE INTERNATIONAL FRIENDSHIP COMMITTEE

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

SECTION 1. The following person is hereby appointed to the International Friendship Committee:

Michael Franzia

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the International Friendship 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 15th day of December, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk

Committees
MODESTO CITY COUNCIL
RESOLUTION NO. 92-691

A RESOLUTION REAPPOINTING ALBERTA MARTONE TO THE INTERNATIONAL FRIENDSHIP COMMITTEE

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

SECTION 1. The following person is hereby/appointed to the International Friendship Committee:

Alberta Martone

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed member of the International Friendship 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 15th day of December 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norris Coyle, City Clerk

Committees
MODESTO CITY COUNCIL
RESOLUTION NO. 92-692

A RESOLUTION REAPPOINTING LOUIS LEVIN TO THE HUMAN RELATIONS COMMISSION

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

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

SECTION 1. The following person is hereby reappointed to the Human Relations Commission:

Louis Levin

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed member of the Human Relations Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1992, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-693

A RESOLUTION REAPPOINTING WILLIAM COVEY TO THE HOUSING REHABILITATION
LOAN COMMITTEE

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

SECTION 1. The following person is hereby appointed to the Housing Rehabilitation Loan Committee:

William Covey

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed member of the Housing Rehabilitation Loan Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:       Councilmembers:       Bird, Cogdill, Dobbs, Friedman, Muratore,
            Patterson, Mayor Lang
NOES:       Councilmembers:       None
ABSENT:     Councilmembers:       None

ATTEST:     _____________________

NORRINE COYLE, City Clerk

Committees
MODESTO CITY COUNCIL
RESOLUTION NO. 92-694

A RESOLUTION REAPPOINTING SYLVESTER AGUILAR TO THE ECONOMIC DEVELOPMENT LOAN COMMITTEE

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

SECTION 1. The following person is hereby reappointed to the Economic Development Loan Committee:

Sylvestor Aguilar

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed member of the Economic Development Loan Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

Committees
A RESOLUTION REAPPOINTING KARL MASON AND DARTH MILLER TO THE AFFIRMATIVE ACTION/DISABILITY COMMISSION

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

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

SECTION 1. The following persons are hereby reappointed to the Affirmative Action/Disability Commission:

Karl Mason and Darth Miller

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members of the Affirmative Action/Disability 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 15th day of December, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-596

A RESOLUTION DENYING THE APPEAL OF RUDOLPH A. STRUNK TO A BOARD OF ZONING ADJUSTMENT DECISION DENYING AN APPLICATION FOR A VARIANCE TO ALLOW THE DEVELOPMENT OF TWO SINGLE-FAMILY HOMES TO ENCROACH INTO THE REQUIRED REAR YARD SETBACKS OF TWO THROUGH LOTS ON PROPERTIES LOCATED AT THE SOUTHERN END OF MONTROSE COURT, ON THE NORTH SIDE OF SCENIC DRIVE BETWEEN BRIGHTON AVENUE AND SUNNYSIDE AVENUE IN AN R-1 ZONE.

WHEREAS, an application for a variance from the provisions of Section 10-2.509(b) of the Modesto Municipal Code to permit development of a single-family house to encroach into the required 15-foot setback along Scenic Drive on two properties located at the southern end of Montrose Court, generally located on the north side of Scenic Drive between Sunnyside and Brighton Avenues in an R-1 Zone was filed by Rudolph A. Strunk on September 29, 1992, and

WHEREAS, Sections 10-1.202(a) and 10-2.1501 of the Modesto Municipal Code authorize the Board of Zoning Adjustment to grant variances subject to findings specified in Section 10-2.2502, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on November 19, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after holding said public hearing, the Board of Zoning Adjustment adopted Resolution No. 1495 on November 19, 1992, which denied the requested application filed by Rudolph A. Strunk
for a variance, and

WHEREAS, an appeal to the decision of the Board of Zoning Adjustment's denial of the request for a variance was filed by Rudolph A. Strunk by letter dated November 24, 1992, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on December 22, 1992, at 4:00 p.m., at which time said hearing was held and evidence, both oral and documentary, was taken and introduced, and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal to the decision of the Board of Zoning Adjustment which denied an application for a variance to allow the development of two single-family homes to encroach into the required rear yard setbacks of two through lots on properties located at the southern end of Montrose Court on the north side of Scenic Drive between Brighton Avenue and Sunnyside Avenue in an R-1 Zone, should be denied and the decision of the Board of Zoning Adjustment should be affirmed for the reasons that Sections 10-1.202(a) and 10-2.1501 of the Modesto Municipal Code authorize the Board of Zoning Adjustment to grant variances subject to findings specified in Section 10-2.2502, and the Board of Zoning Adjustment found and determined that the required findings could not be met for the reasons set forth in Board of Zoning Adjustment Resolution No. 1495 and quoted
1. That there are no special circumstances or conditions applicable to the property or buildings in question which do not exist for other property or buildings in the same vicinity for the following reasons:

   a. There is nothing unique or special about the physical shape of the property, which prevents or prohibits the lot from being developed with a single-family dwelling.

   b. All new housing that is developed on lots which contain double street frontages are required to maintain a 15-foot setback from each frontage.

   c. The subject lots are considered through lots because they each have street frontage onto Montrose Court in the front, and onto Scenic Drive in the rear. There are many through lots in the City which have been developed with single-family dwellings.

2. The only special circumstance or conditions in which strict application of the rules limiting the applicant's use of the property are the lots' CC & R's adopted by the subdivider for Scenic Estates Subdivision Map.

   The City's zoning provisions are not the factor which is limiting the size of the applicant's dwelling size. The subject lots can accommodate two-story dwellings consisting of at least 2,000 square feet. In addition, two-story dwellings can be developed on through lots which contain minimized exposure to streets or in areas in which higher noise levels are produced.

   The Board of Zoning Adjustment also found that the applicant's failure to research the proper setback requirements for the development of the properties is not a special circumstance. The effort in designing a house plan for one of the properties could have been avoided and does not represent a special condition for granting the variance.

3. Granting this variance will not be consistent with the intent of the setback requirements for R-1
through and back-up lots for the following reason:

Both the Planning Commission and the City Council specifically considered this issue in the past and concluded that a minimum 15-foot setback along major streets for both back-up and through lots is appropriate. They purposefully wanted to eliminate the visual effect of crowding and believed that a reduced yard was visually unattractive and also created a "dead space."

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Rudolph A. Strunk to the decision of the Board of Zoning Adjustment which denied an application for a variance to allow the development of two single-family homes to encroach into the required rear yard setbacks of two through lots on properties located at the southern end of Montrose Court on the north side of Scenic Drive between Brighton Avenue and Sunnyside Avenue in an R-1 Zone, is hereby denied and the decision of the Board of Zoning Adjustment is affirmed for the reasons set forth above.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of December, 1992, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Bird, Cogdill

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-697

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE FIRE APPARATUS FOR THE FIRE DEPARTMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing one fire apparatus for the Fire Department, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 25, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of December, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-698

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF ELEVEN USED FOUR-DOOR AND TWO-DOOR 1992 SEDANS FROM GOLDEN GATE AUTO AUCTION AND BAY CITIES AUTO AUCTION

WHEREAS, the Public Works and Transportation Department, Service Division has requested the purchase of eleven used four-door and two-door 1992 sedans to replace vehicles that are no longer serviceable; and

WHEREAS, for the past few years, Golden Gate Auto Auction in Fremont and Bay Cities Auto Auction in Hayward have been selected by the City to furnish vehicles because they have a wide selection of vehicles at a lower acquisition cost, and a high quality that has served the City well.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of eleven used four-door and two-door 1992 sedans is hereby waived.

BE IT FURTHER RESOLVED that purchase of eleven used four-door and two-door 1992 sedans from Golden Gate Auto Auction and Bay Cities Auto Auction for a total cost not to exceed $154,250, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of December, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 92-699

A RESOLUTION ADOPTING A CITY COUNCIL POLICY RELATING TO PREZONE AND/OR ANNEXATION APPLICATIONS.

WHEREAS, on November 10, 1992, the City Council directed the Community Development and Housing Committee to consider a policy requiring applicants to provide solutions to the County revenue and service issue at the earliest stage of a prezone application, and

WHEREAS, on November 16, 1992, the Community Development and Housing Committee discussed the matter and agreed to recommend that Council not delay prezone and/or annexation projects, and the City will not be responsible for any alleged County revenue shortfalls,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby adopt a Policy entitled "Prezone/Annexation Policy", a copy of which is attached hereto marked Exhibit "A" and incorporated herein by reference.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of December, 1992, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
EXHIBIT "A"

PREZONE/ANNEXATION POLICY

Purpose:

Put the proponents on notice about the risks of proceeding with a prezone/annexation application prior to a resolution of the County "revenue neutral" issue.

Background:

In recent annexations, LAFCO has required Cities in Stanislaus County to cover the projected costs of County services for ultimate development of the annexed area. This requirement is intended to make the County "revenue neutral".

More Specific to the City of Modesto, the North Beyer Park Annexation was approved by LAFCO in June of 1992 with a condition that prior to completion of annexation, the City and the County enter into an agreement for mitigation of fiscal impacts to both parties prior to approval of any development. The Claratina-Coffee Annexation was denied in August of 1992 to allow the proponent to resolve the "revenue neutral" and other issues prior to LAFCO approval.

In September of 1992, the Pelandale-Snyder Annexation with prezone, General Plan amendment and Sphere of Influence change was submitted. City staff determined to not process the application until the "revenue neutral" issue was resolved first. The proponents appealed staff's decision requesting the application be processed.

On November 16, 1992, the Community Development and Housing Committee discussed the matter and recommended the Council adopt a policy to not delay processing prezone/annexation projects. However, proponents must acknowledge the City will not be responsible for any alleged County revenue shortfalls and annexation would not be completed until all of LAFCO conditions are met.
Policy:

Proponents acknowledge that an annexation cannot be completed until all conditions imposed by LAFCO have been met. Proponents shall acknowledge in writing that the City will not be responsible for any revenue sharing that may be demanded by the County as a condition of annexation.

This policy shall apply to those annexation requests by private property owners for which the City does not agree to act as the "proponent" under the Cortese-Knox Act.
MODESTO CITY COUNCIL
RESOLUTION NO. 92-700

A RESOLUTION APPROVING FOR FORWARDING TO HUD
THE FISCAL YEAR 1993 ANNUAL UPDATE OF THE
COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY
(CHAS) ENABLING MODESTO TO PARTICIPATE IN THE
HOME PROGRAM, COMMUNITY DEVELOPMENT BLOCK
GRANT PROGRAM, AND OTHER FEDERAL HOUSING
PROGRAMS.

WHEREAS, the 1990 National Affordable Housing Act
changed the requirements for applying for Federal housing funds,
and

WHEREAS, the Housing Assistance Plan (HAP) and the
Comprehensive Homeless Assistance Plan (CHAP) were replaced by
the Comprehensive Housing Affordability Strategy (CHAS), a copy
of which is attached hereto and incorporated herein by reference,
and

WHEREAS, the CHAS contains an assessment of community
housing resources, a strategy to accomplish stated goals, and it
is updated annually, by this submission to HUD, and

WHEREAS, Modesto's CHAS describes the housing
rehabilitation programs the City has undertaken for 18 years, and
the CHAS notes that Modesto's primary strategy using Federal
funds is to complete the mandatory housing rehabilitation areas,
and

WHEREAS, additional programs will depend on the Village
One Affordable Housing Plan, HOME funding, and Redevelopment
Agency affordable housing funds, and
WHEREAS, HUD requires that the citizens of Modesto be provided with a 30-day comment period, therefore, a public data-gathering meeting was held on November 6, 1992, and

WHEREAS, the draft CHAS annual update was presented by the Citizens Housing & Community Development Committee at their meeting on November 12, 1992, to the public for the required 30-day period, which period was from November 12, 1992, to December 14, 1992, and no substantive pertinent comments from the public were received during said period, and

WHEREAS, HUD requires a CHAS be approved by the local regional HUD office before the local jurisdiction can be approved for funding under HOME and the CDBG program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the fiscal year 1993 annual update of the CHAS, a copy of which is attached hereto and incorporated herein by reference, is hereby approved for forwarding to HUD, and the City Manager is authorized to certify that Modesto will "affirmatively further fair housing" and comply with all Uniform Relocation Act regulations so as to enable Modesto to participate in the HOME Program, Community Development Block Grant Program, and other Federal Housing programs.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of December, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
CITY OF MODESTO

COMPREHENSIVE
HOUSING AFFORDABILITY
STRATEGY
(CHAS)

FIRST YEAR ANNUAL UPDATE
OCTOBER 1, 1992 TO SEPTEMBER 30, 1993

CITY OF MODESTO
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

Housing Program Office
401 H Street
Modesto, Ca. 95351
(209) 577-5245
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a. SUMMARY OF CHAS UPDATE DEVELOPMENT PROCESS

The first Annual Update for the City of Modesto's CHAS was prepared by the Housing Program Office Section of the Planning and Community Development Department. A public notice was placed in the Modesto BEE on Wednesday, November 4, 1992, inviting the public to a meeting on November 6, 1992 to gather data for the draft CHAS. City staff sent letters to the following agencies and organizations interested in housing, requesting their input and attendance at the November 6, 1992 data gathering meeting:

Housing Authority of Stanislaus County
Stanislaus Area Association of Governments
State of California Housing and Community Development Dept
Stanislaus County Department of Social Services
Stanislaus County Mental Health Department (Sunshine Place)
Area Agency on Aging
Community Temporary Shelter Services
Community Transitional Resources
Senior Opportunity Services Program
Modesto Men's and Women's Gospel Mission
Stanislaus Women's Refuge Center (HAVEN)
Center for Human Services (Hutton House)
Salvation Army, Modesto Corps.
Stanislaus Residential Services
Modesto Independent Living Center
Lao Family Community, Modesto office
Modesto Bridge
Habitat for Humanity, Stanislaus Chapter
Stanislaus County Affordable Housing Corporation (STANCO)
Modesto Community Housing Resources Board (MCHRB)
Modesto Chamber of Commerce
California Rural Legal Assistance
California Association of the Physically Handicapped # 37
Modesto Association of Realtors
Association for Retarded Citizens
Hispanic Chamber of Commerce of Stanislaus County
Mejoramiento Hispano De Modesto
United Way of Stanislaus County
League of Women Voters
Growth, Orderly, Affordable, Livable (GOAL)
Ecology Action
Building Industry Association
Hispanic Leadership Conference
Modesto Apartment Association
Coalition of Labor and Business

Data was gathered from the City's Housing Element, and from the five year CHAS accepted by the U.S. Department of Housing and Urban Development in April, 1992.
SPECIFIC DISCUSSIONS WITH SOCIAL SERVICE AGENCIES:

Modesto Men's and Women's Gospel Mission: Barbara Deatherage, Executive Director, discussed via telephone the housing needs of the homeless that the Gospel Missions serve. The Gospel Missions are negotiating to take over a former industrial building near the men’s Gospel Mission, and are raising funds to build a new dormitory.

The men’s Gospel Mission has a capacity of 34 beds, but typically provides sleeping accommodations for 90 men per night, by utilizing sleeping mats in the chapel. The women’s Gospel Mission has a capacity of 17 beds, but typically accommodates 40 women and children each night. Because of a religious requirement, the Gospel Missions do not qualify for public funds, and depend on donations from the private sector to carry out their programs.

Ms. Deatherage stated the greatest need is for more low income housing units based on the tenant’s income. She said that many people are constantly in danger of losing what housing they have because of the high cost and their low income.

Stanislaus Residential Services (SRS): Dan Thayer, President of SRS, stated that they have two halfway houses for men who are coming out of a chemical dependency program, and need houses for women, also. SRS has plans for rehabilitating two currently vacant houses for use as a halfway house for women, and will apply for City Community Development Block Grant funds in 1993. Mr. Thayer stated that there is a great need for housing for persons who are rehabilitated through their program, but who can't afford decent housing. There is a high risk that they will return to their addiction if they cannot secure decent housing.

Community Transitional Resources (CTR): Linda Skinner, Project Specialist, stated that CTR is seeking funding for additional bedroom units for a pilot program for mentally ill persons who are homeless or at risk of being homeless. CTR utilizes State McKinney Homeless funds, and has a contract with Housing for Independent People to manage the units. CTR is limited to assisting 110 persons in transitional housing for a maximum of 24 months. CTR is concerned that many of their clients will not be able to secure affordable housing when they "graduate" from the CTR program, and will be homeless again.
Thirteen persons, representing several agencies and organizations, attended the data gathering public meeting on November 6, 1992, at the City Council Chambers, City Hall, and presented the following comments and data:

**Irene Westbury - Haven Women’s Center:** This agency has a new facility with a capacity of 25 women and children, and has to turn people away because it takes 60-90 days to place a woman with children in a transitional house. The need is for more transitional housing facilities for women and small children who are without resources and who require more time to find employment and housing.

**A. Richard Chubon - Housing Authority of Stanislaus County:** The Federal focus on public housing is towards family self-sufficiency, requiring training and employment opportunities. The Housing Authority and STANCO applied for a HOPE III planning grant, which was not funded, but they will apply again for a specific project. There is a need to maintain the quality of the existing public housing, using the Comprehensive Grant Program. The Housing Authority will expand the community facilities at the Robertson Road apartments, and will continue making more units accessible under the Section 504 regulations.

The Housing Authority believes that the traditional housing stock must be preserved, especially the downtown hotels. They are preparing an offer to the owners of the Royal Hotel, contingent upon a clean Environmental Impact Report, and will need City assistance to move the project forward.

**Tim Fisher - Chamber of Commerce Affordable Housing Task Force:** The Affordable Housing Task Force previously presented its report to the City Council with five recommendations which were adopted by the Council. The five recommendations are:

1. **Establish a city-wide Housing Trust Fund with funding from redevelopment and State and Federal grants.** This would be separate from the Village 1 Housing Trust Fund.

2. **Review and evaluate fees paid by the development industry and defer fees for affordable housing.** Some fees have come down, but all need to be evaluated and a nexus shown.
3. Participate in the HOME program as a county-wide consortium. This could increase the amount of HOME funds overall.

4. Develop "small lot-residential" P-D (Planned Development) Zones. This would allow more flexibility and encourage smaller, more affordable houses.

5. Affordable housing through policy change:
Deposit City funds in banks with good Community Reinvestment Act (CRA) activities; Participate in the Association of Realtors "Pilot City Program"; Review economic development programs to provide higher scale wages; Utilize existing community based organizations to accomplish these recommendations, instead of hiring more City staff.

Tony Boicelli - Calif. Association for the Physically Handicapped: There is a hidden population of persons with severe disabilities, for which this agency is attempting to develop a residential center. There is a lack of housing and services that could allow these people to live independently, instead of in an institution. There is a need for more financial assistance to help nonprofit organizations who are trying to provide housing for these severely disabled persons.

Ora Scruggs - Multi Cultural Center, CH&CDC: There is a need for community based organizations to serve the community, with people who live in the community, instead of people who are just here for a job and then move on. There is a need for housing with 4 to 6 bedrooms to house large families. There is a need for funding to assist community based organizations with training, and low income people need to be involved in the planning of programs which are to serve them.

Nancy Smith - Calif. Rural Legal Assistance: They have already presented data to the City for the Housing Element, which the CHAS is in agreement with. There is a need to conserve the existing housing stock, but there is a critical lack of affordable housing. They suggest looking at legislative relief in just cause evictions, and possibly rent control for mobile home parks. There is a need for farmworker housing, and housing for large families. The vacant downtown hotels should be developed to provide more housing units for persons with few resources.
Questions raised and discussed by City staff and members of the audience concerned the direction of Federal housing funding, and the need for assisting community based organizations to develop more capacity. Questions were raised about the Housing Authority special funding for Southeast Asian Refugees and how it has been used with the City's Rental Rehabilitation Program.

PUBLIC COMMENT PERIOD, November 12, 1992 - December 14, 1992:

Organizations, agencies and individuals were invited to a public meeting via a notice published in the Modesto Bee on November 8, 1992. The public meeting was held on November 12, 1992, at the Modesto City Council chambers, City Hall, to start the 30 day public comment period. The meeting was conducted by the Citizens Housing and Community Development Committee (CH&CDC), which provides citizen input and oversight for the City's Community Development Block Grant activities.

Citizens and organizations were invited to examine the FY 93 CHAS Annual Update during the required 30-day public comment period, between November 12, 1992 and December 14, 1992.

Copies of the FY 93 CHAS Annual Update were made available to the public at the following places:

- Modesto City Clerk's Office, City Hall
- Planning and Community Development Department, City Hall
- Housing Program Office, 401 H Street, Modesto
- City-County Public Library, 1500 I Street, Modesto

Copies of the FY 93 CHAS Annual Update and the FY 92 CHAS Annual Performance Report were mailed to the organizations listed on page 1, who were solicited for information for the draft CHAS.

One (1) comment was received from the public during this period, which is noted under "Summary of Citizen Comments".

The Modesto City Council considered and adopted the FY 93 CHAS Annual Update at a public hearing on December 22, 1992.
b. STRATEGY IMPLEMENTATION

1. Priority #1: To increase the number of safe, decent and affordable housing through rehabilitation, primarily in selected Target Areas.

i. Investment Plan (Activities and Programs)

The City will continue the Housing Maintenance Program, in its nineteenth year of providing safe and affordable housing through housing rehabilitation and enforcement of minimum health and safety requirements. This program has assisted over 1,700 dwellings in low income areas of Modesto. The City requires that all dwellings located in a selected Target Area must be inspected for housing code violations by a City Building Inspector. If significant housing code violations are found, the dwelling is declared to be substandard and is required to have the code violations corrected. The City provides financial assistance to qualified property owners in a Target Area, with a combination of Community Development Block Grant (CDBG), Rental Rehabilitation Program income, and HOME Program funds. The City has a $6 million dollar loan portfolio of housing rehabilitation loans, which provides an annual program income of $850,000. This program income will be used to repay the City for the extra housing rehabilitation loans made during the 1990-91 Fiscal Year, and will be used to finance new housing rehabilitation loans in Fiscal Year 1993-94.

Although HUD has ended the Rental Rehabilitation Program the City will continue to use income from the program and other funding sources to perform additional rehabilitation of rental dwellings. HOME program funds of $637,000 will be used to fund housing rehabilitation in the Target Area.

The City will continue the Home Enhancement Loan Program (HELP) with $75,000 in CDBG funds. The Home Enhancement Loan Program provides loans to very low and low income homeowners to correct serious health and safety hazards in their homes.

The Housing Authority of Stanislaus County will continue rehabilitating rental houses whose residents are Southeast Asian refugees with the balance of the HUD Secretary's Discretionary Grant received by Stanislaus County. This program will be coordinated with the City's Rental Rehabilitation Program when rental units are eligible under both programs.

The Housing Authority will continue the second year of a Comprehensive Improvement Assistance Program (CIAP) funding and invest $160,000 in rehabilitating public housing units in FY 1993. FY 1994 CIAP funds will be rolled over into the newer Comprehensive Grant Program.
The City of Modesto will support and encourage applications for rehabilitation of houses or conversion of buildings into residential units from other agencies and nonprofit organizations who have the capacity to accomplish their projects. The City will consider the use of CDBG and HOME funds for matching funds when eligible and when other funding sources are not available. Appropriate safeguards for maintaining any assisted housing units as low income housing will be required with any matching funds.

Central Valley Opportunity Center (CVOC) will continue to weatherize houses throughout Modesto utilizing Low Income Home Energy Assistance Program and Department of Energy funds.

The goal is to rehabilitate 120 homes in FY 93 with these resources:

**CDBG/Rental Rehab:**

<table>
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<tr>
<th></th>
<th>Elderly</th>
<th>Small (2-4)</th>
<th>Large (5 or more)</th>
<th>Others</th>
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<tbody>
<tr>
<td>Very-low Income (0-50% MAI)</td>
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<td>8</td>
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<td>0</td>
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</table>

**HOME:**

<table>
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<th>Small (2-4)</th>
<th>Large (5 or more)</th>
<th>Others</th>
</tr>
</thead>
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<tr>
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<td>9</td>
<td>8</td>
<td>16</td>
<td>2</td>
</tr>
<tr>
<td>Low Income (50-80% MAI)</td>
<td>8</td>
<td>10</td>
<td>15</td>
<td>2</td>
</tr>
</tbody>
</table>

**ii. Geographic Distribution**

The City will fund housing rehabilitation in Census Tracts 17 and 22, on the westside of Highway 99, in accordance with the attached maps. Census Tracts 17 and 22 are 79% low income, per the 1980 Census, and have some of Modesto's oldest housing stock. This area is also heavily populated with citizens of minority ethnicities, many of whom are low income. This area is Target Area #3, started in 1980, and completing the revitalization of this area is a long term City goal.

The City will allow limited housing rehabilitation funding in other parts of Modesto through the HELP program, for which individual homeowners must qualify as very low or low income.

Weatherization and other housing assistance will be undertaken by other agencies and organizations throughout the City.
iii. Service Delivery and Management

The Housing Program Office Section of the Planning and Community Development Department is responsible for carrying out the Housing Maintenance Program with the assistance of the City Building Inspection Division, Finance Department, and the City Attorney's Office. The Rental Rehabilitation Program will be coordinated with the Housing Authority of Stanislaus County, when eligible for rent subsidies under the Section 8 Program.

2. Priority #2: To increase the availability of housing for large families.

i. Investment Plan (Activities and Programs)

The City will continue to use program income from the Rental Rehabilitation Program to fund rehabilitation of rental units, many of which are overcrowded. The Housing Maintenance Program, using CDBG and HOME funds, will be used to expand dwellings to accommodate larger families who qualify for the Program. It is estimated that four (4) dwellings will be enlarged during FY 93 under these programs.

The City will cooperate with community based organizations to produce housing units for large families, including the Stanislaus County Affordable Housing Corporation (STANCO), Habitat for Humanity, and other organizations. The City will assist these organizations in applying for funding and by providing technical assistance.

The City is developing a Housing Trust Fund for the Village One development, on the City's northeast corner. This Fund will be derived from a fee paid by developers of houses; i.e., 80 cents ($.80) per each square foot over 800 square feet. These funds will be used to lend out to qualified homebuyers through an Equity Sharing Program, to further the City's efforts in fostering home ownership. It is anticipated that some of these homes will be for large families.

ii. Geographic Distribution

The Housing Maintenance Program is only used in Target Area #3 on Modesto's westside, in Census Tracts 17 and 22. The Rental Rehabilitation Program is available citywide, as long as the neighborhood around the assisted property is available to low/moderate income persons. The Housing Trust Fund for Village One will only be used in Village One, on the City's northeast area, in Census Tract 9.04. The City will not allow development of low income housing in census tracts that have an existing majority of
low income residents, unless it is a senior citizen project. The City encourages low income housing to be scattered throughout the City through the use of mortgage revenue bonds and density bonuses.

iii. Service Delivery and Management

The Housing Program Office Section of the Planning and Community Development Department is responsible for carrying out the Housing Maintenance Program, with the assistance of the City Building Inspection Division, Finance Department, and the City Attorney's Office. The Rental Rehabilitation Program will be coordinated with the Housing Authority of Stanislaus County, because of its eligibility for the Section 8 Program. The Planning Section of the Planning and Community Development Department is responsible for mortgage revenue bonds and density bonuses. Both the Housing Program Office and Planning Sections will assist in the Village One programs.

3. Priority #3: To increase the availability of housing for families and individuals with special needs.

i. Investment Plan (Activities and Programs)

The City of Modesto works with the U.S. Department of Housing and Urban Development (HUD) area office in Fresno, California, when a HUD-acquired property becomes available in Modesto. The City has ten (10) such homes leased from HUD for $1 dollar/year which are being used for a homeless transitional program. The City works with Community Temporary Shelter Service (CTSS), which provides homeless families who are ready to move into transitional housing with counseling services. These families pay a minimal rent and are able to move into independent housing within a short time.

The City is working with a representative group for families of severely developmentally disabled persons in developing a housing center that will enable these individuals to live independently. It is expected that this group will apply for Section 811 funds and other Federal and State funds to purchase property and build a residential center.

The City works with the Stanislaus County Mental Health Department in providing temporary housing for clients. This service is provided in a City-owned house that was formerly used for temporary relocation under the Housing Maintenance Program.

The Housing Authority of Stanislaus County has indicated that it will discuss developing a housing project for persons with AIDS and AIDS-related complexes.

Through the use of County Welfare Funds, Community Temporary Shelter Services provides emergency housing to families at the
Modesto Inn. The Men's and Women's Gospel Missions provide shelter to approximately 130 persons each night, and are negotiating for a larger building. The Gospel Missions are not eligible for public funding due to their religious requirements. Community Transitional Resources (CTR) has signed an agreement with Housing for Independent People (HIP), a private nonprofit housing developer based in San Jose, to provide 50 bedroom units for mentally ill persons who are at risk of becoming homeless. Four houses with three bedrooms each are ready for occupancy near Maze Boulevard and Emerald Avenue, on the City's westside. CTR will supply the clients and provide ongoing counseling, and HIP will act as property managers and maintain the units. CTR uses State McKinney Homeless funds for this activity.

The Children's Crisis Center provides temporary shelter to children in a family emergency, if the family is suddenly homeless and the children are endangered. The City utilized CDBG funds to repair health and safety hazards at the Center.

Hutton House provides a short term residential shelter for runaway and homeless youth, including individual, family and group counseling. The City utilized CDBG funds to assist in the purchase of the land for Hutton House and for the addition of fire-safety requirements.

Central Valley Opportunity Center (CVOC) utilizes State and private funds to assist families at risk of eviction by providing emergency payments to keep them in their houses. CVOC assists eligible families that have been evicted by providing the first month's rent and deposits for moving into a new house or apartment. CVOC also assists families with energy payments when they are in danger of having their utilities turned off.

The City of Modesto will continue the Handicapped Barrier Removal Program, which assists persons with disabilities by making their residences accessible. The City has funded, and will distribute, a directory of accessible housing throughout the city. The directory was developed by Modesto Independent Living Center using CDBG funding provided by the City.

ii. Geographic Distribution

Housing units assisted under this priority are scattered throughout the City, and are not concentrated in low income census tracts.

iii. Service Delivery and Management

The Housing Program Office and the Planning Sections of the Planning and Community Development Department are the primary units to fulfill the City's responsibilities under this priority. The City staff cooperates with and assists Community Temporary Shelter
Service, Housing Authority of Stanislaus County, Modesto Independent Living Center, California Association of the Physically Handicapped, Center for Human Services, and Childrens Crisis Center.

4. Priority #4: To assist residents of public housing units, low income multi-family units, and mobile home parks in becoming owners of their units, or in becoming first-time homebuyers.

i. Investment Plan (Activities and Programs)

The Housing Authority of Stanislaus County is working with the Family Self Sufficiency Program to assist public housing residents in becoming more independent of public-assisted housing. The Housing Authority is working with tenant groups to develop expertise as well as tenant-controlled businesses.

The City has been approached by residents of mobile home parks to adopt legislation that will place controls on unreasonable rent increases. Many of these residents are senior citizens on low fixed incomes who own their mobile home and rent the space from a private mobile home park operator. The City Council is currently studying these proposals. City staff will assist low income residents of mobile home parks to apply for financial assistance for acquisition of their mobile home park spaces under existing State programs, if new funding rounds are announced.

It is anticipated that public housing residents will register to use the Village One Equity Sharing Program to become first-time homebuyers, as homes begin to develop in that area. There is not expected to be much activity under this program until housing is developed in Village One and fees are produced for the Housing Trust Fund.

The Housing Authority of Stanislaus County and Stanislaus County Affordable Housing Corporation (STANCO), a private nonprofit organization, applied unsuccessfully for HOPE III funds, and will reapply for this program in the next funding round, with a specific project.

ii. Geographic Distribution

The main public housing units are on Robertson Road on Modesto's westside, in Census Tract 16.

iii. Service Delivery and Management

The Planning and Community Development Department will cooperate with the Stanislaus County Housing Authority and STANCO in developing projects if HOPE III funds are secured. The City and
the Housing Authority are working together in a joint community police activity to increase the safety of the public housing tenants and to reduce drug activity.

5. Priority #5: To monitor and assist very low and low income tenants of apartment complexes whose owners may choose to "opt-out" of their Federal financing agreement that will return the affordable rental units to market rate housing.

i. Investment Plan (Activities and Programs)

The City of Modesto will continue to monitor housing units at risk of "opting-out" of a Federal financing agreement. Two such projects are eligible to "opt-out". However, the projects have been sold and the new owners have indicated that they will retain the units as affordable housing. The depressed state of the economy has dampened any thought of paying off a Federal subsidy and converting to a market-rate housing project. City staff has remained in contact with HUD staff who are involved with the HUD financing programs, and with California Housing Partnership Corporation, which was recently named as the buyer of last resort in case of an "opt-out" apartment complex that does not receive any other bona fide purchase offers. The City will continue to monitor these units and offer assistance to the low income tenants if the owners decide to proceed with a Federal payoff.

ii. Geographic Distribution

The two apartment units eligible for "opting-out" are the El Casa Grande I and II complexes on Robertson Road on the westside, in Census Tract 16.

iii. Service Delivery and Management

The Planning and Community Development Department will continue to monitor these units at risk of "opting-out", with the assistance of California Housing Partnership Corporation.
### CHAS Table 3A

#### Investment Plan

**Name of Jurisdiction:** CITY OF MODESTO, CALIFORNIA

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<th>Funding Source</th>
<th>Amount Received by the Jurisdiction Last Fiscal Year ($000s) (A)</th>
<th>Plan to Apply/Submit (B)</th>
<th>Planned Use of Resources Expected to be Received during the FY</th>
<th>Amount Received by Other Entities Last Fiscal Year ($000s) (K)</th>
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<td>1. HOME</td>
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<td>4. DOE/Other Energy Programs</td>
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<td>7. HOME</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>8. HOPE 1</td>
<td></td>
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<tr>
<td>9. HOPE 2</td>
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<td>10. HOPE 3</td>
<td>X</td>
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<tr>
<td>11. ESG</td>
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<td></td>
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<td>12. Transitional Housing</td>
<td>X</td>
<td></td>
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<tr>
<td>13. Permanent Housing for Handicapped</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>14. Shelter Plus Care</td>
<td>X</td>
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</tr>
<tr>
<td>15. SAFAH</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>16. Sec. 202 Elderly</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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</tbody>
</table>

*Eligible only under certain circumstances.
<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Amount Received by the Jurisdiction Last Fiscal Year ($000s)</th>
<th>Plan to Apply/Submit</th>
<th>Planned Use of Resources Expected to be Received during the FY</th>
<th>Amount Received by Other Entities Last Fiscal Year ($000s)</th>
<th>Support Application by Other Entities</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. Competitive Programs Continued</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>17. Soc. 811 Handicapped</td>
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<td></td>
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<td>X</td>
<td></td>
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<tr>
<td>18. Moderate Rehab SRO</td>
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<td></td>
<td></td>
<td>X</td>
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<tr>
<td>19. Rental Vouchers</td>
<td></td>
<td></td>
<td>100%</td>
<td></td>
<td></td>
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<tr>
<td>20. Rental Certificates</td>
<td></td>
<td></td>
<td>100%</td>
<td></td>
<td></td>
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<td>21. Public Housing Development</td>
<td></td>
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<td>22. Public Housing MROP</td>
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<tr>
<td>23. Public Housing CIAP</td>
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<td>24. DOE Other Energy Programs CVOC</td>
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<td>25. LIHTC</td>
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<td>26. FmHA</td>
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<td>27. Other State Rental Rehab</td>
<td>80</td>
<td></td>
<td>90%</td>
<td>10%</td>
<td></td>
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<tr>
<td>28. Other Rental Rehab Prog. Income</td>
<td>18</td>
<td></td>
<td></td>
<td>100%</td>
<td></td>
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<tr>
<td>29. Other</td>
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<td></td>
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<td></td>
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<tr>
<td>30. Subtotal Competitive Programs</td>
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<td></td>
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<td></td>
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<tr>
<td>C. 31. Total - Federal</td>
<td>1,486</td>
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<tr>
<td>32. Total - State</td>
<td></td>
<td></td>
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<tr>
<td>33. Total - Local</td>
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<td></td>
<td></td>
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<tr>
<td>34. Total - Private</td>
<td></td>
<td></td>
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<tr>
<td>35. Total - All Sources</td>
<td>1,548</td>
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</tbody>
</table>
### CHAS Table 3B

**Goals for Households & Persons to be Assisted with Housing**

**Name of Jurisdiction:**

**CITY OF MODESTO, CALIFORNIA**

<table>
<thead>
<tr>
<th>Assistance Provided by Income Group</th>
<th>Elderly 1 &amp; 2 Member Households (A)</th>
<th>Small Related (2 to 4) (B)</th>
<th>Large Related (5 or more) (C)</th>
<th>All Other Households (D)</th>
<th>Total Occupied Units (E)</th>
<th>Existing Homeowners (F)</th>
<th>1st-Time Homebuyers with Children (G)</th>
<th>Total Homeowners (H)</th>
<th>Individuals (I)</th>
<th>Families (K)</th>
<th>Non-Homeless Special Needs (L)</th>
<th>Total Goals (M)</th>
<th>Total Section 215 Goals (N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Very Low-Income (0 to 30% of MFI)*</td>
<td>5</td>
<td>4</td>
<td>5</td>
<td>1</td>
<td>15</td>
<td>10</td>
<td>6</td>
<td>10</td>
<td>6</td>
<td>10</td>
<td>1</td>
<td>42</td>
<td>42</td>
</tr>
<tr>
<td>2. Very Low-Income (31 to 50% of MFI)*</td>
<td>2</td>
<td>4</td>
<td>8</td>
<td>1</td>
<td>15</td>
<td>25</td>
<td>25</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>41</td>
<td>41</td>
</tr>
<tr>
<td>3. Other Low-Income (51 to 80% of MFI)*</td>
<td>7</td>
<td>6</td>
<td>7</td>
<td>2</td>
<td>20</td>
<td>35</td>
<td>35</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>56</td>
<td>56</td>
</tr>
<tr>
<td>4. Total Low-Income (lines 1 + 2 + 3)</td>
<td>14</td>
<td>14</td>
<td>20</td>
<td>2</td>
<td>50</td>
<td>70</td>
<td>70</td>
<td>6</td>
<td>10</td>
<td>3</td>
<td>6</td>
<td>139</td>
<td>139</td>
</tr>
</tbody>
</table>

* Or, based on HUD adjusted income limits, if applicable.
MODESTO URBAN AREA - 1980 CENSUS TRACTS

City of Modesto
Neighborhood Improvement Areas

Area 1 - Near West Side (Completed 1978)
Area 2 - Near North Side (Completed 1980)
The fees described below are current; however, this fee schedule may be revised periodically by the Chief Building Official or City Council. If you have any questions regarding these fees, please call City of Modesto, Building Inspection Department at (209) 577-5232 and ask for a residential plan checker.

| Fee Description                                      | Single-Family Dwelling | Duplex per unit | Custom House and Garage | Master Plans
|-------------------------------------------------------|------------------------|------------------|--------------------------|----------------
| Capital Facilities Fee                                | $3,819                 | $2,924           | $0.31 per sq. ft.        | $0.29 per sq. ft.
| School Site Fee                                       | $1.65 per sq. ft.      |                  |                          |                
| All Inclusive Permit Fee                              | $0.31 per sq. ft.      |                  |                          |                
|            ** Construction Water Fee **                | $34.94 (good for 120 days) |                  |                          |                
| 4. Bedroom Tax                                        | $15.00 for one bedroom, $5.00 for each additional bedroom. Maximum of $30.00. | | | |
| 5. Strong Motion Instrumentation Fee                  | .00010 multiplied by the valuation. | | | |
| 7. Water & Sewer Connection Charges                   | *                      |                  |                          |                
| 8. County Public Facilities Fee                       | ** Single-Family $2,594** | Multi-Family $1,692/unit | Senior Housing $865 |      

* These fees are assessed by the Engineering Division. If you have any questions regarding a particular property, please call the City of Modesto Public Works and Transportation Department, Engineering Division, at (209) 577-5262.

** Paid at the Stanislaus County Administration Building, 1100 H Street, Modesto, (209) 525-6557.
c. OTHER ACTIONS

i. Public Policies

The City of Modesto studied the impact of development fees on the cost of affordable housing. The City Infrastructure Fee Task Force recommended to reduce the development fees because meeting the infrastructure needs that the fees were levied for was costing less than previously estimated. The City Council approved these recommendations, and the reduction in development fees should enable builders to produce housing that is more affordable. The Capital Facilities Fee for a Single Family Dwelling was reduced 28%, from $5,275 to $3,819. The Capital Facilities Fee for a Duplex per unit was reduced 27%, from $4,029 to $2,924.

The City of Modesto has adopted the 1991 Uniform Building, Plumbing and Mechanical Codes, and the 1990 National Electric Code, pursuant to State of California regulations. There are some changes in these codes that will impact housing, but they are considered to be minor changes and should not significantly increase the cost of home building.

The City of Modesto recently expanded the Redevelopment Project Area and established a Citizens Redevelopment Commission to advise the Redevelopment Agency. The Redevelopment Commission will recommend long term plans for the Project Area and plans for utilizing the Agency’s 20% Housing Setaside funds.

The City Council discussed and adopted the recommendations of the Chamber of Commerce Affordable Housing Task Force, enumerated in the Summary of the CHAS Development Process.

Stanislaus County also reviewed their Public Facilities Fees and reduced development fees on Single Family Homes by 24%, from $3,431 to $2,594.

The School Site Fee, which is not under the control of the City of Modesto, was raised 4%, from $1.58 per sq. ft. to $1.65 per sq. ft.

ii. Institutional Structure

The City of Modesto was hit by the reduction in sales taxes and resultant loss of income during the current recession, which required a cut back in some staff positions. Projects carried out under the CHAS will be handled by the Planning and Community Development Department, in cooperation with the Housing Authority of Stanislaus County, and various nonprofit organizations. The City is looking into strategies for increasing services and reducing expenses. Contracting for services is, consequently, being explored.
iii. Public Housing Improvements

The Housing Authority of Stanislaus County is seeking funding under the Comprehensive Grant Program, and is looking at strategies for preserving their existing housing stock. Under the Comprehensive Improvement Assistance Program, the Housing Authority invested $1.6 million dollars in maintenance and upgrade of their public housing units. The City of Modesto contributed $250,000 from CDBG funds to complete the modernization work that HUD did not fund.

The Housing Authority is also looking at developing the Royal Hotel in downtown Modesto as an apartment complex including some studio apartments. The Housing Authority will cooperate with STANCO to apply for HOPE III funds on the next funding round.

The Housing Authority and the City of Modesto instituted a community policing program to reduce the amount of crime and drug-related activities near the Robertson Road housing units.

iv. Public Housing Resident Initiatives

The Housing Authority of Stanislaus County has established Resident Councils in each apartment complex to assist the residents in becoming more involved in their community. The residents are being encouraged to become more active in the management of their apartment complexes. The Housing Authority is instituting the Family Self Sufficiency Program to help public housing residents become less dependent on the public support system.

There are no plans during this fiscal year to develop a program for residents of public housing to purchase their own units. It is hoped that the Family Self Sufficiency Program and working with the Resident Councils will result in a program to prepare public housing tenants to become homeowners.

The Housing Authority and STANCO will reapply for HOPE III funds in the next funding round for a specific project and a training grant.
d. CERTIFICATIONS

FAIR HOUSING

The City of Modesto hereby certifies that it will affirmatively further fair housing.

X________________________________________
  J. Edward Tewes
  City Manager

RELOCATION AND ANTI DISPLACEMENT

The City of Modesto hereby certifies that it is in compliance with a residential antidisplacement and relocation assistance plan under section 104(d) of the Housing and Community Development Act of 1974.

X________________________________________
  J. Edward Tewes
  City Manager

A:\CHASCERT -21-
e. SUMMARY OF CITIZEN COMMENTS

One comment was received during the November 12, 1992 to December 14, 1992 public review period. The comment was from the Apartment Association of Central California, and agreed with the City's priorities in housing rehabilitation. The two areas the commenter mentioned were on increasing the Section 8 program subsidies and eliminating building fees for units in the Section 8 category.

It is the position of the City of Modesto that the Housing Authority is in need of additional Section 8 funding, and that the City's CDBG and HOME funds are most appropriately invested in rehabilitating housing and revitalization of neighborhoods. The Housing Authority is exempt from Capital Facilities Fees because their units are all targeted to low income tenants.
Affordable Housing: Affordable housing is generally defined as housing where the occupant is paying no more than 30 percent of gross income for gross housing costs, including utility costs.

AIDS and Related Diseases: The disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome.

Alcohol/Other Drug Addiction: A serious and persistent alcohol or other drug addiction that significantly limits a person's ability to live independently.

Assisted Household or Person: For the purpose of specifying one-year goals for assisting households or persons, a household or person is assisted if, during the coming Federal fiscal year, they will benefit through one or more programs included in the jurisdiction's investment plan. A renter is benefitted if the person takes occupancy of affordable housing that is newly acquired, newly rehabilitated, or newly constructed, and/or receives rental assistance. An existing homeowner is benefitted during the year if the home's rehabilitation is completed. A first-time homebuyer is benefitted if a home is purchased during the year. A homeless person is benefitted during the year if the person becomes an occupant of transitional or permanent housing. A non-homeless person with special needs is considered as being benefitted, however, only if the provision of supportive services is linked to the acquisition, rehabilitation, or new construction of a housing unit, or the provision of rental assistance during the year. Households or persons who will benefit from more than one program activity must be counted only once. To be included in the goals, the housing unit must, at a minimum, satisfy the HUD Section 8 Housing Quality Standards (see 24 CFR section 882.109). See also, instructions for completing Table 3B of the CHAS and Table 1 of the Annual Performance Report.

Committed: Generally means there has been a legally binding commitment of funds to a specific project to undertake specific activities.

Consistent with the CHAS: A determination made by the jurisdiction that a program application meets the following criterion: The Annual Plan for that fiscal year's funding indicates the jurisdiction planned to apply for the program or was willing to support an application by another entity for the program; the location of activities is consistent with the geographic areas specified in the plan; and the activities benefit a category of residents for which the jurisdiction's five-year strategy shows a priority.

Cost Burden > 30%: The extent to which gross housing costs, including utility costs, exceed 30 percent of gross income, based on data published by the U.S. Census Bureau.

Cost Burden > 50% (Severe Cost Burden): The extent to which gross housing costs, including utility costs, exceed 50 percent of gross income, based on data published by the U.S. Census Bureau.
Disabled Household: A household composed of one or more persons at least one of whom is an adult (a person of at least 18 years of age) who has a disability. A person shall be considered to have a disability if the person is determined to have a physical, mental or emotional impairment that: (1) is expected to be of long-continued and indefinite duration, (2) substantially impeded his or her ability to live independently, and (3) is of such a nature that the ability could be improved by more suitable housing conditions. A person shall also be considered to have a disability if he or she has a developmental disability as defined in the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001-6006). The term also includes the surviving member or members of any household described in the first sentence of this paragraph who were living in an assisted unit with the deceased member of the household at the time of his or her death.

Economic Independence and Self-Sufficiency Programs: Programs undertaken by Public Housing Agencies (PHAs) to promote economic independence and self-sufficiency for participating families. Such programs may include Project Self-Sufficiency and Operation Bootstrap programs that originated under earlier Section 8 rental certificate and rental voucher initiatives, as well as the Family Self-Sufficiency program. In addition, PHAs may operate locally-developed programs or conduct a variety of special projects designed to promote economic independence and self sufficiency.

Elderly Household: For HUD rental programs, a one or two person household in which the head of the household or spouse is at least 62 years of age.

Elderly Person: A person who is at least 62 years of age.

Existing Homeowner: An owner-occupant of residential property who holds legal title to the property and who uses the property as his/her principal residence.

Family: See definition in 24 CFR 812.2 (The National Affordable Housing Act definition required to be used in the CHAS rule differs from the Census definition). The Bureau of Census defines a family as a householder (head of household) and one or more other persons living in the same household who are related by birth, marriage or adoption. The term "household" is used in combination with the term "related" in the CHAS instructions, such as for Table 2, when compatibility with the Census definition of family (for reports and data available from the Census based upon that definition) is dictated. (See also "Homeless Family.")

Family Self-Sufficiency (FSS) Program: A program enacted by Section 554 of the National Affordable Housing Act which directs Public Housing Agencies (PHAs) and Indian Housing Authorities (IHAs) to use Section 8 assistance under the rental certificate and rental voucher programs, together with public and private resources to provide supportive services, to enable participating families to achieve economic independence and self-sufficiency.

Federal Preference for Admission: The preference given to otherwise eligible applicants under HUD's rental assistance programs who, at the time they seek housing assistance, are involuntarily displaced, living in substandard housing, or paying more than 50 percent of family income for rent. (See, for example, 24 CFR 882.219.)

First-Time Homebuyer: An individual or family who has not owned a home during the three-year period preceding the HUD-assisted purchase of a home that must be used as the
homemaker (as defined in 24 CFR 92) or a single parent (as defined in 24 CFR 92) may not be excluded from consideration as a first-time homeowner on the basis that the individual, while a homemaker or married, owned a home with his or her spouse or resided in a home owned by the spouse.

FmHA: The Farmers Home Administration, or programs it administers.

For Rent: Year round housing units which are vacant and offered/available for rent. (U.S. Census definition)

For Sale: Year round housing units which are vacant and offered/available for sale only. (U.S. Census definition)

Frail Elderly: An elderly person who is unable to perform at least 3 activities of daily living (e.g., eating, dressing, bathing, grooming, and household management activities). (See 24 CFR 889.105.)

Group Quarters: Facilities providing living quarters that are not classified as housing units. (U.S. Census definition). Examples include: prisons, nursing homes, dormitories, military barracks, and shelters.

HOME: The HOME Investment Partnerships Program, which is authorized by Title II of the National Affordable Housing Act.

Homeless Family: Family that includes at least one parent or guardian and one child under the age of 18, a homeless pregnant woman, or a homeless person in the process of securing legal custody of a person under the age of 18.

Homeless Individual: An unaccompanied youth (17 years or younger) or an adult (18 years or older) without children.

Homeless Youth: Unaccompanied person 17 years of age or younger who is living in situations described by terms "sheltered" or "unsheltered".

HOPE 1: The HOPE for Public and Indian Housing Homeownership Program, which is authorized by Title IV, Subtitle A of the National Affordable Housing Act.

HOPE 2: The HOPE for Homeownership of Multifamily Units Program, which is authorized by Title IV, Subtitle B of the National Affordable Housing Act.

HOPE 3: The HOPE for Homeownership of Single Family Homes Program, which is authorized by Title IV, Subtitle C of the National Affordable Housing Act.

Household: One or more persons occupying a housing unit (U.S. Census definition). See also "Family".

Housing Problems: Households with housing problems include those that: (1) occupy units meeting the definition of Physical Defects; (2) meet the definition of overcrowded; and (3) meet the definition of cost burden greater than 30%. Table 1C requests nonduplicative
counts of households that meet one or more of these criteria.

**Housing Unit:** An occupied or vacant house, apartment, or a single room (SRO housing) that is intended as separate living quarters. (U.S. Census definition)

**Institutions/Institutional:** Group quarters for persons under care or custody. (U.S. Census definition)

**Large Related:** A household of 5 or more persons which includes at least one person related to the householder by blood, marriage or adoption.

**LIHTC:** (Federal) Low Income Housing Tax Credit.

**Low-Income:** Households whose incomes do not exceed 80 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD’s findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. NOTE: HUD income limits are updated annually and are available from local HUD offices (This term corresponds to low- and moderate-income households in the CDBG Program.)

**Moderate Income:** Households whose incomes are between 81 percent and 95 percent of the median income for the area, as determined by HUD, with adjustments for smaller or larger families, except that HUD may establish income ceilings higher or lower than 95 percent of the median for the area on the basis of HUD’s findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. (This definition is different than that for the CDBG Program.)

**Non-Elderly Household:** A household which does not meet the definition of “Elderly Household,” as defined above.

**Non-Homeless Persons with Special Needs:** Includes frail elderly persons, persons with AIDS, disabled families, and families participating in organized programs to achieve economic self-sufficiency.

**Non-Institutional:** Group quarters for persons not under care or custody. (U.S. Census definition used)

**Occupied Housing Unit:** A housing unit that is the usual place of residence of the occupant(s).

**Other Household:** A household of one or more persons that does not meet the definition of a Small Related household, Large Related household or Elderly Household.

**Other Income:** Households whose incomes exceed 80 percent of the median income for the area, as determined by the Secretary, with adjustments for smaller and larger families.

**Other Low-Income:** Households whose incomes are between 51 percent and 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80
necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. (This term corresponds to moderate-income in the CDBG Program.)

Other Vacant: Vacant year round housing units that are not For Rent or For Sale. This category would include Awaiting Occupancy or Held.

Overcrowded: A housing unit containing more than one person per room. (U.S. Census definition)

Owner: A household that owns the housing unit it occupies. (U.S. Census definition)

Physical Defects: A housing unit lacking complete kitchen or bathroom (U.S. Census definition). Jurisdictions may expand upon the Census definition.

Primary Housing Activity: A means of providing or producing affordable housing — such as rental assistance, production, rehabilitation or acquisition — that will be allocated significant resources and/or pursued intensively for addressing a particular housing need. (See also, "Secondary Housing Activity").

Project-Based (Rental) Assistance: Rental Assistance provided for a project, not for a specific tenant. Tenants receiving project-based rental assistance give up the right to that assistance upon moving from the project.

Public Housing CIAP: Public Housing Comprehensive Improvement Assistance Program.


Rent Burden > 30% (Cost Burden): The extent to which gross rents, including utility costs, exceed 30 percent of gross income, based on data published by the U.S. Census Bureau.

Rent Burden > 50% (Severe Cost burden): The extent to which gross rents, including utility costs, exceed 50 percent of gross income, based on data published by the U.S. Census Bureau.

Rental Assistance: Rental assistance payments provided as either project-based rental assistance or tenant-based rental assistance.

Renter: A household that rents the housing unit it occupies, including both units rented for cash and units occupied without cash payment of rent. (U.S. Census definition)

Renter Occupied Unit: Any occupied housing unit that is not owner occupied, including units rented for cash and those occupied without payment of cash rent.

Secondary Housing Activity: A means of providing or producing affordable housing — such as rental assistance, production, rehabilitation or acquisition — that will receive fewer resources and less emphasis than primary housing activities for addressing a particular housing need. (See also, "Primary Housing Activity").
defines "affordable" housing projects under the HOME program.

Service Needs: The particular services identified for special needs populations, which typically may include transportation, personal care, housekeeping, counseling, meals, case management, personal emergency response, and other services to prevent premature institutionalization and assist individuals to continue living independently.

Severe Cost Burden: See Cost Burden > 50%.

Severe Mental Illness: A serious and persistent mental or emotional impairment that significantly limits a person's ability to live independently.

Sheltered: Families and persons whose primary nighttime residence is a supervised publicly or privately operated shelter, including emergency shelters, transitional housing for the homeless, domestic violence shelters, residential shelters for runaway and homeless youth, and any hotel/motel/apartment voucher arrangement paid because the person is homeless. This term does not include persons living doubled up or in overcrowded or substandard conventional housing. Any facility offering permanent housing is not a shelter, nor are its residents homeless.

Small Related: A household of 2 to 4 persons which includes at least one person related to the householder by birth, marriage, or adoption.

Substandard Condition and not Suitable for Rehab: By local definition, dwelling units that are in such poor condition as to be neither structurally nor financially feasible for rehabilitation.

Substandard Condition but Suitable for Rehab: By local definition, dwelling units that do not meet standard conditions but are both financially and structurally feasible for rehabilitation. This does not include units that require only cosmetic work, correction or minor livability problems or maintenance work. The jurisdiction must define this term (i.e., standard condition, financially and structurally feasible for rehab) and include this definition in the Appendix (Glossary of Terms) portion of its CHAS submission.

Substantial Amendment: A major change in an approved housing strategy. It involves a change to the five-year strategy, which may be occasioned by a decision to undertake activities or programs inconsistent with that strategy.

Substantial Rehabilitation: Rehabilitation of residential property at an average cost for the project in excess of $25,000 per dwelling unit.

Supportive Housing: Housing, including Housing Units and Group Quarters, that have a supportive environment and includes a planned service component.

Supportive Service Need in FSS Plan: The plan that PHAs administering a Family Self-Sufficiency program are required to develop to identify the services they will provide to participating families and the source of funding for those services. The supportive services may include child care; transportation; remedial education; education for completion of secondary or post secondary schooling; job training, preparation and counseling; substance abuse treatment and counseling; training in homemaking and parenting skills; money
management, and household management; counseling in homeownership; job development and placement; follow-up assistance after job placement; and other appropriate services.

Supportive Services: Services provided to residents of supportive housing for the purpose of facilitating the independence of residents. Some examples are case management, medical or psychological counseling and supervision, child care, transportation, and job training.

Tenant-Based (Rental) Assistance: A form of rental assistance in which the assisted tenant may move from a dwelling unit with a right to continued assistance. The assistance is provided for the tenant, not for the project.

Total Vacant Housing Units: Unoccupied year round housing units. (U.S. Census definition)

Unsheltered: Families and individuals whose primary nighttime residence is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings (e.g., streets, parks, alleys).

Vacant Awaiting Occupancy or Held: Vacant year round housing units that have been rented or sold and are currently awaiting occupancy, and vacant year round housing units that are held by owners or renters for occasional use. (U.S. Census definition)

Vacant Housing Unit: Unoccupied year-round housing units that are available or intended for occupancy at any time during the year.

Very Low-Income: Households whose incomes do not exceed 50 percent of the median area income for the area, as determined by HUD, with adjustments for smaller and larger families and for areas with unusually high or low incomes or where needed because of prevailing levels of construction costs or fair market rents. (This term corresponds to low-income households in the CDBG Program.) (For the purpose of further distinguishing needs within this category, two subgroups (0 to 30% and 31 to 50% of MFI) have been established in the CHAS tables and narratives.)

Worst-Case Needs: Unassisted, very low-income renter households who pay more than half of their income for rent, live in seriously substandard housing (which includes homeless people) or have been involuntarily displaced.

Year Round Housing Units: Occupied and vacant housing units intended for year round use. (U.S. Census definition.) Housing units for seasonal or migratory use are excluded.
MODESTO CITY COUNCIL
RESOLUTION NO. 92-701

A RESOLUTION APPROVING FOR FORWARDING TO HUD
THE FISCAL YEAR 1991-1992 ANNUAL PERFORMANCE
REPORT OF THE COMPREHENSIVE HOUSING
AFFORDABILITY STRATEGY (CHAS) ENABLING
MODESTO TO PARTICIPATE IN THE HOME PROGRAM,
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM,
AND OTHER FEDERAL HOUSING PROGRAMS.

WHEREAS, the 1990 National Affordable Housing Act
changed the requirements for applying for Federal housing funds,
and

WHEREAS, the Housing Assistance Plan (HAP) and the
Comprehensive Homeless Assistance Plan (CHAP) were replaced by
the Comprehensive Housing Affordability Strategy (CHAS), a copy
of which is attached hereto and incorporated herein by reference,
and

WHEREAS, the CHAS contains an assessment of community
housing resources, a strategy to accomplish stated goals, an
annual update, and an annual performance report, by this
submission to HUD, and

WHEREAS, Modesto's CHAS describes the housing
rehabilitation programs the City has undertaken for 18 years, and
the CHAS notes that Modesto's primary strategy using Federal
funds is to complete the mandatory housing rehabilitation areas,
and

WHEREAS, additional programs will depend on the Village
One Affordable Housing Plan, HOME funding, and Redevelopment
Agency affordable housing funds, and
WHEREAS, HUD requires that the citizens of Modesto be provided with a 30-day comment period, therefore, a public data-gathering meeting was held on November 6, 1992, and

WHEREAS, the draft CHAS annual performance report was presented by the Citizens Housing & Community Development Committee at their meeting on November 12, 1992, to the public for the required 30-day period, which period was from November 12, 1992, to December 14, 1992, and no comments from the public were received during said period, and

WHEREAS, HUD requires a CHAS be approved by the local regional HUD office before the local jurisdiction can be approved for funding under HOME and the CDBG program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the fiscal year 1992 annual performance report of the CHAS, a copy of which is attached hereto and incorporated herein by reference, is hereby approved for forwarding to HUD so as to enable Modesto to participate in the HOME Program, Community Development Block Grant Program, and other Federal Housing programs.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of December, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________________________
MICHAEL D. MILICH, Acting City Attorney
CITY OF MODESTO

COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY (CHAS)

ANNUAL PERFORMANCE REPORT
OCTOBER 1, 1991 TO SEPTEMBER 30, 1992

CITY OF MODESTO
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

Housing Program Office
401 H Street
Modesto, Ca. 95351
(209) 577-5245
PART 1 - ANNUAL PERFORMANCE

A. RESOURCES MADE AVAILABLE WITHIN THE JURISDICTION

The City of Modesto is an entitlement jurisdiction for the Community Development Block Grant (CDBG) Program administered by the U.S. Department of Housing and Urban Development (HUD). The City receives approximately $1.3 million dollars each year from HUD, and generates approximately $850,000 in program revenue each year. The City of Modesto also utilizes the revenue generated from the Rental Rehabilitation Program to rehabilitate rental dwelling units for low income persons. The City is a Participating Jurisdiction (PJ) in the new HOME Program, receiving $750,000 in the first year of the program. This amount included $712,000 from HUD, and $38,000 from the State of California, to bring the City up to the required Federal standard of $750,000.

The City of Modesto participates in a program to lease government owned homes for a transitional homeless program, in cooperation with Community Temporary Shelter Services (CTSS). The City leases 10 homes from HUD for $1.00/year, and CTSS selects the transitional homeless families to live in the houses and provides counseling to these clients.

The City of Modesto planned for a $400,000 Section 108 loan to continue the housing rehabilitation programs, but the authorization was not received during this reporting year.

The Housing Authority of the County of Stanislaus receives Section 8 vouchers and certificates, annual contributions to maintain the low rent public housing it operates, and Comprehensive Grant funds from HUD. The Housing Authority also receives funding for farmworker housing, owned by the state and operated by the Housing Authority. A special grant of $2.58 million from HUD enables the Housing Authority to purchase 30 three-bedroom homes scattered throughout Modesto for renting to low income families. A special grant from the HUD Secretary’s discretionary account has been used for activities benefitting low income Southeast Asian refugees within Stanislaus County, primarily within the City of Modesto.

The Housing Authority of Stanislaus County participates in the Comprehensive Improvement Assistance Program and the newer Comprehensive Grant Program, to rehabilitate and modernize their public housing units.

Funding was made available in Modesto for a demonstration housing program operated by Community Transitional Resources, in cooperation with the Stanislaus County Mental Health Department. Fifty bedroom units were planned for, and four three-bedroom houses (12 bedroom units) are expected to be available under this program.

The Salvation Army provides renters assistance and energy bill assistance to low income families. Also, families facing eviction are given a first month’s rent allowance and are assisted in finding permanent housing. Funding is provided from Community Service Block Grant funds, Federal Emergency Management Act (FEMA) funds, and private donations.
Community Temporary Shelter Services operates an emergency shelter located at the Modesto Inn, funded by State McKinney Homeless funds through the Stanislaus County Department of Social Services, and from FEMA funds.

The Stanislaus County Department of Social Services administers the Aid to Families with Dependent Children Homeless Assistance Program.

The Stanislaus Women's Refuge Center "Haven" provides protective shelter, legal assistance and counseling to women and their children who have been abused or are in life-threatening situations. Haven depends on private donations for operations, funding from the United Way, and governmental sources (CDBG, FEMA, state and county welfare funds).

The Center for Human Services, using public and private funding assistance, operates Hutton House, a halfway home for runaway teenagers.

Central Valley Opportunity Center (CVOC) receives Community Service Block Grant (CSBG) funds and weatherization funds from Low Income Housing Energy Assistance Program (LIHEAP) and the U.S. Department of Energy. CVOC uses these funds to train low income persons to weatherize homes, and provides emergency shelter services.

Habitat for Humanity utilizes private donations of funds and materials and volunteer labor to build or rehabilitate houses for sale to low income families.

Victory Outreach Men's Home receives funding from FEMA and private donations to operate a shelter for homeless men.

Private funding in Modesto includes donations to the Men's and Women's Gospel Missions. These agencies are not eligible for public funds because of religious requirements.

b. INVESTMENT OF AVAILABLE RESOURCES

The City of Modesto invested $873,000 of CDBG funds in housing activities during this CHAS period, which included neighborhood revitalization, code-enforcement housing rehabilitation, and residential handicap barrier removal. An additional $82,334 in Rental Rehabilitation Program funds was used in the form of stipulated grants, to rehabilitate affordable rental housing. These public funds leveraged $133,745 in private financing.

HOME program funds were not utilized in this reporting period because of extensive program startup activities needed to initiate the use of this new program, which has more stringent targeting than CDBG funds.

Central Valley Opportunity Center (CVOC) invested $65,228 from Community Service Block Grant funds, $250,000 from Low Income Housing Energy Assistance Program funds and Department of Energy weatherization funds. These funds enabled CVOC to weatherize 200 homes, to provide energy intervention services to 2,000 families, to assist 800 clients with emergency shelter, to provide 600 clients with transitional homeless services, and to assist 40 mentally ill clients with transitional homeless services.
CVOC provided $36,500 in CSBG funds to other agencies to assist low income families with emergency shelter and utility payments to forestall shutoff of power and water services.

The Housing Authority of Stanislaus County owns and manages 402 low rent units and 91 farmworker units, and provides 2,154 Section 8 certificates or vouchers in Modesto. The Housing Authority applied for and invested $604,500 in Comprehensive Grant funds to rehabilitate public housing units located within the City of Modesto. The Housing Authority also invested $140,000 to rehabilitate and modernize their public housing units in Modesto under a Comprehensive Improvement Assistance Program grant.

The Housing Authority provided funding for rehabilitation of rental units occupied by Southeast Asian refugees, in cooperation with the City of Modesto Rental Rehabilitation Program.

Habitat for Humanity utilized $20,000 CDBG funds to purchase one vacant house, and private donations to purchase another vacant house from the Resolution Trust Corporation. Habitat also obtained private donations of material and volunteer labor to rehabilitate the two houses, and then sold each one to a low income family.

C. HOUSEHOLDS AND PERSONS ASSISTED

The City of Modesto inadvertently expended more funds in Fiscal Year 1991 than were available under the CDBG program and, with HUD permission, utilized the program revenue to reimburse the City during fiscal year 1991-92 for the excess loans. The City of Modesto's Housing Maintenance Program annually rehabilitates approximately 120 dwellings through this program.

Seventy-nine (79) dwelling units were rehabilitated in the westside Target Area #3. Seventy-five (75) of these dwelling units were rehabilitated with private financing and City technical assistance.

Four (4) Housing Maintenance Program (Westside Target Area) loans were provided.

One (1) Handicap Barrier Removal Loan was provided.

Two (2) households were provided with temporary relocation assistance while their houses were being rehabilitated.

Eleven (11) dwellings were rehabilitated through the Rental Rehabilitation Program.

Twenty-four (24) dwelling units received paint rebates through the Housing Maintenance Program.

Seven (7) dwellings received insulation rebates under the Housing Maintenance Program.

Ten (10) homes were leased from HUD (Federal Housing Administration) and rented to homeless families participating in a transitional homeless program. CDBG funds were used to repair and restore these homes for the homeless families to move into.
The Housing Authority of Stanislaus County assisted 2,647 families under the Section 8, public housing, and farmworker housing programs.

D. OTHER ACTIONS UNDERTAKEN

1. Public Policies

The City of Modesto reviewed the development fees charged for building homes and lowered these fees to reflect actual city costs. Stanislaus County also reviewed and lowered their Public Facilities Fees. This is a continuing process in the City's efforts to encourage development of affordable housing, as described in the 1991-1996 CHAS and the 1992 Housing Element.

The City of Modesto Planning and Community Development Department worked on the structure of the Village One Housing Trust Fund and the Equity Sharing Program, and prepared the Density Bonus Program in accord with State regulations.

2. Institutional Structure

The City of Modesto Planning and Community Development Department, working with the Finance, City Manager, City Attorney, and Public Works and Transportation Departments, administers the programs funded under CDBG, HOME, and the Rental Rehabilitation Program. City staff has nineteen (19) years of experience in housing rehabilitation, and encourages staff training as a priority to maintain its programs and to adapt to new technologies. The City installed a new computer system to allow more interaction among City workers and to link the Housing Program Office with City Hall. Housing Program Office staff has completed training and installation of a new computerized work write-up system that will increase staff efficiency and provide better client service.

The City of Modesto, like other jurisdictions, faces reduced funding from sales taxes and other funding sources, and has been forced to reduce City staff. The City emphasizes service to the citizens as the top priority, and encourages all City employees to find ways to deliver quality service with fewer staff.

The Modesto Redevelopment Agency expanded the redevelopment project area to include all of downtown Modesto, the area along Highway 99, the Paradise Road development, and County Center 3. The Redevelopment Agency established a Redevelopment Commission to advise the Agency on the expanded redevelopment project and to recommend a plan to utilize the Agency's 20% housing funds.

3. Intergovernmental Cooperation

Planning Section staff worked closely with Stanislaus Area Association of Governments, State Housing and Community Development Department, and other agencies in the preparation of the 1992 Housing Element of the General Plan.

City staff cooperates with the Housing Authority of Stanislaus County in the Rental Rehabilitation Program, in funding of improvements under the Comprehensive Improvement Assistance Program (CIAP), in the Section
8 and public housing programs, and in community safety and anti-drug programs. City staff works with the Housing Authority in the development process of senior and family housing units in the Conant/Rumble neighborhood on the City's northeast area.

Housing Program Office Section works with the nonprofit agencies receiving funding under the CDBG program to build their capacity to administer programs. Housing Program Office Section staff have been active on the Central Valley Opportunity Center Community Services Program Board, STANCO, and the FEMA Area Board.

4. Public Housing Improvements

The Housing Authority of Stanislaus County continued its operation of subsidized public housing units, the Section 8 program, and farmworker housing. The Housing Authority was successful in competing for the Comprehensive Improvement Assistance Program and the new Comprehensive Grant Program to rehabilitate and modernize their public housing units.

The Housing Authority invested $140,000 in CIAP funds in this reporting period, and will invest $160,000 in CIAP funds in FY 93. FY 94 CIAP funds will be rolled over into the new Comprehensive Grant Program.

5. Public Housing Resident Initiatives

The Housing Authority worked with resident groups under the Family Self Sufficiency program, and applied for a planning grant under HOPE III in cooperation with Stanislaus County Affordable Housing Corporation (STANCO), which was unsuccessful. The City of Modesto cooperated with the Housing Authority in increasing public safety at the public housing units on Robertson Road. The Housing Authority is providing funds for additional City of Modesto police patrols, and are cooperating in anti-drug programs.

There were no programs to assist public housing residents in becoming owners of their public housing units during this reporting period. The Family Self Sufficiency Program will lead to more resident involvement and the opportunity to develop programs for public housing residents to become homeowners.

6. Affirmatively Furthering Fair Housing

The City of Modesto re-established the Modesto Community Housing Resources Board (CHRB) to monitor the Voluntary Affirmative Marketing Agreement (VAMA) signed by the Modesto Association of Realtors and the Central California Building Industry Association.

The City cooperates with the Modesto Association of Realtors in the Fair Housing Poster Contest by providing display space for the winning student posters and by encouraging the schools to obtain more student participation.

The City of Modesto appoints citizens to a Human Relations Commission, which has a Housing Committee to hear complaints involving housing. The Commission recommends actions for the complainant to resolve the problem, including referrals to the State Department of Fair Employment and Housing when a complaint appears to involve discrimination.
The City of Modesto annually declares April to be Fair Housing Month by issuing a proclamation at a televised City Council meeting, and by displays of fair housing materials in the City Hall lobby.

PART II - ASSESSMENT OF ANNUAL PERFORMANCE

The City of Modesto is recovering from the overextension of program funds in Fiscal Year 1991, and was not able to produce the number of rehabilitated housing units as occurred in previous years. Normally, 120 dwelling units are rehabilitated under the City's housing programs, and this standard will resume after July 1, 1993, when the full amount of CDBG funds and program income will be available.

The City Housing Program Office staff assisted property owners, whose residential properties are located in the westside Target Area, with technical assistance while their houses were being rehabilitated. Historically, 40% of all the houses rehabilitated in the westside Target Area have been financed exclusively by the property owners, with technical assistance from the City Housing Rehabilitation Specialists. The City provides incentives for target area residents to maintain their properties through public improvements, area clean-ups, paint and insulation rebates, and by providing water heater blankets, smoke detectors, and anti-siphon hose bibbs.

The City of Modesto lowered the Capital Facilities Fees charged to developers for the costs of public infrastructure and services expected to be generated by the new housing. This action should stimulate the development of additional affordable housing.

Various nonprofit agencies providing housing services in Modesto have been able to continue their operations by developing other governmental and private funding sources. City of Modesto Planning and Housing Program staff work with nonprofit organizations to develop their capacity to operate housing services. City staff helped to develop Stanislaus County Affordable Housing Corporation (STANCO) and the Modesto Community Housing Resources Board (CHRB).

The City of Modesto concentrated on completing housing rehabilitation in Target Area #3 on the westside, which is a long range City goal, and Priority #1 in the 1991-96 CHAS. The housing rehabilitation assisted in Priorities #2-3, with housing for large families and assisting persons with special needs. Providing transitional housing, in cooperation with Community Temporary Shelter Services and Stanislaus County Department of Mental Health, assists in Priority #3, increasing housing for families and individuals with special needs.

City staff works with the Housing Authority of Stanislaus County and residents of mobile home parks on Priority #4, assisting these persons in becoming first-time home buyers. Because of lack of funding opportunities, this priority will be a long range goal.

City staff maintained contact with HUD and California Housing Partnership Corporation in monitoring the two apartment complexes at risk of "opting-out" of their Federal financing contract. The new owners of the two properties have not continued with the notice to prepay the Federal mortgage. The City will continue to monitor these at risk apartment complexes as a long range goal of Priority #5.
APPENDIX

SUMMARY OF CHAS ANNUAL PERFORMANCE REPORT DEVELOPMENT PROCESS

The first Annual Performance Report under the City of Modesto's CHAS was prepared by the Housing Program Office Section of the Planning and Community Development Department. A public notice was placed in the Modesto BEE on Wednesday, November 4, 1992, inviting the public to a meeting on November 6, 1992 to gather data for the draft FY 1993 CHAS Update and the FY 1992 Annual Performance Report. City staff sent letters to 35 agencies and organizations interested in housing, requesting their input and attendance at the November 6, 1992 data gathering meeting.

City staff gathered data from outside agencies, organizations, and the City Finance and Planning and Community Development Departments to compose the Annual Performance Report.

PUBLIC COMMENT PERIOD, November 12, 1992 - December 14, 1992

Organizations, agencies and individuals were invited to a public meeting via a notice published in the Modesto BEE on November 8, 1992. The public meeting was held on November 12, 1992, at the Modesto City Council chambers, City Hall, to start the 30 day public comment period. The meeting was conducted by the Citizens Housing and Community Development Committee (CH&CDC), which provides citizen input and oversight for the City's Community Development Block Grant activities.

Citizens and organizations were invited to examine the FY 93 CHAS Annual Update and the FY 1992 Annual Performance Report during the required 30-day public comment period, between November 12, 1992 and December 14, 1992.

Copies of the FY 93 CHAS Annual Update and the FY 1992 Annual Performance Report were made available to the public at the following places:

- Modesto City Clerk's Office, City Hall
- Planning and Community Development Department, City Hall
- Housing Program Office, 401 H Street, Modesto
- City-County Public Library, 1500 I Street, Modesto

Copies of the FY 93 CHAS Annual Update and the FY 92 CHAS Annual Performance Report were mailed to the 35 agencies and organizations who were solicited for information for the draft CHAS.

No comments were received from the public on the FY 1992 Annual Performance Report.

A RESOLUTION ADOPTING AMENDMENTS TO THE
STANDARD SPECIFICATIONS OF THE CITY OF
MODESTO.

WHEREAS, Section 4-4.801 of the Modesto Municipal Code provides for the adoption by the City Council of "Standard Specifications of the City of Modesto" said Standard Specifications to be prepared by the Public Works and Transportation Department and recommended by the Planning Commission, and

WHEREAS, the Public Works and Transportation Department, Engineering Division has recommended amendments, which include additions, deletions, or revisions to the Standard Specifications, which are contained in the document titled "1992-93 Proposed Revisions, Standard Specifications of the City of Modesto", and

WHEREAS, the proposed amendments are to accomplish correcting grammatical errors, clarifying existing text and drawings, updating to including the current editions of standards, tests and materials already required by the standards, and, adding policies and procedures which have already been established by the Public Works and Transportation Department, and

WHEREAS, the proposed amendments were considered by the Construction Industry Liaison Committee and notices of an informal public hearing by the Planning Commission to considered
the proposed amendments were sent to the Building Industry Association, Board of Realtors, Stanislaus County Public Works, and local developers, engineers, and utility companies, and

WHEREAS, an informal public hearing to consider the proposed amendments was held by the Planning Commission on December 7, 1992, and

WHEREAS, the Planning Commission, by Resolution No. 92-58, adopted on December 7, 1992, recommended to the City Council the adoption of amendments to the Standard Specifications of the City of Modesto as incorporated in the document titled "1992-93 Proposed Revisions, Standard Specifications of the City of Modesto", copies of which are on file in the offices of the Public Works and Transportation Director and the Secretary of the Planning Commission, and

WHEREAS, said proposed amendments to the Standard Specifications of the City of Modesto, as prepared by the Public Works and Transportation Director and recommended by the Planning Commission, were considered by the City Council at its regular meeting on December 22, 1992, at which time the Council determined that the proposed amendments to the Standard Specifications of the City of Modesto, as recommended by the Planning Commission, should be adopted as the Standard Specifications of the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to the provisions of Section 4-4.801 of the Modesto Municipal Code, those certain amendments
to the "Standard Specifications of the City of Modesto, 1992-93, copies of which amendments are on file in the offices of the Public Works and Transportation Director and the Secretary of the Planning Commission, are hereby adopted as amendments to the Standard Specifications of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of December, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 92-703

A RESOLUTION GIVING 90-DAY'S NOTICE OF CANCELLATION OF AGREEMENTS WITH SIX SCHOOL DISTRICTS WHICH PROVIDE FOR THE COLLECTION OF STATUTORY SCHOOL FEES: SYLVAN UNION SCHOOL DISTRICT, STANISLAUS UNION SCHOOL DISTRICT, SALIDA UNION SCHOOL DISTRICT, MODESTO CITY SCHOOL DISTRICT, HART RANSOM UNION SCHOOL DISTRICT, AND EMPIRE UNION SCHOOL DISTRICT.

WHEREAS, SB 1287 allows up to $1.00 per square foot of residential construction in addition to the $1.65 currently collected for the capital needs of schools, and

WHEREAS, SB 1287 and current law include AB 2926 developer fees, the State school building program, and Mello-Roos Community Facilities Districts as permissible methods of mitigating school impacts caused by development projects, and

WHEREAS, since AB 2926 fees were authorized by 1986 legislation, the City has had agreements for the collection of the statutory fees with each of the six school districts which have territory in common with the City of Modesto, said school districts are listed as follows:

1. Sylvan Union School District
2. Stanislaus Union School District
3. Salida Union School District
4. Modesto City School District
5. Hart Ransom Union School District
6. Empire Union School District

and

WHEREAS, Section 9 of each agreement provides that either party may cancel the agreement upon 90-day's prior written notice, and

12/23/92
WHEREAS, the Community Development and Housing Committee of the City Council has recommended to the Council that said agreements with school districts which provide for the collection of statutory school fees be terminated unless the school districts agree to allow the City to place $1.00 of a proposed schools $2.00 per square foot residential development fee in escrow until legislation or litigation determines that more than a $1.00 increase is appropriate, and

WHEREAS, the Council considered this matter at its meeting of December 22, 1992, which was held at 4:00 p.m. in the City Council Chambers located in City Hall at 801 11th Street, Modesto, California, and

WHEREAS, the Council determined that it would be more appropriate to cancel said agreements unconditionally to avoid the potential liability on the part of the City for any fees collected in excess of $2.65 per square foot which are later passed on to the school district levying the fees,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that due to the controversy surrounding the collection of the additional $1.00 authorized by SB 1287, the Council has determined that 90-day's prior written notice of cancellation shall be given to the following school districts which entered into agreements with the City of Modesto for the collection of the statutory fees: Sylvan Union School District, Stanislaus Union School District, Salida Union School District,
Modesto City School District, Hart Ransom Union School District, and Empire Union School District.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to furnish a certified copy of this resolution to each of the six school districts mentioned above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of December, 1992, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
A RESOLUTION APPOINTING MEMBERS TO THE CITIZENS QUALITY COMMITTEE

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

SECTION 1. The following twenty-five (25) persons are hereby appointed to the Citizens Quality Committee:

Council Appointments:  
- Mitch Gagos  
- Vera Girolami  
- Claudia Moorad  
- Bob Miller  
- Joan Recca  
- Joe Simile  
- Juanita Jackson  

Human Services Committee Appointments:  
- Robert Boranian  
- Patricia Casey  
- Lynda Escobedo  
- Sharon Franco  
- Joseph Inacio  
- Ruth Valez-Langrock  
- Rolf E. Lee  
- David McKean  
- Peter Pen  

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Citizens Quality 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 December, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mayor Lang

ATTEST: NORRINE COYLE, City Clerk