
WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870et seq.) of the 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 Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $1,188.30

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.
All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 14 of Block 6016 of College Center as per map filed 5-29-52, in Volume 17 of Maps, Page 36, Stanislaus County Records

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ______________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-329


WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870et seq.) of the 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 Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $1,997.92

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.
All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 12 of Block 6030 of College View Tract as per map filed 12-06-51, in Volume 17 of Maps, Page 59, Stanislaus County Records

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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: Coouncilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

NORRINE COYLE, City Clerk
A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING
THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN
THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911,
ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY
FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID
LIEN (DARREL W. CRITES, 1112 OBERLIN CIRCLE)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870et seq.) of
the 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 Council did, on May 7, 1991, adopt its Resolution No.
91-256 ordering the installation of certain improvements along certain alleys
in the City of Modesto as provided therein, and directing the Superintendent
of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of
Division 7 of the Streets and Highways Code the Superintendent of Streets
proceeded to cause the completion of the construction of asphaltic concrete
paving on property abutting the property hereafter described; and

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located
in the City Hall, 801 Eleventh Street, Modesto, California, was set as the
time and place for hearing and passing upon the report of the Superintendent
of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report
of the Superintendent of Streets, as submitted, and on file in the office of
the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted
and on file in the office of the City Clerk is hereby confirmed and the cost
of such work is determined to be in the total amount of $1,527.76

SECTION 2. That the cost of the aforesaid work be assessed in three
annual installments as a lien against the parcel(s) of property fronting upon
the work so constructed.
All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning at the Southeast Corner of Lot 3 of Block 6012 of College View Tract as per map filed 12-06-51, in Volume 17 of Maps, Page 29, Stanislaus County Records; Thence Northeasterly 107.26'; North 108.01'; West 66.07'; Southwest 61.53'; South 101.76'

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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: Coouncilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NARRINE COYLE

NORRINE COYLE, City Clerk
A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING
THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN
THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911,
ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY
FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID
LIEN (ROGER W. REYNOLDS, 1116 OBERLIN CIRCLE)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870et seq.) of
the 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 Council did, on May 7, 1991, adopt its Resolution No.
91-256 ordering the installation of certain improvements along certain alleys
in the City of Modesto as provided therein, and directing the Superintendent
of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of
Division 7 of the Streets and Highways Code the Superintendent of Streets
proceeded to cause the completion of the construction of asphaltic concrete
paving on property abutting the property hereafter described; and

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located
in the City Hall, 801 Eleventh Street, Modesto, California, was set as the
time and place for hearing and passing upon the report of the Superintendent
of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report
of the Superintendent of Streets, as submitted, and on file in the office of
the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted
and on file in the office of the City Clerk is hereby confirmed and the cost
of such work is determined to be in the total amount of $1,051.20

SECTION 2. That the cost of the aforesaid work be assessed in three
annual installments as a lien against the parcel(s) of property fronting upon
the work so constructed.
All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 3 of Block 6012 of College View Tract as per map filed 12-06-51, in Volume 17 of Maps, Page 59, Stanislaus County Records

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the 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 Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $931.93

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.
All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 2 of Block 6012 of College View Tract as per map filed 12-06-51, in Volume 17 of Maps, Page 59, Stanislaus County Records

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-333


WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the 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 Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $965.90

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.
All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 1 of Block 6012 of College View Tract as per map filed 12-06-51, in Volume 17 of Maps, Page 59, Stanislaus County Records

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-334


WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870et seq.) of the 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 Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $1,795.43

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.
All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning 20' South and 198.94' East of the Southwest Corner of Lot 1 of Block 6012 of College View Tract as per map filed 12-06-51, in Volume 17 of Maps, Page 59, Stanislaus County Records; Thence South 130.02; East 137.26'; North 171.01'; West 16.19'; North 7'; Southwest 128.50'

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

NORRINE COYLE, City Clerk

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870et seq.) of the 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 Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $1,539.52

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.
All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning 20' South and 90.03 l.f.' East of the Southwest Corner of Lot 1 of Block 6012 of College View Tract as per map filed 12-06-51, in Volume 17 of Maps, Page 59, Stanislaus County Records; Thence South 130.03'; East 108.91'; North 130.02'; West 108.91'

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING
THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN
THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911,
ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY
FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID
LIEN (ROBERT W. LYON, 1133 WEST ROSEBURG AVENUE)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870et seq.) of
the 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 Council did, on May 7, 1991, adopt its Resolution No.
91-256 ordering the installation of certain improvements along certain alleys
in the City of Modesto as provided therein, and directing the Superintendent
of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of
Division 7 of the Streets and Highways Code the Superintendent of Streets
proceeded to cause the completion of the construction of asphaltic concrete
paving on property abutting the property hereafter described; and

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located
in the City Hall, 801 Eleventh Street, Modesto, California, was set as the
time and place for hearing and passing upon the report of the Superintendent
of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report
of the Superintendent of Streets, as submitted, and on file in the office of
the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted
and on file in the office of the City Clerk is hereby confirmed and the cost
of such work is determined to be in the total amount of $1,292.88

SECTION 2. That the cost of the aforesaid work be assessed in three
annual installments as a lien against the parcel(s) of property fronting upon
the work so constructed.
All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning 20' South of the Southwest Corner;
Thence South 115.14'; Southeast 23.03'; East
75.56'; North 130.03'; West 90.03' of
Lot 1 of Block 6012 of College View Tract
as per map filed 12-06-51, in Volume 17 of
Maps, Page 59, Stanislaus County Records

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870et seq.) of the 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 Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $814.36

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.
All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning 20’ East and 75’ South of the Southeast Corner of Lot 12 of Block 6012 of College View Tract as per map filed 12-06-51, in Volume 17 of Maps, Page 59, Stanislaus County Records; Thence South 53.40’; East 16.19’; South 21.6’; East 98.81’; North 75’; West 115’; to Point of Beginning

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-338

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING
THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN
THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911,
ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY
FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID
LIEN (KENNETH D. ZWAHLEN, 1225 COLLEGE AVENUE)

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of
the 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 Council did, on May 7, 1991, adopt its Resolution No.
91-256 ordering the installation of certain improvements along certain alleys
in the City of Modesto as provided therein, and directing the Superintendent
of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of
Division 7 of the Streets and Highways Code the Superintendent of Streets
proceeded to cause the completion of the construction of asphaltic concrete
paving on property abutting the property hereafter described; and

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located
in the City Hall, 801 Eleventh Street, Modesto, California, was set as the
time and place for hearing and passing upon the report of the Superintendent
of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report
of the Superintendent of Streets, as submitted, and on file in the office of
the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted
and on file in the office of the City Clerk is hereby confirmed and the cost
of such work is determined to be in the total amount of $1,096.53

SECTION 2. That the cost of the aforesaid work be assessed in three
annual installments as a lien against the parcel(s) of property fronting upon
the work so constructed.
All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning 20' East of the Southeast Corner; Thence South 75'; East 115'; North 75'; West 115'; to Point of Beginning of Lot 12, of Block 6012 of College View Tract as per map filed 12-06-51, in Volume 17 of Maps, Page 59, Stanislaus County Records

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870et seq.) of the 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 Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $1,096.53

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.
All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning 20' East of the Southeast Corner of Lot 12, of Block 6012 of College View Tract as per map filed 12-06-51, in Volume 17 of Maps, Page 59, Stanislaus County Records; Thence North 75'; East 115'; South 75'; West 115'; to Point of Beginning

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870et seq.) of the 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 Council did, on May 7, 1991, adopt its Resolution No. 91-256 ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described; and

WHEREAS, May 21, 1991, at 7:30 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $1,096.53

SECTION 2. That the cost of the aforesaid work be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.
All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning 20’ East and 75’ North of the Southeast Corner; Thence North 75’; East 115’; South 75’; West 115’ to Point of Beginning of Lot 12 of Block 6012 of College View Tract as per map filed 12-06-51, in Volume 17 of Maps, Page 59, Stanislaus County Records

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-341

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR TRAFFIC SIGNAL MODIFICATIONS AT COFFEE ROAD AND ORANGEBURG AVENUE

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

SECTION 1. The plans and specifications for traffic signal modifications at Coffee Road and Orangeburg 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 June 11, 1991, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR TRAFFIC SIGNAL CONSTRUCTION AND STREET IMPROVEMENTS AT CLAUS ROAD AND SCENIC DRIVE, AND SISK ROAD AND RUMBLE ROAD

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

SECTION 1. The plans and specifications for traffic signal construction and street improvements at Claus Road and Scenic Drive, and Sisk Road and Rumble Road 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 June 11, 1991, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-343

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR A PROJECT ENTITLED, "STANDIFORD AVENUE IMPROVEMENTS, PRESCOTT TO DALE"

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

SECTION 1. The plans and specifications for a project entitled, "Standiford Avenue Improvements, Prescott to Dale" 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 June 13, 1991, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-344

A RESOLUTION ACCEPTING THE BID OF GELCO INSITUFORM WEST FOR EIGHT INCH SANITARY SEWER REHABILITATION AT LALOMA AT DRY CREEK

WHEREAS, Resolution No.91-218, adopted by the Council of the City of Modesto on April 16, 1991, approved the plans and specifications for the eight inch sanitary sewer rehabilitation at LaLoma at Dry Creek and authorized the calling for bids; and

WHEREAS, the bids received for the eight inch sanitary sewer rehabilitation at LaLoma at Dry Creek were opened at 11:00 a.m. on May 9, 1991, 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 Gelco Insituform West in the amount of $26,000 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Gelco Insituform West in the amount of $26,000 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 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF CONCO WEST, INC. FOR PUMP STATION NO. 20 EMERGENCY GENERATOR

WHEREAS, Resolution No. 91-217, adopted by the Council of the City of Modesto on April 16, 1991, approved the plans and specifications for Pump Station No. 20 emergency generator and authorized the calling for bids; and

WHEREAS, the bids received for Pump Station No. 20 emergency generator were opened at 11:02 a.m. on May 9, 1991, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Conco West, Inc. in the amount of $41,825 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Conco West, Inc. in the amount of $41,825 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 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF SIGNAL CONTROL COMPANY FOR FURNISHING TWENTY TRAFFIC SIGNAL CONTROLLERS

WHEREAS, Resolution No. 91-221, adopted by the Council of the City of Modesto on April 16, 1991, approved the plans and specifications for the purchase of twenty traffic signal controllers and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of twenty traffic signal controllers were opened at 11:00 a.m. on May 13, 1991, 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 Signal Control Company in the amount of $107,600.60 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Signal Control Company in the amount of $107,600.60 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 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF DUKE EQUIPMENT FOR FURNISHING GOLF COURSE TURF MAINTENANCE EQUIPMENT

WHEREAS, Resolution No. 91-202, adopted by the Council of the City of Modesto on April 9, 1991, approved the plans and specifications for the purchase of golf course turf maintenance equipment and authorized the calling for bids; and

WHEREAS, the bids received for furnishing golf course turf maintenance equipment were opened at 11:00 a.m. on May 6, 1991, 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 Duke Equipment in the amount of $58,781 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Duke Equipment in the amount of $58,781 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 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: [Signature]
NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-348

A RESOLUTION ACCEPTING THE BID OF H.V. CARTER COMPANY FOR FURNISHING GOLF COURSE TURF MAINTENANCE EQUIPMENT

WHEREAS, Resolution No. 91-202, adopted by the Council of the City of Modesto on April 9, 1991, approved the plans and specifications for the purchase of golf course turf maintenance equipment and authorized the calling for bids; and

WHEREAS, the bids received for furnishing of golf course turf maintenance equipment were opened at 11:00 a.m. on May 6, 1991, 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 H.V. Carter Company in the amount of $78,946 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of H.V. Carter Company in the amount of $78,946 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 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ______________
NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF RAMACHER MFG. COMPANY FOR FURNISHING GOLF COURSE TURF MAINTENANCE EQUIPMENT

WHEREAS, Resolution No. 91-202, adopted by the Council of the City of Modesto on April 9, 1991, approved the plans and specifications for the purchase of golf course turf maintenance equipment and authorized the calling for bids; and

WHEREAS, the bids received for furnishing of golf course turf maintenance equipment were opened at 11:00 a.m. on May 6, 1991, 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 Ramacher Mfg. Company in the amount of $15,434 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ramacher Mfg. Company in the amount of $15,434 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 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-350

A RESOLUTION ESTABLISHING DISCOUNTS FOR SENIOR CITIZENS AND DISABLED PERSONS FOR WATER AND SEWER SERVICE CHARGES, AND RESCINDING RESOLUTION NO. 91-228.

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

WHEREAS, Sections 11-1.04, 11-1.05, 11-1.06, 11-1.09, and 11-1.14 of the Modesto Municipal Code, provide that a schedule of fees and charges to be charged to consumers for water services are to be established and set by the Council from time to time by resolution, and

WHEREAS, by Resolution No. 91-228 adopted on April 16, 1991, the Council established discounts for senior citizens and disabled persons for water and sewer service charges, however, pursuant to the Clean Water Grant Bulletin No. 32, granting reduced user charges to special interest or economic groups, including senior citizens, is prohibited; therefore, it has become necessary to revise the discounts to limit said discounts to water rates only, and

WHEREAS, on May 21, 1991, the Council considered limiting said discounts for senior citizens and disabled persons to water rates only,

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

SECTION 1. WATER SERVICE CHARGES FOR RESIDENTIAL SERVICE. The following schedule of fees and charges for water services in the City of Modesto shall be as follows:

RESCEIND

1992-135

THIS RESOLUTION WAS RESCIND BY MODESTO CITY COUNCIL RESOLUTION NO.

091391 -1-

10975CA2
**Modesto Municipal Code Reference**  

**11-1.04**

<table>
<thead>
<tr>
<th>Name of Fee or Charge and Itemization</th>
<th>Fee or Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water service installation charges</td>
<td></td>
</tr>
<tr>
<td>1&quot; service</td>
<td>$825.00</td>
</tr>
<tr>
<td>1-1/2&quot; service</td>
<td>$850.00</td>
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<tr>
<td>2&quot; service</td>
<td>$925.00</td>
</tr>
<tr>
<td>4&quot;-6&quot; service</td>
<td>$2,300.00</td>
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<tr>
<td>8&quot; service</td>
<td>$2,500.00</td>
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<tr>
<td>10&quot; or larger service</td>
<td></td>
</tr>
<tr>
<td>Connection to existing main</td>
<td>$1,850.00</td>
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**11-1.04**  

<table>
<thead>
<tr>
<th>Name of Fee or Charge and Itemization</th>
<th>Fee or Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional Charge for each water service installation involving pavement removal and/or replacements.</td>
<td>$220.00</td>
</tr>
</tbody>
</table>

Water system fee - for each square foot of gross lot area of property served in territory within city limits. This fee pays for pump stations, all 10" and larger lines and fire hydrants installed at minimum spacing.

Water system fee - for each square foot of gross lot area of property served in territory outside city limits. This fee pays for pump stations, all 10" and larger lines and fire hydrants installed at minimum spacing.

**11-1.05(a)**  

<table>
<thead>
<tr>
<th>Name of Fee or Charge and Itemization</th>
<th>Fee or Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water main connection charges in territory within City limits for each linear foot of lot frontage adjacent to any City water lateral providing service to property. This fee may be waived when property owner has already participated in the installation cost of said water lateral.</td>
<td>15.50</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of Fee or Charge and Itemization</th>
<th>Fee or Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water detector check valve, 4 in.</td>
<td>400.00</td>
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<tr>
<td>Water detector check valve, 6 in.</td>
<td>500.00</td>
</tr>
<tr>
<td>Water detector check valve, 8 in.</td>
<td>850.00</td>
</tr>
</tbody>
</table>

Credit for volunteer installation of fire sprinklers in single-family dwellings and duplexes.

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091391 -2- 10975CA2
Credit for volunteer installation of fire sprinklers in condominiums and town houses, per dwelling unit. 50.00

Credit for volunteer installation of fire sprinklers in apartment houses, percent of normal charge 8.3%

11-1.05(b) Water main connection charges in territory outside City limits for each linear foot of lot frontage adjacent to any City water lateral providing service to property. This fee may be waived when property owner has already participated in the installation cost of said water lateral. 15.50

Credit for volunteer installation of fire sprinklers in single-family dwellings and duplexes. 50.00

Credit for volunteer installation of fire sprinklers in condominiums and town houses, per dwelling unit. 50.00

Credit for volunteer installation of fire sprinklers in apartment houses, percent of normal charge 8.3%

11-1.05(c)(4) Fire hydrant installation, each $1,900.00
Fire hydrant line to main per lineal foot 3.50
Additional charge for each hydrant installation involving pavement removal and/or replacement. 220.00
Fire main test 87.00

11-1.06(e) Meter installation cost
Each 1" meter 265.00
Each 1" meter with traffic lid 325.00
Each 1-1/2" meter 375.00
Each 1-1/2" meter with traffic lid 490.00
Each 2" meter 545.00
Each 2" meter with traffic lid 600.00
Each 4" meter 2,700.00
Each 6" meter 3,830.00
Each 8" meter 7,100.00
Each 10" or larger meter COST

11-1.09 Fire hydrant charge for construction water used. COST OF WATER
<table>
<thead>
<tr>
<th>Regulation</th>
<th>Service Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-1.14(e)</td>
<td>Water bill delinquent charge. (LATE CHARGE)</td>
<td>3.50</td>
</tr>
<tr>
<td>11-1.14(e)</td>
<td>Water disconnection NOTICE.</td>
<td>10.00</td>
</tr>
<tr>
<td>11-1.14(e)</td>
<td>Water Disconnect</td>
<td>10.00</td>
</tr>
<tr>
<td>11-1.14(e)</td>
<td>Water Reconnect</td>
<td>10.00</td>
</tr>
<tr>
<td>11-1.14(e)</td>
<td>Unauthorized Reconnect</td>
<td>25.00</td>
</tr>
<tr>
<td>11-1.14(e)</td>
<td>Lock Breakage</td>
<td>50.00 (plus lock)</td>
</tr>
<tr>
<td>11-1.14(e)</td>
<td>Cut Waterline</td>
<td>300.00</td>
</tr>
</tbody>
</table>

*(This fee does not apply to any parcel included in a subdivision recorded prior to June 7, 1978. For any parcel included in a reimbursement agreement, the fee shall be charged in accordance with the agreement.)*
SECTION 2. WATER DISCOUNT RATES FOR SENIOR CITIZENS AND DISABLED PERSONS. The following water discount rates for senior citizens and disabled persons shall apply as follows:

<table>
<thead>
<tr>
<th>ANNUAL INCOME LEVELS</th>
<th>DISCOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 7,560 or less</td>
<td>25%</td>
</tr>
<tr>
<td>$ 7,561 to $10,394</td>
<td>15%</td>
</tr>
<tr>
<td>$10,395 to $13,230</td>
<td>10%</td>
</tr>
</tbody>
</table>

Criteria to receive the discount is as follows:

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

SECTION 3. EFFECTIVE DATE. This resolution shall become effective and apply on and after June 1, 1991.

SECTION 4. REPEALS. Resolution No. 91-228 is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CROWNRIDGE FOR INSTALLATION OF STREET IMPROVEMENTS ADJACENT TO ITS DEVELOPMENT AT CLAUS ROAD AND SCENIC DRIVE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Crownridge for installation of street improvements adjacent to its development at Claus Road and Scenic Drive be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-353

A RESOLUTION ORDERING THE PUBLIC WORKS AND TRANSPORTATION DIRECTOR TO PREPARE AND FILE AN ANNUAL REPORT RELATING TO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10.

WHEREAS, Resolution No. 89-459 adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and order the engineer to prepare and to file a report accordingly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there being no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 7-10, the Public Works and Transportation Director, the person designated by this Council as the Engineer of Work for Assessment District No. 2, is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, (Streets and Highways Code Sections 22500 through 22679).
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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 ORDERING THE PUBLIC WORKS AND TRANSPORTATION DIRECTOR TO PREPARE AND FILE AN ANNUAL REPORT RELATING TO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS Nos. 1-6.

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

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and order the engineer to prepare and to file a report accordingly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there being no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 1-6, the Public Works and Transportation Director, the person designated by this Council as the Engineer of Work for Assessment District No. 1, is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, (Streets and Highways Code Sections 22500 through 22679).
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Bird, Dobbs, Irizarry, Martin, 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 REQUESTING THAT THE FEDERAL AVIATION ADMINISTRATION (FAA) REFRAIN FROM CURTAILING THE OPERATION HOURS OF THE MODESTO CITY-COUNTY AIRPORT TOWER.

WHEREAS, the Acting Manager of the Modesto City-County Airport Tower has notified the Airport Advisory Committee that the FAA will reduce the Airport Tower from a 16-hour to a 12 1/2-hour daily operation beginning June, 1991, and

WHEREAS, the hours of curtailment are caused by the FAA budgeting less overtime to cover any unexpected controller absences, and

WHEREAS, on October 27, 1990, the 101st Congress approved H.R. 5835 – Omnibus Budget Reconciliation Act of 1991, which included Section 9106, an appropriation of $4.088 billion for the FAA's fiscal year 1991 operation and maintenance program, a $254.0 million increase over the fiscal year 1990's level, and included Section 9107 that allows for 75% of FAA's total budget to be funded from the aviation trust fund, and

WHEREAS, commercial passenger aircraft flights will be arriving and departing during times when the Airport Tower is non-operational, reducing the overall safety of passenger flights.

NOW, THEREFORE, BE IT RESOLVED that the Modesto City Council is opposed to the Federal Aviation Administration's plan to curtail the Airport Tower's hours of operation and request their United States Senators and U.S. House District Representative to ask the FAA not to implement the operation hours reduction plan.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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
A RESOLUTION REJECTING APPLICATION FOR LEAVE TO PRESENT LATE CLAIM ON BEHALF OF CLAIMANT LEIGH LOONEY, RECEIVED IN THE OFFICE OF THE CITY CLERK, CITY OF MODESTO

WHEREAS, an application for leave to present late claim on behalf of the claimant, Leigh Looney, against the City of Modesto was received on May 1, 1991, in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the application for leave to present late claim on behalf of claimant, Leigh Looney, against the City of Modesto, received on May 1, 1991, in the office of the City Clerk, City of Modesto, is hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMA COYLE, City Clerk
A RESOLUTION APPOINTING MEMBER OF THE BOARD OF ZONING ADJUSTMENT (JEFF GROVER) AS A REPRESENTATIVE FROM 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. The following person is hereby appointed to the Board of Zoning Adjustment as the Planning Commission rep. for the respective term as indicated:

Jeff Grover
Term to expire: 1/1/92

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Board of Zoning Adjustment as the Planning Commission rep. and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY
BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES FOR THE
IMPROVEMENT OF THE INTERSECTION OF STANDIFORD, DALE AND
SISK AND IMPROVEMENT OF SISK ROAD AND STRENGTHENING OF THE
WATER MAIN SYSTEM. (SEARS ROEBUCK AND CO., ET AL.)

WHEREAS, on May 7, 1991, the Council of the City of Modesto by
Resolution No. 91-253 set a hearing to consider a resolution of necessity to
acquire certain real property, described on Exhibit "A", attached hereto, and

WHEREAS, on May 28, 1991, the Council held a hearing in the City
Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to
determine the necessity for acquisition of said real property by eminent
domain proceedings for purposes of the improvement of the intersection of
Standiford Avenue, Dale and Sisk Roads, the improvement of Sisk Road and
strengthening the water main system, all for purposes of Improvement District
No. 29.

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

1. The public interest and necessity require said project and
require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent
domain proceedings is authorized by Government Code Sections 37350, 37350.5,
37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050,
1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of
the California Constitution.

3. The proposed project is planned and located in a manner which
will be most compatible with the greatest public good and the least private
injury.
4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

5. The real property which is hereinafter described in the attached legal description marked Exhibit "A" and attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney, or such attorneys as may be designated by him, be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession as is necessary to acquire, for the purposes and uses foresaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that this City Council has on January 22, 1991 previously considered the environmental effects of this project and by Resolution No. 91-55 directed that a Notice of Determination reflecting a Negative Declaration relative to the environmental impact of this project be filed with the Stanislaus County Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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

APPROVED AS TO DESCRIPTION:

By Department of Public Works & Transportation
Real property in the City of Modesto, County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 11, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 8 of the McKinney Colony, as per map filed November 21, 1903 in Volume 1 of Maps, Page 57, Stanislaus County Records, described as follows:

Beginning at the most Easterly corner of the "Remainder" as shown on the map filed September 20, 1974 in Book 19 of Parcel Maps, Page 94, Stanislaus County Records, said point being on a curve from which point a radial line bears South 35° 54' 44" West; thence Northwesterly along said curve, said curve being the Southwesterly line of Sisk Road, concave to the Southwest, having a Radius of 1050.00 feet, a Central Angle of 6° 11' 50" and an Arc Length of 113.57 feet, to its point of intersection with a non-tangent curve, from which point a radial line bears South 30° 42' 54" West; thence Southeasterly, from a radial bearing of South 33° 05' 02" West, along said non-tangent curve concave to the Southwest, having a Radius of 747.00 feet, a Central Angle of 8° 33' 00" and an Arc Length of 111.47 feet, to a point on a Southeastern line of said "Remainder", from which point a radial line bears South 41° 38' 02" West; thence along said Southeastern line, North 52° 42' 56" East, 7.28 feet, to the point of beginning.

Containing 353 square feet, more or less.

EXHIBIT "A"
MODESTO CITY COUNCIL
RESOLUTION NO. 91-358

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY
BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES FOR THE
IMPROVEMENT OF THE INTERSECTION OF STANDIFORD, DALE AND
SISK AND IMPROVEMENT OF SISK ROAD AND STRENGTHENING OF THE
WATER MAIN SYSTEM. (MODESTO IRRIGATION DISTRICT)

WHEREAS, on May 7, 1991, the Council of the City of Modesto by
Resolution No. 91-253 set a hearing to consider a resolution of necessity to
acquire certain real property, described on Exhibit "A", attached hereto, and

WHEREAS, on May 28, 1991, the Council held a hearing in the City
Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to
determine the necessity for acquisition of said real property by eminent
domain proceedings for purposes of the improvement of the intersection of
Standiford Avenue, Dale and Sisk Roads, the improvement of Sisk Road and
strengthening the water main system, all for purposes of Improvement District
No. 29.

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

1. The public interest and necessity require said project and
require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent
domain proceedings is authorized by Government Code Sections 37350, 37350.5,
37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050,
1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of
the California Constitution.

3. The proposed project is planned and located in a manner which
will be most compatible with the greatest public good and the least private
injury.
4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

5. The real property which is hereinafter described in the attached legal description marked Exhibit "A" and attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney, or such attorneys as may be designated by him, be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession as is necessary to acquire, for the purposes and uses foresaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that this City Council has on January 22, 1991 previously considered the environmental effects of this project and by Resolution No. 91-55 directed that a Notice of Determination reflecting a Negative Declaration relative to the environmental impact of this project be filed with the Stanislaus County Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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

APPROVED AS TO DESCRIPTION:

By Edward Takas

Department of Public Works & Transportation
Real property in the City of Modesto, County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 11, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 8 of the MCKINNEY COLONY, as per map filed November 27, 1903, in Volume 1 of Maps, Page 57, Stanislaus County Records, described as follows:

PARCEL 13602-2A

Beginning at the most Easterly corner of the "Existing Modesto Irrigation District Parcel" as shown on the map filed September 20, 1974 in Book 19 of Parcel Maps, Page 94, Stanislaus County Records, said point being on the Northwesterly line of Beckwith Road; thence along said Northwesterly line of Beckwith Road, South 26 degrees 28' 01" West, 17.03 feet, to the most Southerly point of the property conveyed to the City of Modesto for Sisk Road by Grant Deed recorded June 24, 1988, as Instrument 041651, Stanislaus County Records, and the true point of beginning of this description; thence continuing along the Northwesterly line of Beckwith Road, South 26 degrees 28' 01" West, 3.22 feet, to a point on a non-tangent curve from which point a radial line bears South 47 degrees 43' 26" West; thence Northwesterly along said non-tangent curve concave to the Southwest, having a Radius of 742.00 feet, a Central Angle of 6 degrees 00' 45" and an Arc Length of 77.86 feet, to its intersection with the Northwesterly line of said Modesto Irrigation District Parcel, from which point a radial line bears South 41 degrees 42' 41" West; thence along said Northwesterly line of the Modesto Irrigation District Parcel, North 52 degrees 42' 56" East, 3.05 feet, to a point on a non-tangent curve from which point a radial line bears South 41 degrees 45' 22" West; thence Southeasterly along said non-tangent curve concave to the Southwest, having a Radius of 745.00 feet, a Central Angle of 5 degrees 52' 40" and an Arc Length of 76.43 feet, said line being a Southwestern line of Sisk Road, to the point of beginning, from which point a radial line bears South 47 degrees 38' 02" West, containing 232 square feet, more or less.
MODESTO CITY COUNCIL  
RESOLUTION NO. 91-359

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY  
BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES FOR THE  
IMPROVEMENT OF THE INTERSECTION OF STANDIFORD, DALE AND  
SISK AND IMPROVEMENT OF SISK ROAD AND STRENGTHENING OF THE  
WATER MAIN SYSTEM. (TEACHER'S INSURANCE & ANNUITY  
ASSOCIATION OF AMERICA)

WHEREAS, on May 7, 1991, the Council of the City of Modesto by  
Resolution No. 91-253 set a hearing to consider a resolution of necessity to  
acquire certain real property, described on Exhibit "A", attached hereto, and  

WHEREAS, on May 28, 1991, the Council held a hearing in the City  
Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to  
determine the necessity for acquisition of said real property by eminent  
domain proceedings for purposes of the improvement of the intersection of  
Standiford Avenue, Dale and Sisk Roads, the improvement of Sisk Road and  
strengthening the water main system, all for purposes of Improvement District  
No. 29.

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

1. The public interest and necessity require said project and  
require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent  
domain proceedings is authorized by Government Code Sections 37350, 37350.5,  
37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050,  
1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of  
the California Constitution.  

052891 -1-  
10701CA2
3. The proposed project is planned and located in a manner which will be most compatible with the greatest public good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

5. The real property which is hereinafter described in the attached legal description marked Exhibit "A" and attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney, or such attorneys as may be designated by him, be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession as is necessary to acquire, for the purposes and uses foresaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that this City Council has on January 22, 1991 previously considered the environmental effects of this project and by Resolution No. 91-55 directed that a Notice of Determination reflecting a Negative Declaration relative to the environmental impact of this project be filed with the Stanislaus County Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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

APPROVED AS TO DESCRIPTION:

By Department of Public Works & Transportation
Real property in the City of Modesto, County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 11, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Parcel "A", as per map filed July 27, 1977, in Book 25 of Parcel Maps, Page 69, Stanislaus County Records, described as follows:

Commencing at the Southeastern corner of said Parcel "A"; thence along the most Southerly line of Parcel "A", South 88° 45' 33" West, 569.84 feet, to a point on the Northeastern line of 72.00 foot Sisk Road, said line being a non-tangent curve from which point a radial line bears South 23° 17' 28" West, and the true point of beginning of this description; thence Northwesterly along said non-tangent curve concave to the Southwest, having a Radius of 1122.00 feet, a Central Angle of 7° 56' 15" and an Arc Length of 155.44 feet, to its intersection with a non-tangent curve from which point a radial line bears South 15° 21' 13" West; thence, from a radial bearing of South 05° 12' 21" West, along said last mentioned non-tangent curve concave to the Southwest, having a Radius of 683.00 feet, a Central Angle of 17° 31' 03" and an Arc Length of 208.82 feet, to said Southerly line of Parcel "A", from which point a radial line bears South 22° 43' 24" West; thence along said Southerly line of Parcel "A", South 88° 45' 53" West, 55.31 feet, to the point of beginning.

Containing 2,335 square feet, more or less.

EXHIBIT "A"
A RESOLUTION ESTABLISHING CHARGES AND FEES FOR ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD, AND SUPERSEDING RESOLUTION NO. 89-599.

WHEREAS, Section 7-3.401 of the Modesto Municipal Code authorizes the Council, by resolution, to establish charges and fees for activities and services at the Modesto City-County Airport/Harry Sham Field,

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

SECTION 1. HANGARS. Rental charges for the rental of hangars at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(a) T-Hangars:

<table>
<thead>
<tr>
<th>Hangar No. A</th>
<th>$85.00 per unit per month</th>
</tr>
</thead>
<tbody>
<tr>
<td>End Units</td>
<td>$100.00 per unit per month</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Hangar No. B</th>
<th>$105.00 per unit per month</th>
</tr>
</thead>
<tbody>
<tr>
<td>End Units</td>
<td>$127.00 per unit per month</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Hangar No. C</th>
<th>$109.00 per unit per month</th>
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<tr>
<td>End Units</td>
<td>$132.00 per unit per month</td>
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<table>
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<tr>
<th>Hangar No. D</th>
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<tr>
<td>End Units</td>
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<table>
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<tr>
<th>Hangar No. E</th>
<th>$144.00 per unit per month</th>
</tr>
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<tbody>
<tr>
<td>End Units</td>
<td>$168.00 per unit per month</td>
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</tbody>
</table>

<table>
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<tr>
<th>Hangar No. F</th>
<th>$144.00 per unit per month</th>
</tr>
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<tbody>
<tr>
<td>End Units</td>
<td>$168.00 per unit per month</td>
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</table>

<table>
<thead>
<tr>
<th>Hangar No. G</th>
<th>$144.00 per unit per month</th>
</tr>
</thead>
</table>
Hangar No. H ........ $144.00 per unit per month
Hangar No. J ........ $144.00 per unit per month

A five percent (5%) discount will be made in any of the above rental charges when a year's lease is entered into and the year's rental charges are paid for in advance.

(b) Storage Hangars:

Hangar No. 1 .... $1,699.00 per month ($0.105 per square foot per month) includes office space at $0.275 per square foot per month

Hangar No. 2 .... $ 874.00 per month ($0.105 per square foot per month) includes office space at $0.275 per square foot per month

Hangar No. 3 .... $ 461.00 per month ($0.115 per square foot per month) includes office space at $0.275 per square foot per month

Hangar No. 4 .... $ 574.00 per month ($0.115 per square foot per month) includes office space at $0.275 per square foot per month

Hangar No. 5 .... $ 779.00 per month ($0.115 per square foot per month) includes office space at $0.275 per square foot per month

Hangar No. 6 .... $ 457.00 per month ($0.115 per square foot per month) includes office space at $0.275 per square foot per month

SECTION 2. TIE-DOWN FEES: Tie-down charges and fees at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(a) Tail-in Tie-Down - Permanent, light single and multi-engine (under 12,500 lbs) $33.00 per month.
(b) Taxi-in Tie-Down - Permanent, light single and multi-engine aircraft (under 12,500 lbs) $67.00 per month.

(c) Taxi-in Tie-Down - Permanent, large multi-engine (over 12,500 lbs) $.22 per square foot per month.

(d) Taxi-in Tie-Down - Transient, light single-engine aircraft (under 12,500 lbs) $4.00 per day.

(e) Taxi-in Tie-Down - Transient, light multi-engine aircraft (under 12,500 lbs) $6.00 per day.

(f) Taxi-in Tie-Down - Transient, large multi-engine aircraft (over 12,500 lbs) $10.00 per day.

(g) Taxi-in Tie-Down - Transient, large four-engine aircraft (over 12,500 lbs) $10.00 per day.

A five (5%) percent discount will be made in the rental charges set forth in subparagraphs (a), (b), and (c), above when a year's lease is entered into and the year's rental charges are paid in advance.

A volume discount may be given to Fixed Base Operators (FBO's) that operate flight schools for light single and multi-engine aircraft (under 12,500 pounds) for tie-down spaces as set forth in subsections (a) and (b) above. For every two tail-in tie-down spaces the FBO agrees to lease, one taxi-in tie-down may be leased for the same price as a tail-in tie-down.

Overnight tie-down of aircraft belonging to or in the custody or possession of a lessee at the Modesto City-County Airport/Harry Sham Field shall be subject to the normal tie-down charge as specified by this section.

SECTION 3. OFFICE SPACE. The charge for office space at the Modesto City-County Airport/Harry Sham Field is hereby established as follows:

(a) Office Building No. 1 . . . . . . . . . . $592.00 per month

(b) Office Building No. 2,
    Suite A . . . . . . . . . . . . . . . . $285.00 per month
SECTION 4. NONSCHEDULED TRANSIENT AIRCRAFT CARRYING PASSENGERS AND/OR CARGO FOR HIRE. Aircraft landing at the Modesto City-County Airport/Harry Sham Field shall pay a landing fee as follows:

(a) All light single and multi-engine aircraft, $10.00 per landing.

(b) All large single and multi-engine aircraft, $.60 per 1,000 pounds of gross weight, but not less than $10.00 per landing.

(c) All transient aircraft owned and operated by individuals, companies and corporations carrying their own products shall not be charged for the first two (2) trips per calendar month; all other trips for the same calendar month shall be charged for at the same rates applied to nonscheduled aircraft carrying cargo for hire.

(d) No landing fee shall be charged for any aircraft which lands at the airport due to any mechanical or other emergency, except weather, provided that such emergency is reported to the Airport Control Tower prior to landing.

SECTION 5. PERMANENTLY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise permanently based at the Modesto City-County Airport/Harry Sham Field shall pay to the City a fee equivalent to the City Business License Fees set forth in Chapter 1 of Title VI of the Modesto Municipal Code, except that a maximum fee of $100 will be paid for each aircraft sold, for the privilege of engaging in business in the City of Modesto and on the Airport. Said sum shall be payable at the time and in the manner provided for in Chapter 1 of Title VI of the Modesto Municipal Code.

SECTION 6. FUEL FLOWAGE FEES. A fuel flowage fee of seven cents ($.07) per gallon of fuel sold or dispensed on the Airport, increasing to eight cents ($.08) on January 1, 1988, shall be collected for the City of
Modesto by the fuel vendors, except that reduced fuel flowage fees collected from scheduled air carriers can be negotiated for volume purchases.

SECTION 7. TEMPORARILY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise, temporarily based at the Modesto City-County Airport/Harry Sham Field, shall pay to the City a license fee in the sum of Two Hundred and no/100ths ($200.00) Dollars, payable in advance.

Each such operator shall also pay to the City an additional sum of Ninety and no/100ths ($90.00) Dollars per month, or any portion thereof, payable in advance, for the privilege of using the Airport and its facilities.

SECTION 8. MOTOR VEHICLE STORAGE CHARGES. Any person who parks a motor vehicle at the Modesto City-County Airport/Harry Sham Field for longer than thirty (30) days at a time shall pay to the City a parking fee of Twenty-five and no/100ths ($25.00) Dollars per month, payable in advance.

SECTION 9. PENALTIES. A five (5%) percent penalty charge shall be made on any of the charges and fees established by this resolution when such charges and fees are not paid within thirty (30) days after they are due and payable.

SECTION 10. ANNUAL ADJUSTMENT OF RATES, FEES AND CHARGES.
Commencing July 1, 1991, the rates, fees and charges set forth in Sections 1, 2 and 3 of this resolution shall be adjusted annually as of the first day of July.

Said rates, fees and charges shall be adjusted in the following manner: The Consumer Price Index [all urban consumers] (base year 1982-1984 = 100) for San Francisco – Oakland – San Jose – CMSA, published by the United States Department of Labor, Bureau of Labor Statistics ("Index"), which is
published most immediately preceding the first day of July ("Adjustment
Index"), shall be compared with the Index published most immediately preceding
March 17, 1987 ("Beginning Index").

The rates, fees and charges shall be adjusted to the nearest dollar
by multiplying the rates, fees and charges set forth in this resolution by a
fraction, the numerator of which is the Adjustment Index and the denominator
of which is the Beginning Index. However, in no event shall the annual
adjustment in any particular year exceed five (5%) percent.

If the Index is changed so that the base year differs from that used
as of March 17, 1987, the Index shall be converted in accordance with the
conversion factor published by the United States Department of Labor, Bureau
of Labor Statistics. If the Index is discontinued or revised at any time
after the effective date of this resolution, such other government index or
computation with which it is replaced shall be used in order to obtain
substantially the same result as would be obtained if the Index had not been
discontinued or revised.

SECTION 11. EFFECTIVE DATE. This resolution shall go into effect
and be in full force and operation on July 1, 1991.

SECTION 12. SUPERSEDE. This resolution supersedes Resolution
No. 89-599 adopted by the City Council on May 24, 1989.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-360A

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $20,000 FOR HIRING TWO TEMPORARY EMPLOYEES TO CANVASS FOR UNLICENSED DOGS

WHEREAS, at their meeting of May 28, 1991, the City Council of the City of Modesto introduced Ord. 2766-C.S. adopting the animal service fee structure established by the Stanislaus County Board of Supervisors, and approving the hiring of two temporary employees to canvass neighborhoods for unlicensed dogs.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that an appropriation transfer in the amount of $20,000 to hire two temporary employees to canvass neighborhoods for unlicensed dogs be, and hereby is approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-361

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE RECONSTRUCTION OF COFFEE ROAD, FLOYD AVENUE TO RUMBLE ROAD

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

SECTION 1. The plans and specifications for the reconstruction of Coffee Road, Floyd Avenue to Rumble Road 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 June 27, 1991, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __________________________
NORMINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE MASTER PLAN FOR THE AQUEDUCT NEIGHBORHOOD PARK, CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, AND DIRECTING THE FILING OF A NOTICE OF DETERMINATION RELATING TO SAID PROJECT.

WHEREAS, Aqueduct Neighborhood Park is a 5.04 acre park site located in the northwest quadrant of Modesto at the intersection of Cheyenne Way and Carver Road, adjacent to Agnes Baptist Elementary School, and

WHEREAS, the Master Plan for Aqueduct Neighborhood Park 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 May 28, 1991, 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 the Aqueduct Neighborhood Park,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Master Plan for Aqueduct Neighborhood Park as 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 development of the Aqueduct Neighborhood Park.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May 1991, 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, Dobbs, Irizarry, Martin, 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. 91-363

A RESOLUTION VACATING AND ABANDONING A PORTION OF THE
10-FOOT PUBLIC UTILITY EASEMENT IN BLOCK 11151 IN THE CITY
OF MODESTO.

WHEREAS, the California Streets and Highways Code authorizes a city
council, by resolution, to summarily vacate easements, and

WHEREAS, there is an easement on the real property located in Block
11151 in the City of Modesto, described in Exhibit "A" attached hereto, which
is a portion of the 10-foot public utility easement in Block 11151 in the City
of Modesto, and

WHEREAS, the Council finds and declares that:

1. The vacation is made pursuant to Chapter 4 (Sections 8330
   et seq.) of Part 3 of Division 9 of the Streets and Highways Code.

2. The use of the property described in Exhibit "A", attached
   hereto, which is a portion of the 10-foot public utility easement in Block
   11151 in the City of Modesto, is no longer necessary. This portion of the
   easement has not been used for the purpose for which it was dedicated or
   acquired for five consecutive years immediately preceding the vacation.

3. That from and after the date this resolution is recorded, the
   portion of the 10-foot public utility easement vacated will no longer
   constitute a public utility easement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the portion of the 10-foot public utility easement located in Block 11151
in the City of Modesto which is described in Exhibit "A", which is attached
hereto and incorporated by reference herein, be and it is hereby vacated and
abandoned, such vacation and abandonment to be effective upon the recording of
a certified copy of this resolution in the Stanislaus County Recorder's Office.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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

APPROVED AS TO DESCRIPTION:

By Public Works and Transportation Department - Engineering Division
All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northeast quarter of the Southeast quarter of Section 14, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of Block 11151 of the NEW ENGLAND SQUARE Subdivision as per map filed December 23, 1987 in Book 32 of Maps, Page 49, Stanislaus County Records, described as follows:

PARCEL 11151-1

Commencing at the Southeastern corner of Lot 1 in said Block 11151; thence along the Southern line of said Lot 1, South 89 degrees 33’ 37” West, 5.00 feet, to the true point of beginning of this description; thence continuing along said Southern line of Lot 1, South 89 degrees 33’ 37” West, 5.00 feet, to a point on a non-tangent curve from which point a radial line bears South 89 degrees 46’ 28” West; thence Northerly along said non-tangent curve concave to the West, having a Radiu of 4940.00 feet, a Central Angle of 00 degrees 11’ 28” and an Arc Length of 16.48 feet, to its point of tangency on a line which is parallel with and 10.00 feet, measured at right angles, Westerly from the Eastern line of Lot 1; thence along said parallel line, North 00 degrees 25’ West, 27.14 feet; thence Northwesterly along a tangent curve concave to the Southwest, having a Radius of 5.00 feet, a Central Angle of 89 degrees 07’ 35” and an Arc Length of 7.78 feet, to its point of tangency on a line which is parallel with and 10.00 feet, measured at right angles, Southerly from the Northern line of Lot 1; thence along said last mentioned parallel line, South 89 degrees 32’ 35” East, 5.00 feet; thence Southeasterly along a tangent curve concave to the Southwest, having a Radius of 5.00 feet, a Central Angle of 89 degrees 07’ 35” and an Arc Length of 7.78 feet, to its point of tangency on a line which is parallel with and 5.00 feet, measured at right angles, Westerly from said Eastern line of Lot 1; thence along said last mentioned parallel line, South 00 degrees 25’ East, 27.06 feet; thence Southwesterly along a tangent curve concave to the West, having a Radius of 4945.00 feet, a Central Angle of 00 degrees 11’ 27” and an Arc Length of 16.47 feet, to a point on the Southern line of Lot 1 from which point a radial line bears South 89 degrees 46’ 27” West and the point of beginning.

PARCEL 11151-2

The Westerly 5.00 feet, measured at right angles, of the Easterly 10.00 feet of Lots 2, 3, 4, 5, 6, 7, 8 and 9 in said Block 11151 of the New England Square Subdivision.

PARCEL 11151-3

The Westerly 5.00 feet, measured at right angles, of the Easterly 10.00 feet of Lots 11, 12, and 13 in said Block 11151 of the New England Square Subdivision.
PARCEL 11151-4

The Westerly 5.00 feet, measured at right angles, of the Easterly 10.00 feet of Lots 15, 16, and 17 in said Block 11151 of the New England Square Subdivision.

PARCEL 11151-5

The Westerly 5.00 feet, measured at right angles, of the Easterly 10.00 feet of Lot 19 in said Block 11151 of the New England Square Subdivision.

Excepting therefrom the Southerly 5.00 feet, measured at right angles, of said Lot 19.
RESOLUTION NO. 91-364

A RESOLUTION DETERMINING UNPAID ASSESSMENTS, AUTHORIZING ISSUANCE OF BONDS AND PROVIDING FOR EXECUTION OF FISCAL AGENT AGREEMENT WITH RESPECT THERETO

CITY OF MODESTO
Local Improvement District No. 29
(Standiford-Sisk-Dale-Prescott)

WHEREAS, on February 26, 1991, this Council passed and adopted Resolution of Intention No. 91-112 (the "Resolution of Intention") relating to the acquisition and/or construction of public improvements under and pursuant to the provisions of the Municipal Improvement Act of 1913. By said Resolution of Intention, this Council provided that serial and/or term bonds would be issued thereunder pursuant to the provisions of the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California and reference to said Resolution of Intention is hereby expressly made for further particulars;

WHEREAS, notice of the recordation of the assessment and of the place where and the time within which the individual assessments could be paid, in whole or in part, has been duly given in the time and form provided by law, the time so provided for such payment has expired, and a list of the assessments remaining unpaid has been filed with the Finance Director of the City; and

WHEREAS, the Council duly considered said list and determined that the same was an accurate statement thereof.

NOW, THEREFORE, IT IS ORDERED, as follows:

Section 1. Unpaid Assessments. The assessments now remaining unpaid are as shown on said list of unpaid assessments and on Exhibit "A" attached hereto and by this reference made a part hereof; the aggregate amount thereof is $982,853; and for a particular description of the lots or parcels of land bearing the respective assessment numbers set forth in said list, reference is hereby made to the assessment and to the diagram, and any amendments thereto, recorded in the office of the Superintendent of Streets of the City after confirmation thereof by the Council.

Section 2. Issuance of Bonds. The bonds shall be issued in the aggregate principal amount or amounts as hereinafter provided upon the security of said unpaid assessments and the proceedings heretofore taken with respect to said Resolution of Intention. The bonds shall be issued, from time to time, in such series, being one or more, at such rate or rates of interest, in such form or forms, at such maturities and upon such provisions, covenants and conditions, all of which shall be as specified by the City pursuant to the terms of one or more Fiscal Agent Agreements to be executed by the City in furtherance of the issuance of the bonds hereby
authorized. In the event that more than one series of bonds is authorized, the City, at its election, may authorize such series by one or more Fiscal Agent Agreements and shall hereby preserve the right to issue bonds upon the security of any assessments unpaid for which bonds are not issued pursuant to such Fiscal Agent Agreement or Agreements; provided, however, no such bonds shall be authorized in excess of the total aggregate amount of said unpaid assessments hereinabove specified.

Section 3. Designation of Agent. The fiscal agent shall be as designated in the Fiscal Agent Agreement to act as the Fiscal Agent to perform the actions and duties required under the Fiscal Agent Agreement for the authentication, transfer, registration, and payment of the bonds. The Finance Director of the City is hereby authorized and directed to enter into agreements with the Fiscal Agent in furtherance of the actions and duties of the Fiscal Agent under this Resolution and the Fiscal Agent Agreement for such authentication, transfer, registration and payment of the bonds.

Section 4. Approval and Authorization of Fiscal Agent Agreement. The Fiscal Agent Agreement, in the form this day presented to this Council, which Agreement provides, in substance, for the provisions of the issuance and payment and covenants relating to the bonds or the series thereof, is hereby approved. The Finance Director of the City is hereby authorized and directed to execute the Fiscal Agent Agreement on behalf of the City, with such changes thereto as may be approved by the Bond Counsel to the City with respect to the proceedings for said assessments for the purposes of the issuance of the bonds, the approval of such changes to be conclusively evidenced by the execution of the Fiscal Agent Agreement by the Finance Director. The Fiscal Agent Agreement may provide for the issuance of one or more series of bonds in and for said assessment district.

************
THE FOREGOING resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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
July 11, 1991

Stan T. Yamamoto, Esq.
City Attorney
CITY OF MODESTO
801 11th Street
P.O. Box 642
Modesto, CA 95353

Re: City of Modesto, Local Improvement District No. 29,
(Standiford-Sisk-Dale-Prescott)

Dear Stan:

Enclosed please find a final form of Resolution No. 91-364, A Resolution Determining Unpaid Assessments, Authorizing Issuance of Bonds and Providing For Execution of Fiscal Agent Agreement With Respect Thereto, on which the blanks have been filled in. I understand that some of those persons to whom I am sending a copy of this letter may have erroneously been provided with a superseded version of Resolution 91-364; however, this is to confirm that the enclosed was in fact the Resolution adopted by the City Council on May 28, 1991 as Resolution No. 91-364 and that it will be included in the bond transcript as such.

Very truly yours,

David J. Oster

DJO:brf
Enclosure

cc: (w/ enclosure)
Pete Kolf
Al Kaufman
Ken Ough
Joni Frederick
RESOLUTION NO. 91-364

A RESOLUTION AUTHORIZING ISSUANCE OF BONDS FOR THE

CITY OF MODESTO
LOCAL IMPROVEMENT DISTRICT NO. 29
(STANDIFORD-SISK-DALE-PRESCOTT)

Adopted May 28, 1991
Section 6.01. FUND S AND ACCOUNTS ................................................................. 17
Section 6.02. PARTIAL INVALIDITY ................................................................. 17
Section 6.03. DEFEASANCE ........................................................................... 17
Section 6.04. REPEAL OF INCONSISTENT RESOLUTIONS ......................... 17
Section 6.05. AUTHORITY OF TREASURER .................................................... 17
Section 6.06. CERTIFIED COPIES ................................................................. 17
Section 6.07. EFFECTIVE DATE OF THE RESOLUTION ................................. 17

Exhibit A FORM OF BOND
RESOLUTION NO. __________

CITY COUNCIL, CITY OF MODESTO, STATE OF CALIFORNIA

A RESOLUTION AUTHORIZING ISSUANCE OF BONDS
FOR THE LOCAL IMPROVEMENT DISTRICT NO. 29
(STANDIFORD-SISK-DALE-PRESCOTT)

RESOLVED, by the City Council (the "Council") of the City of Modesto (the "City"), County of Stanislaus, State of California, that

WHEREAS, on February 26, 1991, this Council passed and adopted Resolution of Intention No. 91-112 (the "Resolution of Intention") relating to the acquisition and/or construction of public improvements under and pursuant to the provisions of the Municipal Improvement Act of 1913 Division 12 of the Streets and Highways Code of California for the Local Improvement District No. 29 (Standiford-Sisk-Dale-Prescott). By the Resolution of Intention, the Council provided that serial or term bonds, or both, would be issued thereunder pursuant to the provisions of the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California and reference to the Resolution of Intention is hereby expressly made for further particulars; and

WHEREAS, notice of recordation of the assessment and the opportunity to pay all or a portion of the first phase thereof having been waived in writing by the owners of all of the lands assessed in proceedings and there being on file with the Finance Director of the City a list of all assessments which remain unpaid;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto as follows:
ARTICLE I
DEFINITIONS; GENERAL

Section 1.01. DEFINITIONS. Unless the context otherwise requires, the terms defined in this Section shall, for all purposes of this Resolution and of any Supplemental Resolution and of the Bonds and of any certificate, opinion, request or other document herein mentioned, have the meanings herein specified.

"Act" means the Municipal Improvement Act of 1913, Division 12 of the Streets and Highways Code of California.

"Agent" means State Street Bank and Trust Company of California, N.A., appointed hereby to perform the duties of authentication, registration, transfer and payment of the Bonds and the Agent's assigns or any other corporation or association which may at any time be substituted in its place.

"Assessment" means the special assessments levied against all taxable real property within the boundaries of the Assessment District pursuant to the Bond Law which are subject to assessment pursuant to the Resolution of Intention, for the purpose of paying principal of and/or interest on the Bonds.

"Assessment District" means that portion of the City designated "Local Improvement District No. 29 (Standiford-Sisk-Dale-Prescott)" established in proceedings under the Resolution of Intention.

"Authorized Investments" means any securities (other than those identified in paragraphs (a) and (d) of Section 53601 of the Government Code of the State) in which the City may legally invest funds subject to its control, pursuant to Article 1, commencing with Section 53600, of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code of the State, as now or hereafter amended.

"Available Surplus Funds" means any surplus moneys held by the City at the end of each Fiscal Year in excess of the amounts required to pay lawful municipal obligations incurred in that Fiscal Year.

"Bid Documents" means the Notice Inviting Bids, the form of Bid, and the Official Statement all with respect to the sale of the Bonds to the Original Purchaser.

"Bond Date" means the date upon which the Bonds are issued as provided in the Bid Documents.

"Bond Denomination" means the amount of $5,000 or any integral multiple thereof, which is the minimum amount in which the Bonds may be issued, except that one Bond may contain any odd amount.

"Bond Law" means the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California.

"Bond Registration Books" means the books maintained by the Agent pursuant to Section 2.12 for the registration and transfer of ownership of the Bonds.

"Bond Year" means the twelve-month period beginning on the anniversary of the Closing Date in each year and ending on the day prior to the anniversary date of the Closing Date in the
following year except that (i) the first Bond Year shall begin on the Closing Date, and (ii) the last Bond Year may end on a prior redemption date.

"Bonds" or "Bonds of this Issue" means Limited Obligation Improvement Bonds, City of Modesto, Local Improvement District No. 29 (Standiford-Sisk-Dale-Prescott), Series 1991, issued and at any time Outstanding.

"Certificate of the City" means a written certificate, statement, request, order or requisition signed by the Treasurer or by any other officer of the City duly authorized by the Council for that purpose.

"City" means the City of Modesto, a municipal corporation and general law city of the State of California duly organized and validly existing under and by virtue of the Constitution and the laws of the State of California.

"City Manager" means the City Manager of the City.

"Clerk" means the City Clerk of the City.

"Closing Date" means the date upon which there is an exchange of any of the Bonds for the proceeds representing the purchase price of such Bonds by the Original Purchaser thereof.

"Costs of Issuance" means all expenses incurred in connection with the authorization, issuance, sale and delivery of the Bonds, including but not limited to compensation, fees and expenses of the City and the Agent and their respective counsel, compensation to any financial consultants and underwriters (other than those taken as discount on the Closing Date), legal fees and expenses, filing and recording costs, costs of preparation and reproduction of documents, costs of compliance with Tax Regulations relating to rebate to the United States under Section 5.07 and costs of printing, mailing and publication of notices with respect to the City and the Project.

"Cost of Issuance Account" means the account of that name established and held by the Treasurer pursuant of Section 4.05 hereof.

"Council" means the City Council of the City.

"Debt Service" means the scheduled amount of interest and amortization of principal payable on the Bonds during the period of computation, excluding amounts scheduled during such period which relate to principal which has been retired before the beginning of such period.

"Excess Investment Earnings" means and includes the following amounts with respect to the Bonds:

(a) the excess of

(i) the aggregate amount earned from the Closing Date on all Nonpurpose Investments in which Gross Proceeds are invested (other than amounts attributable to an excess described in this paragraph (a)), over

(ii) the amount which would have been earned if the Yield on such Nonpurpose Investments (other than amounts attributable to an excess described in this paragraph (a)) had been equal to the Yield on the Bonds, plus

(b) any income attributable to the excess described in the preceding paragraph (a).
"Federal Securities" means any of the following which at the time of investment are legal investments under the laws of the State for the moneys proposed to be invested therein:

(a) direct general obligations of the United States of America (including obligations issued or held in book entry form on the books of the Department of the Treasury of the United States of America); and

(b) obligations of any department, agency or instrumentality of the United States of America the timely payment of principal of and interest on which are unconditionally and fully guaranteed by the United States of America.

"Fiscal Year" means the period commencing on July 1 of each year and terminating on the next succeeding June 30.

"Gross Proceeds" means and includes, with respect to any Bonds, all of the following amounts:

(a) original proceeds, namely, the net amounts remaining from the sale of the Bonds after payment of all Costs of Issuance, including accrued interest but excluding underwriter's and original issue discount, and excluding any such proceeds which become transferred proceeds (determined in accordance with applicable Tax Regulations) of obligations issued to refund the Bonds in whole or in part;

(b) investment proceeds, namely, amounts received at any time from the investment of any proceeds described in the preceding clause (a), or from the investment of amounts described in this clause (b), in Nonpurpose Investments, increased by the amount of any profits and decreased (if necessary, below zero) by the amount of any losses on such investments, excluding such amounts which become transferred proceeds (determined in accordance with applicable Tax Regulations) of obligations issued to refund the Bonds in whole or in part;

(c) sinking fund proceeds, namely, amounts other than amounts described in the preceding clauses (a) and (b), which are held in the Redemption Fund and any other Fund or Account which is reasonably expected to be used to pay Debt Service;

(d) Investment Property pledged as security for payment of Debt Service by the City;

(e) any amounts, other than amounts described elsewhere in this definition, used to pay Debt Service; and

(f) amounts received as a result of the investment of amounts described in this definition.

"Improvement Fund" means the fund of that name established and held by the Treasurer pursuant to Section 4.02 hereof.

"Interest Payment Date" means each date upon which interest on the Bonds is payable, beginning March 2, 1992, and semiannually on each September 2 and March 2 thereafter until maturity.

"Investment Property" means any security (as said term is defined in section 165(g)(2)(A) or (B) of the Tax Code), obligation, annuity or investment-type property, excluding, however,
obligations (other than specified private activity bonds defined in section 57(e)(5) and (6) of the Tax Code) the interest on which is exempt from income tax under section 103 of the Tax Code.

"Nonpurpose Investment" means any Investment Property which is acquired with the Gross Proceeds and is not acquired in order to carry out the governmental purpose of the Bonds.

"Original Purchaser" means the first purchaser of the Bonds from the City.

"Outstanding", when used as of any particular time with reference to Bonds, means all Bonds therefore executed, issued and delivered by the City under this Resolution except:

(a) Bonds theretofore cancelled by the Agent or surrendered to the Agent for cancellation;

(b) Bonds paid or deemed to have been paid within the meaning of Section 2.14;

(c) Bonds in lieu of or in substitution for which other Bonds shall have been executed, issued and delivered by the City pursuant to this Resolution or any Supplemental Resolution.

"Owner" or "Registered Owner", when used with respect to any Outstanding Bond, means the person in whose name the ownership of such Bond shall be registered on the Bond Registration Books.

"Principal Office" means the main or principal office of the Agent in San Francisco, California handling its corporate trust business.

"Private Business Use" means use directly or indirectly in a trade or business carried on by a natural person or in any activity carried on by a person other than a natural person, excluding use by a governmental unit and use by any person as a member of the general public.

"Proceeds" when used with reference to the Bonds, means the face amount of the Bonds, plus accrued interest and premium, if any, less original issue discount, if any.

"Project" means the acquisitions and improvements described in the Resolution of Intention and of changes and modification approved thereto by the Council.

"Purchase Price", for the purpose of computation of the Yield of the Bonds, has the same meaning as the term "issue price" in sections 1273(b) and 1274 of the Tax Code, and, in general, means the initial offering price to the public (not including bond houses and brokers, or similar persons or organizations acting in the capacity of underwriters or wholesalers) at which price a substantial amount of the Bonds are sold or, if the Bonds are privately placed, the price paid by the Original Purchaser of the Bonds or the acquisition cost of such original purchaser. The term "Purchase Price", for the purpose of computation of the Yield of Nonpurpose Investments, means the fair market value of the Nonpurpose Investments on the date of use of Gross Proceeds for acquisition thereof, or if later, on the date that Investment Property constituting a Nonpurpose Investment becomes a Nonpurpose Investment of the Bonds.

"Rebate Fund" means the fund by that name established, held and administered by the Treasurer pursuant to Section 5.07 hereof.

"Record Date" means, with respect to the Bonds, the fifteenth (15th) day immediately preceding an Interest Payment Date.
"Redemption Fund" means the fund of that name established and held by the Treasurer pursuant to Section 4.04 hereof.

"Redemption Price" means, with respect to any Bond, the principal amount thereof, plus the applicable premium, if any, payable upon redemption thereof pursuant to the Resolution.

"Redemption Premium" means 3% of the principal amount of the Bonds.

"Reserve Fund" means the fund of that name established and held by the Treasurer pursuant to Section 4.03 hereof.

"Reserve Requirement" means the least of ten percent (10%) of the initial offering price of the Bonds to the public or 125% of average annual debt service or the maximum annual debt service on the Bonds. For purposes of Reserve Requirement, "initial offering price to the public" means the principal amount of the Bonds plus any accrued interest and any original issue premium and less any original issue discounts.

"Resolution" or "Resolution of Issuance" means this Resolution, as originally adopted or as it may from time to time be supplemented, modified or amended by any Supplemental Resolution pursuant to the provisions hereof.

"Resolution of Intention" means Resolution No. 91-112, entitled "A Resolution of Intention to Make Acquisitions and Improvements," adopted by the Council on February 26, 1991, as modified or amended and in effect on the Closing Date.

"State" means the State of California.

"Supplemental Resolution" means any resolution, agreement, resolution or other instrument hereafter duly adopted or executed by the City in accordance with the provisions of this Resolution.

"Tax Code" means the Internal Revenue Code of 1986, as amended. Any reference to a provision of the Tax Code shall include the applicable Tax Regulations with respect to such provision.

"Tax Regulations" means temporary and permanent regulations promulgated under the Tax Code.

"Treasurer" means, for all purposes hereof, including the execution of the Bonds pursuant to Section 2.09 hereof, the Finance Director or designee thereof of the City.

"Yield" means that yield which, when used in computing the present worth of all payments of principal and interest (or other payments in the case of Nonpurpose Investments which require payments in a form not characterized as principal and interest) on a Nonpurpose Investment or on the Bonds produces an amount equal to the Purchase Price of such Nonpurpose Investment or the Bonds, as the case may be, all computed as prescribed in the applicable Tax Regulations.

Section 1.02. RULES OF CONSTRUCTION. All references in this Resolution to "Articles", "Sections", and other subdivisions are to the corresponding Articles, Sections or subdivisions of this Resolution; and the words "herein", "hereof", "hereunder" and other words of similar import refer to this Resolution as a whole and not to any particular Article, Section or subdivision hereof.
Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Unless the context shall otherwise indicate, words importing the singular number shall include the plural number and vice versa, and words importing persons shall include corporations and associations, including public bodies, as well as natural persons.

Section 1.03. EQUAL SECURITY. In consideration of the acceptance of the Bonds by the Owners thereof, this Resolution shall be deemed to be and shall constitute a contract between the City and the Owners from time to time of the Bonds; and the covenants and agreements herein set forth to be performed on behalf of the City shall be for the equal and proportionate benefit, security and protection of all Owners of the Bonds without preference, priority or distinction as to security or otherwise of any of the Bonds over any of the others by reason of the number or date thereof or the time of sale, execution or delivery thereof, or otherwise for any cause whatsoever, except as expressly provided therein or herein.
ARTICLE II

ISSUANCE OF BONDS

Section 2.01. BONDS AUTHORIZED. All acts, conditions and things required by law to exist, happen and be performed precedent to and in the issuance of the Bonds have existed, happened and been performed in due time, form and manner as required by law, and the Council is now authorized pursuant to each and every requirement of law to issue the Bonds in the manner and form as in this Resolution provided.

Section 2.02. UNPAID ASSESSMENTS. The assessments now remaining unpaid are as shown on said list of unpaid assessments on file with the Treasurer which is incorporated herein by this reference made a part hereof. The aggregate amount thereof is not to exceed $982,853. For a particular description of the lots or parcels of land bearing the respective assessment numbers set forth in said list, reference is hereby made to the assessment and to the diagram, and any amendments thereto recorded in the office of the Superintendent of Streets of the City after confirmation thereof by the Council.

Section 2.03. ISSUANCE OF BONDS. The Bonds, in the aggregate principal amount of not to exceed $982,853, shall be issued as hereinafter provided upon the security of said unpaid assessments in accordance with, under and pursuant to the provisions of said Resolution of Intention and the proceedings thereunder duly had and taken. The Bonds shall be known as "Limited Obligation Improvement Bonds, City of Modesto, Local Improvement District No. 29 (Standiford-Sisk-Dale-Prescott), Series 1991". Jurisdiction is hereby expressly retained to issue bonds, from time to time, as determined by the Council, upon the security of any remaining balance of unpaid assessments upon which any bonds remain unissued.

Section 2.04. MATURITIES OF BONDS. The Bonds shall be issued in only fully registered form, without coupons, in the Bond Denomination or any integral multiple thereof, so long as no Bond shall have more than one maturity date. The Bonds shall be dated and mature on September 2 in each of the years and in the amounts set forth in the Bid Documents. The Bonds shall be numbered or otherwise identified as determined by the Agent.

Section 2.05. INTEREST ON BONDS. The Bonds shall bear interest at the rate or rates set forth in the Bid Documents.

Interest on the Bonds shall be payable on each Interest Payment Date to the person whose name appears on the Bond Registration Books as the Owner thereof as of the Record Date immediately preceding each such Interest Payment Date, such interest to be paid by check or draft of the Agent mailed to the Owner, at the address of such Owner as it appears on the Bond Registration Books. Principal of and premium (if any) on any Bond shall be paid upon presentation and surrender thereof at the Principal Office of the Agent. Both the principal of and interest and premium (if any) on the Bonds shall be payable in lawful money of the United States of America.

The Bonds shall bear interest from the Interest Payment Date next preceding the date of authentication of the Bonds (except for any Bond which is authenticated on an Interest Payment Date, in which event such Bond shall bear interest from such date of authentication, and except for any Bond which is authenticated prior to the first Interest Payment Date, in which event such Bond shall bear interest from the Bond Date); provided, however, that if, as of the date of authentication of any Bond, interest thereon is in default, such Bond shall bear interest from the date to which interest has previously been paid or made available for payment in full.
Section 2.06. DESIGNATION OF AGENT. State Street Bank and Trust Company of California, N.A., is hereby designated as the Agent to perform the actions and duties required under this Resolution for the authentication, transfer, registration, and payment of the Bonds. The Treasurer is hereby authorized and directed to enter into agreements with the Agent in furtherance of the actions and duties of the Agent under this Resolution.

Section 2.07. FORM OF BONDS. The Bonds, the form of Agent's certificate of authentication, and the form of assignment to appear thereon, shall be substantially in the respective form set forth in Exhibit "A" attached hereto and by this reference incorporated herein, with necessary or appropriate variations, omissions and insertions, as permitted or required by this Resolution.

Section 2.08. PREPARATION AND DELIVERY OF BONDS. Upon the award of sale of the Bonds pursuant to the Bid Documents, the Treasurer is hereby directed to cause the Bonds to be prepared in accordance with this Resolution and to cause their delivery upon their completion and execution to the Agent who shall authenticate and deliver the Bonds to the Original Purchaser, upon receipt of the purchase price therefor, and upon receipt of the request of the City.

Section 2.09. EXECUTION OF BONDS. The Bonds shall be signed in the name and on behalf of the City with the manual or facsimile signatures of the Treasurer and attested by the manual or facsimile signature of the Clerk. The Bonds shall then be delivered to the Agent for authentication by it. In case any officer who shall have signed any of the Bonds shall cease to be such officer before the Bonds so signed shall have been authenticated or delivered by the Agent or issued by the City, such Bonds may nevertheless be authenticated, delivered and issued and, upon such authentication, delivery and issue, shall be as binding upon the City as though the individual who signed the same had continued to be such officer of the City. Also, any Bond may be signed on behalf of the City by any individual who on the actual date of the execution of such Bond shall be the proper officer although on the nominal date of such Bond such individual shall not have been such officer.

Only such of the Bonds as shall bear thereon a certificate of authentication in substantially the form set forth in Exhibit "A", manually executed by the Agent, shall be valid or obligatory for any purpose or entitled to the benefits of this Resolution, and such certificate of the Agent shall be conclusive evidence that the Bonds so authenticated have been duly authenticated and delivered hereunder and are entitled to the benefits of this Resolution. The Agent's certificate of authentication on any Bonds shall be deemed to be executed by it if signed by an authorized officer or signatory of the Agent, but it shall not be necessary that the same officer or signatory sign the certificate of authentication on all of the Bonds issued hereunder.

Section 2.10. TRANSFER AND EXCHANGE OF BONDS. Any Bond may, in accordance with its terms, be transferred upon the Bond Registration Books by the person in whose name it is registered, in person or by his duly authorized attorney, upon surrender of such Bond for cancellation, accompanied by delivery of a written instrument of transfer in a form approved by the Agent, duly executed. Whenever any Bond shall be surrendered for transfer, the Agent shall thereupon authenticate and deliver to the transferee a new Bond or Bonds of like tenor, maturity and aggregate principal amount. Bonds may be exchanged at the Principal Office of the Agent, for Bonds of the same tenor and maturity and of other authorized denominations. No Bonds the notice of redemption of which has been given pursuant to Section 2.14 shall be subject to transfer or exchange pursuant to this Section. Neither the City nor the Agent shall be required to make such exchange or registration or transfer of Bonds during the fifteen (15) days immediately preceding any Interest Payment Date.
Section 2.11. TEMPORARY BONDS. The Bonds may be issued initially in temporary form exchangeable for definitive Bonds when ready for delivery. The temporary Bonds may be printed, lithographed or typewritten, shall be of such denominations as may be determined by the Council and may contain such reference to any of the provisions of this Resolution as may be appropriate. Every temporary Bond shall be executed by the officers designated and in the manner provided in Section 2.09 hereof and be registered and authenticated by the Agent upon the same conditions and in substantially the same manner as the definitive Bonds. If the Council issues temporary Bonds, it will execute and furnish definitive Bonds without delay, and thereupon the temporary Bonds may be surrendered, for cancellation, in exchange therefor at the Principal Office of the Agent, and the Agent shall authenticate and deliver in exchange for such temporary Bonds an equal aggregate principal amount of definitive Bonds of authorized denominations. Until so exchanged, the temporary Bonds shall be entitled to the same benefits under this Resolution as definitive Bonds authenticated and delivered hereunder.

Section 2.12. BOND REGISTRATION BOOKS. The Agent will keep or cause to be kept at its Principal Office sufficient Bond Registration Books for the registration and transfer of the Bonds, which shall at all times during regular business hours be open to inspection by the City; and, upon presentation for such purpose, the Agent shall, under such reasonable regulations as it may prescribe, register or transfer or cause to be registered or transferred, on said books, Bonds as hereinbefore provided.

Section 2.13. BONDS MUTILATED, LOST, DESTROYED OR STOLEN. If any Bond shall become mutilated, the Agent shall thereupon authenticate and deliver, a new Bond of like maturity and principal amount in exchange and substitution for the Bond so mutilated, but only upon surrender to the Agent of the Bond so mutilated. Every mutilated Bond so surrendered to the Agent shall be cancelled by it and delivered to, or upon the order of, the City. If any Bond issued hereunder shall be lost, destroyed or stolen, evidence of such loss, destruction or theft may be submitted to the City and the Agent and, if such evidence be satisfactory to them and indemnity satisfactory to them shall be given, the Agent shall thereupon authenticate and deliver, a new Bond of like maturity and principal amount in lieu of and in substitution for the Bond so lost, destroyed or stolen (or if any such Bond shall have matured or shall have been called for redemption, instead of issuing a substitute Bond the Agent may pay the same without surrender thereof upon receipt of indemnity satisfactory to the Agent). The City may require payment of a reasonable fee for each new Bond issued under this Section and of the expenses which may be incurred by the City and the Agent. Any Bond issued under the provisions of this Section in lieu of any Bond alleged to be lost, destroyed or stolen shall constitute an original contractual obligation on the part of the City whether or not the Bond alleged to be lost, destroyed or stolen be at any time enforceable by anyone, and shall be equally and proportionately entitled to the benefits of this Resolution with all other Bonds secured by this Resolution.

Section 2.14. REDEMPTION PRIOR TO MATURITY. Each Bond, or any portion thereof in the amount of the Bond Denomination or any integral multiple thereof, outstanding may be redeemed and paid in advance of maturity upon any Interest Payment Date in any year by giving 30-day's notice by registered or certified mail or personal service to the Registered Owner as required by applicable provisions of the Bond Law and by paying the principal amount thereof together with the Redemption Premium plus interest to the date of advanced maturity, unless sooner surrendered, in which event said interest will be paid to the date of payment, all in the manner and as provided in the Bond Law.

The Treasurer shall cause to be called for redemption and retire Bonds upon prepayment of assessments in amounts sufficient therefor, or whenever sufficient surplus funds are available therefor in the Redemption Fund.
The provisions of Part 11.1 of the Bond Law are applicable to the advance payment of assessments and to the calling of the Bonds.

Section 2.15. REFUNDING OF BONDS. The Bonds may be refunded by the City pursuant to Divisions 11 or 11.5 of the Streets and Highways Code of California upon the conditions as set forth in appropriate proceedings therefor, all as determined by the Council.
ARTICLE III

SALE AND DELIVERY OF BONDS

Section 3.01. SALE OF BONDS. The Bonds shall be sold to the successful bidder for the Bonds as Original Purchaser.

Section 3.02. FURTHER AUTHORITY. The officers of the City are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

The Finance Director and the Clerk are authorized to complete and to approve changes in any provisions of this Resolution in order to accomplish the delivery of any of the Bonds on schedule; such changes may be accomplished by attachment of a certificate executed by both such officers to this Resolution on file in the office of the Clerk.
ARTICLE IV

APPLICATION OF PROCEEDS OF BONDS; ESTABLISHMENT OF FUNDS

Section 4.01. APPLICATION OF PROCEEDS OF SALE OF BONDS. Upon receipt of the proceeds of sale of the Bonds on the Closing Date, the proceeds thereof shall be forthwith set aside, paid over and deposited by the Treasurer, as set forth in the Bid Documents and Certificate of the City and this Article IV.

Section 4.02. IMPROVEMENT FUND. There is hereby created a separate fund to be known as the "City of Modesto, Local Improvement District No. 29 (Standiford-Sisk-Dale-Prescott), Series 1991 Improvement Fund" (the "Improvement Fund"), which shall be held in trust by the Treasurer. The Treasurer shall disburse moneys in the Improvement Fund for the purpose of paying or reimbursing the costs of acquiring and constructing the Project, including but not limited to all costs incidental to or connected with such acquisition and construction. Disbursements from the Improvement Fund shall be subject to the provisions of Sections 5.09 and 5.10 hereof. Any surplus remaining after payment of all said costs and expenses shall be used as set forth in the proceedings pursuant to the Resolution of Intention and applicable provisions of the Act and the Improvement Fund shall be closed.

Section 4.03. RESERVE FUND. There is hereby created a special fund known as the "City of Modesto, Local Improvement District No. 29 (Standiford-Sisk-Dale-Prescott), Series 1991 Reserve Fund" (the "Reserve Fund"). The amount of the Reserve Fund shall not exceed the Reserve Requirement. The moneys in the Reserve Fund shall constitute a trust fund for the benefit of the Registered Owners of the Bonds and shall be administered by the Treasurer of the City in accordance with and pursuant to the provisions of Part 16 of the Bond Law; provided that proceeds from redemption or sale of the properties with respect to which payment of delinquent assessments and interest thereon was paid from the Reserve Fund, shall be credited to the Reserve Fund; and provided further that for the purposes of maintaining the Reserve Requirement and providing for any required reduction of the amount of money in the Reserve Fund during the term of the Bonds pursuant to section 8887 of the Act, and applicable provisions of the Tax Code, all proceeds from investment of moneys in the Reserve Fund in excess of the Reserve Requirement shall be credited upon the assessments, except as otherwise provided in Section 5.07 hereof.

Section 4.04. REDEMPTION FUND. There is hereby created a special fund known as the "City of Modesto, Local Improvement District No. 29 (Standiford-Sisk-Dale-Prescott), Series 1991 Redemption Fund" (the "Redemption Fund"). The Treasurer shall place in the Redemption Fund any amounts of accrued interest upon the Bonds from the Bond Date to the Closing Date and premium (if any) received upon the sale of the Bonds, together with any capitalized interest funded as a part of the purchase price of the Bonds and all sums received from the collection of unpaid assessments provided in Section 5.01 hereof, and of the interest and penalties thereon.

Section 4.05. COST OF ISSUANCE ACCOUNT. There is hereby created within the Improvement Fund, a special account to be known as the "City of Modesto, Local Improvement District No. 29 (Standiford-Sisk-Dale-Prescott), Series 1991 Cost of Issuance Account" (the "Cost of Issuance Account"), which the City hereby covenants and agrees to cause to be maintained and which shall be held in trust by the Treasurer. The moneys in the Cost of Issuance Account shall be used in the manner provided by law solely for the purpose of the payment of Costs of Issuance, on or after the Closing Date. Any funds remaining in the Cost of Issuance Fund on the date that is six months after the Closing Date, shall be transferred to the Improvement Fund.
Section 4.06. INVESTMENT OF FUNDS. Moneys in the Improvement Fund, Redemption Fund, and the Reserve Fund shall, whenever practicable, be invested in Authorized Investments, maturing on a date prior to which such moneys are expected to be required. Any income therefrom or interest thereon shall accrue to and be deposited in the fund from which said moneys were invested, subject to the provisions of Section 5.07 hereof.
ARTICLE V

COVENANTS OF THE CITY; TAX COVENANTS

Section 5.01. COLLECTION OF UNPAID ASSESSMENTS. The unpaid assessments as set forth on the list thereof on file with the Treasurer together with the interest thereto, shall be payable in annual series corresponding in number to the number of serial maturities of the Bonds issued. An annual proportion of each unpaid assessment shall be payable in each year preceding the date of maturity of each of the several series of Bonds issued, sufficient to pay the Bonds when due and such proportion of each unpaid assessment coming due in any year, together with the annual interest thereon, shall be payable in the same manner and at the same time and in the same installments as the general taxes on real property are payable, and become delinquent at the same times and in the same proportionate amounts and bear the same proportionate penalties and interests after delinquency as do the general taxes on real property. All sums received from the collection of said unpaid assessments and of the interest and penalties thereon shall be placed in the Redemption Fund.

Section 5.02. FORECLOSURE. The City hereby covenants with and for the benefit of the Owners of the Bonds that it will order, and cause to be commenced within 150 days following the date of delinquency, and thereafter diligently prosecuted, an action in the superior court to foreclose the lien of any assessment or installment thereof not paid when due, pursuant to and as provided in sections 8830 through 8835, inclusive, of the Bond Law.

Section 5.03. NO ADVANCES FROM AVAILABLE SURPLUS FUNDS. The City shall not be obligated to advance available surplus funds of the City to cure any deficiency which may occur in the Redemption Fund; provided, however, that said determination shall not prevent the City, in its sole discretion, from so-advancing funds.

Section 5.04. PUNCTUAL PAYMENT; COMPLIANCE WITH DOCUMENTS. The City shall punctually pay or cause to be paid the interest and principal to become due with respect to all of the Bonds in strict conformity with the terms of the Bonds and of this Resolution, and will faithfully observe and perform all of the conditions, covenants and requirements of this Resolution and all Supplemental Resolutions.

Section 5.05. NO PRIORITY FOR ADDITIONAL OBLIGATIONS. The City covenants that no additional bonds or other obligations shall be issued or incurred having any priority over the Bonds in payment of principal or interest out of the Assessments. Nothing in this Resolution shall prohibit or impair the authority of the City to issue bonds or other obligations secured by and payable from Assessments which are on a parity with the Bonds, upon such terms and in such principal amounts as the City may determine.

Section 5.06. NO ARBITRAGE. The City shall not take, nor permit nor suffer to be taken, any action with respect to the proceeds of any of the Bonds which would cause any of the Bonds to be "arbitrage bonds" within the meaning of the Tax Code.

Section 5.07. REBATE OF EXCESS INVESTMENT EARNINGS TO UNITED STATES.

(A) Compliance with Rebate Requirements. The City shall assure compliance with applicable requirements contained in the Tax Code and Tax Regulations for rebate of excess investment earnings, if any, to the federal government.
(B) Maintenance of Records. The City shall keep or cause to be kept, and retain or cause to be retained for a period of six (6) years following the retirement of the Bonds, records of the determinations made pursuant to this Section 5.07.

(C) Engagement of Professional Services. In order to provide for the administration of this Section 5.07, the City may provide for the employment of independent attorneys, accountants and consultants compensated on such reasonable basis as the City may deem appropriate.

(D) Modification of this Section. Any of the provisions of this Section 5.07 may be amended, modified or deleted in any manner whatsoever by resolution of the Council, provided that such resolution is accompanied by an opinion of bond counsel stating that such amendment, modification or deletion will not cause interest on the Bonds to be includable in gross income of the Owners for federal income tax purposes.

Section 5.08. INFORMATION REPORT. The Treasurer is hereby directed to assure the filing of an information report for the Bonds in compliance with section 149(e) of the Tax Code.

Section 5.09. PRIVATE BUSINESS USE LIMITATION. Not more than ten percent (10%) of the Proceeds of the Bonds shall be used in a manner which would cause the Bonds to become "private activity bonds" under and within the meaning of section 141(a) of the Tax Code.

Section 5.10. PRIVATE LOAN LIMITATION. Not more than five percent (5%) of the Proceeds of the Bonds shall be used, directly or indirectly, to make or finance a loan (other than loans constituting Nonpurpose Obligations or assessments) to persons other than state or local government units.

Section 5.11. FEDERAL GUARANTEE PROHIBITION. The City shall not take any action or permit or suffer any action to be taken if the result of the same would be to cause any of the Bonds to be "federally guaranteed" within the meaning of section 149(b) of the Tax Code.

Section 5.12. FURTHER ASSURANCES. The City will adopt, make, execute and deliver any and all such further resolutions, instruments and assurances as may be reasonably necessary or proper to carry out the intention or to facilitate the performance of this Resolution, and for the better assuring and confirming unto the Owners of the Bonds the rights and benefits provided in this Resolution.

Section 5.13. AMENDMENT. Without the consent of the Owners of the Bonds, the City hereafter may amend this Resolution to add, modify or delete provisions if the same is necessary or desirable to assure compliance with section 148(f) of the Tax Code relating to rebate of Excess Investment Earnings or as otherwise required, to assure the exemption from federal income taxation of interest on the Bonds.
ARTICLE VI
MISCELLANEOUS

Section 6.01. FUNDS AND ACCOUNTS. Any fund or account required by this Resolution to be established by the Treasurer and held and maintained by the Treasurer or the Agent may be established and maintained in the accounting records of the Treasurer or the Agent either as a fund or an account, and may, for the purposes of such records, any audits thereof and any reports or statements with respect thereto, be treated either as a fund or an account; but all such records with respect to all such funds and accounts shall at all times be maintained in accordance with sound accounting practices and with due regard for the protection of the security of the Bonds and the rights of every Owner thereof.

Section 6.02. PARTIAL INVALIDITY. If any one or more of the covenants or agreements, or portions thereof, provided in this Resolution to be performed on the part of the City, the Council or the Agent should be contrary to law, then such covenant or covenants, such agreement or agreements, or such portions thereof, shall be null and void and shall be deemed separable from the remaining covenants and agreements or portions thereof and shall in no way affect the validity of this Resolution or of the Bonds; but the Owner shall retain all the rights and benefits accorded to them under applicable provisions of law. The Council hereby declares that it would have adopted this Resolution and each and every other section, paragraph, subdivision, sentence, clause and phrase hereof, and would have authorized the issuance of the Bonds pursuant hereto, irrespective of the fact that any one or more sections, paragraphs, subdivisions, sentences, clauses or phrases of this Resolution or the application thereof, to any person or circumstances may be held to be unconstitutional, unenforceable or invalid.

Section 6.03. DEFEASANCE. The Bonds shall no longer be deemed to be outstanding and unpaid if the City shall have made adequate provision for the payment, in accordance with the Bonds and this Resolution, of the principal, interest and premiums, if any, to become due thereon at maturity or upon call and redemption prior to maturity. Such provision shall be deemed to be adequate if the Council shall, on behalf of the Assessment District, have irrevocably set aside, in a special trust fund or account, cash or Federal Securities which when added to the interest earned or to be earned thereon shall be sufficient to make said payments as they become due and to redeem any Bonds Outstanding on the earliest possible redemption date.

Section 6.04. REPEAL OF INCONSISTENT RESOLUTIONS. Any resolution of the Council, and any part of such resolution, inconsistent with this Resolution, is hereby repealed to the extent of such inconsistency.

Section 6.05. AUTHORITY OF TREASURER. All actions mandated by this Resolution to be performed by the Treasurer may be performed by the designee thereof or such other official of the City or independent contractor, consultant or trustee duly authorized by the City to perform such action or actions in furtherance of all or a specific portion of the requirements hereof.

Section 6.06. CERTIFIED COPIES. The Clerk shall furnish a certified copy of this resolution to the Treasurer, to the Agent and to the Auditor of the County of Stanislaus.

Section 6.07. EFFECTIVE DATE OF THE RESOLUTION. This Resolution shall become effective upon the date of its adoption.

***************
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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
EXHIBIT A
[FORM OF BOND]

United States of America
State of California
County of Stanislaus

Registered Number: A-

Limited Obligation Improvement Bond
City of Modesto
Local Improvement District No. 29
(Standiford-Sisk-Dale-Prescott)
Series 1991

Interest Rate: 
Maturity Date: July 1, 1991
Bond Date: 
CUSIP: 

REGISTERED OWNER:

PRINCIPAL AMOUNT: DOLLARS

Under and by virtue of the Improvement Bond Act of 1915, Division 10 (commencing with Section 8500) of the Streets and Highways Code of California (the "Act"), the City of Modesto (the "City"), County of Stanislaus, State of California, will, out of the redemption fund for the payment of the bonds issued upon the unpaid portion of assessments made for the acquisition, work and improvements more fully described in proceedings taken pursuant to Resolution of Intention No. 91-112 adopted by the City Council of the City on February 26, 1991, pay to the registered owner named above or registered assigns, on the maturity date stated above, the principal amount stated above, in lawful money of the United States of America and in like manner will pay interest from the interest payment date next preceding the date on which this bond is authenticated, unless this bond is authenticated and registered as of an interest payment date, in which event it shall bear interest from the interest payment date, in which event it shall bear interest from such interest payment date, or unless this bond is authenticated and registered prior to March 2, 1992, in which event it shall bear interest from its date until payment of the principal amount shall have been discharged, at the rate per annum stated above, payable semiannually on March 2 and September 2 in each year commencing on March 2, 1992. Both the principal hereof and redemption premium hereon are payable at the Corporate Trust Department of State Street Bank and Trust Company of California, N.A., as Authentication Agent, Transfer Agent, Registrar and Paying Agent (the "Agent"), in San Francisco, California, and the interest hereon is payable by check or draft mailed to the registered owner hereof at the owner's address as it appears on the records of the Agent, or at such address as may have been filed with the Agent, for that purpose, as of the 15th day immediately preceding each interest payment date.

This bond will continue to bear interest after maturity at the rate above stated; provided, it is presented at maturity and payment thereof is refused upon the sole ground that there are not
sufficient moneys in said redemption fund with which to pay same. If it is not presented at maturity, interest thereon will run until maturity.

This bond shall not be entitled to any benefit under the Act or the Resolution Authorizing Issuance Of Bonds (the "Resolution of Issuance"), or become valid or obligatory for any purpose, until the certificate of authentication and registration hereon endorsed shall have been dated and signed by the Agent.

IN WITNESS WHEREOF, said City of Modesto has caused this bond to be signed by manual or facsimile signature by the Treasurer of the City and by the manual or facsimile signature of its City Clerk, and has caused its corporate seal to be reproduced in facsimile hereon all as of the ___ day of __________ 1991.

CITY OF MODESTO

_____________________________  ________________________________
Treasurer                                     City Clerk

[ Seal ]
CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This is one of the bonds described in the within mentioned Resolution of Issuance, which has been authenticated and registered on

____________________, Agent

By  ______________________
Authorized Officer
This bond is one of several annual series of bonds of like date, tenor, and effect, but differing in amounts, maturities and interest rates, issued by the City of Modesto under the Act and the Resolution of Issuance, for the purpose of providing means for paying for the improvements described in the proceedings, and is secured by the moneys in said redemption fund and by the unpaid portion of said assessments made for the payment of said improvements, and, including principal and interest, is payable exclusively out of said fund.

This bond is transferable by the registered owner hereof, in person or by the owner's attorney duly authorized in writing, at the office of the Agent, subject to the terms and conditions provided in the Resolution of Issuance, including the payment of certain charges, if any, upon surrender and cancellation of this bond. Upon such transfer, a new registered bond or bonds, of any authorized denomination or denominations, of the same maturity, and for the same aggregate principal amount, will be issued to the transferee in exchange therefor.

Bonds shall be registered only in the name of an individual (including joint owners), a corporation, a partnership, or a trust.

Neither the City nor the Agent shall be required to make such exchange or registration of transfer of bonds during the 15 days immediately preceding any interest payment date.

The City and the Agent may treat the registered owner hereof as the absolute owner for all purposes, and the City and the Agent shall not be affected by any notice to the contrary.

This bond or any portion of it in the amount of five thousand dollars ($5,000), or any integral multiple thereof, may be redeemed and paid in advance of maturity upon the second day of March or September in any year by giving at least 30 days' notice by registered or certified mail or by personal service to the registered owner hereof at the registered owner's address as it appears on the registration books of the Agent and by paying principal and accrued interest together with a premium equal to 3 percentum of the principal.

This bond is a limited obligation improvement bond because, under the Resolution of Issuance, the City is not obligated to advance funds from the City treasury to cover any deficiency which may occur in the Redemption Fund for the Bonds; however, the City is not prevented, in its sole discretion, from so advancing funds.
OPINION: $_______ Limited Obligation Improvement Bonds, City of Modesto, Local Improvement District No. 29 (Standiford-Sisk-Dale-Prescott), Series 1991

We have acted as Bond Counsel in connection with the issuance by the City of Modesto (the "City") of $_______ Limited Obligation Improvement Bonds, Local Improvement District No. 29 (Standiford-Sisk-Dale-Prescott), Series 1991, dated July 1, 1991 (the "Bonds"), pursuant to Division 10 of the Streets and Highways Code of California (the "Act") and Resolution No. ____ (the "Resolution") of the City adopted _____________, 1991. We have examined the law and such certified proceedings and other papers as we deem necessary to render this opinion.

As to questions of fact material to our opinion, we have relied upon representations of the City contained in the Resolution and in the certified proceedings and other certifications of public officials furnished to us, without undertaking to verify such facts by independent investigation.

Based upon our examination, we are of the opinion, under existing law, that:

1. The City is a municipal corporation and general law city of the State of California duly organized and validly existing under and by virtue of the Constitution and the laws of the State of California with power to adopt the Resolution, perform the agreements on its part contained therein, and issue the Bonds.

2. The Resolution has been duly adopted by the City and constitutes a valid and binding obligation of the City enforceable upon the City.

3. Pursuant to the Act, the Resolution creates a valid lien on the funds pledged by the Resolution for the security of the Bonds on a parity with other bonds (if any) issued or to be issued under the Resolution, subject to no prior lien granted under the Act.

4. The Bonds have been duly authorized, executed and delivered by the City and are valid and binding special obligations of the City, payable solely from the sources provided therefor in the Resolution.

5. The interest on the Bonds is excluded from gross income for federal income tax purposes and is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; it should be noted, however, that, for the purpose of computing the alternative minimum tax imposed on such corporations (as defined for federal income tax purposes), such interest is taken into account in determining certain income. The opinions set forth in the preceding sentence are subject to the condition that the City comply with all requirements of the Internal Revenue Code of 1986 that must be satisfied subsequent to the issuance of the Bonds in order that interest thereon be, or continue to be, excluded from gross income.
income for federal income tax purposes. The City has covenanted to comply with each such requirement. Failure to comply with certain of such requirements may cause the inclusion of interest on the Bonds in gross income for federal income tax purposes to be retroactive to the date of issuance of the Bonds. We express no opinion regarding other federal tax consequences arising with respect to the Bonds.

6. The interest on the Bonds is exempt from personal income taxation imposed by the State of California.

The rights of the owners of the Bonds and the enforceability of the Bonds and the Resolution may be subject to bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting creditors' rights heretofore or hereafter enacted and may also be subject to the exercise of judicial discretion in appropriate cases.

Respectfully submitted,

A Professional Law Corporation
[FORM OF ABBREVIATIONS]

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM -- as tenants in common
TEN ENT -- as tenants by the entireties
JT TEN -- as joint tenants with
____ right of survivorship
____ and not as tenants in
____ common

UNIF GIFT MIN ACT _____ Custodian
(Cust) _____ (Minor)
under Uniform Gifts to Minors
Act ____________________________
(State)

ADDITIONAL ABBREVIATIONS MAY ALSO BE USED
THOUGH NOT IN THE LIST ABOVE
[FORM OF ASSIGNMENT]

For value received, the undersigned do(es) hereby sell, assign and transfer unto

(Name, Address and Tax Identification or Social Security Number of Assignee)

the within Bond and do(es) hereby irrevocably constitute and appoint ___________, attorney, to transfer the same on the registration books of the Trustee, with full power of substitution in the premises.

Dated: __________________________

Signature Guaranteed: __________________________

NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

NOTICE: The signature on this assignment must correspond with the name(s) as written on the face of the within Bond in every particular without alteration or enlargement or any change whatsoever.
CITY OF MODESTO
LOCAL IMPROVEMENT DISTRICT NO. 29
(Standiford-Sisk-Dale-Prescott)

Distribution List

CITY

Mr. Pete Kolf
Director of Finance
CITY OF MODESTO
1012 I Street
P.O. Box 642 (95353)
Modesto, CA 95354
(209) 577-5370

Mr. Daryl Willey
Acting Director of Engineering

Mr. Al Kaufman
Special Projects Manager

Stan T. Yamamoto, Esq.
City Attorney
CITY OF MODESTO
801 11th Street
P.O. Box 642 (95353)
Modesto, CA 95354
(209) 577-5215 (Willey)
(209) 577-5238 (Kaufman)
(209) 577-5338 (Yamamoto)

FINANCIAL ADVISOR

Mr. John C. Fitzgerald
Managing Director

Mr. Kenneth D. Ough
Managing Director

Mr. Syrus En
Financial Analyst
SEIDLER-FITZGERALD PUBLIC FINANCE
515 South Figueroa Street
Suite 600
Los Angeles, CA 90071
(213) 624-4232

BOND COUNSEL

David J. Oster, Esq.
JONES HALL HILL & WHITE
Four Embarcadero Center
19th Floor
San Francisco, CA 90071
(415) 391-5780

FISCAL AGENT

Joni Frederick
STATE STREET BANK AND TRUST
COMPANY OF CALIFORNIA, N.A.
725 South Figueroa Street, Suite 975
Los Angeles, CA 90017
(213) 955-7961
(213) 688-7592 (Fax)
RESOLUTION NO. 91-365

A RESOLUTION CALLING FOR BIDS FOR BONDS, APPROVING OFFICIAL STATEMENT AND RELATED DOCUMENTS, AND AUTHORIZING AND DIRECTING CERTAIN ACTIONS WITH RESPECT THERETO FOR LOCAL IMPROVEMENT DISTRICT NO. 29

CITY OF MODESTO
Local Improvement District No. 29
(Standiford-Sisk-Dale-Prescott)

RESOLVED, by the City Council (the "Council") of the City of Modesto (the "City"), County of Stanislaus, State of California, that

WHEREAS, pursuant to its Resolution of Intention No. 91-112 adopted on February 26, 1991, this Council proposes to issue and sell its Limited Obligation Improvement Bonds, City of Modesto, Local Improvement District No. 29, Series 1991 (the "Bonds") in a principal amount of not to exceed $ 982,853; 

WHEREAS, in connection with such sale the City's Financial Advisor, Seidler-Fitzgerald Public Finance, has prepared and presented to this Council a form of Notice of Intention to Sell Improvements Bonds and Official Statement containing information material to the offering and sale of the Bonds;

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

1. The Finance Director or such other official of the City as may be designated by this Council (the "Authorized Official") is authorized and directed to publish the Notice of Intention to Sell Improvement Bonds in the Bond Buyer, to call for bids for the sale of the Bonds at a time and place to be determined by the Authorized Official, and to award the sale of the Bonds to the successful bidder on behalf of the City.

2. Upon award of sale of the Bonds on behalf of the City, the Bonds shall be printed, authenticated and delivered, all in accordance with the applicable terms of the bid and the Resolution Authorizing the Issuance of Bonds, and the Authorized Official and other responsible City officials are hereby authorized and directed to take such actions as are required thereunder to complete all actions required to evidence the delivery of the bonds and the receipt of the purchase price thereof from the successful bidder for the Bonds.

3. The Council hereby approves the Preliminary Official Statement describing the financing described herein, in substantially the form on file with the Authorized Official, together with any changes therein or additions thereto deemed advisable by the Authorized Official. The Council approves and authorizes the distribution of the Preliminary Official Statement to
prospective purchasers of the Bonds, and authorizes and directs the Authorized Official on behalf of the City to deem "final" pursuant to Rule 15c2-12 under the Securities Exchange Act of 1934 (the "Rule") the Official Statement prior to its distribution to perspective purchasers of the Bonds. The final Official Statement, which shall include such changes and additions thereto deemed advisable by the Authorized Official 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.

4. All actions heretofore taken by the officers and agents of the City with respect to the establishment of the assessment district and the sale and issuance of the Bonds are hereby approved, confirmed and ratified, and the proper officers of the City are hereby authorized and directed to do any and all things and take any and all actions and execute any and all certificates, agreements, contracts, 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 any certificate, agreement, contract, bid and other document described in the documents herein approved.

5. This resolution shall take effect upon its adoption.

* * * * * * *
THE FOREGOING resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28 day of May, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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 APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ALAMEDA COUNTY TRANSPORTATION AUTHORITY TO ASSIGN THE CITY'S COMBINED ROAD PROGRAM FUNDS TO THAT AGENCY IN EXCHANGE FOR OTHER TRANSPORTATION FUNDS

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Alameda County Transportation Authority to assign the City's combined road program funds to that agency in exchange for other transportation funds 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 May, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-367

A RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6.

WHEREAS, Resolution 88-935 adopted by the Council of the City of Modesto on December 18, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the Public Works and Transportation Director, the person designated by this Council as Engineer of Work for Assessment District No. 1, to prepare and file an annual report, and

WHEREAS, the Public Works and Transportation Director, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22623 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.
b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 1 during the fiscal year 1991-92.

2. There are no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 1-6 and that the existing improvements to be made in said assessment district are generally described as follows:

   The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to landscape irrigation systems in the following locations:

   a. Street medians in Creekwood Drive

   b. Areas adjacent to the access control walls along Creekwood Drive

   c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 1 is located in the County of Stanislaus, within the City limits of the City of Modesto and is
more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 1.

5. On Tuesday, the 18th day of June, 1991, at the hour of 7:30 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the City Hall, 801 Eleventh Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-368

A RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS
FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR
DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10.

WHEREAS, Resolution 89-460 adopted by the Council of the City of
Modesto on April 4, 1989, initiated proceedings for the formation of Landscape
Assessment District No. 2 for the purpose of administering the maintenance of
landscaping in the public right of way within the street medians and adjacent
to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, and

WHEREAS, said assessment district was formed in accordance with the
Landscaping and Lighting Act of 1972, (Streets and Highways Code Sections
22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the
Public Works and Transportation Director, the person designated by this
Council as Engineer of Work for Assessment District No. 2, to prepare and file
an annual report, and

WHEREAS, the Public Works and Transportation Director, said Engineer
of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22623 of the Streets and Highways Code requires the
legislative body (the City Council) to adopt a resolution of intention which
shall include the following:

a. Declaration of intention of the legislative body (the City
Council) to levy and collect assessments within the assessment
district for the fiscal year stated in said annual report.

b. General description of the existing improvements and proposed
improvements and any substantial changes proposed to be made in
the existing improvements.
c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 2 during the fiscal year 1991-92.

2. There are no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 7-10 and that the existing improvements to be made in said assessment district are generally described as follows:

   The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to landscape irrigation systems in the following locations:

   a. Street medians in Creekwood Drive

   b. Areas adjacent to the access control walls along Creekwood Drive

   c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 1 is located in the County of Stanislaus, within the City limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).
4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 2.

5. On Tuesday, the 18th day of June, 1991, at the hour of 7:30 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the City Hall, 801 Eleventh Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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

052891 -3- 10730CA2
A RESOLUTION GRANTING THE APPEAL OF ROBERT BRADEN ON BEHALF OF THE WILLIAM LYON COMPANY TO THE DECISION OF THE PLANNING COMMISSION DENYING A VESTING TENTATIVE MAP FOR CREEKWOOD MEADOWS SUBDIVISION, AND APPROVING SAID MAP.

WHEREAS, the vesting tentative map of the Creekwood Meadows Subdivision was filed in the office of the Secretary of the Planning Commission on April 4, 1991, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code, and

WHEREAS, copies of said tentative map have been sent to Modesto City Schools, Stanislaus County Department of Planning And Community Development, the local utility companies, the City Engineering Services, and Parking and Traffic Departments, and

WHEREAS, city services, including sewer and water facilities, are available, and

WHEREAS, the vesting tentative map accompanied an application to rezone the subdivision area from Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, for a 96 single-family lot subdivision, and

WHEREAS, a public hearing was held by the Planning Commission on May 6, 1991, 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, at said hearing the Planning Commission, by Resolution No. 91-28, found and determined that the vesting tentative map of Creekwood Meadows Subdivision accepted for filing in the office of the Secretary of the Planning Commission on April 4, 1991, should be denied for the reasons set
forth in said Planning Commission resolution, and

WHEREAS, an appeal to the decision of the Planning Commission denying said vesting tentative map for Creekwood Meadows Subdivision, which accompanied an application to rezone from Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, property located north of Yosemite Boulevard between Creekwood Drive and the new Claus Road, was filed with the Office of the City Clerk by Robert Braden on behalf of The William Lyon Company, by letter dated May 8, 1991, 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 City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on June 4, 1991, at 7:30 p.m., and

WHEREAS, at said meeting, after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that the appeal of Robert Braden filed on behalf of The William Lyon Company to the decision of the Planning Commission denying approval of the vesting tentative map of Creekwood Meadows Subdivision, which accompanied an application to rezone from Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, for a 96 single-family lot subdivision, should be granted for the following reasons and the decision of the Planning Commission should be overruled:

1. The proposed downzoning from R-3 to R-1 will allow a single-family subdivision which will be compatible with adjoining residential development.

2. This project is consistent with the Modesto General Plan in that the multi-family development on Lincoln Avenue satisfies the need for various densities of housing in the neighborhood, and the market conditions do not justify developing this property as multi-family.

3. Development under the proposed R-1 zoning conforms to the General Plan which calls for residential "back-up lots" to develop along major streets and expressways.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines as follows:

1. That the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and applicable specific plans of the City of Modesto and the Subdivision Map Act of the State of California.

2. That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements by the California Regional Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California.

3. That exceptions to Section 4-4.302(c)(3) of the Modesto Municipal Code to allow back-up lots adjacent to Creekwood Drive is granted for the following reason:
   a. That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property or improvements in the vicinity or zone in which the property is located and will not nullify the intent and purpose of the General Plan or the subdivision regulations.

BE IT FURTHER RESOLVED by the Council that the appeal of Robert Braden on behalf of The William Lyon Company to the decision of the Planning Commission denying approval of the vesting tentative map of Creekwood Meadows Subdivision, which accompanied an application to rezone property from Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, to allow a 96 single-family lot subdivision, is hereby granted for the reasons set forth above, and the decision of the Planning Commission denying said vesting tentative map of Creekwood Meadows Subdivision is hereby overruled.

BE IT FURTHER RESOLVED that the vesting tentative map of the Creekwood Meadows Subdivision which was accepted for filing in the office of
the Secretary of the Planning Commission on April 4, 1991, be and it is hereby approved as submitted and as shown in red on the face of the map and subject to the following conditions:

1. 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 plans.

2. That the deceleration lane along Claus Road that runs though this site to serve the commercial site to the south be approved by the Public Works and Transportation Director.

3. That direct vehicular and pedestrian access between Claus Road including the deceleration lane and Creekwood Drive and the adjacent subdivision lots shall be denied by appropriate notes on the final map.

4. That a solid decorative masonry wall at least 8 feet in height shall be constructed adjacent to subdivision lots along the west line of Claus Road, including the deceleration lane, and along the south lines of lots 30 through 44, and a seven-foot high decorative masonry wall shall be constructed along the Creekwood Drive frontage to the west, subject to the clear vision requirements of Section 10-2.2314 of the Municipal Code.

5. That all street dedication be provided and subdivision improvements shall be constructed in accordance with City of Modesto Standard Specifications and as required by the Public Works and Transportation Director pursuant to improvement plans. The deceleration lane shall not be dedicated.

6. That public utility easements as required by the utility companies serving the subdivision shall be dedicated by the final map. Electric facilities shall be relocated to accommodate the proposed development. Relocation of electric or irrigation facilities will be at the developer's expense.

7. That irrigation lines within the subdivision shall be removed, protected, or relocated as required by the Modesto Irrigation District and the Public Works and Transportation Director. Appropriate easements for irrigation lines to remain shall be dedicated as necessary.

8. That a final map shall not be recorded until such time as appropriate R-1 Zoning to allow the proposed development is granted by the City Council and is in effect.

9. That the subdivider shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and
all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning a subdivision, which action is brought within the time period provided for in Section 66499.37 of the Government Code of the State of California. The City of Modesto shall promptly notify the subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless.

10. The Capital Facilities Fees payable at the time of the issuance of a building permit for any construction in this subdivision map shall be based on the rates in effect at time of issuance of the building permit.

11. That prior to recordation of a final map, the subdivider shall add this map to the Dry Creek Meadows "Special Assessment Benefit District for Landscaping" (SABDL). Said SABDL shall be for the purpose of financing the construction and on-going maintenance of landscaping along the proposed Creekwood Drive and Claus Road.

12. That prior to recordation of a final map, the subdivider shall contact the United States Postal Service for review and establishment of a mail delivery plan.

13. That the deceleration lane shall not be dedicated but shall be combined with the commercial property to the south prior or in conjunction to recordation of the map. A Public Utility Easement shall be reserved within the deceleration lane as approved by the Director of Public Works and Transportation.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June 1991, by Councilmember Muratore, 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: Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Irizarry

ABSENT: Councilmembers: Bird, Martin

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-370

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION 25-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-3 TO R-1.

WHEREAS, on June 4, 1991, the City Council introduced Ordinance No. 2767-C.S. giving approval to a project relating to an amendment to Section 25-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, property located north of Yosemite Boulevard between Creekwood Drive and the new Claus 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 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 Section 25-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium High Density Residential Zone, R-3, to Low Density Residential Zone, R-1, property located north of Yosemite Boulevard between Creekwood Drive and the new Claus Road.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 1991, by Councilmember Muratore, 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: Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Irizarry

ABSENT: Councilmembers: Bird, Martin

ATTEST: ____________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________________________
STAN T. YAMAMOTO, City Attorney
A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PREZONED PLANNED DEVELOPMENT ZONE, P-PD(483). (RULE DEVELOPMENT)

WHEREAS, a verified application for an amendment to Sections 1-3-8 and 2-3-8 of the Zoning Map was filed by Rule Development on February 14, 1991, to prezone to Planned Development Zone, P-PD, the following described property:

All that certain real property situate in portions of the Southwest Quarter of Section 1, the Southeast Quarter of Section 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California described as follows:

BEGINNING at the southeast corner of the Northeast Quarter of said Southeast Quarter of Section 2, being also the Northeast corner of the Pelandale No. 1 Addition to the City of Modesto; thence South 89°57'00" West along the South line of the North Half of said Southeast Quarter of Section 2, being also the centerline of Pelandale Avenue and the North line of said Pelandale No. 1 Addition, a distance of 2,642.02 feet to the West line of said Southeast quarter of Section 2; thence North O°16'16" East along said West line of the Southeast Quarter of Section 2, a distance of 1,240.60 feet to the South line of 100 foot wide Modesto Irrigation District (MID) Lateral No. 6; thence South 89°54'19" East along said South line of MID Lateral No. 6, a distance of 2,642.93 feet to the West line of said Southwest Quarter of Section 1; thence North 89°45'30" East along said South line of MID Lateral No. 6, a distance of 50.00 feet to the East line of Dale Road; thence South O°18'54" West along said East line of Dale Road, a distance of 1,233.94 feet to the South line of the North Half of said Southwest Quarter of Section 1; thence South 89°45'30" West along said South line of the North Half of Southwest Quarter of Section 1, a distance of 50.00 feet to the point of beginning.

Containing: 76.47 Acres

and

WHEREAS, said application was set for a public hearing before the Planning Commission on March 18, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and
WHEREAS, after said public hearing held on March 18, 1991, 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. 91-20, that prezoning of the property is required by public necessity, convenience and general welfare for the following reasons:

1. That the General Plan amendment to include the project site into the Modesto Urban Area with residential designation has been approved.

2. That the prezone is in accordance with the community objectives as set forth in the General Plan which allows backup lots along major streets and commercial development at the intersection of major/major streets.

3. That the Mitigated Negative Declaration recommended by the Environmental Assessment Committee in its initial study of February 13, 1991 be certified.

4. That with regard to Condition No. 14, the Planning Commission finds pursuant to Government Code Section 66001 that the documentary and oral evidence introduced at the hearing establish the following:

   a. That the purpose of the proposed fee is to mitigate the impact of traffic generated by the project.

   b. That the use to which the fee will be put is to fund the project's share of a median on Dale Road extending 300 feet north of Pelandale Avenue consistent with Standard Specification.

   c. That there is a reasonable relationship between the use of the fee and the type of development that is proposed because the development will generate traffic on Dale Road and the median will assist traffic flow on Dale Road.

   d. That there is a reasonable relationship between the need for the public facilities to be funded and the type of development that is proposed because the median will be needed when the east "leg" of Pelandale Avenue is installed to cope with the traffic generated by this and nearby projects.

   e. That there is a reasonable relationship between the amount of the fee and the cost of the proposed public facilities
to be funded because the project will pay for 50% of the cost of the median and the properties on the east side of Dale Road will pay the other 50%.

and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place in the Council Chambers, City Hall, 801 11th Street, Modesto, California, on June 4, 1991, at 7:30 p.m., and

WHEREAS, after a public hearing held on June 4, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Rule Development 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. 91-20 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2767-C.S. on the 4th day of June, 1991, prezoning the above-described property to Planned Development Zone, P-PD(483).

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-PD(483), is hereby approved subject to the following conditions:

1. All development shall conform to the plans titled "Fleur de Ville-Retail" as amended in red, stamped approved by the Planning Commission on March 18, 1991.

2. Prior to the issuance of a City building permit, a landscaping and irrigation plan for common area 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. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

4. Street dedication consistent with Standard Specifications shall be made prior to the issuance of a City 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.

5. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures by the City 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 City building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

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

8. Trash bins for the commercial site 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.

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

10. All signs for the commercial property shall comply with the sign requirements of the C-3 Zone.

11. That the developer shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning a P-D Zone, which action is brought within the time period provided for in Section 1094.6 of the Code of Civil Procedure and Section 21167 of the Public Resources Code of the State of California. The City of Modesto shall promptly notify
the developer of any claim, action, or proceeding and shall cooperate fully in the defense.

12. Prior to the issuance of a City building permit, the developer shall pay City Capital Facilities Fees. See mitigating measures for City CFF payment if permits are issued by the County prior to annexation.

13. All applicable conditions of County Board of Supervisors Resolutions No. 87-1234 and 88-376 not in conflict with this action shall remain in full force and effect.

14. Prior to issuance of a City building permit, the developer shall pay 50% of the cost of a future median along Dale Road a distance of 300 feet north of Pelandale Avenue consistent with Standard Specifications as approved by the Public Works and Transportation Director.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said prezoned Planned Development Zone, P-PD(483):

Phase I - Construction having already begun to be not later than March 18, 2011.

Phase II - Construction to begin on or before March 18, 1993 and completion to be not later than March 18, 1997.

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 pre-zoning the above-described
property to Planned Development Zone, P-PD(483), becomes effective.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 4th day of June, 1991, by Councilmember Muratore, 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: Dobbs, Irizarry, Martin, 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 Department of Planning and
Community Development
A RESOLUTION APPROVING THE LOCAL AGENCY FORMATION COMMISSION "CITY REORGANIZATION QUESTIONNAIRE" FOR THE _______ FLEUR DE VILLE __________ REORGANIZATION, AND CERTIFYING REVIEW OF THE ENVIRONMENTAL ASSESSMENT AND DIRECTING THE FILING OF A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE PROPOSED REORGANIZATION.

WHEREAS, on ______ June 4 ______, 1991, the City Council considered the Local Agency Formation Commission "City Reorganization Questionnaire" for the _______ Fleur de Ville __________ Reorganization, a copy of which questionnaire is attached hereto, 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 Reorganization,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the attached Local Agency Formation Commission "City Reorganization Questionnaire" for the _______ Fleur de Ville __________ Reorganization, a copy of which questionnaire is attached hereto, is hereby approved.

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 _______ Fleur de Ville __________ Reorganization.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 1991, by Councilmember __Muratore__, 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: Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES:  Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: __Norrine Coyle__, City Clerk

(SEAL)
CITY REORGANIZATION QUESTIONNAIRE

1. Name of City: Modesto

2. Name of Proposed Reorganization: Fleur de Ville

3. Can the City provide complete City Services to the reorganization area if the proposal is approved? Yes

4. If the proposal is approved, are there any conditions the City would like LAFCO to impose? No

5. Other comments the City would like to make.

On April 23, 1991, the City Council approved a General Plan Amendment to include Residential Designation at the northwest corner of Pelandale Avenue and Dale Road. On June 4, 1991, the City Council approved the prezone to P-D for residential and commercial development. The approved land uses are essentially identical to uses approved in 1988 by the County. On June 4, the Council also initiated a request to expand the Sphere of Influence to include the Fleur de Ville site into the Modesto Primary Area of Influence.

A letter was received from the Modesto City School District dated March 16, 1990, requesting denial of this project because the school impacts would not be fully mitigated. On March 5, 1991, the City Council adopted a policy supporting the full mitigation of school impacts. This project cleared environmental review on February 13, 1991, which is before the school mitigation policy was adopted and therefore would not apply.

The Salida Fire District expressed concern about annexations north of Pelandale Avenue and thereby encroaching into their fire district boundary. The Environmental Protection Agency (EPA) an the Modesto City Council approved sewer service from the City to this project with the provision that sewer service not be approved to any other area north of Pelandale Avenue. Consequently, future annexations and encroachments into the Salida Fire District would not be likely.

PL/sj
PROPOSED FLEUR DE VILLE REORGANIZATION

MAP A
A RESOLUTION REQUESTING REVISION OF THE MODESTO SPHERE OF INFLUENCE BY THE STANISLAUS COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) TO INCLUDE THE FLEUR DE VILLE REORGANIZATION.

WHEREAS, in 1984 the Stanislaus County Local Agency Formation Commission ("LAFCO") adopted the Spheres of Influence for all the cities in Stanislaus County, and

WHEREAS, by Resolution No. 91-233 adopted by the Council of the City of Modesto on April 23, 1991, which became effective thirty (30) days thereafter, the Council adopted the Fleur de Ville General Plan amendment, said General Plan Amendment is as shown on the map attached hereto as Exhibit A, and

WHEREAS, the Council held a duly noticed public hearing on June 4, 1991, at 4:00 p.m. in the Council Chambers, 801 11th Street, Modesto, California, at which time evidence both oral and documentary was received and considered, after which the Council of the City of Modesto introduced Ordinance No. 2768-C.S., to amend Sections 2-3-8 and 1-3-8 of the Zoning Map of the City of Modesto to prezone to the City Prezoned Planned-Development Zone, P-PD(483), for single-family residential and commercial uses, property located at the northwest corner of Pelandale Avenue and Dale Road, and

WHEREAS, by Resolution No. 91-373 adopted by the Council on the 4th day of June, 1991, the Council approved a City Reorganization Questionnaire supporting the Fleur de Ville Reorganization (the "project") to the City of Modesto, said proposed Fleur de Ville Reorganization is as shown on the map attached hereto as Exhibit B, and
WHEREAS, the reorganization proposes to annex the project site, which is located at the northwest corner of Pelandale Avenue and Dale Road, to the City of Modesto and to the Modesto Municipal Sewer District No. 1, and to simultaneously detach said territory from the Salida Fire Protection District, the developer received City Council approval for City sewer service in September of 1989, and

WHEREAS, the project site is presently outside the Sphere of Influence as adopted by the Stanislaus County Local Agency Formation Commission, and said project site needs to be designated as within the Primary Area of Influence, and

WHEREAS, the project has approval by the County of Stanislaus for urban development and said project is already under construction, and

WHEREAS, the Modesto City Limits borders to the south and the City Sphere of Influence designated "Urban Reserve" borders to the east, and

WHEREAS, the Council desires to request the expansion of the Sphere of Influence, as it is consistent with the City's General Plan and LAFCO's Sphere of Influence policies, which encourages orderly annexations and provision of urban services by cities, and

WHEREAS, pursuant to Section 56428 of the State annexation law, Cortese-Knox Local Government Reorganization Act of 1985, if any local agency or county desires an amendment or revision of an adopted sphere of influence or urban service area, the local agency, by resolution of its legislative body, may file a request for amendment or revision with the executive officer who shall present the request to the commission at its next regular meeting.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby requests expansion of the Modesto Sphere of Influence to include the Fleur de Ville Reorganization to the City of Modesto, as said project site needs to be designated as within the Primary Area of Influence, said requested expansion of the Modesto Sphere of Influence which includes Fleur de Ville is as shown on the map attached hereto as Exhibit C.

BE IT FURTHER RESOLVED, that the City Clerk of the City of Modesto shall transmit a certified copy of this resolution to the Stanislaus Local Agency Formation Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 1991, by Councilmember Muratore, 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: Dobbs, Irizarry, Martin, 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
PROPOSED EXPANSION OF THE MODESTO SPHERE OF INFLUENCE

MAP B
CITY OF MODESTO
SPHERE OF INFLUENCE

STANISLAUS LAFCO STUDY
WPM PLANNING TEAM, INC.
NOVEMBER 1984
APRIL 16, 1986

EXHIBIT "C"
A Resolution Accepting the Bid of Nixon-Egli Equipment Company for Furnishing One Vactor Truck

WHEREAS, Resolution No. 91-220, adopted by the Council of the City of Modesto on April 16, 1991, approved the plans and specifications for the purchase of one vactor truck and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one vactor truck were opened at 11:05 a.m. on May 13, 1991, 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 Nixon-Egli Equipment Company in the amount of $149,419 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Nixon-Egli Equipment Company in the amount of $149,419 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 1991, 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: Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Bird

ATTEST: [Signature]
MODESTO CITY COUNCIL
RESOLUTION NO. 91-376

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 TRANSPORTATION CENTER.

WHEREAS, the City Council certifies that at its meeting of June 4, 1991, 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 Transportation Center,

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 Transportation Center.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June 1991, 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: Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: NORMA COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-377

A RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO
EXECUTE ALL NECESSARY DOCUMENTS IN CONNECTION WITH THE
MODESTO CENTRE PLAZA ASSOCIATES LIMITED PARTNERSHIP
REQUEST FOR CONSENT TO AN ADDITIONAL LOAN FOR THE RED LION
HOTEL/OFFICE PROJECT.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
City Manager is hereby authorized to execute the following documents in
connection with the request of Modesto Centre Plaza Associates, L.P., a
California limited partnership, for the consent of the City of Modesto to an
additional loan to the partnership by U.S. Bancorp Mortgage Company of
Portland, Oregon for the Red Lion Hotel/Office Project:

1. The First Modification of the Assignment of the Catering and
   Concessionaire Agreement, to be executed by the City of Modesto
   and Modesto Centre Plaza Associates, L.P., and

2. A Parking Structure Sublease Agreement Estoppel Certificate, to
   be executed by the City of Modesto and the Modesto
   Redevelopment Agency.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that
the City Manager is hereby authorized to execute any and all other documents
necessary in relation to the Modesto Centre Plaza Associates, L.P.'s request
for consent to an additional loan for the Red Lion Hotel/Office Project,
including without limitation, that certain first Amendment to the Catering and
Concessionaire Agreement of December 29, 1988, to be executed by the City of
Modesto and Modesto Centre Plaza Associates, L.P.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it
accepts the representation of Modesto Centre Plaza Associates, L.P. to provide
to the City timely reports regarding performance of the project so that the
City can be advised early of any circumstances that might adversely impact the project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Attorney is directed to provide to U.S. Bancorp Mortgage Company an opinion letter on behalf of the City of Modesto.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that, as a condition precedent to the document execution authorized hereby, Modesto Centre Plaza Associates, L.P. shall provide the following to the City Attorney:

1. An owner's policy of title insurance covering the Red Lion Hotel and its site guaranteeing that said Hotel and site are free and clear of all liens and encumbrances except those listed in Exhibit A attached hereto and by this reference made a part hereof.

2. Evidence of the lien-free status of title to the Parking Structure that is satisfactory to the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

(Signature)

ATTEST: MORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
EXHIBIT A

AUTHORIZED EXCEPTIONS FROM TITLE INSURANCE

1. General and special taxes of the County of Stanislaus and City of Modesto, including such Direct Special Assessments (if any) as may be included and collected therewith, for the fiscal year 1991-92, a lien not yet due or payable.

2. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Chapter 3.5, Revenue and Taxation Code, Section 75 et seq.

Note: Supplemental Tax Assessment pending on Assessment No. 105-4807-06,07,08,09,10

3. Assessments of the Modesto Irrigation District within which the herein described property is situated. All assessments levied to date have been paid.

4. Memorandum of Lease between the Redevelopment Agency of the City of Modesto, a public body corporate and politic as lessor, and the City of Modesto, a charter city of municipal corporation as lessee, recorded November 21, 1985 as Instrument No. 27969 in Reel 80 of Official Records, Image 563.

(AFFECTS PARCEL NO. 2 WITH OTHER PROPERTY)

The interest of the Lessor in and to said lease has been assigned to Bank of America National Trust and Savings Association, a national banking association, as Trustee by Assignment recorded November 21, 1985 as Instrument No. 27970 in Reel 80 of Official Records, Image 570.

Memorandum of Amendment under said Lease recorded June 30, 1987 as Instrument No. 96037.

The interest of the Lessor in and to said lease has been assigned to First Interstate Bank of California, a State banking corporation by Assignment recorded June 30, 1987 as Instrument No. 96038 of Official Records.

Memorandum of Parking Garage Sublease dated December 29, 1988, between the City of Modesto, a public body, corporate and politic, as Sublessor and Community Center Hotel Associates, a California corporation, as Sublessee, recorded December 30, 1988 as Instrument No. 090211 of Official Records.

Special Assignment of Ground Lease, dated December 29, 1988 by and among the Redevelopment Agency of the City of Modesto, a public body, corporate and politic ("Assignor"), Modesto Centre Plaza Associates, L.P., a California limited partnership ("Tenant"), and U.S. Bancorp

5. Property Management Agreement executed by and between the Redevelopment Agency of the City of Modesto and the Economic Development Administration, United States of America on the terms and conditions contained therein, recorded December 2, 1985 in Reel 82 of Official Records, Image 132.

(AFFECTS PARCEL NO. 2)

6. Memorandum of Lease between the Redevelopment Agency of the City of Modesto, a public body corporate and politic, as lessor, and Community Center Hotel Associates, a California Corporation as lessee, recorded July 10, 1986 in Reel 128 of Official Records, Page 0457.

(AFFECTS PARCEL NO. 1)


Confirmation of lease term recorded September 18, 1990 as Instrument No. 079358.

7. Easement for electrical facilities together with incidental rights appurtenant thereto over and across a portion of the herein described property, as granted to the Modesto Irrigation District by instrument recorded October 7, 1988 as Instrument No. 69370 of Official Records.

(AFFECTS PARCEL NO. 1)


13. The mortgage, herein referred to as the insured mortgage, and the assignments thereof, if any, are described as follows:

Deed of Trust to secure an indebtedness of $25,800,000.00, together with any other amounts payable thereunder.

Dated: December 29, 1988

Trustor: Modesto Centre Plaza Associates, L.P., a California limited partnership

Fee Owner: Redevelopment Agency of the City of Modesto, a Public Body Corporate and Politic

Trustee: Stewart Title of Modesto

Beneficiary: U.S. Bancorp Mortgage Company, an Oregon corporation

Recorded: December 20, 1988 as Instrument No. 090215 of Official Records

Said Deed of Trust secures an additional advance of $2,910,000.00 as disclosed by instrument recorded as Instrument No. ______ in Volume _____ of Official Records, page _____.
MODESTO CITY COUNCIL
RESOLUTION NO. 91-378

A RESOLUTION APPROVING AMENDMENT TO AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CENTRE PLAZA ASSOCIATES FOR CATERING AND CONCESSIONAIRE SERVICES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amendment to the agreement between the City of Modesto and Modesto Centre Plaza Associates for catering and concessionaire services be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Councilmember Bird

ATTEST: __________________________
Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-379

A RESOLUTION EXPRESSING GRATITUDE AND APPRECIATION TO MR. DAN COSTA FOR HIS SERVICE TO THE CITY OF MODESTO AND THE MODESTO CENTRE PLAZA.

WHEREAS, for the first two years of the Modesto Centre Plaza's operation, Dan Costa of Mallards provided catering and concessionaire services for the Centre, and

WHEREAS, the excellent manner in which these services were provided was an integral part of the immediate success of the Centre Plaza, and

WHEREAS, Mr. Costa did an outstanding job carrying out the responsibilities of his agreement with the City, and Mr. Costa has consented to relinquishing his position of providing food service at the Modesto Centre Plaza,

NOW, THEREFORE, BE IT RESOLVED by the Council that the City of Modesto recognizes the valuable service provided by Mr. Costa to the Modesto Centre Plaza, and hereby expresses its gratitude and appreciation to Mr. Costa for the commendable manner in which he fulfilled the provisions of his agreement with the City in providing catering and concessionaire services 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 4th day of June 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Martin, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 91-380

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE TWO PROGRAM SUPPLEMENTS TO THE EXISTING LOCAL AGENCY - STATE AGREEMENT FOR FEDERAL AID PROJECTS

WHEREAS, the Program Supplements are needed to secure funds for two FAU projects, the Coffee Road Reconstruction Project and the Sisk/Rumble and Scenic/Claus Traffic Signal Project.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that authorization for the City Manager to execute two Program Supplements to the existing Local Agency - State Agreement for Federal Aid Projects be, and it is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 1991, 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: Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: ______________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-381

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF KAI ROBINSON FROM THE CITIZENS' ADVISORY COMMITTEE ON RECYCLING

WHEREAS, Kai Robinson was appointed a member of the Citizens' Advisory Committee on Recycling on May 6, 1986; and

WHEREAS, Kai Robinson has tendered her resignation from the Citizens' Advisory Committee on Recycling effective June 4, 1991; and

WHEREAS, Kai Robinson 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 Kai Robinson 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 Kai Robinson 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 4th day of June, 1991, 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: Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: NORRINE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 91-382

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE 1991 STREETS CAPE SEAL PROJECT

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

SECTION 1. The plans and specifications for the 1991 streets cape seal 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 July 2, 1991, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the ___ day of June, 1991, 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: Dobbs, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Irizarry

ATTEST: ________________________________

NORRINE COYLE, CITY CLERK
A RESOLUTION GRANTING THE APPEAL OF RANDY THOMAS TO A PLANNING COMMISSION DECISION RELATING TO AMENDMENT OF P-D(253) TO ALLOW A PARKING AREA ADDITION, AND APPROVING A REVISED PLOT PLAN.

WHEREAS, City Council Ordinance No. 1905-C.S., effective on February 1, 1980, granted a Planned Development Zone, P-D(253), to R. T. Hughes Co. to allow a convenience commercial center limited to C-1 Zone uses and off-street parking areas in accordance with Article 18 of the Modesto Municipal Code, property located at the northwest corner of Standiford Avenue and Prescott Road, and

WHEREAS, City Council Ordinance No. 2253-C.S., effective on June 7, 1984, granted an additional use in Planned Development Zone, P-D(253), to R. T. Hughes Co. to allow a restaurant, and

WHEREAS, City Council Resolution No. 79-1298, adopted on December 18, 1979, contained the conditions of approval for the development of said uses on the P-D(253) property, and

WHEREAS, a verified application was filed by Randy Thomas on February 14, 1991, to amend P-D(253) to allow a parking area addition for employee parking at the west end of the commercial development at the northwest corner of Prescott Road and Standiford Avenue, and

WHEREAS, said application was set for a public hearing before the Planning Commission on April 15, 1991, and

WHEREAS, after a public hearing was held on April 15, 1991, in the City Council Chambers, the Planning Commission was unable to reach a majority vote to approve or deny the request which effected a denial of the application, and
WHEREAS, an appeal of the Planning Commission's denial of the request for approval to amend P-D(253) to allow a parking area addition was filed with the Office of the City Clerk by Dennis E. Wilson of Mid-Valley Engineering, Inc., on behalf of Randy Thomas, by letter dated April 26, 1991, 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 June 11, 1991, at 4:00 p.m., for consideration, and

WHEREAS, after hearing evidence, both oral and documentary, the Council found and determined that applicant had submitted a revised plot plan which was acceptable to staff and which was recommended by staff for approval, 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 amendment to P-D(253),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Dennis E. Wilson of Mid-Valley Engineering, Inc., filed on behalf of Randy Thomas, to a decision of the Planning Commission denying the request to amend P-D(253), is granted and the plot plan entitled "Site Plan - 2101 Standiford Ave.", as amended in red and stamped approved by the City Council on June 11, 1991, is approved to allow a parking lot area addition at the west end of the commercial development at the northwest corner of Prescott Road and Standiford Avenue.

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 requested amendment to P-D(253).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June 1991, 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, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Martin

ABSENT: Councilmembers: None

ATTEST: NORMA COYLE, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-387

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR IMPROVEMENTS AT THE SENIOR CITIZENS CENTER

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

SECTION 1. The plans and specifications for improvements at the Senior Citizens Center 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 July 2, 1991 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the _______ day of June _________, 1991, 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: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-388

A RESOLUTION ACCEPTING THE BID OF PARKS PRINTING FOR PRINTING THE MONTHLY UTILITY BILL INSERT AND THE QUARTERLY EMPLOYEES' NEWSLETTER ON RECYCLED PAPER FOR UP TO THREE YEARS

WHEREAS, Resolution No. 91-247, adopted by the Council of the City of Modesto on May 7, 1991, approved the plans and specifications for printing the monthly utility bill insert and the quarterly employees' newsletter on recycled paper for up to three years and authorized the calling for bids; and

WHEREAS, the bids received for printing the monthly utility bill insert and the quarterly employees' newsletter on recycled paper for up to three years were opened at 11:00 a.m. on June 3, 1991, 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 Parks Printing for a total price of $24,757.92 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Parks Printing for a total price of $24,757.92 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 June, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

MORRINE COYLE  CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 91-389

A RESOLUTION ACCEPTING THE BID OF SCOTO AND SON FARMING FOR FURNISHING DISCING SERVICES FOR 1991-92

WHEREAS, Resolution No. 91-237, adopted by the Council of the City of Modesto on April 23, 1991, approved the plans and specifications for furnishing discing services for 1991-92 and authorized the calling for bids; and

WHEREAS, the bids received for furnishing discing services for 1991-92 were opened at 11:00 a.m. on May 20, 1991, 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 Scoto and Son Farming in the amount of $17,169 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Scoto and Son Farming in the amount of $17,169 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 June, 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________

NORMA COYLE, CITY CLERK
A RESOLUTION ACCEPTING THE 18" WATERLINE IN CROWS LANDING ROAD, ZEFF ROAD, TUOLUMNE BOULEVARD, B STREET AND 10TH STREET AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works that the 18" waterline in Crows Landing Road, Zeff Road, Tuolumne Boulevard, B Street and 10th Street has been completed by W.M. Lyles Company in accordance with the contract agreement dated July 10, 1990.

NOW, THEREFORE, BE IT RESOLVED that the 18" waterline in Crows Landing Road, Zeff Road, Tuolumne Boulevard, B Street and 10th Street be accepted from said contractor, W.M. Lyles Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $726,558.58 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 11th day of June, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 91-391

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COMPUTER RESOURCE GROUP TO UPDATE AND IMPROVE THE INDUSTRIAL WASTE DIVISION'S COMPUTER PROGRAM

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Computer Resource Group to update and improve the Industrial Waste Division's computer 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 June, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _______________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-392

AMENDED
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CHANI L. AND REBECCA A. VILLANUEVA FOR THE LEASE OF 1204 RIVER ROAD

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and Chani L. and Rebecca A. Villanueva for the lease of 1204 River 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 11th day of June, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CELLULAR PARTNERSHIP FOR THE PLACEMENT OF CELLULAR TELEPHONE ANTENNAS ON THE CITY-OWNED WATER TANK AT TENTH AND D STREETS

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Modesto Cellular Partnership for the placement of cellular telephone antennas on the City-owned water tank at Tenth and D 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 11th day of June, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES:   Councilmembers:  Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES:   Councilmembers:  None

ABSENT: Councilmembers:  None

ATTEST:  Norrine Coyle

Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-394

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY TO OVERLAY CROWS LANDING ROAD FROM HIGHWAY 99 TO WHITMORE AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County to overlay Crows Landing Road from Highway 99 to Whitmore 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 11th day of June, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-395

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR 1990-91 TO DECREASE ESTIMATED REVENUE AND THE ASSOCIATED CIP PROJECT APPROPRIATION.

WHEREAS, Stanislaus County will be the lead agency on the Crows Landing Road Project, which project involves placing an asphalt overlay on Crows Landing Road from Highway 99 to Whitmore Avenue, and

WHEREAS, the City will be remitting its financial contribution to the County and will not be performing the actual work, and

WHEREAS, said project was originally budgeted in the City's CIP program at the full cost to the project, with the County's estimated contribution at $218,000 and the City's contribution at $12,000, and

WHEREAS, it is now necessary to decrease the estimated County revenue and to decrease the project to equal only the City's contribution,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments shall be made to the Annual Budget of the City of Modesto, Fiscal Year 1990-91:

SPECIAL GAS TAX FUND (070)

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Object</th>
<th>Description</th>
<th>Increase</th>
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<tbody>
<tr>
<td>Revenue</td>
<td>County Share of Project</td>
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<tr>
<td>070-510-9510-3310</td>
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</tr>
<tr>
<td>Expenditures</td>
<td>Crows Landing Road Overlay</td>
<td>$(218,000)</td>
</tr>
<tr>
<td>070-430-P934-6000</td>
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<td></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 11th day of June, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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
A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE URBAN FORESTRY GRANT PROGRAM UNDER THE CALIFORNIA WILDLIFE, COASTAL, AND PARK LAND CONSERVATION BOND ACT OF 1988 FOR THE MODESTO REFORESTATION PROJECT.

WHEREAS, the people of the State of California have enacted the California Wildlife, Coastal, and Park Land Conservation Act of 1988, which provides funds to the State of California and its political subdivisions for urban forestry programs, and

WHEREAS, the State Department of Forestry and Fire Protection has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures governing application by local agencies and non-profit organizations under the program, and

WHEREAS, said procedures established by the State Department of Forestry and Fire Protection require the applicant to certify by resolution the approval of application before submission of said application to the State, and

WHEREAS, the applicant will enter into an agreement with the State of California to carry out a tree planting project,

NOW, THEREFORE, BE IT RESOLVED that the City Council:

1. Approved the filing of an application for the Urban Forestry Program under the California Wildlife, Coastal, and Park Land Conservation Bond Act of 1988, state grant assistance for the above project; and

2. Certifies that said applicant has or will have sufficient funds to operate and maintain the project; and
3. Certifies that funds under the jurisdiction of the City Council are available to begin the project.

4. Certifies that said applicant will expend grant funds prior to June 30, 1993.

5. Appoints the City Manager as the 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 11th day of June, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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 APPROVING AN AMENDMENT TO A GRANT AGREEMENT BETWEEN THE CITY OF MODESTO AND THE FEDERAL AVIATION ADMINISTRATION FOR AN ADDITIONAL $4,367.26 FOR THE MODESTO CITY-COUNTY AIRPORT TO CONSTRUCT T-HANGAR AREA APRON AND TAXIWAY, TERMINAL ACCESS ROAD, AND HELICOPTER LANDING PAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended grant agreement between the City of Modesto and the Federal Aviation Administration for an additional $4,367.26 for the Modesto City-County Airport construction of a T-hangar area apron and taxiway, terminal access road, and helicopter landing pad be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amended 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 11th day of June, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-398

A RESOLUTION APPROVING AN AMENDMENT TO A GRANT AGREEMENT BETWEEN THE CITY OF MODESTO AND THE FEDERAL AVIATION ADMINISTRATION TO INCLUDE IN THE PROJECT DESCRIPTION THE INSTALLATION OF TWELVE TAXIWAY GUIDANCE SIGNS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended grant agreement between the City of Modesto and the Federal Aviation Administration to include in the project description the installation of twelve taxiway guidance signs required by new Federal Aviation Administration regulations be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amended 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 11th day of June, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING IMPROVEMENTS IN CALIFORNIA GLEN SUBDIVISION
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Kaufman and Broad, subdividers of California Glen Subdivision, have filed subdivision bonds for faithful performance and labor and materials in the amount of $638,208.00 and $319,104.00 respectively to guarantee improvements in California Glen Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated May 29, 1991, 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 California Glen Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $638,208.00 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 $319,104.00 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 11th day of June, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $232,000 FROM THE CONTINGENCY RESERVE FOR ATTORNEY'S FEES DUE IN THE TINK, INC., VS. CITY OF MODESTO CASE

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

FROM: Contingency Reserve
(720 800 8000 8003) $232,000

TO: Professional Services
(720 480 5812 0235) $232,000

Charges are being made to this account that were not anticipated in the original budget. The Public Works & Transportation Department is requesting this transfer to cover attorney's fees related to the patent infringement case Tink, Inc., vs. the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NURRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-401

A RESOLUTION APPOINTING MEMBER OF THE STANISLAUS WASTE-TO-ENERGY FINANCING AGENCY (JPA) TO REPLACE AGENCY MEMBER MAYOR RICHARD LANG (FRANK MURATORE)

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

SECTION 1. The following person is hereby appointed to the Stanislaus Waste-to-Energy Financing Agency (JPA):

Councilmember Frank Muratore

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Stanislaus Waste-to-Energy Financing Agency (JPA) and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-402

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SANTA CLARA COUNTY FOR EXCHANGE OF FAU FUNDS

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Santa Clara County for exchange of FAU funds 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 June, 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
RESOLUTION NO. 91-403

A RESOLUTION CONFIRMING THE DIAGRAM AND ASSESSMENTS AND LEVYING ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 18, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the Public Works and Transportation Director, the person designated by this Council as Engineer of Work for Assessment District No. 1, to prepare and file an annual report, and

WHEREAS, the Public Works and Transportation Director, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22624 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention to levy and collect assessments within the assessment district for the fiscal year 1991-92, and

WHEREAS, the Council has adopted Resolution No. 91-367 on May 28, 1991 which is the Resolution of Intention to levy and collect assessments
within the assessment district for fiscal year 1991-92 and to set a public
hearing to be held on June 18, 1991, in the meeting place of the City Council
located in the City Hall, 801 Eleventh Street, Modesto, California. Notice of
the hearing was given in the time and manner required by law, and

WHEREAS, at the public hearing, the City Council afforded to every
interested person an opportunity to make a protest to the annual report either
in writing or orally, and the City Council has considered each protest.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
hereby confirms the diagram and assessment as set forth in the annual report
of the Public Works and Transportation Director, said Engineer of Work, for
Landscape Maintenance Assessment District No. 1 and hereby levies the

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 18th day of June, 1991, by Councilmember Bird, who moved its adoption, which motion
being duly seconded by Councilmember Irizarry, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson,
Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

061791 -2-
MODESTO CITY COUNCIL
RESOLUTION NO. 91-404

A RESOLUTION CONFIRMING THE DIAGRAM AND ASSESSMENTS AND
LEVYING ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT
DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS
NOS. 7-10.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of
Modesto on December 18, 1988, initiated proceedings for the formation of
Landscape Assessment District No. 2 for the purpose of administering the
maintenance of landscaping in the public right of way within the street
medians and adjacent to the access control walls in Dry Creek Meadows
Subdivisions Nos. 7-10, and

WHEREAS, said assessment district was formed in accordance with the
Landscaping and Lighting Act of 1972, (Streets and Highways Code Sections
22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the
Public Works and Transportation Director, the person designated by this
Council as Engineer of Work for Assessment District No. 2, to prepare and file
an annual report, and

WHEREAS, the Public Works and Transportation Director, said Engineer
of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22624 of the Streets and Highways Code requires the
legislative body (the City Council) to adopt a resolution of intention to levy
and collect assessments within the assessment district for the fiscal year
1991-92, and
WHEREAS, the Council has adopted Resolution No. 91-368 on May 28, 1991 which is the Resolution of Intention to levy and collect assessments within the assessment district for fiscal year 1991-92 and to set a public hearing to be held on June 18, 1991, in the meeting place of the City Council located in the City Hall, 801 Eleventh Street, Modesto, California. Notice of the hearing was given in the time and manner required by law, and

WHEREAS, at the public hearing, the City Council afforded to every interested person an opportunity to make a protest to the annual report either in writing or orally, and the City Council has considered each protest.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby confirms the diagram and assessment as set forth in the annual report of the Public Works and Transportation Director, said Engineer of Work, for Landscape Maintenance Assessment District No. 2 and hereby levies the assessment set forth therein for fiscal year 1991-92.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-405

A RESOLUTION RECOMMENDING THE AMENDMENT OF THE VILLAGE ONE SPECIFIC PLAN'S AFFORDABLE HOUSING PROGRAM

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

WHEREAS, the Modesto City Council's 1989 Urban Growth Management Policy, which committed the City to the Village One Specific Plan, supported the provision of affordable housing; and

WHEREAS, the Village One Specific Plan includes an Affordable Housing Chapter which sets forth goals, objectives and policies for the provision of affordable housing in the Village One Area; and

WHEREAS, the twenty-five percent affordability goal of the Village One Specific Plan was one of the factors that provided the basis for finding that the Village One Specific Plan was consistent with the Modesto General Plan, and the City's Regional Housing Needs as set forth in the 1984 Housing Element of the General Plan; and

WHEREAS, the Village One Final EIR, certified on September 11, 1990, concluded that the development of Village One will not have a significant impact on affordable housing; and

WHEREAS, on October 16, 1990, the Modesto City Council adopted the Village One Specific Plan, and at which time they expressed concern over the use of inclusionary zoning as the exclusive method for developer participation, and referred this issue to a citizen's committee for further study; and

WHEREAS, on December 11, 1990, the Modesto City Council appointed a 13-member Village One Affordable Housing Committee to study alternative means for developer participation in the Village One Affordable Housing Program, and to make a recommendation to the City Council within 90-days of its first meeting; and
WHEREAS, on April 4, 1991, the Village One Affordable Housing Committee recommended an Affordable Housing Program to the City Council based on the use of Density Bonuses and the creation of a Housing Trust Fund and Equity Sharing Program, which would be funded through a per-square-foot fee to encourage the development of smaller, more affordable housing units; and

WHEREAS, on April 16, 1991, the City Council approved the recommendations of the Village One Affordable Housing Committee and initiated the amendment of the Village One Specific Plan's Affordable Housing Program; and

WHEREAS, staff of the Planning and Community Development Department revised the Village One Affordable Housing Program to reflect the Village One Affordable Housing Committee's recommendations; and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 20, 1991, on the proposed amendment of the Village One Specific Plan's Affordable Housing Program, at which time evidence both oral and written was received and considered; and

WHEREAS, the Planning Commission unanimously recommended the adoption of the proposed amendment of the Village One Specific Plan's Affordable Housing Program to the City Council; and

WHEREAS, the attached Amendment to the Village One Specific Plan is within the scope of the Village One Environmental Impact Report, and has undergone adequate environmental review under the California Environmental Quality Act; and

WHEREAS, the Modesto City Council held a duly noticed public hearing, on June 18, 1991, at which time and place evidence both oral and written was received and considered; and

WHEREAS, the Modesto City Council has reviewed and considered the information contained in the attached amendment to the Village One Specific Plan's Affordable Housing Program;

NOW, THEREFORE, BE IT RESOLVED that the Modesto City Council finds the attached amendment of the Village One Affordable Housing Program to be consistent with the Village One Specific Plan and the City of Modesto's General Plan;
BE IT FURTHER RESOLVED that the Modesto City Council, adopts the attached amendment of the Village One Specific Plan's Affordable Housing Program, which will take effect on July 18, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th Day of June, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin, Muratore, Mayor Lang

ATTEST: NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

BY: STAN T. YAMAMOTO, City Attorney

WSN/MB

Attachments: Village One Specific Plan Amendment
Planning Commission Minutes, Resolution and Staff Report—May 20, 1991
AFFORDABLE HOUSING

Introduction

Affordable housing is defined as housing units with prices or rents not exceeding thirty percent of income for households earning less than 120 percent of the regional median income for the Modesto Metropolitan Statistical Area - Stanislaus County. There are three levels of housing within the affordable category. Very-low-income households are defined as those earning less than fifty percent of the area median; low-income households between fifty percent and eighty percent of the area regional median; and moderate-income households between eighty percent and 120 percent of the area regional median income.

As housing prices have escalated in recent years as a result of strong economies and restrictions on new development in many places, it has become very difficult to produce housing that much of the population can afford. This is partly because of decreasing amounts of federal involvement as well as changes in the tax code, which have made private ownership of rental housing less advantageous than in the past. Housing demand in Modesto has increased dramatically. This high demand is partly locally generated, and partly as a result of Bay Area households moving toward less expensive housing markets, even if they still make long commutes back to Bay Area jobs.

Village One is anticipated to meet Modesto's residential land use needs for several years, and the City wishes to make it a successful component of the community. It is expected to achieve several of the goals expressed in the 1984 Housing Element, namely encouraging the availability of housing at affordable prices, and maximizing housing choice throughout the community. By including the full range of housing opportunities, Village One will only be expected to meet its fair proportion of affordable housing. Achieving affordable housing in Village One is but one component of an evolving overall City plan for housing. It is also essential that affordable housing not diminish the high quality residential environment planned for Village One.

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1 Concerned that not all the alternatives had been explored, the City Council referred the Village One Affordable Housing Program to a citizens committee comprised of community organizations interested in housing for a recommendation on October 16, 1990. On June 18, 1991, the Village One Specific Plan's Affordable Housing Program was amended to reflect the recommendations of the Village One Affordable Housing Committee.
Goals, Objectives, and Policies

GOAL

Provide housing opportunities within Village One for people of all income levels consistent with the neighborhood and residential design objectives of the Plan.

OBJECTIVE 1

Maintain fifteen percent of Village One housing as long-term affordable housing units, and encourage that an additional ten percent of the units be provided initially at affordable prices.

The affordable housing goals have two components—maintaining fifteen percent of Village One housing as affordable by policy over the long term, for thirty years and encouraging an additional ten percent of the housing to be built at prices which make them initially affordable without assistance or subsidy. At present, market rents for many apartments in Modesto are affordable to small, low or moderate-income households, and this should be encouraged to continue. The following policies shall guide the development of Village One affordable housing:

Policy 1

Include a mix of housing prototypes to provide increased opportunity for diverse income groups.

The Specific Plan for Village One contains a variety of potential housing types, ranging from senior housing in the Village Center and multi-family housing to single-family housing on lots ranging from 2,750 square feet to half an acre in size. The senior housing, multi-family housing, and small-lot single-family homes will make it possible to produce and maintain affordable housing.

Policy 2

Maintain the fifteen-percent-designated affordable units as affordable for not less than thirty years.

It is important that most of the affordable units remain affordable beyond construction. State law requires that affordable units produced through provision of density bonuses remain affordable for thirty years, or to the
extent permitted by law. This is an appropriate standard to set for all units
designated to remain affordable; however, because of the potential negative
effect on below-market residents at year thirty, the City should also consider
either a permanent affordable designation or a five to ten-year transition
beyond the thirty years to bring units from affordable status to full-market
price or rent.

Policy 2

Maintain fifteen percent of Village One housing as long-term affordable for
rental and ownership households.

Although it is less than the City’s total regional housing needs, the provision
of fifteen percent of Village One’s housing as affordable over the long term is
reasonable in light of the limited local, state and federal resources available to
help make new housing affordable. This objective is also appropriate because
Village One is only one area of the City of Modesto, and Village One is not
expected to address all of the housing needs of the entire City. In addition, it
is important that most of the affordable units remain affordable beyond the
initial sale price or rent. Without specific mechanisms to insure long-term
affordability, home price escalation and increasing rental rates will soon begin
to undermine the program’s long-term affordable housing objectives.

The minimum duration of affordability for affordable rental housing should
be consistent with state law for density bonuses. State law requires that
affordable units, produced through the provision of a density bonus, remain
affordable for ten years (thirty years if there are additional incentives granted).
The minimum duration of affordability for affordable ownership housing
should be thirty years, consistent with traditional mortgage standards.

Policy 3

Determine the mix of affordable units for very-low, low, and moderate-
income households on a Precise Plan area basis, generally consistent with
needs established in the City Housing Element.

At the time of the Specific Plan’s adoption, the 1983 Regional Housing Needs
Report, produced by the Stanislaus Area Association of Governments, was
used to determine the affordable housing needs for Village One. The 1983
Housing Needs Report produced by the Stanislaus Area Association of
Governments This report indicated that Modesto’s affordable housing needs
were distributed at 39 percent very-low-income, 29 percent low-income, and
32 percent moderate-income. Until new data is available from the Census
and a the City’s Housing Element is updated in 1992, as required by State law,
the City should use this ratio for overall guidance. It is not realistic, however, to impose the same ratio on each housing type.

Because the subsidies required to make a low-density house on a large lot affordable to very-low-income households are so large, units for very-low-income households are likely to be restricted to higher density rental multi-family and senior housing developments. Housing for low-income households can be produced in senior and multi-family units with little or no initial subsidy, or a limited number can be made available in single-family homes. Units for moderate-income households can be integrated with all housing types, and include sales as well as rental units (see Table 4.1).

Policy 4

Locate senior housing in close proximity to Village Center services in high-density and mixed-use developments.

An aging population suggests an increasing need for senior housing. The segment of the senior population needing housing assistance can best be accommodated in higher density units in the Village Center, with good access to amenities, shopping, and transit service. Such housing could achieve a density of fifty units per acre in three- to four-story elevator buildings, or located in including mixed-use buildings over retail or service uses. Standard parking requirements can be reduced for such housing in conjunction with density bonus provisions of State law.

OBJECTIVE 2

Ensure that the provision of affordable units housing in Village One does not diminish the design quality of the community nor stigmatize the occupants of the units.

Successful affordable housing programs can be implemented in ways that represent positive enhancement for any community. Housing prices have escalated to the point where few households can afford to purchase a house, and over half of the households in a community have incomes that make them eligible for affordable housing. The cost of rental housing has also

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2 The 1990-1997 Regional Housing Needs Report, produced by the Stanislaus Area Association of Governments, was adopted by the Modesto City Council on March 19, 1991. The report states that Modesto’s affordable housing needs are to be distributed as follows: 24 percent very-low-income, 17 percent low-income, and 21 percent moderate-income. This information will be reflected in the 1992 Housing Element update, and could be used to update the Village One Affordable Housing Program when the program is reviewed.
increased significantly. Those affected include young working households such as store clerks, teachers, and police officers; single parents; and senior citizens living on Social Security.

Dispersing the affordable housing units throughout the community and designing the housing to be units indistinguishable from market-rate housing, will have a positive effect on the residents of the affordable housing and eliminate the stigma associated with more traditional public housing. The following policies will be utilized to guarantee the quality of Village One housing:

Policy 1

Disperse affordable housing, as defined by State Title 25 criteria (very-low, low, and moderate-income), throughout the Village, making sure that it is indistinguishable from and integrated with market rate housing.

With the exception of senior housing and small one-hundred percent affordable developments, affordable housing shall be dispersed within the Village and fully integrated and indistinguishable from market-rate units in a given development. Also, with the above exceptions, no more than twenty percent of any development shall be rented to very-low-income households.

Policy 2

Ensure that affordable housing is built in a manner that does not diminish the quality of the community.

Affordable units will be built to the same construction standards, with the same parking requirements, same open space and other provisions, as market-rate housing. The intent is for the affordable units to look like the market-rate units around them. Therefore, the same standards will be adhered to for exterior finishes and details. However, if the builder wishes to alter interior details (such as reducing the number of bathrooms or leaving the top floor unfinished) in order to reduce costs and build a more affordable unit, he will be allowed to do so.

Implementation Program

The affordable housing program will be a shared effort combining both City-initiated incentives, and actions, and requirements for developers. Village One developers will be responsible for approximately half of the affordable housing objectives. The remaining portion will involve the City accessing
state and federal assistance and tax incentive programs, encouraging density
bonus provisions, and taking other potential actions to assist developers in
the provision of affordable housing. It will be important that the specific
affordability requirements, to be met by each developer, be clearly set forth in
the development agreement executed for each project.

The Village One Affordable Housing Program is a true public-private
partnership, requiring the full participation of both the City and Village One
developers. Each partner’s responsibilities are geared to capitalize on their
unique abilities and characteristics. Village One developers, using market­
oriented methods and incentives, will be responsible for approximately two­
thirds of the affordable housing objectives aimed specifically at low-income
and moderate-income households. The City, using state and federal housing
programs, will be responsible for the housing needs of very-low-income
households that require substantial subsidies.

Institutional Actions

OBJECTIVE 3

Implement a variety of institutional actions by the City that will help achieve
greater housing affordability. The following policies reflect the commitment
required to achieve affordable housing in Village One:

Policy 1

Designate specific staff with the responsibility for ensuring development of
affordable housing.

City staff must be aware of all available state and federal programs to assist
with affordable housing, and have the responsibility to ensure that affordable
housing programs are implemented.

Policy 2

Take steps to establish Establish or attract a nonprofit developer, a Housing
Development Corporation, or explore the potential of greater utilization of
the Stanislaus County Housing Authority to assist in production of affordable
housing.

Experience in other communities has indicated that nonprofit developers can
contribute significant efforts to achieving affordable housing goals, either
handling projects themselves or in conjunction with for-profit developers.
Quasi-public housing development corporations have also been used, particularly where development fees or public revenues are available for investment in affordable housing. The Stanislaus County Housing Authority has a good record in the construction and management of affordable housing and is a potential community resource for the Village One affordable housing program.

**Policy 3**

*Establish a Housing Trust Fund as a multiple-purpose vehicle for providing affordable housing.*

The City will establish a Housing Trust Fund as a flexible vehicle to manage and channel its housing assistance programs, such as an Equity Sharing Program. The Equity Sharing Program, funded by Village One single-family developers will assist low and moderate-income households in purchasing single-family housing units in Village One.

**Policy 3-4**

*Pursue the full range of state, federal, and private assistance and incentive programs available at the time of implementation.*

Although the federal role in production of affordable housing is diminishing, there are still funds available for Section 202 Senior Housing, and limited funds for other assistance programs such as Section 8 rent assistance. Federal incentive programs, such as mortgage revenue bonds, low-income tax credits, and mortgage credit certificates, are examples of sources available at this time, although with great restrictions.

Current state housing assistance programs include Proposition 77 and 84 funds, and examples of private programs include foundation or corporate grants and Community Reinvestment Act low interest loans from financial institutions.

**Policy 4**

*Use in-lieu fees collected from developers to assist with affordable housing production in Village One by such means as acquiring appropriate sites within Village One and providing subsidy assistance.*

Although the program should encourage the direct production of affordable units by developers, the affordable housing program will generate in-lieu fees
that will be used to assist in the production of affordable housing in Village One. Examples could include the public purchase of a site for reduced price sale to a nonprofit developer, or city provision of a low interest loan in exchange for a commitment of greater affordability in the development.

**Policy 5**

*Require a maximum density for multi-family housing without a density bonus of 21 units per acre, and promote a 25 percent density bonus in exchange for greater affordability as specified in state law.*

Government Code Sections 65915 and 65917 contain the State Density Bonus Law as of March 31, 1990, which stipulates that a jurisdiction will allow a density bonus of at least 25 percent over the otherwise maximum allowable residential density, plus an additional concession or incentive in exchange for making twenty percent of the development’s units available for low-income households or ten percent for very low-income households.

**Policy 5**

*Rely primarily on local housing initiatives and programs to meet Village One’s affordable housing objectives while aggressively pursuing state and federal assistance.*

Significant cutbacks in the funding of state and federal housing programs has resulted in increased competition for the remaining funds. This means that the only way to insure that the Village One Specific Plan’s affordable housing objectives can be met is through locally initiated programs. Access to state and federal housing programs, such as Section 8 rental assistance and Proposition 84 funds are generally confined to nonprofit housing corporations, housing authorities, and other governmental entities. These types of organizations are typically the only ones able to cope with the long and difficult application process.

**Policy 6**

*Utilize mixed-use development and reduced parking requirements in order to achieve affordability in senior housing developments.*

Housing over Village Center retail or a community facility can reduce the land cost associated with a senior housing development, thus reducing the need for additional subsidies. Reduced parking requirements would also allow greater site utilization.
Policy 7

Establish criteria for eligibility for affordable housing.

Demand for affordable housing units is always very high, and the City will need to establish and monitor the guidelines and procedures for selecting tenants and buyers and verifying continued eligibility for residents. The City should also consider establishing a requirement that Modesto residents be given priority for the affordable housing created in Village One.

City and Developer Requirements

OBJECTIVE 4

Establish specific requirements for developers to assist in the implementation of affordable housing.

Ensure that the affordable housing program in Village One be a shared effort between the City and developers. This combined participation can help meet the Village One Specific Plan’s affordable housing goals. The following policies determine the responsibilities involved to assure that the Village One Specific Plan’s affordability goals are met.

Policy 1

Establish specific developer requirements prior to approval of any Precise Plans.

Village One developers will be responsible for approximately half of the Plan’s long-term affordable housing objectives. Developer requirements to meet this objective will be established by the City Council prior to the approval of any Precise Plans, and shall be based on the recommendations of a Village One Affordable Housing Committee. In making its recommendations to the City Council, the Village One Affordable Housing Committee shall review a wide variety of housing programs that will accomplish this objective, including but not limited to: inclusionary zoning, in-lieu fees, Mortgage Credit Certificates, housing trust, HUD’s Joint Venture for Affordable Program Proposition 84 Funds, and other HUD, HCD, and CHFA. The Affordable Housing Program of Village One Specific Plan shall be amended to reflect the program or programs selected by the City Council to implement this objective.
Policy 1

The City will be responsible for meeting all the very-low-income housing needs for Village One, estimated at 433 units. The City shall aggressively pursue all local, state, and federal programs to provide affordable rental housing and subsidized housing.

The City will utilize available local, state, and federal housing and financing programs such as Mortgage Revenue Bonds, Section 8, Section 202, Low-Income Tax Credits.

Policy 2

The City will create an Equity Sharing Program administered as part of the Housing Trust Fund, as the vehicle to provide "gap" financing.

The Equity Sharing Program, funded by Village One developers of single-family housing, will assist low and moderate-income households with "gap" financing. The "gap" makes up the difference between housing price and income. In applying gap financing, the City will take an equity share in the home, and upon sale or refinancing of the home, the assisted homeowner will repay the loan, together with interest and a share of the appreciation. The proceeds will be deposited in a revolving account from which new loans to other qualified low-income and moderate-income households can be made. This process will insure that the program achieves its long-term objectives. (See Village One Affordable Housing Program Appendix).

Policy 3

Village One developers of single-family housing will be responsible for meeting the estimated needs of 101 low-income and 355 moderate-income households, by contributing to the Equity Sharing Program administered through a Housing Trust Fund or by providing affordable housing equal in scope and amount.

Developer participation in the Equity Sharing Program is the foundation of the Village One Affordable Housing Program and is expected to provide the bulk of affordable housing, including opportunities for home ownership, in Village One. To serve as an incentive to developers to build smaller, less expensive housing, the program establishes a performance standard based on affordability, using house size as an indicator. The program is based on an 800 square foot home, costing $78,000, which is affordable to households in the upper end of the low-income category (assuming the current average price of
$97.50 per square foot, including land, for new single-family housing currently offered in the greater Modesto area).

Developers who build units larger than 800 square feet will be required to contribute to the Housing Trust Fund on a per-square-foot basis for the floor area of each single-family home in excess of 800 square feet. These fees will be used to fund the Equity Sharing Program described in Policy 2 above. Developers who build a home of 800 square feet or less will not be assessed a fee because a house of this size is expected to be affordable without assistance.

Based on the cost of a modest starter home of 1,100 square feet, an estimated $3.8 million will be needed to assist 101 low-income households and 355 moderate-income households. Because the Housing Trust Fund fee is based on the size of homes actually constructed in Village One, the funds raised should be in balance with what is needed. If larger, more expensive homes are built in Village One, the amount needed and raised will also increase. Similarly, if smaller, less-expensive homes are constructed the amount needed and raised will decrease.

Based on the 1,770 square foot average size of a new single-family home, currently being offered in the greater Modesto area, the 5,505 single-family homes that will be constructed in Village One should yield 5.3 million square feet of total floor area that is in excess of 800 square feet. A Housing Trust Fund fee of $0.70 is obtained by dividing the amount needed, $3.8 million, by the 5.3 million floor area, in excess of 800 square feet. Ten percent is added to cover the costs to administer the program (rounded off to $0.80).

To keep pace with inflation, annual adjustments will be made to the square foot fee based on the Capital Facilities Fees land appraisals for land costs, and Engineering News Record Index for building costs. Also, a full review and assessment of the program's performance will be made five years from the start of implementation to ensure that the program is meeting its goals. (See Village One Affordable Housing Program Appendix).

As an alternative to the Housing Trust Fund fee, developers could provide affordable housing, if the affordable housing is equivalent in scope and amount to the housing assistance offered by the Equity Sharing Program.

Policy 4

*The developer of multi-family units will be required to participate in a mandatory density bonus program. The density bonus program requires that 20 percent of the units be made available to low-income households.*
Density Bonuses shall be required for all multi-family housing projects of five units or more in Village One. The Specific Plan classifies 70 acres for multi-family housing. At a density of 21 dwelling units per acre, this represents about 1,470 units of multiple-family housing. Requiring density bonuses in conjunction with the development of these sites will yield an estimated minimum of 221 units of affordable housing to low-income households (assuming that seventy-five percent of the maximum density is utilized).

Density bonuses, as defined by Government Code Section 65915 et. seq. and implemented by City ordinance, will allow a twenty-five percent density bonus in return for making twenty percent of the units available at rents that are affordable to low-income households for a period of ten years. This policy is necessary to insure that Village One low-income housing goals are achieved.

Policy 5

Except for senior housing planned for Village Center, assisted housing, whether private or government sponsored, should remain dispersed. Households receiving assistance shall be free to choose housing in Village One consistent with their needs and financial capability.

Taken together, the Village One Affordable Housing Program matches the type of housing assistance with the capabilities of each provider (Housing Trust Fund fee and density bonus for the developer, vs. state and federal housing programs for the City) in a way that maximizes individual choice. By emphasizing the assistance to low and moderate-income households rather than providing specific units, the Village One Affordable Housing Program helps insure that assisted housing will be dispersed and that affordable housing does not diminish the quality of Village One housing.

Policy 6

Village One developers in the Precise Plan shall address the provision of affordable housing in their Precise Plan that will govern the development of their property.

Precise Plans are required for development in Village One. Precise Plans, which establish the program for development of property in Village One, are required to address the provision of infrastructure and financing. The Precise Plan shall also address the provision of affordable housing.
VILLAGE ONE AFFORDABLE HOUSING PROGRAM APPENDIX

The following reflects the distribution of affordable units in Village One and illustrates the affordable housing program.

DISTRIBUTION OF AFFORDABLE UNITS

- Estimated Total Housing Units in Village One 7,400
- Affordable Housing Units (25% of total) 1,850
- 10% Market Affordable 740
- 15% Program Affordable 1,100

HOUSING TRUST FUND/EQUITY SHARING PROGRAM

Assumptions:
- Price per square foot $97.50
- Price affordable to low-income households $78,000
- Price affordable to moderate-income households $105,000
- Size of affordable unit 800 sq. ft.
- Size of "starter home" 1100 sq. ft.
- Price of "starter home" $107,250
- Average home size 1,770 sq. ft.
- Average home price $155,178

Subsidy needed to fund Equity Sharing Program:
- Low-income (101 households x $29,250) $2,954,250
- Moderate-income (355 households x $2,250) $798,750
- Total subsidy $3,753,000

Fee for homes over 800 square feet:
- (1770 - 800 sq. ft.) x 5505 units 5,339,850 sq. ft.
- Fee ($3,753,000 / 5,339,850 sq. ft.) $0.70 per sq. ft.
- With administrative fee (10%) $0.80 per sq. ft.

DENSITY BONUS PROGRAM

Assumptions:
- Acres designated for multi-family 70 ac.
- Maximum permitted density 21 du/ac.
- Total multi-family units (@ 75% density) 1,103
- Number of low-income units 221
  (1,103 units x 20% set-aside requirement)

*(fee to be adjusted annually)
MODESTO CITY COUNCIL
RESOLUTION NO. 91-406

A RESOLUTION FINDING THAT THE PROPOSAL TO AMEND THE VILLAGE ONE SPECIFIC PLAN'S AFFORDABLE HOUSING PROGRAM TO PROVIDE FOR DEVELOPER PARTICIPATION IN THE VILLAGE ONE AFFORDABLE HOUSING PROGRAM IS WITHIN THE SCOPE OF THE PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE VILLAGE ONE GENERAL PLAN AMENDMENT.

WHEREAS, a specific plan was adopted on October 16, 1990, by Resolution No. 90-828A entitled "A Resolution of the Modesto City Council Adopting the Village One Specific Plan and Village One Financing Plan, and Making Findings of Overriding Considerations", and

WHEREAS, the Specific Plan for Village One was the subject of a Program Environmental Impact Report (EIR) which was certified by the Modesto City Council on September 11, 1990, by Resolution No. 90-757, and

WHEREAS, the proposed action to amend the Village One Specific Plan's Affordable Housing Program to provide for developer participation in the Village One Affordable Housing Program to encourage the development of smaller, more affordable housing units, is within the scope of the Village One Specific Plan reviewed by the above-described EIR, and the environmental effects of the proposed action are adequately covered by that EIR under the provisions of Reg. 15168 of the California Environmental Quality Act (CEQA), and

WHEREAS, the proposed action creates no new effects or mitigation measures beyond those reviewed and certified in the above-described EIR,

NOW, THEREFORE, BE IT RESOLVED that the Council finds that the amendment to the Village One Specific Plan's Affordable Housing Program to provide for developer participation in the Village One Affordable Housing Program to encourage the development of smaller, more affordable housing units, is within the scope of the Specific Plan for Village One covered by the

10806CA2
Program Environmental Impact Report and that no additional environmental review is needed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin, Muratore, Mayor Lang

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION FINDING THAT THE PROPOSAL TO AMEND
MODESTO MUNICIPAL CODE TO ADD THERETO A GENERAL
AGRICULTURAL ZONE, (A-10), AND SPECIFIC PLAN ZONE, (SP),
IS WITHIN THE SCOPE OF THE PROGRAM ENVIRONMENTAL IMPACT
REPORT FOR THE VILLAGE ONE GENERAL PLAN AMENDMENT.

WHEREAS, a specific plan was adopted on October 16, 1990, by
Resolution No. 90-828A entitled "A Resolution of the Modesto City Council
Adopting the Village One Specific Plan and Village One Financing Plan, and
Making Findings of Overriding Considerations", and

WHEREAS, the Specific Plan for Village One was the subject of a
Program Environmental Impact Report (EIR) which was certified by the Modesto
City Council on September 11, 1990, by Resolution No. 90-757, and

WHEREAS, the proposed action to amend Title X of the Modesto
Municipal Code to add thereto a General Agricultural Zone, (A-10), and
Specific Plan Zone, (SP), respectively, is within the scope of the Village One
Specific Plan reviewed by the above-described EIR, and the environmental
effects of the proposed action are adequately covered by that EIR under the
provisions of Reg. 15168 of the California Environmental Quality Act (CEQA),
and

WHEREAS, the proposed action creates no new effects or mitigation
measures beyond those reviewed and certified in the above-described EIR,

NOW, THEREFORE, BE IT RESOLVED that the Council finds that the
amendment to Title X of the Modesto Municipal Code to add thereto a General
Agricultural Zone, (A-10), and Specific Plan Zone, (SP), respectively, is
within the scope of the Specific Plan for Village One covered by the Program
Environmental Impact Report and that no additional environmental review is
needed.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1991, 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, Irizarry, Martin, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PREZONED PLANNED DEVELOPMENT ZONE, P-PD(484). (CITY INITIATED - VILLAGE I)

WHEREAS, on October 16, 1990, the Modesto City Council adopted the Village One Specific Plan to govern the development of land in the Village One area, and

WHEREAS, the Village One Specific Plan recognizes the commercial area at the southeast corner of Oakdale Road and Sylvan Avenue, and the Galleria Shopping Center at Roselle Avenue and Brigsgmore Avenue, as existing commercial areas not subject to the provisions of the Specific Plan, and

WHEREAS, the California Environmental Quality Act (CEQA) Guidelines provide that no further environmental review is required since the proposed prezoning is for the purpose of implementing the Village One Specific Plan and is within the scope of the previously approved Village One Environmental Impact Report (EIR), and

WHEREAS, the City has initiated an amendment to Section 13-3-9 of the Zoning Map to prezone to Planned Development Zone, P-PD, the following described property:

All that certain property situate in the southwest quarter of the southwest quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, described as follows:

Beginning at the Northwest corner of the Southwest quarter of said Section 13, also being on the centerline of original 40 foot Merle Ave.; thence along said centerline North 89°20'00" East 256.42 feet; thence South 1°02'40" East 30 feet to the corner of Parcel 2 as shown on that certain map filed in Volume 3 of Parcel Maps, at Page 17, Stanislaus County Records; thence South 1°02'40" East 170.0 feet; thence North 89°20'00" East 100 feet; thence North 1°02'40" West 34.8 feet; thence North 89°20'00"
East 300.0 feet to the northeast corner of said Parcel 2; thence South 1°02'40" East 1,081.25 feet to the southeast corner of said Parcel 2; thence South 1°02'40" East 82.17 feet to the south line of said Section 13; thence South 89°43'20" West 655.84 feet to the southwest corner of said Section 13; thence North 1°04'24" West 82.17 feet; thence North 89°43'20" East 5.67 feet to the southwest corner of said Parcel 2; thence North 1°04'24" West 1,037.08 feet; thence South 88°55'36" West 5.67 feet; thence North 1°04'24" West 205.0 feet to the point of beginning.

and

WHEREAS, said City initiated proposal was set for a public hearing before the Planning Commission on May 20, 1991, and continued to June 3, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, after said public hearing held on June 3, 1991, 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. 91-33, that prezoning of the property is required by public necessity, convenience and general welfare for the following reasons:

1. That the proposed prezoning of Village One is within the scope of the Village One EIR and does not require further environmental review under CEQA.

2. That the proposed prezoning is, pursuant to Section 10-2.2603 of the Municipal Code, consistent with the General Plan and Village One Specific Plan.

3. The traffic signal and road improvement fees specified in Condition Nos. 25 and 27 will be used for the purpose of improving traffic flow on Roselle and Brigsmore Avenues through construction of the public improvements specified therein. The proposed P-D has extensive shopping facilities which will generate increased traffic on Roselle and Brigsmore. The road improvements will extend the ability of the roads to carry the increased traffic and the traffic signals will facilitate flow of the increased traffic.
WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place in the Council Chambers, City Hall, 801 11th Street, Modesto, California, on June 18, 1991, at 7:30 p.m., and
WHEREAS, after a public hearing held on June 18, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the City initiated proposal 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. 91-33 and quoted above, and
WHEREAS, the Council has introduced Ordinance No. 12775-C.S. on the 18th day of June, 1991, rezoning the above-described property to Planned Development Zone, P-PD(484).

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-PD(484), is hereby approved subject to the following conditions:

1. This use be conducted as described in the application as amended September 20, 1988 and supporting information (including the plot plan) as approved and in accordance with other laws and ordinances. That the developers of the Galleria Shopping Center have until December 20, 1992, to begin construction, and a year to complete construction.

2. That building permits must be obtained from the Building Inspection Division.

3. Prior to the occupancy of any building, or operation of the approved use, the applicant shall meet all the requirements of the Fire Chief and the Air Pollution Control District. This includes installing sprinklers and providing fire flow requirements as required by applicable code.
4. That a Certificate of Occupancy shall be obtained from the Building Inspection Division prior to occupancy of each building.

5. That 873 paved and marked parking spaces be provided as shown on the submitted plan.

6. That a landscaping plan including street trees, indicating type of plants, initial plant size, location and method of irrigation shall be submitted and approved by the Parks and Recreation Director. Landscaping must be installed prior to occupancy, and shall meet City of Modesto landscaping standards.

7. All landscaped areas, street trees, fences and walls shall be maintained and the premises shall be kept free of weeds, trash and other debris.

8. An eight-foot-high fence of decorative masonry construction shall be constructed prior to occupancy along the easterly and northerly property lines where they abut adjacent parcels of land.

9. All outdoor lighting shall be shielded from adjacent properties as required by the Planning Director.

10. Grading and drainage plans for the entire site shall be approved by the Department of Public Works and Transportation Department prior to issuance of any building permits for the project and shall be implemented prior to occupancy.

11. A plan for any proposed signs indicating the location, height, area of the sign and message must be approved by the Planning Director before installation. Such signs shall be consistent with the City of Modesto sign standards.

12. Trash bins shall be kept in trash enclosures constructed of materials compatible with the architecture of the development. Trash enclosures shall be placed in locations as approved by the refuse collecting agency and the Planning Director.

13. Normal hours of operations shall be 7:00 a.m. to 11:00 p.m., daily. Loading activities, including truck parking, shall be limited to the hours between 7:00 a.m. and 10:00 p.m.

14. 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 Planning Director.
15. There shall be no outside storage of materials or equipment.

16. Prior to issuance of any building permit, the developer shall dedicate public utility easements and a street tree easement as required by the utility companies and the Planning Director.

17. All new utilities shall be placed underground.

18. Provide acknowledgement from the appropriate water utility indicating their willingness to serve the area with water.

19. All street improvements shall be constructed to City of Modesto Standards.

20. That the Merle Avenue frontage of the project shall be improved to Village One connector street standards, including the dedication of right-of-way to provide a 45-foot width south of the centerline. The developer(s) shall install a 14-foot-wide landscaped median, as approved by the Public Works and Transportation Director and the Parks and Recreation Director.

21. That the Roselle Avenue frontage of the project shall be developed to major street standards, including the dedication of right-of-way to provide a 50-foot width east of the centerline, a 20-foot property line radius at the southeast corner of Merle Avenue and Roselle Avenue, and the construction of street improvements in accordance with City of Modesto Standard Specifications. The developer(s) shall install a four-foot-wide landscaped median, as approved by the Public Works and Transportation Director and the Parks and Recreation Director.

22. Adequate additional pavement on Roselle Avenue, north and south of Merle Avenue, to allow for the proper alignment of Roselle Avenue traffic shall be provided.

23. Improvement plans for required improvements shall be prepared by a registered civil engineer and submitted for approval by the Public Works and Transportation Director. All improvements shall be constructed in accordance with the approved plans.

24. Street dedication as required by the Director of Public Works shall be provided.

25. In addition to the above items and in order to mitigate the cumulative traffic impacts of this development, the applicant shall pay to the City of Modesto the sum of money that is equivalent to the cost of paving a 10 foot strip on Roselle Avenue, from Merle Avenue to Floyd Avenue, as previously mandated by Stanislaus County approval. The exact amount of
such mitigation is to be determined by the applicant's construction plans, specifications, and estimates for such work, to be reviewed and approved by the Director of Public Works, but shall not exceed $148,500.00.

26. Irrigation lines shall be removed, relocated or protected as required by the M.I.D. Easements for any lines to remain shall be dedicated.

27. That the Galleria Shopping Center's share of the cost of signalizing the Briggsmore/Roselle Avenue intersection, determined to be $32,000, be paid prior to issuance of building permit. These signals have been installed and are operational.

28. That the project be connected to City of Modesto sewer system upon annexation, or prior to annexation should City of Modesto sewer service be made available.

29. That the contributions to the City of Modesto Capital Facilities Fees for impacts on citywide facilities as well as the appropriate County Public Facilities Fees be paid prior to issuance of building permit.

30. That a ten-foot-wide public utility easement shall be dedicated along the Merle Avenue frontage. A 10-foot-wide public utility easement shall be dedicated along Roselle Avenue, and the 20-foot-wide PUE plus a 10-foot-wide overhang easement along north property line of M.I.D. Lateral No. 3.

31. That a two-foot-wide planting easement shall be dedicated along the Roselle Avenue frontage of the project.

32. That on-site drainage shall be stored and disposed of in a manner to be approved by the Public Works and Transportation Director until such time as the Village One system is operative.

33. For any new off-site rockwells, the developer(s) shall pay fees for rockwell maintenance as established by the Municipal Code.

34. That water and sanitary sewer service to the various units in the development shall be as approved by the Public Works and Transportation Director.

35. That payment shall be made to the City for the planting of street trees along the Merle Avenue and Roselle Avenue frontages of the project in accordance with the provisions of Section 4-4.502(g) of the Modesto Municipal Code. The number of trees shall be as determined by the Public Works and Transportation Director.
SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said prezoned Planned Development Zone, P-PD(484):

The entire construction program be accomplished in one phase, construction to begin on or before December 20, 1992, and completion to be not later than December 20, 1993.

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 prezoning the above-described property to Planned Development Zone, P-PD(484), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1991, by Councilmember Irizarry, 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, Irizarry, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin, Muratore, Mayor Lang

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. 91-409

A RESOLUTION FINDING THAT THE PROPOSAL TO AMEND VARIOUS
SECTION MAPS OF THE ZONING MAP OF THE CITY OF MODESTO TO
PREZONE TO PLANNED DEVELOPMENT ZONE, P-PD(484), GENERAL
COMMERCIAL ZONE, P-C2, AND SPECIFIC PLAN ZONE, P-SP, (CITY
INITIATED) ARE WITHIN THE SCOPE OF THE PROGRAM
ENVIRONMENTAL IMPACT REPORT FOR THE VILLAGE ONE GENERAL
PLAN AMENDMENT.

WHEREAS, a specific plan was adopted on October 16, 1990, by
Resolution No. 90-828A entitled "A Resolution of the Modesto City Council
Adopting the Village One Specific Plan and Village One Financing Plan, and
Making Findings of Overriding Considerations", and

WHEREAS, the Specific Plan for Village One was the subject of a
Program Environmental Impact Report (EIR) which was certified by the Modesto
City Council on September 11, 1990, by Resolution No. 90-757, and

WHEREAS, the proposed action to amend Section Map 13-3-9 of the
Zoning Map of the City of Modesto to prezone certain property located thereon
to Prezoned Planned Development Zone, P-PD(484), is within the scope of the
Village One Specific Plan reviewed by the above-described EIR, and the
environmental effects of the proposed action are adequately covered by that
EIR under the provisions of Reg. 15168 of the California Environmental Quality
Act (CEQA), and

WHEREAS, the proposed action to amend Section Map 11-3-9 of the
Zoning Map of the City of Modesto to prezone certain property located thereon
to General Commercial Zone, P-C2, is within the scope of the Village One
Specific Plan reviewed by the above-described EIR, and the environmental
effects of the proposed action are adequately covered by that EIR under the
provisions of Reg. 15168 of the California Environmental Quality Act (CEQA), and
WHEREAS, the proposed action to amend Section Maps 11-3-9, 12-3-9, 13-3-9, 14-3-9, 7-3-10, and 18-3-10 of the Zoning Map of the City of Modesto to prezone certain property located thereon to Specific Plan Zone, P-SP, are within the scope of the Village One Specific Plan reviewed by the above-described EIR, and the environmental effects of the proposed action are adequately covered by that EIR under the provisions of Reg. 15168 of the California Environmental Quality Act (CEQA), and

WHEREAS, the proposed action creates no new effects or mitigation measures beyond those reviewed and certified in the above-described EIR,

NOW, THEREFORE, BE IT RESOLVED that the Council finds that the amendment to Title X of the Modesto Municipal Code to add thereto a General Agricultural Zone, (A-10), and Specific Plan Zone, (SP), respectively, is within the scope of the Specific Plan for Village One covered by the Program Environmental Impact Report and that no additional environmental review is needed.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June 1991, 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, Irizarry, Martin, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-410

A RESOLUTION OF APPLICATION BY THE COUNCIL OF THE CITY OF MODESTO REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE VILLAGE ONE REORGANIZATION TO THE CITY OF MODESTO. (COUNCIL INITIATED - INHABITED)

WHEREAS, the Council of the City of Modesto desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, Division 3, commencing with Section 56000 of the California Government Code, for the Village One Reorganization to the City of Modesto, and

WHEREAS, the territory proposed to be included in the Village One Reorganization to the City of Modesto is inhabited, and

WHEREAS, the territory is within the Modesto Sphere of Influence as adopted by Stanislaus County Local Agency Formation Commission (LAFCO), and

WHEREAS, the territory of the proposed reorganization includes property located at the northeast corner of the City and is almost entirely within the Primary Area of Influence of the Modesto Sphere of Influence as adopted by LAFCO, which proposed reorganization boundary includes all of Village One south except the high school/community park site north of Sylvan Avenue and east of Roselle Avenue, and consists of approximately 1,700 acres, a description of the boundaries of the territory is as set forth in Exhibit "A" attached hereto and incorporated herein by reference, and

WHEREAS, 1.25 acres on the east side of Claus Road and north of Sylvan Avenue extended is within the Secondary Area of Influence and by City Council Resolution No. 91-410A requests modification of said area to the Primary Area of Influence, and
WHEREAS, the proposed reorganization consists of (a) the annexation of said territory to the City of Modesto; (b) the detachment of said territory from the Empire and Riverbank Fire Protection Districts (c) dissolution of the McHenry-Dry Creek Fire District; and (d) annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the reason for this proposed Village One Reorganization to the City of Modesto is to allow implementation and development of Village One and to make the full range of urban services available to allow urbanization of the territory in accordance with the Modesto Urban Area General Plan, and

WHEREAS, pursuant to Government Code Section 56653, a plan for providing services is attached, and

WHEREAS, development of Village One shall be consistent with the adopted Specific Plan, Financing Plan, Final Environmental Impact Report, and Mitigation Monitoring Program, and

WHEREAS, the Modesto Planning and Community Development Department will be the chief petitioner,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that this Resolution of Application is hereby adopted and approved and the Local Agency Formation Commission of Stanislaus County is hereby requested to take proceedings for the reorganization of the territory described in Exhibit A, in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that pursuant to Government Code Section 56700 that it hereby requests that the Local Agency Formation Commission of Stanislaus County proceed with the Village One Reorganization.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June 1991, 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, Irizarry, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin, Muratore, Mayor Lang

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By Planning and Community Development
Village One Reorganization
Description

All that certain property situate in Sections 11, 12, 13, and 14, Township 3 South, Range 9 East; and in Sections 7 and 18, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, described as follows:

Beginning at the west quarter corner of said Section 11, said point being the centerline intersection of original 40 foot Sylvan Ave. with original 40 foot Oakdale Rd.; thence South 0°30'54.4" East 2,645.75 feet to the southwest corner of said section 11; thence South 0°04'59.9" West 1,355.44 feet to the southwest corner of the northwest quarter of the northwest quarter of said section 14, being also the centerline intersection of original 40 foot Oakdale Rd. with original 40 foot Floyd Ave.; thence North 89°83'85" East, along the centerline of Floyd Ave., 5,264.63 feet to the southeast corner of the northeast quarter of the northeast quarter of said section 14; thence South 00°25'53.4" East 2,853.11 feet to a point on the west line of said section 14; thence North 89°42'25.2" East 5.67 feet; thence South 00°24'13.1" West 1,036.98 feet; thence South 89°59'48.8" West 5.67 feet; thence South 00°14'28.7" West 82.17 feet, to the southeast corner of said section 14; thence South 89°55'04.8" East 5,244.8 feet along the south line of said section 13, to the southeast corner of said section 13; thence South 89°55'04.8" East 2,918.53 feet, to a point on the centerline of original 40 foot Parker Rd., being the intersection of said centerline and the southerly extension of the east property line of the A.T. & S.F. R.R. property right-of-way; thence North 17°45'11.5" West along said east property line of A.T. & S.F. R.R., and the southerly and northerly extensions of said line 5,618.19 feet, to a point on the northern line of 66 foot Milnes Rd.; thence South 89°53'23.6" East 45.75 feet, to the point of intersection of said northern line of Milnes Rd. and the westerly right-of-way line of 80 foot wide Santa Fe Ave.; thence North 8°54'21.2" West 201.24 feet, along said west right-of-way line to the beginning of a tangent curve concave to the southwest, having a radius of 1,782.84 feet and a central angle of 7.84°; thence continuing northwesterly along said right-of-way and the arc of said curve 243.92 feet; thence North 18°33'42.8" West along said right-of-way 1,434.43 feet, to the beginning of a tangent curve concave to the southwest having a radius of 1,768.33 feet and a central angle of 11.15°; thence along said right-of-way and arc of said curve 344.22 feet; thence North 30°59'30.1" West along said right-of-way 141.29 feet, to the beginning of a tangent curve concave to the northeast, having a radius of 1,830.96 feet and a central angle of 10.33°;
thence along said right-of-way and arc of said curve 330.05 feet; thence North 18°43'33.2" West along said right-of-way 972.07 feet, to a point 67.5 feet east of the east line of said section 12, also being on the east line of future 135 foot wide Claus Rd.; thence South 89°53'17.5" West 116.8 feet to a point on the western right-of-way line of said Claus Rd. to the beginning of a curve concave to the northwest; thence along the northern right-of-way line of Sylvan Ave. the following 31 courses:

1) South 0°20'25.1" East 15.0 feet;
2) South 89°65'97" West 300.01 feet;
3) North 0°18'18.7" West 30.0 feet;
4) South 89°39'34.9" West 949.64 feet;
5) South 0°29'57.1" East 30.0 feet;
6) South 89°46'26" West 2,640.73 feet;
7) North 0°29'57.1" West 30.0 feet;
8) South 89°44'09.2" West 1,258.9 feet;
9) South 89°59'53.1" West 130.27 feet;
10) North 89°44'38" West 214.15 feet;
11) South 0°41'53.2" East 30.0 feet;
12) North 89°44'38" West 385.05 feet;
13) North 0°41'53.2" West 30.0 feet;
14) North 89°44'38" West 326.05 feet;
15) South 0°22'26" East 6.8 feet;
16) North 89°44'38" West 30.0 feet;
17) North 0°41'53.2" West 6.8 feet;
18) North 89°44'38" West 326.05 feet;
19) South 0°41'53.2" East 30.0 feet;
20) North 89°44'38" West 1,303.21 feet;
21) North 0°15'21.96" East 10.0 feet;
22) North 89°44'38" West 970.35 feet;
23) South 0°17'52.8" East 15.0 feet;
24) North 89°44'38" West 164.16 feet;
25) North 0°17'52.8" West 15.0 feet;
26) North 89°44'38" West 172.3 feet;
27) South 0°35'43.8" East 10.0 feet;
28) North 89°44'38" West 637.69 feet;
29) North 0°35'43.8" West 10.0 feet;
30) North 89°44'38" West 396.34 feet;
31) North 0°35'43.8" West 10.0 feet;

thence North 89°44'38" West 264.57 feet; to a point on the centerline of Oakdale Rd.; thence South 0°28'12.4" East 40.01 feet to the point of beginning of this description.

CONTAINING: 1758 Acres
### Village One Reorganization
#### Metes and Bounds

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<tr>
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<th>Direction</th>
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MODESTO CITY COUNCIL
RESOLUTION NO. 91-410A

A RESOLUTION REQUESTING REVISION OF THE MODESTO SPHERE OF INFLUENCE BY THE STANISLAUS COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) TO CHANGE THE NORTHEASTERN 4.4 ACRES OF THE VILLAGE ONE REORGANIZATION FROM THE SECONDARY AREA OF INFLUENCE TO THE PRIMARY AREA OF INFLUENCE.

WHEREAS, in 1984 the Stanislaus County Local Agency Formation Commission ("LAFCO") adopted the Spheres of Influence for all the cities in Stanislaus County, and

WHEREAS, by Resolution No. 90-758 adopted by the Council of the City of Modesto on September 11, 1990, which became effective thirty (30) days thereafter, the Council adopted the Village One General Plan amendment, said General Plan Amendment is as shown on the map attached hereto as Exhibit A, and

WHEREAS, the Council held a duly noticed public hearing on June 18, 1991, at 7:30 p.m. in the Council Chambers, 801 11th Street, Modesto, California, at which time evidence both oral and documentary was received and considered, after which the Council of the City of Modesto introduced Ordinance Nos. 2773-C.S., 2774-C.S., and 2775-C.S., to prezone Village One exclusive of the area north of Sylvan Avenue to Specific Plan Zone, SP, General Commercial Zone, C-2, and Planned Development Zone, P-D, property bounded by Sylvan Avenue on the north, the Santa Fe Railroad on the east, Briggsmore Avenue on the south, and Roselle Avenue, Floyd Avenue, and Oakdale Road on the west, and

WHEREAS, by Resolution No. 91-410 adopted by the Council on the 18th day of June, 1991, the Council initiated the Village One Reorganization (the "project") to the City of Modesto, said proposed Village One Reorganization is as shown on the map attached hereto as Exhibit B, and
WHEREAS, the reorganization proposes to annex the project site, which is located at the northeast portion of the City, to the City of Modesto and to the Modesto Municipal Sewer District No. 1, and to simultaneously detach said territory from the Riverbank and Empire Fire Protection Districts, and dissolve the McHenry Dry Creek Fire Protection District, and

WHEREAS, the project site is presently inside the Sphere of Influence as adopted by the Stanislaus County Local Agency Formation Commission, and said project site is designated as within the Primary Area of Influence except for 4.4 acres on the east side of Claus Road and north of Sylvan Avenue extended is designated as within the Secondary Area of Influence, and

WHEREAS, the said 4.4 acres is requested to be changed to be within the Primary Area of Influence, and

WHEREAS, the said 4.4 acres is part of Village One and should be annexed and developed as part of Village One, and

WHEREAS, the Council request to modify the Sphere of Influence is consistent with the City's General Plan and LAFCO's Sphere of Influence policies, which encourages orderly annexations and provision of urban services by cities, and

WHEREAS, pursuant to Section 56428 of the State annexation law, Cortese-Knox Local Government Reorganization Act of 1985, if any local agency or county desires an amendment or revision of an adopted sphere of influence or urban service area, the local agency, by resolution of its legislative body, may file a request for amendment or revision with the executive officer who shall present the request to the commission at its next regular meeting,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby requests modification of the Modesto Sphere of Influence to change the northeastern 4.4 acres of the Village One Reorganization from the Secondary Area of Influence to the Primary Area of Influence, said requested modification is as shown on the map attached hereto as Exhibit C.

BE IT FURTHER RESOLVED, that the City Clerk of the City of Modesto shall transmit a certified copy of this resolution to the Stanislaus County Local Agency Formation Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1991, 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, Irizarry, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin, Muratore, Mayor Lang

ATTEST:
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODesto URBAN Area General Plan

Area of Village One General Plan Land Use Map Amendment (See enlargement for details)

Land Use
- Residential
- Urban Reserve
- Commercial
- Neighborhood Center
- Community Center
- Regional Center
- General Commercial
- Industrial
- Major Open Spaces

Public Areas
- Public Schools
  - Elementary
  - Junior High/Middle School High
  - Continuation High
- Private Schools
  - Elementary
- High
- Parks
  - Community
  - Neighborhood
- Government Offices
- Fire Stations

Circulation
- Freeways (with interchange)
- Expressway
- Major Street

Collector Street
- Railroad
- Hetch Hetchy (Reservoir)
- Canal
- Floodway as designated by the State Reclamation Board

This map accompanies the text of the land use and circulation elements and should be considered as an integral part of the text, not as a separate element.

Approved by the Planning Commission on March 5, 1990
Approved by the City Council on April 24, 1990
CITY OF MODESTO
VILLAGE ONE
REORGANIZATION

1758 ACRES
REQUEST TO ADD TO THE PRIMARY AREA OF INFLUENCE

Sylvan Ave.

Primary Area of Influence

Sphere of Influence

Exhibit "C"
A RESOLUTION FINDING THAT THE PROPOSAL TO INITIATE
PROCEEDINGS FOR THE VILLAGE ONE REORGANIZATION TO THE CITY
OF MODESTO IS WITHIN THE SCOPE OF THE PROGRAM
ENVIRONMENTAL IMPACT REPORT FOR THE VILLAGE ONE GENERAL
PLAN AMENDMENT.

WHEREAS, a specific plan was adopted on October 16, 1990, by
Resolution No. 90-828A entitled "A Resolution of the Modesto City Council
Adopting the Village One Specific Plan and Village One Financing Plan, and
Making Findings of Overriding Considerations", and

WHEREAS, the Specific Plan for Village One was the subject of a
Program Environmental Impact Report (EIR) which was certified by the Modesto
City Council on September 11, 1990, by Resolution No. 90-757, and

WHEREAS, the proposed action to initiate proceedings for the Village
One Reorganization to the City of Modesto is within the scope of the Village
One Specific Plan reviewed by the above-described EIR, and the environmental
effects of the proposed action are adequately covered by that EIR under the
provisions of Reg. 15168 of the California Environmental Quality Act (CEQA),
and

WHEREAS, the proposed action creates no new effects or mitigation
measures beyond those reviewed and certified in the above-described EIR,

NOW, THEREFORE, BE IT RESOLVED that the Council finds that the
proposed action to initiate proceedings for the Village One Reorganization to
the City of Modesto is within the scope of the Specific Plan for Village One
covered by the Program Environmental Impact Report and no additional
environmental review is needed.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June 1991, 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, Irizarry, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin, Muratore, Mayor Lang

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-412

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF TRAFFIC LINE PAINT FROM PERVO PAINT COMPANY

WHEREAS, the Traffic Section of the Transportation Division of the Public Works and Transportation Department has requested the purchase of traffic line paint; and

WHEREAS, it has been determined that the drying time of traffic line paint is critical to the Traffic Section's painting operations and the liability exposure of the personnel working amongst the traffic; and

WHEREAS, Pervo paint has been specified because the drying time is shorter than other paints, one minute versus four minutes with other paints.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of traffic line paint is hereby waived.

BE IT FURTHER RESOLVED that purchase of traffic line paint from Pervo Paint Company for a total cost of $34,942 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 June, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: NORRINE COYLE, CITY CLERK
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

WHEREAS, Senate Bill 198, the California Code 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 of the City of Modesto does hereby authorize the Risk Management Division to implement all steps necessary to keep the City in compliance.

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", a copy of which is attached hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

RESCINDED

1992-433

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 91-413

NORRINE 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, and 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 3202 of the General Industry Safety Orders, and Labor Code Section 6401.7.

Appointment of Safety Officer

The City Council hereby designates:

William L. Livingston
Designee

Risk Manager
Title

...to develop and maintain an effective Injury and Illness Prevention Program for the City of Modesto.
A RESOLUTION OF INTENTION TO VACATE AND ABANDON THE WESTERNMOST 724.18 FEET OF THE LINCOLN AVENUE RIGHT-OF-WAY ALIGNMENT, RESERVING AN EASEMENT FOR PUBLIC USE AT THE DRY CREEK GOLF COURSE IN THE CITY OF MODESTO, PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE.

WHEREAS, the City Council referred to the Planning Commission a request to vacate and abandon approximately the westernmost 724.18 feet of the Lincoln Avenue right-of-way alignment from an already developed eighteen-hole public golf course and a request to reserve a general public easement for any identified public and utility interest, and

WHEREAS, said right-of-way is located between M.I.D. Lateral No. 2 and Dry Creek, West of Lincoln Avenue, within the Dry Creek Golf Course, and

WHEREAS, a title report was submitted with the abandonment request which vests fee title to the street right-of-way in adjacent land owners who are proponents of the 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 approximately the westernmost 724.18 feet of Lincoln Avenue right-of-way alignment, reserving an easement for public use, were posted in the area and said hearing was held on May 20, 1991, and

WHEREAS, the Planning Commission by Resolution No. 91-29, adopted on May 20, 1991, found and determined as follows:

1. The 724.18 westernmost feet of Lincoln Avenue are not necessary to serve present or future traffic needs in the area.
MODESTO CITY COUNCIL
RESOLUTION NO. 91-414

A RESOLUTION OF INTENTION TO VACATE AND ABANDON THE WESTERNMOST 724.18 FEET OF THE LINCOLN AVENUE RIGHT-OF-WAY ALIGNMENT, RESERVING AN EASEMENT FOR PUBLIC USE AT THE DRY CREEK GOLF COURSE IN THE CITY OF MODESTO, PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE.

WHEREAS, the City Council referred to the Planning Commission a request to vacate and abandon approximately the westernmost 724.18 feet of the Lincoln Avenue right-of-way alignment from an already developed eighteen-hole public golf course and a request to reserve a general public easement for any identified public and utility interest, and

WHEREAS, said right-of-way is located between Lateral No. 2 and Dry Creek West of Lincoln Avenue, within the Dry Creek Golf Course, and

WHEREAS, a title report was submitted with the abandonment request which vests fee title to the street right-of-way in adjacent land owners who are proponents of the 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 approximately the westernmost 724.18 feet of Lincoln Avenue right-of-way alignment, reserving an easement for public use, were posted in the area and said hearing was held on May 20, 1991, and

WHEREAS, the Planning Commission by Resolution No. 91-29, adopted on May 20, 1991, found and determined as follows:

1. The 724.18 westernmost feet of Lincoln Avenue are not necessary to serve present or future traffic needs in the area.
2. The street abandonment is in conformity with the General Plan.

3. That an easement will be reserved for general public use for a golf course.

4. This abandonment and vacation is not a project under the California Environmental Quality Act (CEQA), Section 15061(b).

and

WHEREAS the Planning Commission by said Resolution No. 91-29 recommended to the City Council that the vacation and abandonment of the westernmost 724.18 feet of Lincoln Avenue right-of-way alignment, reserving an easement for public use, be approved, subject to the following conditions:

1. An easement of 40 to 50 feet in width over the existing right-of-way shall be reserved for public use of a golf course and all other incidental appurtenances thereto.

2. An easement for existing utilities shall be reserved as approved by the Pacific Gas and Electric Company and the City of Modesto.

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 the westernmost 724.18 feet of the Lincoln Avenue right-of-way alignment from an already developed eighteen-hole public golf course, reserving a general public easement for any identified public and utility interest, 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 Excess East to West R/W for Lincoln Ave. at Dry Creek Golf Course", dated June, 1989, 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 Division 9, Part 3, of the Streets and Highways Code of the State of California.

SECTION 3. Notice is hereby given that July 9, 1991, 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 the westernmost 724.18 feet of Lincoln Avenue right-of-way alignment, reserving an easement for public use, to be posted conspicuously along the westernmost 724.18 feet of Lincoln Avenue 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 18th day of June, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: NORRINE 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
LD-89-B
Parcel 33-27-04

VACATE AND ABANDON EXCESS EAST TO WEST RIGHT OF WAY
FOR LINCOLN AVENUE AT DRY CREEK GOLF COURSE

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northeast quarter of Section 26, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being also a portion of Lot 3 of the LANDS BELONGING TO H. T. CROW, as per map filed May 15, 1906 in Volume 2 of Maps, Page 28, Stanislaus County Records, described as follows:

Commencing at the Section corner common to Sections 23, 24, 25 and 26, above Township and Range; thence along the section line common to said Sections 25 and 26, South 0 degrees 33' 30" East, 583.54 feet, to a 6 inch concrete monument marking the intersection of the centerline of the former County Road running Westerly along the Southern line of the North 17.63 Acres of said Lot 3; thence along said centerline of the former County Road and said Southerly line of the North 17.63 Acres of Lot 3, South 89 degrees 57' 30" West, 50.00 feet, to a point on a line which is parallel with and 50.00 feet, measured at right angles, Westerly from said section line common to Sections 25 and 26, and the true point of beginning of this description; thence along said parallel line, North 0 degrees 33' 30" West, 30.00 feet, to a point on a line which is parallel with and 30.00 feet, measured at right angles, Northerly from the centerline of the former County Road and Southern line of the North 17.63 Acres of Lot 3, said point also being the Southern line of Parcels "A" and "B", as per map filed May 20, 1968 in Book 5 of Parcel Maps, Page 77, Stanislaus County Records; thence along said last mentioned parallel line, South 89 degrees 57' 30" West, 596.57 feet, to a Southwesterly corner of said Parcel "B"; thence along the Southerly extension of a Westerly line of Parcel "B", South 0 degrees 33' 30" East, 10.00 feet, to a point on a line which is parallel with and 20.00 feet, measured at right angles, Northerly from the centerline of the former County Road and the Southern line of the North 17.63 Acres of Lot 3; thence along said last mentioned parallel line, South 89 degrees 57' 30" West, 127.61 feet, to the Northwestern corner of the 40-foot strip of land for road purposes deeded to the County of Stanislaus by deed recorded January 14, 1937, as Instrument 607, Stanislaus County Records; thence along the Western line of said 40-foot strip of land, South 0 degrees 33' 30" East, 20.00 feet, to a 6 inch concrete monument marking the centerline of a former County Road and the Southern line of the North 17.63 Acres of Lot 3; thence continuing along said Western line of the 40-foot strip of land, South 0 degrees 33' 30" East, 20.00 feet, to the Southern line of the 40-foot strip of land; thence along said Southern line of the 40-foot strip of land, said line being the Southern line of the former County Road, North 89 degrees 57' 30" East, 724.18 feet, to a point on the first mentioned parallel line, said line being parallel with and 50.00 feet, measured at right angles, Westerly from the section line common to Sections 25 and 26; thence along the last mentioned parallel line, North 0 degrees 33' 30" West, 20.00 feet, to the point of beginning.

Reserving all of the above area for golf course trails pursuant to Section 8340 of the Streets and Highways Code.
MODESTO CITY COUNCIL
RESOLUTION NO. 91-415

A RESOLUTION APPROVING 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 18th day of June, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-416

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DENNIS CASEY
FOR THE LEASE OF 1813 W. HATCH ROAD

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the
agreement between the City of Modesto and Dennis Casey for the lease of
1813 W. Hatch 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 18th day of June , 1991, by
Councilmember Bird , who moved its adoption, which motion being duly
seconded by Councilmember Martin , was upon roll call carried and the
resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-417

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THOMAS B. BALCH FOR A DENSITY BONUS FOR A 16-UNIT APARTMENT COMPLEX AT 908 BYRON LANE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Thomas B. Balch for a density bonus for a 16-unit apartment complex at 908 Byron Lane 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 June, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: 

NORRINE COYLE, City Clerk
A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS AND TRANSPORTATION TO SIGN APPLICATIONS ON BEHALF OF THE CITY FOR STATE-LOCAL TRANSPORTATION PARTNERSHIP PROGRAM FUNDS

WHEREAS, the State Local Transportation Partnership Program is an ongoing program administered by Caltrans which allows the City to submit qualified transportation projects for up to 50 percent State funding; and

WHEREAS, the State Local Transportation Partnership Program guidelines require the person signing the application to be authorized by the local governing body to do so.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby authorize the Director of Public Works & Transportation to sign applications on behalf of the City for State-Local Transportation Partnership Program Funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Lang

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-419

A RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS IN CONNECTION WITH THE 1991 REFUNDING OF THE MODESTO COMMUNITY CENTER CERTIFICATES OF PARTICIPATION.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute the following documents in connection with the 1991 refunding of the Modesto Community Center Certificates of Participation:

1. Consent to Refinancing and Subordination Agreement, and
2. Assignment of Lease, Assumption of Lease, and Consent to Assignment of Lease.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney

061991 10818CA2
MODESTO CITY COUNCIL
RESOLUTION NO. 91-420

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN DOCUMENTS NECESSARY FOR A LOT LINE ADJUSTMENT BETWEEN THE MODESTO CENTRE PLAZA'S PARK PLAZA AND THE HOTEL'S PARKING LOT.

WHEREAS, the current parcel line between the Modesto Centre Plaza's park plaza and the hotel's parking lot does not match exactly the site plan agreed to as part of the Disposition and Development Agreement, and

WHEREAS, the lot line is to be moved slightly to the east to accommodate the vehicle drop-off area which will serve both the hotel and the Centre.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is authorized to sign all documents necessary to accomplish the Lot Line Adjusting including but not limited to Grant Deeds, leases and financial documents by and between the City, Redevelopment Agency, Modesto Centre Plaza Associates, U.S. Bancorp, and the Red Lion Hotel.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

061991 -2- 10821CA2
MODESTO CITY COUNCIL
RESOLUTION NO. 91-421

A RESOLUTION APPOINTING MEMBER OF THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE (NICK BLOM)

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:

Nick Blom
Term to expire 6/30/94

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 18th day of June, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson, Acting Mayor Dobbs
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: ____________________
NORRINE COYLE, City Clerk
A RESOLUTION APPOINTING MEMBER OF THE REHABILITATION LOAN POOL SUBCOMMITTEE (DON JORDAN)

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

SECTION 1. The following person is hereby appointed to the Rehabilitation Loan Pool Subcommittee for the respective term as indicated:

Don Jordan
Term to expire: 6/30/95

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly-appointed member of the 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 18th day of June, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-423

A RESOLUTION APPOINTING MEMBERS OF THE ECONOMIC DEVELOPMENT LOAN POOL SUBCOMMITTEE (DUANE FAGER, DAN FREEMAN)

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

SECTION 1. The following persons are hereby reappointed to the Economic Development Loan Pool Subcommittee for the respective term as indicated:

   Duane Fager - Term to expire 9/30/95
   Dan Freeman - Term to expire 9/30/95

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Economic Development 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 18th day of June, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: _____________________________
          NORRINE COYLE, City Clerk

Committees
A RESOLUTION APPOINTING MEMBER OF THE CITIZENS ADVISORY COMMITTEE ON RECYCLING (MYRTLE OSNER)

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

SECTION 1. The following person is hereby appointed to the Citizens Advisory Committee on Recycling for the respective term as indicated:

Myrtle Osner
Term to expire 1/1/95

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 18th day of June, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Patterson, Acting Mayor Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Lang

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-425

A RESOLUTION ESTABLISHING SEWER SERVICE CHARGES AND SUPERSEDING RESOLUTION NO. 91-139.

WHEREAS, Section 5-6.02 and 5-6.24 of the Modesto Municipal Code authorizes the Council to establish sewer service charges from time to time by resolution, and

WHEREAS, the Council has previously established sewer service charges, and

WHEREAS, this resolution supersedes Resolution No. 91-139, and

WHEREAS, the Environmental Protection Agency has established regulations pursuant to Section 402(p) of the Clean Water Act (added by section 405 of the Water Quality Act of 1987) which require cities to obtain National Pollutant Discharge Elimination System (NPDES) permits and to regulate the quality of stormwater runoff, and

WHEREAS, the quality of stormwater runoff can be best addressed by increased focus on maintenance of stormwater drainage facilities, fall leaf pickup, street sweeping and enforcement activities, and

WHEREAS, Section 5-6.24 of the Modesto Municipal Code authorizes the Council by resolution to establish the amount of storm drainage sewer surcharge to be charged to accomplish these purposes, and

WHEREAS, an analysis has been made of the needs and impacts generated by types of uses of land based upon the type and intensity of development and lot sizes, and

WHEREAS, on May 7, 1991, the Council held a public hearing to consider the recommended adjustments in the sewer service charges,

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. "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.

5. "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.

6. "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.

7. "Multi-family Residential": shall include all developed parcels containing more than one single-family residential unit, including hotels, boarding houses and twenty-four hour care for less than six persons.

8. "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.

9. "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.
10. "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.

11. "Parks/Cemeteries": shall include developed parcels used primarily for cemetery purposes or for publicly-owned places of recreation and enjoyment for general public use.

12. "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.

13. "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.

14. "Parks": shall include all developed parcels operated as a park by a public agency.

15. "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:

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each single-family dwelling or mobile home on a lot</td>
<td>$8.45</td>
</tr>
<tr>
<td>Each dwelling unit in a duplex</td>
<td>6.59</td>
</tr>
<tr>
<td>One additional dwelling unit or mobile home on a lot</td>
<td>6.59</td>
</tr>
<tr>
<td>Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park</td>
<td>5.44</td>
</tr>
</tbody>
</table>

(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:

<table>
<thead>
<tr>
<th>Sewer Service Charges</th>
<th>Per 1000 Gals. of Water Used</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group 1</td>
<td>$1.40</td>
</tr>
<tr>
<td>Combined B.O.D. and S.S. measured in mg/l is 400mg/l or less</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>1.62</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group 2</td>
<td></td>
</tr>
<tr>
<td>Combined B.O.D. and S.S. measured in mg/l is in the range of 401mg/l to 900mg/l</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>1.98</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group 3</td>
<td></td>
</tr>
<tr>
<td>Combined B.O.D. and S.S. measured in mg/l is in the range of 901mg/l to 1400mg/l</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>2.38</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group 4</td>
<td></td>
</tr>
<tr>
<td>Combined B.O.D. and S.S. measured in mg/l is over 1401mg/l</td>
<td></td>
</tr>
</tbody>
</table>
(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:

<table>
<thead>
<tr>
<th>Group</th>
<th>Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$17.54</td>
</tr>
<tr>
<td>2</td>
<td>20.21</td>
</tr>
<tr>
<td>3</td>
<td>24.77</td>
</tr>
<tr>
<td>4</td>
<td>29.73</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 $570.46 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 $67.47 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 $62.11 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. Eleven 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>Multi-Family Residential</td>
<td>0.60</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>
<tr>
<td>Schools</td>
<td>0.25</td>
</tr>
<tr>
<td>Non-Profit Organizations</td>
<td>0.40</td>
</tr>
<tr>
<td>Government</td>
<td>0.70</td>
</tr>
<tr>
<td>Hospitals</td>
<td>0.50</td>
</tr>
<tr>
<td>Parks/Cemeteries</td>
<td>0.10</td>
</tr>
<tr>
<td>Agriculture</td>
<td>0.08</td>
</tr>
</tbody>
</table>

(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 $6.28. Therefore, the monthly property charge for all non Single-Family Residential is: ERU x $6.28.

SECTION 9. EFFECTIVE DATE. This resolution shall become effective on and after the effective date of Ordinance No. 2776-C.S.
SECTION 10. SUPERSEDES PRIOR RESOLUTIONS. This resolution supersedes Modesto City Council Resolution No. 91-139.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 1991, by Councilmember Muratore, 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: Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Bird, Dobbs, Irizarry

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-425

A RESOLUTION ESTABLISHING SEWER SERVICE CHARGES AND
SUPERSEDING RESOLUTION NO. 91-139.

WHEREAS, Section 5-6.02 and 5-6.24 of the Modesto Municipal Code
authorizes the Council to establish sewer service charges from time to time by
resolution, and

WHEREAS, the Council has previously established sewer service
charges, and

WHEREAS, this resolution supersedes Resolution No. 91-139, and

WHEREAS, the Environmental Protection Agency has established
regulations pursuant to Section 402(p) of the Clean Water Act (added by
section 405 of the Water Quality Act of 1987) which require cities to obtain
National Pollutant Discharge Elimination System (NPDES) permits and to
regulate the quality of stormwater runoff, and

WHEREAS, the quality of stormwater runoff can be best addressed by
increased focus on maintenance of stormwater drainage facilities, fall leaf
pickup, street sweeping and enforcement activities, and

WHEREAS, Section 5-6.24 of the Modesto Municipal Code authorizes the
Council by resolution to establish the amount of storm drainage sewer
surcharge to be charged to accomplish these purposes, and

WHEREAS, an analysis has been made of the needs and impacts
generated by types of uses of land based upon the type and intensity of
development and lot sizes, and

WHEREAS, on May 7, 1991, the Council held a public hearing to
consider the recommended adjustments in the sewer service charges,
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. "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.

5. "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.

6. "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.

7. "Institutional": shall include all developed parcels with hospitals, schools, day care facilities, churches, nonprofit membership organizations or federal, state and local government.

8. "Multi-family Residential": shall include all developed parcels containing more than one single-family residential
unit, including hotels, boarding houses and twenty-four hour care for less than six persons.

9. "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.

10. "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.

11. "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.

12. "Parks/Cemeteries": shall include developed parcels used primarily for cemetery purposes or for publicly-owned places of recreation and enjoyment for general public use.

13. "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.

14. "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.

15. "Parks": shall include all developed parcels operated as a park by a public agency.

16. "Trans/Util": 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: $8.45
- Each dwelling unit in a duplex: 6.59
- One additional dwelling unit or mobile home on a lot: 6.59
- Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park: 5.44

(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:
Group 1

Combined B.O.D. and S.S. measured in mg/l is 400 mg/l or less

Group 2

Combined B.O.D. and S.S. measured in mg/l is in the range of 401 mg/l to 900 mg/l

Group 3

Combined B.O.D. and S.S. measured in mg/l is in the range of 901 mg/l to 1400 mg/l

Group 4

Combined B.O.D. and S.S. measured in mg/l is over 1401 mg/l

Sewer Service Charges
Per 1000 Gals.

of Water Used

Group 1 $1.40

Group 2 1.62

Group 3 1.98

Group 4 2.38

(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:

Group 1 $17.54

Group 2 20.21

Group 3 24.77

Group 4 29.73

(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 $570.46 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 $67.47 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 $62.11 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:

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<table>
<thead>
<tr>
<th>Description</th>
<th>Rate</th>
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</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>
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</tr>
<tr>
<td>One additional dwelling unit or mobile home on a lot</td>
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</tr>
<tr>
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</tr>
<tr>
<td>Billing Fee</td>
<td>0.39</td>
</tr>
</tbody>
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```

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. Eleven land uses are identified and recognized, each of which has an assigned IDF, as follows:

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<tr>
<th>Land Use</th>
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<tr>
<td>Single-Family Residential</td>
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</tr>
<tr>
<td>Multi-Family Residential</td>
<td>0.60</td>
</tr>
<tr>
<td>Commercial</td>
<td>0.95</td>
</tr>
<tr>
<td>Industrial</td>
<td>0.75</td>
</tr>
<tr>
<td>Trans/Util</td>
<td>0.40</td>
</tr>
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<td>Agriculture</td>
<td>0.08</td>
</tr>
</tbody>
</table>

(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>
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</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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<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 is subject to a maximum ARN of 3, regardless of greater square footage of the parcel.

(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 $6.28. Therefore, the property's monthly charge is: ERU x $6.28.

SECTION 9. EFFECTIVE DATE. This resolution shall become effective on and after the effective date of Ordinance No. 2776-C.S.

WHEREAS, it has been determined that certain Storm Drain Fund adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 1990-91,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the changes listed in the attached Exhibit VI be made to the Annual Budget of the City of Modesto for the Fiscal Year 1990-91.

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 25th day of June 1991, by Councilmember Muratore, 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: Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Bird, Dobbs, Irizarry

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
Storm Drain Adjustments Detail based on Updated Information

Storm Drainage Program Adjustments

This section adjusts the Sewer Fund budget as a result to updated information on the Storm drainage program.

Storm Drain Revenue

<table>
<thead>
<tr>
<th>Fund Agy Orig Rev Description</th>
<th>Adjustment</th>
</tr>
</thead>
<tbody>
<tr>
<td>621-480-5312-4370 Storm Drain Fees &amp; Charges</td>
<td>$&lt;433,750&gt;</td>
</tr>
</tbody>
</table>

To Defer Loan Payment

<table>
<thead>
<tr>
<th>Fund Agy Orig Obj Description</th>
<th>Adjustment</th>
</tr>
</thead>
<tbody>
<tr>
<td>621-700-7000-7610 Transfer to 610</td>
<td>$&lt;300,000&gt;</td>
</tr>
<tr>
<td>610-700-7000-9621 Transfer from 621</td>
<td>$&lt;300,000&gt;</td>
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</tbody>
</table>

CIP Adjustments

<table>
<thead>
<tr>
<th>Fund Agy Seq Obj Description</th>
<th>Adjustment</th>
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</thead>
<tbody>
<tr>
<td>621-480-1818-6000 9th Street Storm Drain</td>
<td>$&lt;75,000&gt;</td>
</tr>
<tr>
<td>621-480-1819-6000 Master Plan</td>
<td>$&lt;150,000&gt;</td>
</tr>
<tr>
<td>621-480-1193-6000 Positive Storm Drain Repair</td>
<td>$90,000</td>
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</tbody>
</table>

Operating Adjustments

<table>
<thead>
<tr>
<th>Fund Agy Orig Obj Description</th>
<th>Adjustment</th>
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<tbody>
<tr>
<td>621-480-5312-5000 Storm Hydraulics Software</td>
<td>$1,500</td>
</tr>
<tr>
<td>621-480-5312-0235 Office Trailer setup</td>
<td>300</td>
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<tr>
<td>621-480-5312-5000 Desk, Chair, Table, File cabinet</td>
<td>1,600</td>
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<tr>
<td>621-480-5312-5000 Desk, Chair, Floor Mat</td>
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<tr>
<td>621-480-5312-5000 2 Chairs, shelving</td>
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<td>621-480-5312-5000 Computer workstation</td>
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<tr>
<td>621-480-5312-5000 Software</td>
<td>1,000</td>
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<td>621-480-5312-5000 Furniture</td>
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<tr>
<td>621-480-5312-5000 Plotter w/spooler</td>
<td>9,000</td>
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<td>621-480-5312-5000 Radio Equipment</td>
<td>$940</td>
</tr>
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Equipment Adjustments

<table>
<thead>
<tr>
<th>Fund Agy Orig Obj Description</th>
<th>Adjustment</th>
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<tbody>
<tr>
<td>621-480-7000-7720 Transfer to 720</td>
<td>$14,000</td>
</tr>
<tr>
<td>720-480-7000-9621 Transfer from 621</td>
<td>14,000</td>
</tr>
<tr>
<td>720-480-5213-5000 Sedan</td>
<td>$14,000</td>
</tr>
<tr>
<td>621-480-7000-7720 Transfer to 720</td>
<td>$&lt;116,000&gt;</td>
</tr>
<tr>
<td>720-480-7000-9621 Transfer from 621</td>
<td>$&lt;116,000&gt;</td>
</tr>
<tr>
<td>720-480-5213-5000 Vactor Truck</td>
<td>$&lt;116,000&gt;</td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 91-426

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE STANDIFORD AVENUE IMPROVEMENTS

WHEREAS, Resolution No. 91-343, adopted by the Council of the City of Modesto on May 21, 1991, approved the plans and specifications for the Standiford Avenue improvements, Prescott to Dale Road and authorized the calling for bids; and

WHEREAS, the bids received for the Standiford Avenue improvements, Prescott to Dale Road were opened at 11:00 a.m. on June 13, 1991, 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 $868,435 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 $868,435 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 June, 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1990-91 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE REVENUE FOR THE STANDIFORD AVENUE IMPROVEMENTS PROJECT.

WHEREAS, The original funding for this project was to be provided by FAU funds and Gas Tax funds; however, the FAU funds were delayed pending air quality studies. In order to begin the project on schedule, an agreement was entered into with Santa Clara County Transit Authority for an exchange of these FAU funds. The City’s Apportionment was sold for $670,826. This amount is to be repaid over a one year period. Quarterly payments will begin in November 1991.

WHEREAS, these funds are being paid quarterly, in order to insure sufficient cash flow, it is necessary to temporarily cancel three projects. Two of these projects are in Fund 051. If the cash flow in Fund 070 becomes low, a loan will be made from Fund 051 to Fund 070 until the FAU funds are received and cash flow is sufficient. The loan will be repaid and the projects rescheduled as funding permits.

WHEREAS, the County will remit $20,350 of residual proceeds from a previous FAU exchange for this project.

WHEREAS, $139,818 of this project is to be funded out of Improvement District 29, 070-430-P941.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments be made to the Annual Budget of the City of Modesto for Fiscal Year 1990-91.

LOCAL TRANSPORTATION FUND (051)

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Object</th>
<th>Description</th>
<th>Increase/Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>051-430-P745-6000</td>
<td>&quot;K&quot; Street Couplet</td>
<td>(325,557)</td>
</tr>
<tr>
<td>051-430-P752-6000</td>
<td>Scenic Drive Sunnyside to Sonoma(partial)</td>
<td>(145,282)</td>
</tr>
<tr>
<td>051-800-8000-8003</td>
<td>LTF Contingency Reserve</td>
<td>319,030</td>
</tr>
<tr>
<td>Revenues</td>
<td></td>
<td></td>
</tr>
<tr>
<td>051-700-7000-9070</td>
<td>Transfer in from 070</td>
<td>(151,809)</td>
</tr>
</tbody>
</table>

GAS TAX FUND (070)

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Object</th>
<th>Description</th>
<th>Expenditures/Revenues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>070-430-P870-6000</td>
<td>Lincoln/Lakewood Bridge ROW</td>
<td>(199,987)</td>
</tr>
<tr>
<td>070-700-7000-7051</td>
<td>Transfer out to Fund 051</td>
<td>(151,809)</td>
</tr>
<tr>
<td>070-800-8000-8003</td>
<td>Gas Tax Contingency Reserve</td>
<td>351,796</td>
</tr>
<tr>
<td>070-430-6920-6000</td>
<td>Standiford Road Widening</td>
<td>(363,824)</td>
</tr>
<tr>
<td>Revenue</td>
<td></td>
<td></td>
</tr>
<tr>
<td>070-510-9510-3504</td>
<td>FAU funding</td>
<td>(1,055,000)</td>
</tr>
<tr>
<td>070-510-9510-8301</td>
<td>Other sources of financing</td>
<td>670,826</td>
</tr>
<tr>
<td>070-510-9510-3310</td>
<td>County Share (prior FAU exchange)</td>
<td>20,350</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 June 1991, 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, Dobbs, Irizarry, Martin, 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. 91-428

A RESOLUTION ACCEPTING THE BID OF WESTERN STONE PRODUCTS, INC. FOR IMPROVEMENT DISTRICT NO. 29

WHEREAS, Resolution No. 91-109, adopted by the Council of the City of Modesto on February 26, 1991, approved the plans and specifications for Improvement District No. 29, and authorized the calling for bids; and

WHEREAS, the bids received for Improvement District No. 29 were opened at 11:00 a.m. on March 26, 1991, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, award of this contract is contingent upon successful sale of Improvement Bonds, to be completed on June 27, 1991.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that upon recommendation of the Director of Public Works & Transportation, the bid of Western Stone Products, Inc. in the amount of $464,090 be accepted as the lowest responsible bid, and the execution of a contract for the completion of the project by the City's designated officials be authorized contingent upon successful sale of Improvement Bonds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-429

A RESOLUTION AMENDING THE FISCAL YEAR 1990-91
ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE
REVENUE FOR IMPROVEMENT DISTRICT 29.

WHEREAS, a bond sale was approved by City Council for the
amount of the unpaid assessments levied on Improvement District No. 29. Refer to the Preliminary Official Statement dated June 11, 1991 for
detail information.

WHEREAS, prepaid assessments in the amount of $68,920 have
been collected.

WHEREAS, this project will be titled Improvement District
No. 29, and the projects detailed in the Preliminary Statement will be
constructed.

WHEREAS, only the construction portion of this project will
be budgeted as a multiyear project. The Debt Service Reserve Fund
($68,800), the bond discount ($29,486), the costs of issuance ($70,500),
and the associated bond proceeds amount will be budgeted in the 1991-92
fiscal year. Due to the timing of the bond sale, it is certain that
these costs will not be incurred until that year. Therefore these
expenditures and the associated bond proceeds will be estimated in
fiscal year 1991-92. This will eliminate unnecessary rebudgeting next
year.

WHEREAS, $107,500 was budgeted from fund 070, Gas Tax Fund, in order to begin preliminary work on this project. These funds can now
be reimbursed to the contingency reserve of Fund 070.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the following adjustments be made to the Annual Budget of
the City of Modesto for Fiscal Year 1990-91.

GAS TAX FUND (070)

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Object</th>
<th>Description</th>
<th>Increase/Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>070-430-P941-6000</td>
<td>Improvement District #29</td>
<td>$882,989</td>
</tr>
<tr>
<td>Revenue</td>
<td></td>
<td></td>
</tr>
<tr>
<td>070-510-9510-5101</td>
<td>Special Assessments</td>
<td>68,921</td>
</tr>
<tr>
<td>070-510-9510-8301</td>
<td>Other Financing Sources</td>
<td>814,068</td>
</tr>
<tr>
<td>Reimbursement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>070-430-P941-6000</td>
<td>Improvement District #29</td>
<td>(107,500)</td>
</tr>
<tr>
<td>070-800-8000-8003</td>
<td>Gas Tax Contingency Reserve</td>
<td>107,500</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 June 1991, 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, Irizarry, Martin, 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. 91-430


WHEREAS, it is necessary to establish various reserves to comply with the provisions of Article XIII B of the State Constitution, and

WHEREAS, the appropriations to establish said reserves must be made prior to the closing of the City of Modesto's books for fiscal year 1990-91,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following reserves to be established in the annual budget of the City of Modesto for the fiscal year 1990-91 and that the amounts of said reserves, including necessary adjustments to current appropriations, be as set forth below or as determined by the Director of Finance in accordance with the following:

Fund No. 010 - General Fund

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year.

Amount to be determined when 1990-91 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.
Reserve for Capital Contingencies - A reserve established to provide for potential capital adjustments arising from needs for which specific financing has not been provided. The reserve is established in the amount of $768,452.

Fund No. 050 - Local Transportation

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1990-91 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 070 - Special Gas Tax Improvement

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1990-91 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.
Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 090 - Downtown Improvement District

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1990-91 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 111 - HCDA Title 1/Housing

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1990-91 fiscal year books are closed.
Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 130 - Special Fund for Capital Outlays

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1990-91 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.
Funds No. 131-143 - Capital Facilities Fee Funds

Police Department (131), Fire Department (132), Expressway Loop (133), Street Lights (134), Parks (135), New Traffic Signals (136), Wastewater Treatment (137), Other City (138), Administration (139), Streets (141), Public Transportation (142), Air Quality (143).

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1990-91 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 140 - Parks

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1990-91 fiscal year books are closed.
Reserve for Carryover Projects – The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Reserve for Pending Projects – The amount required to fund projects approved but not yet appropriated.

Fund No. 150 – Parks and Recreation Facilities

Reserve for Encumbrances – A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1990-91 fiscal year books are closed.

Reserve for Carryover Projects – The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Reserve for Pending Projects – The amount required to fund projects approved but not yet appropriated.

Fund No. 160 – In Lieu Parking

Reserve for Contingencies – The fund balance not appropriated or reserved for other specified purposes.

Fund No. 170 – State Parks and Recreation
Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1990-91 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Fund No. 180 - McHenry Mansion

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1990-91 fiscal year books are closed.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Fund No. 190 - Capital Improvement Projects
Reserve for Encumbrances – A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1990-91 fiscal year books are closed.

Reserve for Carryover Projects – The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Fund No. 200 – Revenue Sharing

Reserve for Pending Projects – The amount required to fund projects approved but not yet appropriated.

Reserve for Carryover Projects – The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Funds No. 280-340 – Drainage Area Funds

Crows Landing (280), Orchard (290), Claus Road (300), Oakdale (310), Sylvan (320), Ustick (330), Yosemite (340).

Reserve for Encumbrances – A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1990-91 fiscal year books are closed.
Reserve for Pending Projects – The amount required to fund projects approved but not yet appropriated.

Reserve for Carryover Projects – The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Fund No. 600 – Parking

Reserve for Commitments – A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1990-91 fiscal year books are closed.

Reserve for Contingencies – The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Carryover Projects – The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Reserve for Pending Projects – The amount required to fund projects approved but not yet appropriated.

Fund No. 610 – Water
Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1990-91 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Fund No. 621 - Sewer

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1990-91 fiscal year books are closed.

Exigency Reserve - Amount reserved for unforseen exigencies arising from the operations of the Sewer Enterprise. Amount to be determined when the 1990-91 fiscal year books are closed.
Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Fund No. 631 - Airport

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1990-91 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.
Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

**Fund No. 651 - Bus Service**

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1990-91 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

**Fund No. 660 - Golf**

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1990-91 fiscal year books are closed.
Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Fund No. 670 - Centre Plaza

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1990-91 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Fund No. 890 - Tuolumne River Regional Park
Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1990-91 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1990-91 fiscal year but which will be reappropriated in the 1991-92 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

BE IT FURTHER RESOLVED that said reserves are established as restrictions against fund balances in the General Ledger Accounts of the City of Modesto available for appropriation in 1991-92 fiscal year, and

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 25th day of June, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

APPROVED AS TO FORM:

(SEAL)

By STAN T. YAMAMOTO, City Attorney

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION CONDITIONALLY RECOMMENDING APPROVAL TO THE
STANISLAUS COUNTY BOARD OF SUPERVISORS FOR AN AMENDMENT TO
THE COUNTY GENERAL PLAN AND REZONING TO ALLOW A SPORTS
CLUB ON THE SOUTH SIDE OF WELLS AVENUE, WEST OF MC HENRY
AVENUE (BILL HUGHES - MODESTO SPORTS CENTER).

WHEREAS, on March 13, 1990, the City of Modesto and the County of
Stanislaus entered into a cooperation agreement regarding Capital Facilities
Fees wherein in return for the City agreeing to collect fees on behalf of the
County, the County agreed to refer all proposals for development within the
City's Sphere of Influence (with certain limited exceptions) to the City for
its review prior to consideration by the County; and further, said agreement
provides that the County will not allow any development within the City's
Sphere of Influence without the City's prior consent, and

WHEREAS, in accordance with said agreement governing development in
the City's Sphere of Influence, the County of Stanislaus has referred an
application filed by Bill Hughes requesting modification of the Land Use
Element of the Stanislaus County General Plan to develop a sports and health
center, on the south Side of Wells Avenue, west of McHenry Avenue, and

WHEREAS, the proposed project is a sports club to be located on a
7.66 acre parcel on the south side of Wells Avenue about 1170 feet west of
McHenry Avenue, which would include a club building of approximately 45,000
square feet, 20 outdoor tennis courts, a swimming pool and 149 parking spaces,
and

WHEREAS, the proposed site is located within the Urban Reserve, to
the east and west are undeveloped lands, to the north is the Motor City
industrial development, to the south is a mobile home park across the
Hetch-Hetchy right-of-way, and the parcel is within an area framed by McHenry
Avenue, M.I.D. Lateral No. 6, the Union Pacific tracks, and Hetch-Hetchy, and
WHEREAS, the matter has been referred to the City for comment because it falls within the City's Sphere of Influence, City Council Policy No. 4.028 entitled a "Policy Regarding Development Proposals Within Modesto's Sphere of Influence", which provides that applications such as the proposal filed by Bill Hughes mentioned above shall be submitted to the City Council for consideration,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that after consideration of the referral by the County of Stanislaus relating to an application filed by Bill Hughes requesting modification of the Land Use Element of the Stanislaus County General Plan to develop a sports and health center, on the south Side of Wells Avenue, west of McHenry Avenue, the Council hereby declares that the proposed project is consistent with future development as envisioned for the surrounding area.

BE IT FURTHER RESOLVED that the Council hereby conditionally recommends approval of said project to the Stanislaus County Board of Supervisors conditioned upon preparation and satisfactory review of an environmental assessment specifically to include a traffic study meeting the requirements of the Director of Public Work and Transportation, and conditioned upon imposition of mitigation and conditions as recommended by the City of Modesto. Such conditions would include, at a minimum, those as listed on Exhibit A, attached hereto and incorporated herein by reference and may be added to review of the traffic study/environmental assessment.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 1991, 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, Dobbs, Irizarry, Martin, 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
1. The following table shows the estimated traffic generated from this project. All trip generation factors are from the ITE Trip Generation Manual as per Resolution No. 88-876.

<table>
<thead>
<tr>
<th>Building Use</th>
<th>Trip Generation Factor</th>
<th>PM Peak Hour Generation Factor</th>
<th>Average Daily Trip Generation</th>
<th>Average PM Peak Hour Generation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health Club</td>
<td>N.A./1,000 S.F.</td>
<td>4.30/1,000 S.F.</td>
<td>N.A.</td>
<td>191</td>
</tr>
</tbody>
</table>

A traffic study should be prepared for this project and cumulative development in the area. The traffic study should at least include the intersections of Pelandale Road at Detroit Lane and Pelandale Road at McHenry Avenue. The study should also determine whether any other nearby intersection will be significantly impacted.

The traffic study should include the initial and future phases of the development.

2. City water and sewer are not currently available to the site. Prior to issuance of a building permit, the developer shall execute an agreement in a form acceptable to the City Attorney agreeing to hookup to these utilities as they become available.

3. Prior to issuance of a building permit, the developer shall execute an agreement providing for annexation to the City of Modesto at such time as requested by the City.

4. That the Wells Avenue frontage(s) of the project shall be developed to 40-foot part-width residential street standards including the dedication of right of way and the construction of improvements in accordance with City of Modesto Standard Specifications.

5. That improvement plans for required improvements shall be prepared by a registered civil engineer and submitted for approval by the Director of Public Works and Transportation. All improvements shall be constructed in accordance with the approved plans.

6. That 10-foot wide public utility easements shall be dedicated along the Wells Avenue frontage(s) of the property.

7. That a 4-foot wide planting easement shall be dedicated along the Wells Avenue frontage of the property.

8. That on-site drainage shall be stored and disposed of on-site.

9. That a solid decorative masonry wall at least 7-feet in height shall be constructed adjacent to the project along the Northerly line of the Hetch Hetchy right of way.
10. Onsite fire hydrants shall be installed by the developer and on street fire hydrants shall be installed as per the Director, prior to the beginning of building construction.

11. All fire hydrants and fire mains shall conform to the minimum requirements of the Fire Department relating to type, installation, testing and required fire flow.

12. All vehicle accessways shall be considered fire lanes and shall be maintained at a minimum 20' clear and unobstructed drive width at all times. All curves or corners where the driveway changes directions shall afford a minimum inside turning radius of 22 feet with a 5 foot clear zone extending past the pavement. The minimum vertical clearance shall be 13 feet 6 inches.

13. All vehicle accessways shall be of a smooth hard surface capable of supporting the weight of a 30-ton vehicle.

14. The access roadway shall be extended to within 150 feet of all portions of the exterior walls of the first story of any building. Where the access roadway cannot be provided, approved fire protection system or systems shall be provided as required and approved by the Chief.

15. All access roadways shall be provided prior to the start of any building construction.
MODESTO CITY COUNCIL
RESOLUTION NO. 91-432

A RESOLUTION AUTHORIZING EXECUTION OF A PLAN DOCUMENT PROVIDING BENEFITS UNDER THE CITY OF MODESTO FLEXIBLE BENEFITS PLAN AND APPOINTING THE CITY MANAGER OR DESIGNEE AS ADMINISTRATOR OF THE PLAN

WHEREAS, the City has agreed to implement a Flexible Benefits Plan to provide for pre-tax deductions of employee health insurance contributions and employee dependent care expenses, under Internation Revenue Code Section 125; and

WHEREAS, the City Council of the City of Modesto does hereby appoint the City Manager or his designee to act as Administrator of the Plan.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the Plan Document for the providing of benefits under the City of Modesto Flexible Benefits 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 25th day of June, 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

NORRINE COYLE, City Clerk
A RESOLUTION ADOPTING A STANDARD FORM TO BE USED IN EVALUATING ECONOMIC NECESSITY OF REQUESTED INCENTIVES FOR DENSITY BONUS PROJECTS

WHEREAS, Section 10-3.203 of the Modesto Municipal Code, adopted on April 2, 1991, requires developers of density bonus projects requesting an additional incentive to show that the requested incentive is necessary to make the project economically feasible; and

WHEREAS, said section requires developers to submit supporting financial documents to show economic necessity, which documents shall be in a form approved by the Modesto City Council; and

WHEREAS, the Director of Finance has prepared a form to be used for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Pro Forma Operating Statement, attached hereto as Exhibit A and incorporated herein by reference, be adopted for the purpose of showing economic necessity in density bonus projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 1991 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, Dobbs, Irizarry, Martin, 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

Attachment: Pro-Forma Operating Statement
# PRO-FORMA OPERATING STATEMENT

12 MONTHS ENDING _____/_____/_____

## INCOME

## OPERATING EXPENSES

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advertising</td>
<td></td>
</tr>
<tr>
<td>Auto &amp; Travel</td>
<td></td>
</tr>
<tr>
<td>Cleaning &amp; Maintenance</td>
<td></td>
</tr>
<tr>
<td>Commissions</td>
<td></td>
</tr>
<tr>
<td>Depreciation</td>
<td></td>
</tr>
<tr>
<td>Insurance</td>
<td></td>
</tr>
<tr>
<td>Interest</td>
<td></td>
</tr>
<tr>
<td>Legal &amp; Professional Fees</td>
<td></td>
</tr>
<tr>
<td>Repairs</td>
<td></td>
</tr>
<tr>
<td>Salaries</td>
<td></td>
</tr>
<tr>
<td>Supplies</td>
<td></td>
</tr>
<tr>
<td>Taxes</td>
<td></td>
</tr>
<tr>
<td>Utilities</td>
<td></td>
</tr>
<tr>
<td>Other (Describe)</td>
<td></td>
</tr>
</tbody>
</table>

## NET INCOME FROM OPERATIONS

## OTHER INCOME (DESCRIBE)

## LESS: OTHER EXPENSES (DESCRIBE)

## NET INCOME BEFORE TAXES

## FEDERAL & STATE TAXES

## NET INCOME AFTER TAXES
INSTRUCTIONS:

1. Please provide basic information about the estimated value of the completed project.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Land value</td>
<td>$</td>
</tr>
<tr>
<td>Building value</td>
<td>$</td>
</tr>
<tr>
<td>Personal property</td>
<td>$</td>
</tr>
<tr>
<td><strong>Total Value</strong></td>
<td></td>
</tr>
</tbody>
</table>

2. Document income estimates with number of units, rental rates, and vacancy assumptions.

3. Identify depreciation method and show calculation.

4. List mortgages, including loan amounts, interest rates, maturities and monthly payment schedules.

5. Show federal and state tax computation, including rates applied.

6. Calculate basic (annual) cash flow:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Net Income From Operations</td>
<td>$</td>
</tr>
<tr>
<td>Add: Depreciation</td>
<td>$</td>
</tr>
<tr>
<td>Less: Debt Service (Principal)</td>
<td>$</td>
</tr>
<tr>
<td><strong>Net Cash Flow</strong></td>
<td></td>
</tr>
</tbody>
</table>
A RESOLUTION ESTABLISHING CONDITIONS OF APPROVAL FOR
AGREEMENTS RELATING TO WATER OR SEWER SERVICE OUTSIDE CITY
CURRENT SERVICE AREAS.

WHEREAS, Ordinance No. 2764-C.S., which becomes effective June 27,
1991, amended Sections 5-6.13(c) and 11-1.05(b) of the Modesto Municipal Code
to provide that the City Manager shall have the authority to execute routine
agreements relating to requests for water and sewer service outside the
current service areas, imposing such reasonable conditions to the granting of
such privilege as he or she deems to be in the best interest of the City, and

WHEREAS, pursuant to said Sections 5-6.13(c) and 11-1.05(b) of the
Modesto Municipal Code, the City Manager is authorized to execute said routine
agreements with the exception of those agreements which might require special
clarification or revision of existing Council policy, in which case City staff
shall request specific Council approval for any service request which does not
conform to existing Council water and sewer policies, and

WHEREAS, to comply with the provisions of Sections 5-6.13 and
11-1.05 of the Modesto Municipal Code, the "Conditions of Approval" to be used
by the City Manager to determine the eligibility of each request need to be
established,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the "Conditions of Approval" to be used by the City Manager to determine
the eligibility of each request relating to requests for water and sewer
service outside the current service areas, are hereby established as set forth
on Exhibit "A", attached hereto and incorporated herein by reference.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By

STAN T. YAMAMOTO, City Attorney

ATTEST: NORMA S. COYLE, City Clerk

(SEAL)
EXHIBIT "A"

CONDITIONS OF APPROVAL

SEWER

REQUEST FOR SERVICE TO PROPERTY LOCATED OUTSIDE THE MODESTO MUNICIPAL SEWER DISTRICT AND INSIDE THE ULTIMATE SEWER SERVICE AREA.

1. The property requesting the proposed connection must be within the current sewer service area.

2. The City sewer system in proximity to the proposed service area must have the capacity to receive the amount and type of discharge from the proposed connection. In addition, the type and quantity of discharge must be in compliance with existing City, State and Federal codes.

3. A sewer lateral must exist adjacent to the proposed property and must be of a size which is sufficient for the proposed use and is available for direct connection. A sewer main is considered available if one of the following is true:
   a. The pipe diameter is 10" or less
   b. A manhole exists adjacent to the property which would allow a house sewer line connection at no more than a 45 degree angle from either property line.

4. The property owner must agree to pay all City connection fees prior to connecting to the sewer system.

5. The property owner must agree to pay all monthly sewer service charges.

6. The property owner must agree to annex when requested to do so by the City.

Any request for sewer connection to property located outside the current Sewer District boundaries which does not comply with the above conditions may be specifically reviewed by the City Council.
WATER

REQUEST FOR SERVICE TO PROPERTY LOCATED OUTSIDE THE CITY LIMITS OF MODESTO AND INSIDE THE ULTIMATE SEWER SERVICE AREA

1. The property requesting the proposed connection must be within the current City water service area. The property shall not be located within the assigned tariff area of Del Este Water Company or any other private water company.

2. The City water system in proximity to the proposed service area must have the capacity to provide the amount of water required for the proposed connection.

3. If a water main exists adjacent to the property and if said main is of sufficient size to provide the required service to the property, the water main is considered available.

4. If a water main does not exist adjacent to the property or if the existing water main is not of sufficient size to serve the property, the City Engineer may approve a water main extension to the proposed property. Specific Council approval is required for any proposed water main extension where the cost exceeds $20,000.00. The size and design of said water main extension shall be as approved by staff and shall be installed by the City or by the owner, as required by the Modesto Municipal Code and the City of Modesto Public Works Standard Specifications.

5. The property owner must agree to pay all City connection fees prior to connecting to the water system.

6. The property owner must agree to pay all monthly water service charges.

7. The property owner must agree to annex when requested to do so by the City.

Any request for water connection to property located outside the City limits which does not comply with the above conditions may be specifically reviewed by the City Council.
MODESTO CITY COUNCIL
RESOLUTION NO. 91-435

A RESOLUTION APPROVING THE FINAL MAP OF THE RIVER TERRACE
NO. 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Kaufman & Broad, Central Valley, Inc., a California
corporation, is possessed of a tract of land situate in the City of Modesto,
County of Stanislaus, consisting of 2.226 acres, known as the River Terrace
No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 10th day of July, 1989, 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 River Terrace No. 2 Subdivision meets all of the
provisions of the California Subdivision Map Act and the provisions of the
Modesto Municipal Code relating to subdivisions, and that the map is
technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that said final map be approved; that the streets, alleys and easements as
shown thereon within the boundaries of said tract be accepted on behalf of the
public for public use; and that the City Clerk be authorized to certify the
map of said tract on behalf of the City of Modesto after the fees and deposits
required by the Modesto Municipal Code in amounts determined by the City
Engineer have been paid, and subdividers have furnished securities, as set
forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the
obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 1991, 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, Dobbs, Irizarry, Martin, 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
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MCNRY-DRY CREEK FIRE PROTECTION DISTRICT FOR FIRE AND EMERGENCY MEDICAL SERVICE TO BE PROVIDED BY MODESTO TO THE DISTRICT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and McHenry-Dry Creek Fire Protection District for fire and emergency medical service to be provided by Modesto to the District

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-437

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LEONARD AND DIANA SORANNO FOR REIMBURSEMENT FOR AN 8 INCH SEWER LATERAL IN PELANDALE AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Leonard and Diana Soranno for reimbursement for an 8 inch sewer lateral in Pelandale 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 25th day of June, 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-438

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND NANCY 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 25th day of June, 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-439

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HABITAT FOR HUMANITY TO BUILD A HOME ON OAK STREET IN MODESTO

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Habitat for Humanity to build a home on Oak Street in 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 25th day of June, 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-440

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 BIKE TRAIL UNDER THE
EL VISTA BRIDGE PROJECT.

WHEREAS, the City Council certifies that at its meeting of June 25,
1991, 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 Bike Trail Under the
El Vista Bridge 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 Bike Trail Under the El Vista Bridge.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 25th day of June,
1991, 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, Dobbs, Irizarry, Martin, 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

062591
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 East La Loma Lights
project.

WHEREAS, the City Council certifies that at its meeting of June 25,
1991, 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 East La Loma Lights 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 East La Loma Lights.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 25th day of June
1991, 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, Dobbs, Irizarry, Martin, 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 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 EROSION CONTROL AT BEARD BROOK PARK.

WHEREAS, the City Council certifies that at its meeting of June 25, 1991, 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 Erosion Control at Beard Brook Park,

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 Erosion Control at Beard Brook Park.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 1991, 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, Dobbs, Irizarry, Martin, 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

062591

98CA
MODESTO CITY COUNCIL
RESOLUTION NO. 91-443

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON AN APPLICATION FOR
A CERTIFICATE FOR FRED HILL, YELLOW-CHECKER CABS, TO OPERATE TAXICABS WITHIN THE
CITY OF MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto

that    July 23, 1991 , 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 an application for
a certificate for Fred Hill, Yellow-Checker Cabs, to operate taxicabs within
the City of Modesto.

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 25th day of
June, 1991, 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, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 91-444

A RESOLUTION APPOINTING MEMBER OF THE DOWNTOWN IMPROVEMENT DISTRICT ADVISORY BOARD (TOM SLATER AND FRANK BOOTS)

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 Downtown Improvement District Advisory Board for the respective term as indicated:

- Tom Slater - term to expire 3/28/95
- Frank Boots - term to expire 3/28/95

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-445

A RESOLUTION DENYING THE APPEAL OF MID-VALLEY ENGINEERING, ON BEHALF OF JACK McCoy, TO AN ENVIRONMENTAL ASSESSMENT COMMITTEE DECISION REQUIRING AN ENVIRONMENTAL IMPACT REPORT FOR A REZONING FROM LOW-DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D, (MODESTO MOTOR SPORTS PARK), PROPERTY LOCATED BETWEEN MORTON BOULEVARD AND THE TUOLUMNE RIVER AND BETWEEN SOUTH 9TH STREET AND THE SP RAILROAD LINE ADJACENT TO 7TH STREET, AND AFFIRMING THE DECISION OF THE ENVIRONMENTAL ASSESSMENT COMMITTEE.

WHEREAS, on June 12, 1991, the Environmental Assessment Committee of the City of Modesto reviewed a proposed project relating to a rezoning from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D, (Modesto Motor Sports Park), property located between Morton Boulevard and the Tuolumne River and between South 9th Street and the SP Railroad Line adjacent to 7th Street, and

WHEREAS, after reviewing said proposed project, the Environmental Assessment Committee adopted an Initial Study and Findings dated June 12, 1991, indicating that the project may have a significant effect on the environment and an Environmental Impact Report is required, and

WHEREAS, by letter dated June 13, 1991, Mid-Valley Engineering on behalf of Jack McCoy filed an appeal with the Council of the City of Modesto to the decision of the Environmental Assessment Committee, and

WHEREAS, said appeal was set for public hearing before the City Council at its regular meeting place in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, on July 22, 1991, at 7:30 p.m., and

WHEREAS, said appeal to the decision of the Environmental Assessment Committee was considered by the City Council at said public hearing held on July 2, 1991, and at which time the Council found and determined that said
appeal should be denied, that the decision of the Environmental Assessment Committee should be affirmed, and that the project may have a significant effect on the environment and an Environmental Impact Report should be required, and

WHEREAS, the Council desires that the scope of the project's impacts shall be determined, and a consultant be subsequently selected for the purpose of completing a draft Environmental Impact Report, Final Environmental Impact Report, and a Mitigation Monitoring Program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby denies the appeal of Mid-Valley Engineering filed on behalf of Jack McCoy to the decision of the Environmental Assessment Committee of the City of Modesto requiring an EIR for a rezoning from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D, (Modesto Motor Sports Park), property located between Morton Boulevard and the Tuolumne River and between South 9th Street and the SP Railroad Line adjacent to 7th Street for the reason that the project may have a significant effect upon the environment relating to noise and potential impacts to air, water, plant life, wild life, transportation, aesthetics, cultural resources and land uses, the decision of the Environmental Assessment Committee is hereby affirmed, and an Environmental Impact Report is required for the proposed project.

BE IT FURTHER RESOLVED by the Council that it hereby authorizes City staff to collect monies to initiate the Environmental Impact Report process, and provide for subsequent Mitigation Monitoring, if applicable.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 1991, by Councilmember Irizarry, 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: Dobbs, Irizarry, Martin, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 91-446

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR THE REROOFING OF FIRE STATION NO. 5

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

SECTION 1. The plans and specifications for the reroofing of Fire Station No. 5 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 July 25, 1991, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Patterson

ATTEST: NORRINE COYLE, City Clerk
RESOLUTION NO. 91-447

A RESOLUTION ACCEPTING THE 12TH STREET SUBTRUNK SEWER REPLACEMENT BETWEEN "B" STREET AND MORTON BOULEVARD AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the 12th Street subtrunk sewer replacement between "B" Street and Morton Boulevard has been completed by Rolfe Construction Company in accordance with the contract agreement dated April 3, 1990.

NOW, THEREFORE, BE IT RESOLVED that the 12th Street subtrunk sewer replacement between "B" Street and Morton Boulevard 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 $112,919.55 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-448

A RESOLUTION ACCEPTING THE AIRPORT RUNWAY AND OVERLAY AND IMPROVEMENTS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Airport runway and overlay and improvements project

has been completed by Granite Construction Company in accordance with the contract agreement dated April 17, 1990.

NOW, THEREFORE, BE IT RESOLVED that the Airport runway and overlay and improvements

be accepted from said contractor, Granite Construction Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $299,237.50 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-449

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF BULK GASOLINE AND DIESEL FUELS FROM THE BEST AVAILABLE SOURCES FOR THE FISCAL YEAR 1991-92

BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of bulk gasoline and diesel fuels for the fiscal year 1991-92 is hereby waived.

BE IT FURTHER RESOLVED that purchase of gas and diesel from the source with the best available price or from any other source available in the event of restricted supplies, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 91-450

A RESOLUTION DETERMINING THAT CANDIDATES FOR ELECTION TO THE CITY OF MODESTO OR THE MODESTO CITY SCHOOLS DISTRICT SHALL PAY THE COST OF THE CANDIDATE'S STATEMENT THAT IS PRINTED IN THE VOTERS' INFORMATION PAMPHLET.

WHEREAS, Section 10012 of the California Elections Code provides that prior to the nomination period for a local election, the local agency shall determine whether a charge shall be levied against candidates for the candidate's statement sent to each voter in the Voter Information Pamphlet for that election, and

WHEREAS, the Council has determined that candidates for election to the City of Modesto or the Modesto City Schools District in the November 5, 1991, Regular Municipal Election should pay the cost of the candidate's statement that is sent to each voter in the Voter Information Pamphlet for that election,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that in accordance with the provisions of Section 10012 of the California Elections Code the Council hereby finds and determines that candidates for election to the City of Modesto or the Modesto City Schools District in the November 5, 1991, Regular Municipal Election in the City of Modesto shall pay the cost of the candidate's statement that is sent to each voter in the Voter Information Pamphlet for that election.

BE IT FURTHER RESOLVED that the City Clerk, as the officer charged with overseeing conduct of the election, is hereby authorized to establish the pro rata fees to be paid by each candidate filing a candidate's statement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-451

A RESOLUTION AUTHORIZING CITY STAFF TO REQUEST PROPOSALS FOR PREPARATION OF THE CHARACTERIZATION SECTION OF THE PART 1 APPLICATION FOR THE NPDES STORMWATER PERMIT.

WHEREAS, Federal regulations, 40 CFR Parts 122-124, require the City of Modesto to submit an application for the NPDES stormwater permit by May 18, 1992, and

WHEREAS, Federal regulations are specific on the contents of the NPDES permit application and input from two consultants is necessary to prepare (1) current characterization and field screening and (2) the system map,

WHEREAS, the characterization section of the Part 1 application is separate from the system map and will compile what is currently known about Modesto's stormwater quality and the results of a dry weather investigation for illicit connections and illegal dumping into the stormwater system,

WHEREAS, the need for this project was anticipated and funds are budgeted in FY 91-92 for stormwater characterization,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to request proposals from consultants for the preparation of the characterization section of the Part 1 application for the NPDES stormwater permit.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Dobbs, IrIZarry

ABSENT: Councilmembers: Bird

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-452

A RESOLUTION AUTHORIZING CITY STAFF TO REQUEST PROPOSALS
FOR PREPARATION OF THE SYSTEM MAP FOR NPDES STORMWATER
PERMIT APPLICATION PART 1.

WHEREAS, Federal regulations, 40 CFR Parts 122-124, require the City of Modesto to submit an application for the NPDES stormwater permit by May 18, 1992, and

WHEREAS, Federal regulations are specific on the contents of the NPDES permit application and input from two consultants is necessary to prepare (1) current characterization and field screening and (2) the system map, and

WHEREAS, the system map for the Part 1 application is separate from the characterization section and will show potential industrial pollution sources, and

WHEREAS, the need for this project was anticipated and funds are budgeted in FY 91-92 for stormwater characterization,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to request proposals from consultants for the preparation of the system map for the NPDES stormwater permit application Part 1.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Dobbs, Irizarry

ABSENT: Councilmembers: Bird

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION AUTHORIZING THE MODESTO CITY FIRE FIGHTERS ASSOCIATION TO MOVE THE BELL NOW LOCATED AT GRACEADA PARK TO FIRE STATION NUMBER 2.

WHEREAS, the fire bell which is currently located at Graceada Park was originally installed in the wooden hose tower in the old fire house on Tenth Street to summon firemen and volunteers to fires, and

WHEREAS, when the hose tower was subsequently demolished, the bell was moved to Graceada Park and installed on a pedestal on Arbor Day, 1928, and was dedicated to volunteer firefighters, and

WHEREAS, when Needham Avenue was widened in the 1970's, the bell was moved to its present location in the children's playground at Graceada Park, and

WHEREAS, the Modesto City Fire Fighters Association desires to move the bell to a fire station as that location is more in keeping with the intent of the 1928 dedication than the bell's present site, and

WHEREAS, the Modesto City Fire Fighter's Association proposes to move the bell to Fire Station #2 at 629 Second Street to create a memorial to fire fighters past, present and future, and

WHEREAS, the bell will remain at Fire Station #2 unless permission is obtained from the Modesto City Council to move the bell to another suitable location, and

WHEREAS, the bell will remain the property of the City of Modesto, and the Fire Fighters Association will move the bell at no cost to the City, and

WHEREAS, the Modesto City Fire Fighters Association will obtain insurance approved by the City Risk Manager and will coordinate the move with
the Parks And Recreation Department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Modesto City Fire Fighters Association to move the bell currently located at Graceada Park to Fire Station #2 at 629 Second Street.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Patterson

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By, Stan T. Yamamoto, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-454

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BROWN & CALDWELL CONSULTANTS FOR PREPARATION OF VILLAGE ONE FACILITIES MASTER PLAN

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Brown & Caldwell Consultants for preparation of Village One Facilities Master 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 2nd day of July, 1991, 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: Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-455

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF
MODESTO FOR FISCAL YEAR 1991-92 TO TRANSFER ONE HUNDRED
TEN THOUSAND SIX HUNDRED SIXTY NINE DOLLARS ($110,669)
FROM THE GENERAL FUND (FUND NO. 010), THE WATER FUND (FUND
NO. 610), AND THE SEWER FUND (FUND NO. 621) TO THE SPECIAL
FUND FOR CAPITAL OUTLAYS (FUND NO. 130) FOR THE FACILITIES
MASTER PLAN PORTION OF STEP ONE OF THE VILLAGE ONE
IMPLEMENTATION PROGRAM.

WHEREAS, City Council Resolution No. 91-119 authorized $150,000 to
be appropriated for preparation of the Village One Facilities Master Plan, and
WHEREAS, it has been determined that an additional $110,669 will
provide a more comprehensive workscope to achieve the objectives of the
Specific Plan, and
WHEREAS, the sum of One Hundred Ten Thousand Six Hundred Sixty Nine
Dollars ($110,669) is available in the Unappropriated Fund Balance of the
General Fund (Fund No. 010), the Water Fund (Fund No. 610), and the Sewer Fund
(Fund No. 621), and
WHEREAS, said sum will not be required for operating costs of the
City during the 1991-92 fiscal year, and
WHEREAS, the Council desires to transfer said sum to the Special
Fund for Capital Outlays (Fund No. 130) for preparation of Village One
Facilities Master Plan,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the 1991-92 Annual Budget be amended to transfer One Hundred Ten Thousand
Six Hundred Sixty Nine Dollars ($110,669) as follows:

General Fund (Fund No. 010)
010-800-8000-8003 Contingency Reserve ($46,074)
Water Fund (Fund No. 610)
610-800-8000-8003 Contingency Reserve ($18,366)

Sewer Fund (Fund No. 621)
621-800-8000-8003 Contingency Reserve ($46,256)

Special Fund for Capital Outlay
130-140-p590-6000 Village One Implementation $110,669

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 2nd day of July, 1991, 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: Dobbs, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Bird, Martin

ATTEST: NORMINE COYLE, City Clerk

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-456

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 the Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rule and Regulations of the City of Modesto, and

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

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

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

SECTION 1. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classification:

Principal Planner

The revised specifications for the classification of Principal Planner (Range 444), as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after July 2, 1991.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
CITY OF MODESTO
No. 3132

DEFINITION

To manage, direct and coordinate the activities of the Current or Advance Planning Section of the Planning and Community Development Department; to perform the most difficult and complex planning duties related to urban planning and the coordination of planning and development projects to ensure compliance with Federal, State and local regulations governing planning and the environment; to coordinate activities with other divisions and departments; and to provide highly complex staff assistance to the Director.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Planning and Community Development Director.

Exercises direct supervision over professional, technical, and clerical staff in assigned area.

EXAMPLE OF DUTIES - Duties may include, but are not limited to the following:

Supervise professional and technical planning and contract staff in the preparation of a variety of planning reports and special studies including environmental impact reports and traffic studies.

Act as project or program leader for General Plan elements, specific plans, environmental impact reports, comprehensive plans and other special planning studies involving planning disciplines such as transportation, urban design, capital facilities, environmental analysis, growth management, zoning and land use regulation.

Prepare the Section budget; forecast additional funds needed for staffing, equipment, materials, and supplies; implement and administer the approved Section budget.

Direct, oversee and participate in the development of the Section work plan; assign work activities, projects and programs; direct, monitor and prioritize work flow; review and evaluate work products, methods and procedures. Direct the maintenance of appropriate records and files.

Research, review and analyze economic, social and physical data affecting land use and community development.

Confer with engineers, developers, architects, a variety of agencies, and the general public in acquiring information and coordinating planning and zoning matters; provide information regarding City development requirements.

Recommend goals and objectives; develop policies and procedures.

Act as liaison for projects involving intergovernmental coordination; review other agencies' environmental impact reports for potential impact to the City.

Interpret and apply environmental quality laws and regulations to ensure that development, City projects and Municipal Code amendments are in compliance.
Recommend the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Provide administrative support to the Director; assist with special projects as assigned; prepare complex and sensitive reports for State and Federal regulatory agencies; analyze and develop recommendations on complex planning, zoning and development proposals.

Review and analyze development plans for compliance with the General Plan, zoning and City regulations and policies; direct the review of use permits, subdivision, rezoning requests, variance, and other land use entitlements.

Review and approve development plan revisions and administrative site plan approvals.

Develop and recommend changes regarding zoning and the General Plan; write and present reports; advise the City Council and Planning Commission on zoning and planning matters; supervise the preparation of amendments to the text of the Zoning Code.

Develop and review staff reports related to planning; present reports to the Planning Commission, City Council and other commissions, committees and boards; perform a variety of public relations and outreach work related to planning activities.

Direct the preparation of the Planning Commission and the Board of Zoning Adjustment agendas; review the content of minutes; direct the scheduling of all planning related matters for the Planning Commission.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Modern principles and practices of urban planning and development with particular emphasis on environmental review, zoning, land usage and division, and general planning.

Methods and techniques of effective technical report preparation and presentation.

Principles and practices of organization, administration, supervision, training and personnel management.

Research methods and sources of information related to urban growth and development.

Recent developments, current literature and sources of information related to municipal planning and administration.

Pertinent Federal, State and local laws, codes and regulations.

Budgeting procedures and techniques.
Ability to:

Organize, direct and implement a comprehensive planning program.

Analyze site design, terrain constraints, circulations, land use compatibility, utilities and other urban services.

Ensure project compliance with Federal, State and local rules, laws and regulations particularly those pertaining to environmental protection; analyze proposed projects for compliance and develop appropriate recommendations.

Administer the contracts of outside consultants and evaluate quality of work.

Interpret and apply pertinent laws, rules and regulations.

Prepare and analyze technical and administrative reports, statements and correspondence.

Prepare and administer a budget.

Supervise, train and evaluate assigned staff.

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:

Four years of increasingly responsible experience in professional urban planning, including some experience in the preparation or review of environmental documents.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in planning, public or business administration or a related field.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California driver's license.
MODESTO CITY COUNCIL
RESOLUTION NO. 91-457

A RESOLUTION VACATING AND ABANDONING THE WESTERNMOST 724.18 FEET OF THE LINCOLN AVENUE RIGHT-OF-WAY ALIGNMENT, RESERVING AN EASEMENT FOR PUBLIC USE AT THE DRY CREEK GOLF COURSE IN THE CITY OF MODESTO, PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE.

WHEREAS, the City Council referred to the Planning Commission a request to vacate and abandon approximately the westernmost 724.18 feet of the Lincoln Avenue right-of-way alignment from an already developed eighteen-hole public golf course and a request to reserve a general public easement for any identified public and utility interest, and

WHEREAS, the California Streets and Highways Code authorizes a city council, by resolution, to summarily vacate excess street right-of-way, and

WHEREAS, said excess street right-of-way is located between M.I.D. Lateral No. 2 and Dry Creek, West of Lincoln Avenue, within the Dry Creek Golf Course, and is more particularly described in Exhibit "A" attached hereto, and

WHEREAS, the Council of the City of Modesto finds and declares that:

1. The vacation is made pursuant to Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code.

2. The excess street right-of-way located between M.I.D. Lateral No. 2 and Dry Creek, West of Lincoln Avenue, within the Dry Creek Golf Course in the City of Modesto is not required for street or highway purposes.

3. That from and after the date this resolution is recorded, the excess street right-of-way vacated will no longer constitute a right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the excess street right-of-way located between M.I.D. Lateral No. 2 and Dry Creek, West of Lincoln Avenue, in the City of Modesto, which is more
particularly described in Exhibit "A" which is attached hereto and incorporated herein by reference, be and it is hereby vacated and abandoned, such vacation and abandonment to become effective upon the recording of a certified copy of this resolution in the Stanislaus County Recorder's Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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

APPROVED AS TO DESCRIPTION:

By Public Works and Transportation Department
Engineering Division
All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northeast quarter of Section 26, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being also a portion of Lot 3 of the LANDS BELONGING TO H. T. CROW, as per map filed May 15, 1906 in Volume 2 of Maps, Page 28, Stanislaus County Records, described as follows:

Commencing at the Section corner common to Sections 23, 24, 25 and 26, above Township and Range; thence along the section line common to said Sections 25 and 26, South 0 degrees 33' 30" East, 583.54 feet, to a 6 inch concrete monument marking the intersection of the centerline of the former County Road running Westerly along the Southern line of the North 17.63 Acres of said Lot 3; thence along said centerline of the former County Road and said Southerly line of the North 17.63 Acres of Lot 3, South 89 degrees 57' 30" West, 50.00 feet, to a point on a line which is parallel with and 50.00 feet, measured at right angles, Westerly from said section line common to Sections 25 and 26, and the true point of beginning of this description; thence along said parallel line, North 0 degrees 33' 30" West, 30.00 feet, to a point on a line which is parallel with and 30.00 feet, measured at right angles, Northerly from the centerline of the former County Road and Southern line of the North 17.63 Acres of Lot 3, said point also being the Southern line of Parcels "A" and "B", as per map filed May 20, 1968 in Book 5 of Parcel Maps, Page 77, Stanislaus County Records; thence along said last mentioned parallel line, South 89 degrees 57' 30" West, 596.57 feet, to a Southwesterly corner of said Parcel "B"; thence along the Southerly extension of a Westerly line of Parcel "B", South 0 degrees 33' 30" East, 10.00 feet, to a point on a line which is parallel with and 20.00 feet, measured at right angles, Northerly from the centerline of the former County Road and the Southern line of the North 17.63 Acres of Lot 3; thence along said last mentioned parallel line, South 89 degrees 57' 30" West, 127.61 feet, to the Northwestern corner of the 40-foot strip of land for road purposes deeded to the County of Stanislaus by deed recorded January 14, 1937, as Instrument 607, Stanislaus County Records; thence along the Western line of said 40-foot strip of land, South 0 degrees 33' 30" East, 20.00 feet, to a 6 inch concrete monument marking the centerline of a former County Road and the Southern line of the North 17.63 Acres of Lot 3; thence continuing along said Western line of the 40-foot strip of land, South 0 degrees 33' 30" East, 20.00 feet, to the Southern line of the 40-foot strip of land; thence along said Southern line of the 40-foot strip of land, said line being the Southern line of the former County Road, North 89 degrees 57' 30" East, 724.18 feet, to a point on the first mentioned parallel line, said line being parallel with and 50.00 feet, measured at right angles, Westerly from the section line common to Sections 25 and 26; thence along the last mentioned parallel line, North 0 degrees 33' 30" West, 20.00 feet, to the point of beginning.

Reserving all of the above area for golf course trails pursuant to Section 8340 of the Streets and Highways Code.
A RESOLUTION ACCEPTING THE BID OF POL E DUC MANUFACTURING OF ENGLEWOOD, COLORADO, FOR FURNISHING ONE EACH POLYMER MIX AND FEED UNIT

WHEREAS, Resolution No. 91-248, adopted by the Council of the City of Modesto on May 7, 1991, approved the plans and specifications for the purchase of one each polymer mix and feed unit and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one polymer mix and feed unit were opened at 11:00 a.m. on May 25, 1991, 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 Pol E Duc Manufacturing in the amount of $67,304.03 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Pol E Duc Manufacturing in the amount of $67,304.03 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: [Signature]
MODESTO CITY COUNCIL
RESOLUTION NO. 91-459


WHEREAS, Resolution No. 91-341 adopted by the Council of the City of Modesto on May 21, 1991, approved the plans and specifications for the modification of the traffic signals at Coffee Road and Orangeburg Avenue, and authorized the call for bids; and

WHEREAS, the bids received for the modification of the traffic signals at Coffee Road and Orangeburg Avenue were opened at 11:05 a.m. in the Office of the City Clerk on June 11, 1991; and

WHEREAS, on June 27, 1991, Caltrans informed the City that FAU funds are now available for 86% of the cost to modify the traffic signals, and based on the engineer's estimate, the City would save $94,600 by rebidding this project and using FAU funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all bids received for the modification of the traffic signals at Coffee Road and Orangeburg Avenue, opened in the office of the City Clerk on June 11, 1991, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES:  Councilmembers:  Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  None

ATTEST:  NORRINE COYLE, City Clerk
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 the Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

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

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

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

SECTION 1. CLASSIFICATIONS CREATED. The Positions Classification Plan of the City of Modesto is hereby amended to create the following classifications:

Personnel Director
Assistant Personnel Director

The specifications for the classifications of Personnel Director (Range 713), as shown on the attached Exhibit "A", and Assistant Personnel Director (Range 441), as shown on the attached Exhibit "B", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classification:
Personnel Manager

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after August 16, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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
PERSONNEL DIRECTOR

DEFINITION

To plan, direct and review the activities and operations of the Personnel Department including personnel, payroll, affirmative action, training, employee benefits, employee relations and risk management; to coordinate assigned activities with other City departments and outside agencies; and to provide highly responsible and complex administrative support to the City Manager.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the City Manager.

Exercises direct supervision over supervisory, professional, technical and clerical staff.

EXAMPLES OF DUTIES – Duties may include, but are not limited to, the following:

Develop, plan, and implement Department goals and objectives; recommend and administer policies and procedures.

Coordinate Department activities with those of other departments and outside agencies and organizations; provide staff assistance to the City Manager and City Council; prepare and present staff reports and other necessary correspondence.

Direct, oversee and participate in the development of the Department's work plan; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Supervise and participate in the development and administration of the Department budget; direct the forecast of additional funds needed for staffing, equipment, materials, supplies, and services; monitor and approve expenditures; implement mid-year adjustments.

Select, train, motivate and evaluate personnel; coordinate or provide staff training and development; work with employees to correct deficiencies; implement disciplinary actions and terminations.

Provide complex technical and administrative support to the City Manager, City Council, Affirmative Action Commission and other groups on personnel and employee related matters; direct special projects and research as assigned.

Supervise and direct labor relations activities including negotiations, study committees and grievances.

Supervise and participate in advising departments on proper handling of employee issues including employee selection, training, evaluation, counseling, disciplinary actions, grievances and appeal hearings.

061991                      WPJD278

EXHIBIT "A"
CITY OF MODESTO
Personnel Director (continued)

Supervise and direct affirmative action programs and the investigation and resolution of complaints and allegations; ensure City compliance with the legal and moral goals and objectives of affirmative action and equal opportunity employment.

Supervise and direct personnel activities including recruitment, testing and selection, classification and pay, payroll, employee benefits, and training.

Supervise and direct risk management activities including worker's compensation, safety, and liability.

Prepare resolutions, ordinances, reports and correspondence.

Participate on a variety of boards and commissions; attend and participate in professional groups and committees.

Respond to and resolve difficult and sensitive citizen inquiries and complaints.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Organizational and management practices as applied to the analysis and evaluation of programs, policies and operational needs.

Principles and practices of public personnel administration, including methods and techniques used in labor relations, recruitment, testing and selection, job analysis and classification, salary and benefits administration, training and affirmative action.

Pertinent Federal, State and local laws, codes and regulations.

Principles and practices of organization, administration and personnel management.

Principles and practices of budget preparation and administration.

Principles and practices of health and dental insurance administration, claims review, self insurance administration, and employee benefits plans.

Liability insurance and safety programs.

Principles, practices and techniques of establishing, maintaining and modifying a comprehensive risk management program.

Principles of supervision, training and performance evaluation.

Technical writing styles and English composition.
Ability to:

Organize, direct and implement a comprehensive personnel and risk management program.

Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.

Analyze organizational and operational issues and select proper course of action.

Interpret and apply applicable policies, procedures, laws and regulations.

Deal constructively with conflicts and develop a consensus.

Prepare complex reports.

Select, supervise, train and evaluate professional, technical, supervisory and clerical staff.

Prepare and administer a budget.

Work with and control sensitive, confidential information.

Communicate clearly and concisely, both orally and in writing.

Identify and respond to public and City Council issues and concerns.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Six years of increasingly responsible experience in professional personnel work including three years of administrative and supervisory responsibility.

Education:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in public or business administration or a closely related field.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.
DEFINITION

To assist the Personnel Director in planning, directing and reviewing the activities and operations of the Personnel Division including labor relations, recruitment, testing and selection, classification and pay, and training; to coordinate assigned activities with other City departments and outside agencies; and to provide highly responsible and complex administrative support to the Personnel Director.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Personnel Director.

Exercises direct supervision over professional, technical 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; review and evaluate work products, methods and procedures.

- Recommend goals and objectives; recommend and implement systems, policies and procedures.

- Manage and direct Personnel Division activities including recruitment, testing, selection, and classification and pay.

- Prepare division budget; forecast division funds needed for staffing, equipment, materials, services and supplies; administer the approved division budget.

- Participate in grievance resolution, modified duty assignments, and disability determinations; advise department heads on staffing needs; counsel employees and supervisors on interpretation of rules, policies and procedures and Memoranda of Understanding; advise supervisors on proper handling of personnel problems and disciplinary actions.

- Select, train, motivate and evaluate personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.

- Stay knowledgeable of current legislation and or court decisions affecting public personnel management.

- Direct, supervise and participate in the City's labor relations activities; develop and implement labor relations objectives and strategies; act as the City's chief labor negotiator; conduct employee grievance and appeal proceedings.

- Provide highly responsible administrative staff assistance including conducting special studies and analyses of personnel and organizational issues and services.
EXAMPLES OF DUTIES

Review and revise procedures and records related to central personnel functions including performance evaluations, service awards, suggestion plan, recognition programs and personnel files and records.

Analyze legislation and regulations to determine effect on personnel programs and services.

Monitor progress toward affirmative action goals; monitor division compliance with affirmative action and equal employment opportunity requirements; coordinates division efforts in targeted recruiting and outreach.

QUALIFICATIONS:

Knowledge of:

Principles and practices of public personnel administration, including methods and techniques used in labor relations, recruitment and selection, testing, classification and pay, salary and benefits administration, training and affirmative action.

Pertinent Federal, State, and local laws, codes and regulations.

Principles and practices of organization, administration and personnel management.

Principles and practices of budget preparation and administration.

Methods of job analysis and position classification.

Principles of supervision, training and performance evaluation.

Technical writing styles and principles of English composition.

Ability to:

Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.

Organize, direct and implement a comprehensive personnel program.

Interpret and apply applicable policies, procedures, laws and regulations.

Deal constructively with conflict and develop a consensus.

Prepare complex reports.
Ability to:

Select, supervise, train and evaluate assigned staff.

Prepare and administer a division budget.

Work with and control sensitive, confidential information.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Four years of professional personnel management experience, including three years of administrative and supervisory responsibility.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in public or business administration or a closely related field.

License or Certificate

Possession of or ability to obtain an appropriate and valid California driver's license.
MODESTO CITY COUNCIL
RESOLUTION NO. 91-461

A RESOLUTION AMENDING EXHIBIT "G" OF RESOLUTION NO. 90-607
ENTITLED, "A RESOLUTION ESTABLISHING SALARY RANGES, SALARY
SCHEDULES AND FIXING COMPENSATION FOR POSITIONS IN THE
CITY SERVICE AND RESCINDING RESOLUTION NO. 88-490".

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 90-607. Exhibit "G"
entitled "City of Modesto Class Range Table Management And Confidential
Non-Sworn Classes Effective July 3, 1990", attached to Resolution No. 90-607,
is hereby amended as shown on the amended Exhibit "G" entitled "City of
Modesto Class Range Table Management And Confidential Non-Sworn Classes
Effective August 16, 1991", which is attached hereto and made a part hereof as
though set forth in full herein. Said amended Exhibit "G" adds Personnel
Director to the Class Range Table, salary range 713 and adds Assistant
Personnel Director to the Class Range Table, salary range 441.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective
on and after August 16, 1991.

RESCINDED
1991-724

This resolution was rescinded by Modesto
city council resolution no. 1991-724.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMANOTO, City Attorney
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<thead>
<tr>
<th>RANGE</th>
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<tbody>
<tr>
<td>403</td>
<td>Administrative Clerk I (Confidential)</td>
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</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   |  |
| 420   | Claims Representative  
Benefits Coordinator  
Legal Services Technician  
Office Services Supervisor  
Deputy City Clerk  
Executive Secretary |

EXHIBIT "G"
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<td>422</td>
<td>Office Supervisor</td>
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<tr>
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<td>Word Processing System Supervisor</td>
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| 424   | Assistant Planner  
|       | Asst. City Clerk/Auditor |
| 425   | Police Records Supervisor  
|       | Administrative Analyst I  
|       | Executive Assistant  
|       | Legal Services Supervisor |
| 426   | Warehouse Supervisor  
|       | Museum Supervisor |
| 427   | Events Supervisor  
|       | Zoning Inspector  
|       | Parks Maintenance Supervisor I  
|       | Airport Maintenance Supervisor  
|       | Trees Maintenance Supervisor I  
|       | Equipment Maintenance Supervisor  
|       | Social Services Coordinator  
|       | Buyer  
|       | Accountant II  
|       | Assistant Budget Analyst  
|       | Public Works Supervisor I |
| 429   |       |
| 430   | Associate Planner  
|       | Parks Construction Supervisor I |
| 431   | Administrative Analyst II  
|       | Personnel Analyst  
|       | Training Coordinator  
|       | Chief of Survey Party  
|       | Assistant Risk Manager  
|       | Recycling Program Coordinator  
|       | Budget Analyst |

081691 3115/WPPER
CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
Effective August 16, 1991

<table>
<thead>
<tr>
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<th>TITLE</th>
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| 432   | Plant Mechanic Supervisor  
         Recreation Supervisor II  
         Historical Buildings Supervisor  
         Assistant Civil Engineer  
         Senior Accountant  
         Youth Program Supervisor  
         Assistant Traffic Engineer |
| 433   | 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 |
| 434   | Management Analyst  
         Deputy City Attorney I  
         Senior Personnel Analyst  
         Public Information Officer  
         Public Services Supervisor  
         Budget Officer  
         Financial Analyst |
| 435   | Senior Planner  
         Parks Construction Supervisor II |
| 436   | Property Agent |
| 437   | Equipment Maintenance Supt.  
         Asst. Water Quality Control Supt.  
         Associate Civil Engineer  
         Transportation Planner  
         Housing Program Supervisor |
| 9     | Deputy City Attorney II |
# CITY OF MODESTO
## CLASS RANGE TABLE
### MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

**Effective August 16, 1991**

<table>
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<tr>
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| 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 |
| 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   |  |
| 52    | Assistant City Attorney |

081691 3115/WPPER
CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective August 16, 1991

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<td>Planning &amp; Comm. Dev. Director</td>
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<td>6584</td>
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<td>Finance Director</td>
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<td>720</td>
<td>Parks &amp; Recreation Director</td>
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CITY OF MODESTO  
CLASS RANGE TABLE  
EXECUTIVE MANAGEMENT  

Effective August 16, 1991

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<td>Deputy City Manager</td>
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<td>City Manager</td>
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081691
MODESTO CITY COUNCIL
RESOLUTION NO. 91-462


BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and the Modesto Police Officers Association of the City of Modesto covering the fiscal year 1991-92, commencing on July 2, 1991, be and it is hereby approved.

BE IT FURTHER RESOLVED that the implementation of said Memorandum of Understanding by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ______________________________
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN OPTIONAL DEFERRED COMPENSATION PLAN FOR MANAGEMENT AND CONFIDENTIAL EMPLOYEES OF THE CITY OF MODESTO, INCLUDING POLICE AND FIRE MANAGEMENT AND CONFIDENTIAL EMPLOYEES, AND SUPERSEGING RESOLUTION NO. 90-670.

WHEREAS, the Council by Resolution No. 88-490B, adopted on July 1, 1986, amended and restated the Mandatory Deferred Compensation Plan for certain employees of the City of Modesto, and

WHEREAS, the Council by Resolution No. 90-670, adopted July 24, 1990, amended Resolution No. 88-490B to provide that the City shall pay into said plan each pay period for the City Attorney an additional amount equal to two (2) percent of the City Attorney's gross regular salary, and

WHEREAS, the Council desires to change the Mandatory Deferred Compensation Plan to provide for an optional Deferred Compensation Plan for all Management and Confidential employees,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City of Modesto's Mandatory Deferred Compensation Plan for certain Management and Confidential employees of the City of Modesto is hereby changed from a Mandatory Deferred Compensation Plan to an optional Deferred Compensation Plan for all Management and Confidential employees, operative effective July 2, 1991, as follows:

SECTION 1. Effective July 2, 1991, all Management and Confidential employees, including Police and Fire Management and Confidential employees of the City of Modesto who hold salaried positions of employment shall have the option of having two (2) percent of their gross regular salary each pay period deferred until said employee retires or otherwise terminates employment with the City of Modesto.
SECTION 2. Effective July 2, 1991, the City of Modesto shall also pay into said Deferred Compensation Plan each pay period as follows:

A. Management and Confidential Employees: For those Non-sworn Management and Confidential employees who participate in the optional Deferred Compensation Plan with a two (2) percent deferral, the City shall pay into the plan an amount equal to one (1) percent of each employee's gross salary. When said employee has completed nine (9) or more years of continuous service with the City of Modesto on or after June 30th of that year, the City shall increase its contribution to two (2) percent.

Provided, however, that no such employee shall be eligible to receive said amount paid into the Plan by the City of Modesto until he or she has been an employee of the City of Modesto for at least one (1) year.

B. Police and Fire Management and Confidential Employees: For those Sworn Management and Confidential employees who participate in the optional Deferred Compensation Plan with a two (2) percent deferral, the City shall pay into the plan an amount equal to one-half (1/2) percent of each employee's gross salary. When said employee has completed nine (9) or more years of continuous service with the City of Modesto on or after June 30th of that year, the City shall increase its contribution to three-quarters (3/4) percent.

C. City Attorney: In addition to providing the City Attorney with the optional deferred compensation plan described in Paragraph "A" above, the City shall pay into the plan each pay period for the City Attorney an additional amount equal to two (2) percent of the City Attorney's gross regular salary.
Provided, however, that no such employee shall be eligible to receive said amount paid into the Plan by the City of Modesto until he or she has been an employee of the City of Modesto for at least one (1) year.

SECTION 3. Except as provided in Section 4 hereof, the maximum permitted deferral of includable compensation in any one taxable year for any employee shall not exceed the lesser of (a) $7,500, or (b) 33 1/3% of the employee's includable compensation as that term is defined by the Internal Revenue Service Regulations governing deferred compensation plans.

SECTION 4. During the last three taxable years before the employee reaches the following applicable age:

A. All Fire Department and Police Department employees with safety membership in the Public Employee's Retirement System — age 50

B. All other employees — age 60

or at the employee's option in any three taxable years thereafter, the maximum permitted deferral of includable compensation in any one taxable year shall be the lesser of (a) $15,000 or (b) the sum of $7,500 and so much of the maximum permitted deferral established for taxable years before the three taxable years as has not been previously deferred. The years in which this provision is to apply shall be designated in advance by a written request from the employee to the Finance Director.

SECTION 5. There is hereby established a Deferred Compensation Committee to administer the Plan established hereby. The Committee shall consist of three persons to be appointed by and serve at the pleasure of the
City Manager, one of whom shall be appointed by the City Manager to be its Chairperson. The Committee shall have such powers and duties as may be given to it by this resolution, or as may be necessary in order to carry out the provisions of agreements with depositories entered into from time to time. It shall also have such further powers and duties as may be delegated to it from time to time by the City Council.

Persons who are currently members of the Deferred Compensation Committee as established by previous Resolutions, shall continue in office, and shall serve at the pleasure of the City Manager as though appointed pursuant to this section.

SECTION 6. The Committee is hereby authorized and empowered to make such determinations regarding investment of money, and payment and distribution of funds to an employee covered by the Plan as may be necessary in order to carry out the provisions of the Plan established hereby.

SECTION 7. All funds and assets held in or credited to the Optional Deferred Compensation Plan for the benefit of an employee shall be paid and distributed as herein provided to the employee, or the employee's beneficiary, as the case may be.

A. Distribution upon retirement or disability of employee or other termination of employment. In the event an employee retires from the City or becomes permanently disabled from continuing full time employment with the City, the City will distribute to such employee the funds and assets of the Plan which have been deferred for his or her benefit in a lump sum or in equal monthly, quarterly or annual installments over a period of years not to be in excess of the employee's life expectancy.
B. Distribution upon death of employee. In the event of the death of an employee, the City will distribute to the employee's beneficiary the funds and assets of the Plan which have been deferred for his or her benefit in a lump sum or in equal monthly, quarterly or annual installments over a period of years not to be in excess of the beneficiary's life expectancy. In the event of the death of the beneficiary while receiving installment payments, any remaining balance in the employee's Optional Deferred Compensation account shall be deemed to be the property of the beneficiary at the time of the beneficiary's death, and shall be distributed to the persons legally entitled thereto.

C. Distribution prior to one year of employment. In the event that any employee becomes entitled to the distribution of the amounts deferred for his or her benefit prior to one year of employment with the City of Modesto, distribution of the amounts deferred from the employee's gross regular salary shall be made as provided in this section; however, no distribution shall be made to the employee or his beneficiary of the amounts paid into the Plan by the City of Modesto. In such event, such amounts shall be returned to the appropriate fund of the City of Modesto.

SECTION 8. Each employee covered by the Plan shall be deemed to have agreed to each of the provisions hereof, and specifically to the deferral of salary as provided by the Plan. Deferral of salary for Management and Confidential employees and Police and Fire Management and Confidential employees hired subsequent to the adoption of this Plan shall be an option immediately upon hire of said employees.
SECTION 9. The City Manager is hereby authorized and directed from time to time to execute, on behalf of the City of Modesto, Custodial Agreements for the City of Modesto's Optional Deferred Compensation Plan with depositaries as approved from time to time by the City Council.

SECTION 10. All previous actions relating to Management and Confidential employees, including Police and Fire Management and Confidential employees relating to Deferred Compensation Plans not in concert with this resolution are hereby superseded by this resolution.


SECTION 12. This resolution shall be effective retroactive to July 2, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NOR aline COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

081391 -6- 10857CA2
MODESTO CITY COUNCIL
RESOLUTION NO. 91-464

RESOLVED

A RESOLUTION GRANTING A SALARY INCREASE TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING COUNCIL APPOINTEES, RESCINDING RESOLUTION NO. 90-608.

WHEREAS, the Council of the City of Modesto desires to approve a two (2) percent salary increase for those Management and Confidential employees certified by the appropriate appointing authority as having a satisfactory rating, and

WHEREAS, the Council desires to approve a two (2) percent salary increase for Council Appointees,

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

SECTION 1. SALARY RANGES, RATES AND EFFECTIVE DATES. The salary rates, salary ranges and salary steps as set forth in the following exhibits which are attached hereto and made a part hereof are hereby established effective July 2, 1991, to provide for a two (2) percent salary adjustment for those Management and Confidential employees certified by the appropriate appointing authority as having a satisfactory rating and a two (2) percent salary adjustment for Council Appointees:

1. Exhibit "G" entitled "Class Range Table, Management and Confidential Non-sworn Classes, Effective July 2, 1991".

2. Exhibit "H" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 91/92 Effective July 2, 1991 - Schedule D Management/Confidential - General".

3. Exhibit "I" entitled "Class Range Table, Fire Management Classes Effective July 2, 1991".

4. Exhibit "J" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 91/92 Effective July 2, 1991 - Schedule E Management/Confidential - Fire"

5. Exhibit "K" entitled "Class Range Table, Police Management Classes Effective July 2, 1991".


SECTION 2. COUNCIL APPOINTEES. Effective July 2, 1991, the salaries for the positions of the Council Appointees shall be as follows:

<table>
<thead>
<tr>
<th>Position</th>
<th>Hourly</th>
<th>Bi-Weekly</th>
<th>Monthly</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Manager</td>
<td>$44.9611</td>
<td>$3,596.89</td>
<td>$7,820.00</td>
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<td>City Attorney</td>
<td>$42.7369</td>
<td>$3,418.95</td>
<td>$7,433.14</td>
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<tr>
<td>City Clerk</td>
<td>$24.8385</td>
<td>$1,987.08</td>
<td>$4,320.11</td>
</tr>
</tbody>
</table>

SECTION 3. USE OF CLASSES. The designated classes of positions may be used in any organizational unit of the City deemed proper by the City Manager.

SECTION 4. POSITIONS. The City Council authorizes and directs the City Manager, within the limits of funds budgeted therefor, to appoint employees in such number and in such classes in each department as may be necessary to properly operate the department under the Charter, ordinances and resolutions adopted by the City Council, including creating additional positions to replace employees who are on disability leave or other leaves of absence.

SECTION 5. APPOINTMENTS AND SALARIES. The City Manager is hereby authorized to appoint, in accordance with the applicable provisions of the Modesto Municipal Code and Personnel Rules and within the limits of funds budgeted therefor, any person to a position in a class for which he is the appointing authority and for which the salary is hereby provided, to designate the definite salary rate or salary step at which such person is appointed, and the salary so designated is hereby fixed as the salary of such employee for the position.
SECTION 6. SPECIAL SALARY RATES. The City Manager is further authorized, subject to budgetary appropriation control by the City Council, to fix the salary range or rate for part-time or special positions in the Unclassified Service for which he is the appointing authority and which are not designated herein.

SECTION 7. PART-TIME EMPLOYMENT. Employees appointed to any of the positions referred to herein who, with the approval of the City Manager, regularly work less hours per week than established for their class by Rule 13.1 of the Personnel Rules, shall be paid in approximate proportion of the time worked.

SECTION 8. EFFECTIVE DATE. This resolution shall be effective retroactive on and after July 2, 1991.

SECTION 9. REPEALS. Resolution No. 90-608 is hereby rescinded retroactive on and after July 2, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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

070991  -3-  5135CA
## CITY OF MODESTO
### CLASS RANGE TABLE
#### MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

**Effective July 2, 1991**

<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>
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<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   |       |
| 420   | Claims Representative  
       | Benefits Coordinator  
       | Legal Services Technician  
       | Office Services Supervisor  
       | Deputy City Clerk  
       | Executive Secretary |

070291

Exhibit "G"
## CITY OF MODESTO
### CLASS RANGE TABLE
#### MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

**Effective July 2, 1991**

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>421</td>
<td></td>
</tr>
<tr>
<td>422</td>
<td>Office Supervisor</td>
</tr>
<tr>
<td>423</td>
<td>Word Processing System Supervisor</td>
</tr>
</tbody>
</table>
| 424   | Assistant Planner  
       | Asst. City Clerk/Auditor |
| 425   | Police Records Supervisor  
       | Administrative Analyst I  
       | Executive Assistant  
       | Legal Services Supervisor |
| 426   | Warehouse Supervisor  
       | Museum Supervisor |
| 427   | Events Supervisor |
| 428   | Zoning Inspector  
       | Parks Maintenance Supervisor I  
       | Airport Maintenance Supervisor  
       | Trees Maintenance Supervisor I  
       | Equipment Maintenance Supervisor  
       | Social Services Coordinator  
       | Buyer  
       | Accountant II  
       | Assistant Budget Analyst  
       | Public Works Supervisor I |
| 429   |       |
| 430   | Associate Planner  
       | Parks Construction Supervisor I |
| 431   | Administrative Analyst II  
       | Personnel Analyst  
       | Training Coordinator  
       | Chief of Survey Party  
       | Assistant Risk Manager  
       | Recycling Program Coordinator  
       | Budget Analyst |
# CITY OF MODESTO

## CLASS RANGE TABLE

### MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

**Effective July 2, 1991**

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 432   | Plant Mechanic Supervisor  
Recreation Supervisor II  
Historical Buildings Supervisor  
Assistant Civil Engineer  
Senior Accountant  
Youth Program Supervisor  
Assistant Traffic Engineer |
| 433   | 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 |
| 434   | Management Analyst  
Deputy City Attorney I  
Senior Personnel Analyst  
Public Information Officer  
Public Services Supervisor  
Budget Officer  
Financial Analyst |
| 435   | Senior Planner  
Parks Construction Supervisor II |
| 436   | Property Agent |
| 437   | Equipment Maintenance Supt.  
Asst. Water Quality Control Supt.  
Associate Civil Engineer  
Transportation Planner  
Housing Program Supervisor |
| 438   | Deputy City Attorney II |

070291
CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  

Effective July 2, 1991

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 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  
Personnel Manager  
Recreation Superintendent  
Golf Superintendent |
| 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 |

070291 1359/WPPER
<table>
<thead>
<tr>
<th>RANGE</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>G</th>
<th>H</th>
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<th>J</th>
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</tr>
</tbody>
</table>

**Exhibit "H"**
(
SCHEDULE D
nAHAGEMENT/CONFIDENT tAL-GENERAL

CITY OF Me.

~TC

SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 91/92

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EFFECTIVE 01/02/91
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HOURLY
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4787.28

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34.3333 36.0500
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2371.26 2489.82 2614.31 2745.02

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6768.32 7106.74 7462.08 7835.17 8226.92
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7470.97 7844.52 8236.75 8648.59 9081.02
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7657.75 8040.65 8442.68 8864.81 9308.06
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9330.22 9796.71 10286.56 10800.89 11340.93
476.054.9852 57.7345 60.6212 63.6523 66.8349 4398.82 4618.76 4849.70 5092.18 5346.79
9563.47 10041.6510543013 11070.91 11624.46
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--.ilL.O 56.35 91! 59.1178 62.1367 65.2435 68.5057 4508.78 4734. 22 4970~~48 54 80. 46,-~98~0~~2~.,-,,5~4~1O~2~9~2~.~6~7~10,!,8~Og7",.~3~2-+11~3~4~7c'-.~6~7_1!-!'~9~1~5-".0~7~---1::l
478.0 57.7688 60.6572 63.6901 66.8746 10.2183 4621.50 4852.58 5095.21 5349.91 5617.46 10047.60 10549.99 11077.50 11631.37 12212.92
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480.0 60.6933 63.7280 66.9144 70.2601 73.7731 4855.46 5C98.24 5353.15 5620.81 5901.85 lC556.2E 11084.08 11638.28 12220.20 12831.21

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<table>
<thead>
<tr>
<th>Range</th>
<th>Title</th>
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<td>Fire Battalion Chief</td>
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<tr>
<td>517</td>
<td>Fire Division Chief</td>
</tr>
<tr>
<td>CITY OF MUCESO</td>
<td></td>
</tr>
<tr>
<td>MANAGEMENT/CONFIDENTIAL-FIRE</td>
<td></td>
</tr>
<tr>
<td>SCHEDULE E</td>
<td></td>
</tr>
<tr>
<td>SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 91/92</td>
<td></td>
</tr>
<tr>
<td>EFFECTIVE 07/02/91</td>
<td></td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>MONTHLY</th>
<th>HOURLY</th>
<th>BI-WEEKLY</th>
</tr>
</thead>
</table>
| RANGE | A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | V | W | X | Y | Z | AA | BB | CC | DD | EE | FF | GG | HH | II | JJ | KK | LL | MM | NN | OO | PP | QQ | RR | SS | TT |UU |VV |WW |XX |YY |ZZ | }
CITY OF MODESTO
CLASS RANGE TABLE
POLICE MANAGEMENT CLASSES

Effective July 2, 1991

<table>
<thead>
<tr>
<th>Range</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
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<td>602</td>
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Exhibit "K"
### SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 91/92

#### EFFECTIVE 07/02/91

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**SCHEDULE F**

**MANAGEMENT/CONFIDENTIAL-POLICE**

**CITY OF MOLLA**

---

**Exhibit "L"**
CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective July 2, 1991

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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<td>Economic Development Manager</td>
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<td>Parks &amp; Recreation Director Fire Chief</td>
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Exhibit "M"
CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective July 2, 1991

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<td>722</td>
<td>City Attorney</td>
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<td>Public Works and Transportation Director</td>
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<td>Deputy City Manager</td>
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070291
A RESOLUTION ADOPTING AN ELIGIBLE STATE DEFERRED COMPENSATION PLAN UNDER SECTION 457 OF THE INTERNAL REVENUE CODE FOR PART-TIME, SEASONAL AND TEMPORARY EMPLOYEES, SETTING THE CITY CONTRIBUTION, AND APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR INVESTMENT OF DEFERRED COMPENSATION FUNDS WITH SACRAMENTO SAVINGS BANK.

WHEREAS, on April 10, 1991, the Department of the Treasury and the Internal Revenue Service (IRS) released proposed regulations and a revenue procedure mandating federal Social Security taxes for cities, towns and their elected and appointed officials, as well as employees who are not active members of a "qualified" retirement system, and

WHEREAS, the final regulations will confirm that cities are required to enroll part-time, seasonal and temporary employees (PST) in the Social Security system, Federal Insurance Contributions Act (FICA), or other retirement programs, and

WHEREAS, FICA requires a 6.2% employee contribution and a matching 6.2% employer contribution, and

WHEREAS, as an alternative to FICA, the City could implement a part-time, seasonal and temporary employees deferred compensation plan under Section 457 of the Internal Revenue Code, and

WHEREAS, Section 457 of the Internal Revenue Code requires a 7.5% total contribution from the employee and employer, which contribution could be contributed entirely by the employee or split between the employer and employee, and

WHEREAS, City staff has proposed an employee contribution of 3.75% and a matching City contribution of 3.75% in an eligible State Deferred Compensation Plan under Section 457 of the Internal Revenue Code for part-time, seasonal and temporary employees, and
WHEREAS, Sacramento Savings Bank (SSB) appears to have the only readily available plan for part-time, seasonal and temporary employees, and said SSB deferred compensation programs are presently used by 52 governmental agencies, including the City of Stockton and the State of California, and

WHEREAS, Councilmembers have the option of participating in the Public Employees Retirement System (PERS), (PERS requires a 7% employee contribution and a matching 7% employer contribution), and those who do not choose PERS would be automatically enrolled in the Deferred Compensation Plan under Section 457 of the Internal Revenue Code, and

WHEREAS, adoption of the Deferred Compensation Plan under Section 457 of the Internal Revenue Code would satisfy said new Social Security system (FICA) requirements,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts a Deferred Compensation Plan under Section 457 of the Internal Revenue Code for part-time, seasonal and temporary employees for the purpose of deferring income to comply with the new Social Security system, Federal Insurance Contributions Act (FICA) requirements, a copy of which plan is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that an employee contribution of 3.75% and a matching City contribution of 3.75% is hereby approved for participants in the Deferred Compensation Plan under Section 457 of the Internal Revenue Code.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute an agreement for Investment of Deferred Compensation Funds with Sacramento Savings Bank.
The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 9th day of July, 1991, by Councilmember Dobbs, who moved its adoption, which motion
being duly seconded by Councilmember Martin, was upon roll call
carried and the resolution adopted by the following vote:
AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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. 91-467

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RAYMOND L. AND RUBY C. MARSH FOR THE LEASE OF 1004 THRASHER AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Raymond L. and Ruby C. Marsh for the lease of 1004 Thrasher 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 9th day of July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LARRY AND CAROLE LUKE FOR THE LEASE OF 660 EL VISTA AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Larry and Carole Luke for the lease of 660 El Vista 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 9th day of July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HUD TO LEASE WITH OPTION TO PURCHASE, A SINGLE FAMILY HOME FOR HOMELESS TRANSITIONAL HOUSING

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and HUD to lease with option to purchase a single family home for homeless transitional housing be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-470

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COMMUNITY TEMPORARY SHELTER SERVICES TO PROVIDE HOMELESS TRANSITIONAL HOUSING COUNSELING

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Community Temporary Shelter Services to provide homeless transitional housing counseling be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July , 1991, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Martin , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: ____________________________
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING THE FINAL MAP OF THE LAS BRISAS NO. 1 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Busby Development Corporation, a California corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 1.91 acres, known as the Las Brisas No. 1 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 21st day of May, 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 Las Brisas No. 1 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the
obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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
A RESOLUTION AUTHORIZING RIGHT OF WAY CERTIFICATION FOR TRAFFIC SIGNAL MODIFICATIONS AT COFFEE ROAD AND ORANGEBURG AVENUE

WHEREAS, the City of Modesto has acquired the required right of way needed for the proposed traffic signal project at Coffee Road and Orangeburg Avenue; and

WHEREAS, it is necessary for the City of Modesto to make a certification to the State of California that the right of way has been acquired for the proposed traffic signal project at Coffee Road and Orangeburg Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager and City Clerk are hereby authorized to sign a Right of Way Certificate setting forth the status of the right of way acquisition for the proposed traffic signal project at Coffee Road and Orangeburg Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND NATIONAL UNION/SEDGWICK JAMES OF CALIFORNIA, INC. TO PROVIDE EXCESS WORKERS' COMPENSATION INSURANCE FOR POLICY YEAR JULY 1, 1991-92

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and National Union/Sedgwick James of California, Inc. to provide excess Workers' Compensation Insurance for policy year July 1, 1991-92 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-474

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FIREMAN'S FUND/HAMILTON MERIDIAN INSURANCE ASSOCIATES TO PROVIDE PROPERTY INSURANCE FOR THE POLICY YEAR JULY 1, 1991-92

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Fireman's Fund/Hamilton Meridian Insurance Associates to provide property insurance for the policy year July 1, 1991-92 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________________

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-475

A RESOLUTION SETTING TIME AND PLACE FOR HEARING FOR ARNOLD ARRAMBIDE,
A TOUCH OF CLASS LIMOUSINE SERVICE, FOR A CERTIFICATE TO OPERATE TAXICABS IN THE
CITY OF MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto

that August 6, 1991, at 7:30 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby
set as the time and place for consideration of Arnold Arrambide,
A Touch of Class Limousine Service, for a Certificate to operate taxicabs 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 9th day of
July, 1991, by Councilmember Dobbs, who
moved its adoption, which motion being duly seconded by Councilmember
Martin, was upon roll call carried and the resolution
adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF PEARL HOUGH FROM THE AFFIRMATIVE ACTION COMMISION, EFFECTIVE 7/9/91

WHEREAS, Pearl Hough was appointed a member of the Affirmative Action Commission on September 8, 1987; and

WHEREAS, Pearl Hough has tendered her resignation from the Affirmative Action Commission, effective 7/9/91; and

WHEREAS, Pearl Hough 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 Pearl Hough 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 Pearl Hough 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 9th day of July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF SUSAN HACKETT FROM THE DOWNTOWN IMPROVEMENT DISTRICT BOARD OF DIRECTORS, EFFECTIVE 7/9/91

WHEREAS, Susan Hackett was appointed a member of the Downtown Improvement District Board of Directors on March 24, 1987; and
WHEREAS, Susan Hackett has tendered her resignation from the Downtown Improvement District effective 7/9/91; and
WHEREAS, Susan Hackett 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 Susan Hackett from the Downtown Improvement District 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 Susan Hackett 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 9th day of July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-478

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF TERRI AMERIO-BELL FROM THE DOWNTOWN IMPROVEMENT DISTRICT BOARD OF DIRECTORS, EFFECTIVE 7/9/91

WHEREAS, Terri Amerio-Bell was appointed a member of the Downtown Improvement District Board of Directors on February 13, 1990; and

WHEREAS, Terri Amerio-Bell has tendered her resignation from the Downtown Improvement District effective 7/9/91; and

WHEREAS, Terri Amerio-Bell 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 Terri Amerio-Bell from the Downtown Improvement District 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 the City, hereby expresses its sincere appreciation to Terri Amerio-Bell 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 9th day of July, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-479

A RESOLUTION APPOINTING MEMBER OF THE PLANNING COMMISSION
(LYNN GONZALES-COLLINS)

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
Planning Commission for the respective
term as indicated:

Lynn Gonzales-Collins
Term to expire 1/1/94

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed 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 9th day of July,
1991, by Councilmember Martin, who moved its adoption,
which motion being duly seconded by Councilmember Irizarry, was
upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMA COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 91-480

A RESOLUTION SUPPORTING THE SOUTHERN PACIFIC ROUTE OF STOCKTON-FRESNO HIGH SPEED RAIL LINE.

WHEREAS, the AB 971 Los Angeles-Fresno-Bay Area/Sacramento High Speed Rail Corridor Study Group recommended in its 1990 report to the Legislature that the route of Amtrak's "San Joaquin" trains between Stockton and Fresno be switched to the Southern Pacific line as soon as equivalent travel times to the present Santa Fe line are accomplished so that the cities of Modesto, Turlock, Manteca, Merced, and Madera could be more directly served, and

WHEREAS, the people of California approved Proposition 116 in June 1990 providing for rail bonds, which include $60 million for improvement of the Southern Pacific line between Stockton and Fresno, and

WHEREAS, the five-year Caltrans Rail Passenger Development Plan provides for route transfer and includes money for its accomplishment, and

WHEREAS, the Steering Committee of the Caltrans Rail Task Force has long had the same policy goal, and

WHEREAS, it appears there may be an effort made at the next meeting of the Steering Committee to reverse this position in favor of the Santa Fe route for high speed trains,

NOW, THEREFORE, BE IT RESOLVED that the Modesto City Council reaffirms its strong support for the use of the Southern Pacific route by the "San Joaquin" trains between Stockton and Fresno.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the following organizations and persons with the recommendation that they either
reaffirm their position in favor of the Southern Pacific line between Stockton and Fresno or support it, whichever is appropriate.

1. Members of the Steering Committee of the Caltrans Rail Task Force
2. Boards of Supervisors of San Joaquin, Merced, Madera, and Fresno Counties
3. City Councils of Turlock, Stockton, Manteca, Merced, Madera, and Fresno
4. Senator Dan McCorquodale
5. Assemblyman Sal Cannella
6. Rail Division of the California Department of Transportation
7. National Railroad Passenger Corporation

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1991, 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, Dobbs, Irizarry, Martin, 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 GRAHAM CONTRACTORS, INC. FOR THE 1991 STREETS CAPE SEAL PROJECT

WHEREAS, Resolution No. 91-382, adopted by the Council of the City of Modesto on June 11, 1991, approved the plans and specifications for the 1991 streets cape seal project and authorized the calling for bids; and

WHEREAS, the bids received for the 1991 streets cape seal project were opened at 11:05 a.m. on July 2, 1991, 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 Graham Contractors, Inc. in the amount of $548,676.22 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Graham Contractors, Inc. in the amount of $548,676.22 be accepted and the execution of a contract for the completion of the project by the City’s designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of July, 1991, 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, Irizarry, Martin, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: _______________________
NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF IRA MATHENY, INC. FOR THE SENIOR CITIZENS CENTER IMPROVEMENTS

WHEREAS, Resolution No. 91-387, adopted by the Council of the City of Modesto on June 11, 1991, approved the plans and specifications for the Senior Citizens Center improvements and authorized the calling for bids; and

WHEREAS, the bids received for the Senior Citizens Center improvements were opened at 11:00 a.m. on July 2, 1991, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Ira Matheny, Inc. in the amount of $52,819 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ira Matheny, Inc. in the amount of $52,819 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of July, 1991, 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, Irizarry, Martin, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORMA COYLE, City Clerk
A RESOLUTION APPROVING AN AMENDED CONTRACT BETWEEN THE CITY OF MODESTO AND
DELEUW, CATHER AND COMPANY REGARDING THE REMOVAL OF THE TRAIN TRACKS FROM
9TH STREET

WHEREAS, in October of 1988, the City entered into a contract with the
DeLeuw, Cather and Company to prepare a plan for removing the Union Pacific
trains from 9th Street, said contract to be completed in eight months; and

WHEREAS, due to changes in the scope of the relocation project and the
changing environmental picture, the contract has progressed slowly, with DeLeuw,
Cather and Company requesting a time extension and extra money to compensate
for the extended time and newer environmental guidelines.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that
the amended contract between the City of Modesto and DeLeuw, Cather and Company
to extend the completion date of the contract from July 5, 1991, to December 5,
1991, and increase the maximum payment by $38,400 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 16th day of July, 1991, by Councilmember
Muratore, who moved its adoption, which motion being duly seconded by Council-
member Lang, was upon roll call carried and the resolution adopted by the
following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING THE STANISLAUS COUNTY FINAL DRAFT HAZARDOUS WASTE MANAGEMENT PLAN, DATED JUNE 1, 1991

WHEREAS, the bill AB 2948 established an effective process for managing hazardous waste at the local level and directed counties to encourage the use of measures to reduce hazardous wastes in the community and insure that hazardous waste facilities are sited where they best serve the waste management needs of the state; and

WHEREAS, the Stanislaus County Hazardous Waste Management Plan has been completed in final form after extensive review by cities, the County and the general public; and

WHEREAS, an environmental impact report was prepared for the plan and certified by the Board of Supervisors on June 12, 1990.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the Stanislaus County Final Draft Hazardous Waste Management Plan, a copy of which is on file in the office of the City Clerk, dated June 1, 1991 be, and it is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of July, 1991, 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, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-485

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND KAUFMAN AND BROAD TO INSTALL CITY STORM DRAIN TRUNK FACILITIES AT THE RIVER TERRACE SUBDIVISION

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Kaufman and Broad to install City storm drain trunk facilities at the River Terrace Subdivision be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of July , 1991, 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, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 91-486  

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $90,000 TO PROVIDE FUNDING TO INSTALL CITY STORM DRAIN TRUNK FACILITIES AT THE RIVER TERRACE SUBDIVISION

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

FROM: Reserve  
(330 800 8000 8003)  
$90,000

TO: Ustick Drain Area  
(330 430 A501 6000)  
$90,000

Funds are needed to provide funding to install the last segment of the storm drain trunk facilities project at the River Terrace Subdivision.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of July, 1991, 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, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND KEMPER INSURANCE COMPANY FOR THE CITY'S BOILER AND MACHINERY INSURANCE FOR POLICY YEAR JULY 15, 1991-92

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Kemper Insurance Company for the City's Boiler and Machinery Insurance for policy year July 15, 1991-92 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of July, 1991, 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, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-488

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE AUTHORITY FOR CALIFORNIA CITIES EXCESS LIABILITY (ACCEL) FOR EXCESS LIABILITY COVERAGE FOR POLICY YEAR JULY 1, 1991-92

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and the Authority for California Cities Excess Liability (ACCEL) for excess liability coverage for policy year July 1, 1991-92 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of July, 1991, 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, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-489

A RESOLUTION ADOPTING A SCHEDULE OF FEES AND CHARGES FOR
WATER SERVICE IN THE CITY OF MODESTO AND RESCINDING
RESOLUTION NO. 90-850.

WHEREAS, Sections 11-1.04, 11-1.05, 11-1.06, 11-1.09, and 11-1.14 of
the Modesto Municipal Code, provide that a schedule of fees and charges to be
charged to consumers for water services are to be established and set by the
Council from time to time by resolution, and

WHEREAS, the Council has previously adopted such a schedule of fees
and charges for water service, and

WHEREAS, the City staff has recommended a change in said schedule of
fees and charges to be charged to consumers for water services in the City of
Modesto to include meter installation fees specific to the site development,
and

WHEREAS, the City Council held a public hearing at its regular
meeting on July 23, 1991, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby adopts the following schedule of fees and charges for water
service to be charged to consumers for water services in the City of Modesto:

RESCINDED


THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO.
<table>
<thead>
<tr>
<th>Reference</th>
<th>Name of Fee or Charge and Itemization</th>
<th>Fee or Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-1.04</td>
<td>Water service installation charges</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1&quot; service</td>
<td>$ 825.00</td>
</tr>
<tr>
<td></td>
<td>1-1/2&quot; service</td>
<td>850.00</td>
</tr>
<tr>
<td></td>
<td>2&quot; service</td>
<td>925.00</td>
</tr>
<tr>
<td></td>
<td>4&quot;-6&quot; service</td>
<td>2,300.00</td>
</tr>
<tr>
<td></td>
<td>8&quot; service</td>
<td>2,500.00</td>
</tr>
<tr>
<td></td>
<td>10&quot; or larger service</td>
<td>Costa</td>
</tr>
<tr>
<td></td>
<td>Connection to existing main</td>
<td>1,850.00</td>
</tr>
<tr>
<td>11-1.04</td>
<td>Additional Charge for each water service installation involving pavement removal and/or replacements.</td>
<td>$ 220.00</td>
</tr>
<tr>
<td></td>
<td>Water system fee - for each square foot of gross lot area of property served in territory within city limits. This fee pays for pump stations, all 10&quot; and larger lines and fire hydrants installed at minimum spacing.</td>
<td>.03*</td>
</tr>
<tr>
<td></td>
<td>Water system fee - for each square foot of gross lot area of property served in territory outside city limits. This fee pays for pump stations, all 10&quot; and larger lines and fire hydrants installed at minimum spacing.</td>
<td>.03</td>
</tr>
<tr>
<td>11-1.05(a)</td>
<td>Water main connection charges in territory within City limits for each linear foot of lot frontage adjacent to any City water lateral providing service to property. This fee may be waived when property owner has already participated in the installation cost of said water lateral.</td>
<td>15.50</td>
</tr>
<tr>
<td></td>
<td>Water detector check valve, 4 in.</td>
<td>400.00</td>
</tr>
<tr>
<td></td>
<td>Water detector check valve, 6 in.</td>
<td>500.00</td>
</tr>
<tr>
<td></td>
<td>Water detector check valve, 8 in.</td>
<td>850.00</td>
</tr>
<tr>
<td></td>
<td>Credit for volunteer installation of fire sprinklers in single-family dwellings and duplexes.</td>
<td>50.00</td>
</tr>
</tbody>
</table>
Credit for volunteer installation of fire sprinklers in condominiums and town houses, per dwelling unit.

Credit for volunteer installation of fire sprinklers in apartment houses, percent of normal charge

11-1.05(b)
Water main connection charges in territory outside City limits for each linear foot of lot frontage adjacent to any City water lateral providing service to property. This fee may be waived when property owner has already participated in the installation cost of said water lateral.

Credit for volunteer installation of fire sprinklers in single-family dwellings and duplexes.

Credit for volunteer installation of fire sprinklers in condominiums and town houses, per dwelling unit.

Credit for volunteer installation of fire sprinklers in apartment houses, percent of normal charge

11-1.05(c)(4)
Fire hydrant installation, each $1,900.00
Fire hydrant line to main per lineal foot 3.50
Additional charge for each hydrant installation involving pavement removal and/or replacement.
Fire main test 87.00

11-1.06(e)
Meter installation cost

<table>
<thead>
<tr>
<th>Diameter</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1&quot;</td>
<td>$110.00</td>
</tr>
<tr>
<td>1&quot; with traffic lid</td>
<td>$190.00</td>
</tr>
<tr>
<td>Retrofit</td>
<td>$265.00</td>
</tr>
<tr>
<td>1&quot; with traffic lid, Retrofit</td>
<td>$325.00</td>
</tr>
<tr>
<td>1-1/2&quot;</td>
<td>$375.00</td>
</tr>
<tr>
<td>1-1/2&quot; with traffic lid</td>
<td>$490.00</td>
</tr>
<tr>
<td>2&quot;</td>
<td>$545.00</td>
</tr>
<tr>
<td>2&quot; with traffic lid</td>
<td>$600.00</td>
</tr>
<tr>
<td>4&quot;</td>
<td>$2,700.00</td>
</tr>
<tr>
<td>6&quot;</td>
<td>$3,830.00</td>
</tr>
<tr>
<td>8&quot;</td>
<td>$7,100.00</td>
</tr>
<tr>
<td>10&quot; or larger</td>
<td>COST</td>
</tr>
</tbody>
</table>

11-1.09 Fire hydrant charge for construction water used.

COST OF WATER
11-1.14(e)  Water bill delinquent charge. (LATE CHARGE)  3.50
11-1.14(e)  Water disconnection NOTICE.  10.00
11-1.14(e)  Water Disconnect  10.00
11-1.14(e)  Water Reconnect  10.00
11-1.14(e)  Unauthorized Reconnect  25.00
11-1.14(e)  Lock Breakage  50.00
11-1.14(e)  Cut Waterline  300.00

*(This fee does not apply to any parcel included in a subdivision recorded prior to June 7, 1978. For any parcel included in a reimbursement agreement, the fee shall be charged in accordance with the agreement.)
BE IT FURTHER RESOLVED that except as otherwise provided herein, the above schedule of fees and charges shall become effective on and after October 1, 1991.

BE IT FURTHER RESOLVED that Resolution No. 90-850, adopted by the Council October 16, 1990, is hereby rescinded on the effective dates of the various fees and charges as set forth herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 1990, 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, Dobbs, Irizarry, Martin, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 91-490

A RESOLUTION ACCEPTING THE SAND BLASTING AND RECOATING OF CLARIFIER NO. 2 AT THE WATER QUALITY CONTROL PLANT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the sand blasting and recoating of clarifier No. 2 at the Water Quality Control Plant has been completed by Sancon Engineering in accordance with the contract agreement dated April 9, 1991.

NOW, THEREFORE, BE IT RESOLVED that the sand blasting and recoating of clarifier No. 2 at the Water Quality Control Plant be accepted from said contractor, Sancon Engineering; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $73,500 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 23rd day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE YOSEMITE PARK STREET IMPROVEMENTS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Yosemite Park street improvements have been completed by Western Stone Products in accordance with the contract agreement dated April 2, 1991.

NOW, THEREFORE, BE IT RESOLVED that the Yosemite Park street improvements be accepted from said contractor, Western Stone Products; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $24,286.78 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 23rd day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-492

A RESOLUTION ACCEPTING THE BID OF ROSS F. CARROLL, INC. TO RECONSTRUCT
COFFEE ROAD - FLOYD AVENUE TO RUMBLE ROAD

WHEREAS, Resolution No. 91-361, adopted by the Council of the City of
Modesto on May 28, 1991, approved the plans and specifications for
reconstruction of Coffee Road - Floyd Avenue to Rumble Road

and authorized the calling for bids; and

WHEREAS, the bids received for the reconstruction of Coffee Road -
Floyd Avenue to Rumble Road

were opened at 11:00 a.m. on June 27, 1991, and later tabulated by the
Director of Public Works & Transportation for the consideration of the
Council; and

WHEREAS, the Director of Public Works has recommended that
the bid of Ross F. Carroll, Inc. in the amount of $378,465

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 $378,465

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 23rd day of July, 1991, by
Councilmember Muratore, who moved its adoption, which motion being
duly seconded by Councilmember Irizarry, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-493

A RESOLUTION SUPPORTING CRIME PREVENTION AND PROCLAIMING TUESDAY, AUGUST 6, 1991, AS "NATIONAL NIGHT OUT".

WHEREAS, the National Town Watch Association is sponsoring the 8th Annual edition of a special, coast-to-coast community crime prevention event on Tuesday, August 6, 1991, called "National Night Out" — America's Night Out Against Crime, and

WHEREAS, the City of Modesto plays an essential role assisting the Modesto Police Department through its cooperative crime prevention efforts in Modesto and is in support of the "National Night Out" locally, and

WHEREAS, it is important that all citizens in Modesto be aware of the importance of crime prevention programs and the positive impact that their participation can have on reducing crime and drug abuse in our neighborhoods, and

WHEREAS, "National Night Out" provides an opportunity for Modesto to join together with thousands of other communities across the country in support of safer neighborhoods and to demonstrate the success of cooperative crime prevention efforts, and

WHEREAS, neighborhood awareness, spirit and cooperation are important themes of the "National Night Out" project and key components in helping the Modesto Police Department to fight crime and drug abuse.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that the Council does hereby call upon all of the citizens of Modesto to join the Modesto Police Department and the National Town Watch Association in supporting and participating in the 8th Annual "National Night Out" on Tuesday, August 6, 1991.
BE IT FURTHER RESOLVED that the Council of the City of Modesto, does hereby proclaim Tuesday, August 6, 1991 as "National Night Out" in Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 91-494

A RESOLUTION APPROVING A RIGHT OF ENTRY FROM MODESTO IRRIGATION DISTRICT FOR IMPROVEMENT DISTRICT NO. 29

WHEREAS, Right of Entry is needed to allow our contractor access to the Improvement District No. 29 property for construction purposes.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the Right of Entry between the City of Modesto and Modesto Irrigation District for Improvement District No. 29 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
APPROVING A FIRST AMENDMENT OF LEASE AGREEMENT WITH THE
REDEVELOPMENT AGENCY OF THE CITY OF MODESTO.

WHEREAS, the Redevelopment Agency of the City of Modesto (the
"Agency") has heretofore leased certain community center improvements and
public parking improvements and the site thereof to the City of Modesto (the
"City") pursuant to that certain Lease Agreement dated as of May 15, 1991,
(the "Lease Agreement") by and between the Agency and the City, and

WHEREAS, the City has determined that it is in the interests of the
City at this time to modify the legal description of the public portion of the
Modesto Redevelopment Agency under the Lease Agreement and to that end the
City and the Agency propose to enter into that certain First Amendment to
Lease Agreement dated as of July 1, 1991, (the "First Amendment to Lease
Agreement") by and between the Agency as lessor and the City as lessee, and

WHEREAS, the City Council approves of said First Amendment to Lease
Agreement in the public interests of the City,

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

Section 1. Amendment of Lease Agreement. Approval of First
Amendment to Lease Agreement. The City Council hereby approves the amendment
of the Lease Agreement pursuant to the First Amendment to Lease Agreement in
substantially the form on file with the City Clerk together with any changes
therein or additions thereto deemed advisable by the City Manager upon the
advice of the City Attorney. The City Council hereby authorizes and directs the City Manager to execute, and the City Clerk to attest and affix the seal of the City to, said form of the First Amendment to Lease Agreement for and in the name of the City.

Section 2. Effective Date. This Resolution shall take effect from and after the date of its passage and adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 91-496

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
APPROVING A THIRD AMENDMENT OF LEASE AGREEMENT WITH THE
REDEVELOPMENT AGENCY OF THE CITY OF MODESTO.

WHEREAS, the Redevelopment Agency of the City of Modesto (the "Agency") has heretofore leased certain community center improvements and public parking improvements and the site thereof to the City of Modesto (the "City") pursuant to that certain Lease Agreement dated as of November 1, 1985, (the "Lease Agreement") by and between the Agency and the City, and

WHEREAS, the City has determined that it is in the interests of the City at this time to modify the legal description of the public portion of the Modesto Redevelopment Agency under the Lease Agreement and to that end the City and the Agency propose to enter into that certain Third Amendment to Lease Agreement dated as of July 1, 1991, (the "Third Amendment to Lease Agreement") by and between the Agency as lessor and the City as lessee, and

WHEREAS, the City Council approves of said Third Amendment to Lease Agreement in the public interests of the City,

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

Section 1. Amendment of Lease Agreement. Approval of Third Amendment to Lease Agreement. The City Council hereby approves the amendment of the Lease Agreement pursuant to the Third Amendment to Lease Agreement in substantially the form on file with the City Clerk together with any changes therein or additions thereto deemed advisable by the City Manager upon the
advice of the City Attorney. The City Council hereby authorizes and directs the City Manager to execute, and the City Clerk to attest and affix the seal of the City to, said form of the Third Amendment to Lease Agreement for and in the name of the City.

Section 2. Effective Date. This Resolution shall take effect from and after the date of its passage and adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 1991, by Councilmember __Muratore___, who moved its adoption, which motion being duly seconded by Councilmember __Irizarry___, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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
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 the Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rule and Regulations of the City of Modesto, and

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

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

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

SECTION 1. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classification:

LAND SURVEYOR

The revised specifications for the classification of Land Surveyor (Range 434), as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATION ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classification:

CHIEF OF SURVEY PARTY
SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after July 23, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
DEFINITION

To coordinate and supervise the activities of a survey party; to perform a variety of professional survey tasks as chief of survey party; and to provide technical survey assistance to engineering staff.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from higher level engineering staff.

Exercises direct supervision over technical staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Direct and coordinate survey staff in making a variety of surveys including land surveys, topographic surveys, construction surveys and surveys to establish and monument centerlines.

Train survey staff in advanced survey techniques; provide technical staff assistance and direction.

Examine preliminary project requirements; research necessary information and assist in establishing project priorities and schedules.

Interpret and compute field data, evaluating for accuracy and completeness.

Prepare accurate field notes of work performed showing lines, angles, distances, benchmarks, mathematical calculations, and other data pertinent to the field survey.

Compute and adjust angles, distances, bearings, traverses, and elevations.

Operate a wide variety of survey instruments and instruct others in their operation.

Perform a variety of professional office surveying duties including calculating survey data from notes, maps, deeds and other records.

Supervise, train, and evaluate assigned staff.

Perform related duties as required.

QUALIFICATIONS

Knowledge of:

Surveying methods, practices, and techniques.

Exhibit "A"
Knowledge of:
Methods and techniques used in the design and construction of a variety of public works projects.
Principles of algebra, geometry, and trigonometry as applied to technical engineering and surveying calculations.
Applicable principles and practices of engineering as related to survey work.
Relevant laws and regulatory codes dealing with development, construction, surveying, and real estate.
Principles of supervision, training, and performance evaluation.
Record keeping and survey data collection methods.
Engineering maps and records.
Modern office procedures, methods and computer equipment.

Ability to:
Understand and interpret legal descriptions and record survey maps.
Understand and interpret engineering plans, diagrams, and notes.
Use and care for surveying instruments and equipment.
Make accurate and legible field survey notes.
Perform complex mathematical calculations with speed and accuracy.
Plan, organize and schedule the work of a field survey crew to achieve optimum efficiency.
Supervise, train, and evaluate assigned staff.
Communicate clearly and concisely, both orally and in writing.
Establish and maintain cooperative working relationships with those contacted in the course of work.

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:

Experience sufficient to qualify to take the examination for registration as a Land Surveyor.

Training:

College coursework or training sufficient to qualify to take the examination for registration as a Land Surveyor.

License or Certificate

Possession of a Certificate of Registration as a Land Surveyor in the State of California - or - possession of a Certificate of Registration as a professional civil engineer in the State of California issued prior to January 1, 1982.

Possession of, or ability to obtain, an appropriate, valid California driver's license.
MODESTO CITY COUNCIL
RESOLUTION NO. 91-498

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."

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 July 23, 1991", which is attached hereto and made a part hereof as
though set forth in full herein. Said amended Exhibit "G" abolishes the
position of Chief of Survey Party at salary range 431 and creates the position
of Land Surveyor at salary range 434.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective

RESCINDED
1991-724

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. ___
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

(Seal)

APPROVED AS TO FORM:

By

STAN T. YAMAMOTO, City Attorney

ATTEST: NORRINE COYLE, City Clerk
### CITY OF MODESTO
### CLASS RANGE TABLE
### MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
### Effective July 23, 1991

<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   |       |
| 420   | Claims Representative  
       | Benefits Coordinator  
       | Legal Services Technician  
       | Office Services Supervisor  
       | Deputy City Clerk  
       | Executive Secretary |

070291

Exhibit "G"
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>421</td>
<td></td>
</tr>
<tr>
<td>422</td>
<td>Office Supervisor</td>
</tr>
<tr>
<td>423</td>
<td>Word Processing System Supervisor</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 I</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>431</td>
<td>Administrative Analyst II</td>
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<tr>
<td></td>
<td>Personnel Analyst</td>
</tr>
<tr>
<td></td>
<td>Training Coordinator</td>
</tr>
<tr>
<td></td>
<td>Assistant Risk Manager</td>
</tr>
<tr>
<td></td>
<td>Recycling Program Coordinator</td>
</tr>
<tr>
<td></td>
<td>Budget Analyst</td>
</tr>
<tr>
<td>RANGE</td>
<td>TITLE</td>
</tr>
<tr>
<td>-------</td>
<td>-------</td>
</tr>
</tbody>
</table>
| 432   | Plant Mechanic Supervisor  
Recreation Supervisor II  
Historical Buildings Supervisor  
Assistant Civil Engineer  
Senior Accountant  
Youth Program Supervisor  
Assistant Traffic Engineer |
| 433   | 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  
Land Surveyor |
| 434   | Senior Planner  
Parks Construction Supervisor II |
| 435   | Management Analyst  
Deputy City Attorney I  
Senior Personnel Analyst  
Public Information Officer  
Public Services Supervisor  
Budget Officer  
Financial Analyst |
| 436   | Property Agent |
| 437   | Equipment Maintenance Supt.  
Asst. Water Quality Control Supt.  
Associate Civil Engineer  
Transportation Planner  
Housing Program Supervisor |
| 438   | Deputy City Attorney II |
CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective July 23, 1991

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 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  
        | Personnel Manager  
        | Recreation Superintendent  
        | Golf Superintendent |
| 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 |

070291
MODESTO CITY COUNCIL
RESOLUTION NO. 91-499

A RESOLUTION ACCEPTING A GRANT FROM THE CALIFORNIA RESOURCES AGENCY FOR CONSTRUCTION OF PHASE V FOR SONOMA NEIGHBORHOOD PARK AND AUTHORIZING THE CITY MANAGER TO SIGN A PROJECT AGREEMENT FOR SAID GRANT.

WHEREAS, the California Resources Agency has awarded the City of Modesto a grant in the amount of $20,685 for the construction of a hardball court and horseshoe pits in Phase V for Sonoma Neighborhood Park, and

WHEREAS, an application for the grant was authorized by the City Council and submitted to the State in June, and

WHEREAS, City staff was notified on July 12, 1991, that the State selected this project for funding as part of the budget augmentation grant awards for Fiscal Year 1990-91, and

WHEREAS, it will be necessary for the City Manager to sign a project agreement in order to obtain funding of the grant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the grant offer from the California Resources Agency in the amount of $20,685 for Phase V for Sonoma Neighborhood Park and authorizes the City Manager to execute the project agreement on behalf of the City of Modesto.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute and submit all other documents which may be necessary relating to the aforementioned grant.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 91-500

A RESOLUTION AMENDING THE FISCAL YEAR 1991-92 ANNUAL
BUDGET TO ESTIMATE AND APPROPRIATE ADDITIONAL GRANT
REVENUE IN AN EXISTING CIP PROJECT, SONOMA NEIGHBORHOOD
PARK – PHASE V.

WHEREAS, a grant offer in the amount of $20,685 has been made from
the California Resources Agency for the construction of a hardball court and
horseshoe pits at Sonoma Neighborhood Park, and

WHEREAS, this project was originally budgeted in the 1990-91 CIP in
an amount of $48,000. The grant will provide additional funding for this
project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the following adjustments be made to the Annual Budget of the City of

PARKS AND RECREATION FACILITIES FUND (150)

<table>
<thead>
<tr>
<th>Fund/Agy/Org</th>
<th>Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>150-510-9510-3134</td>
<td>State Grant Parks &amp; Recreation $20,685</td>
</tr>
<tr>
<td>150-310-P962-6000</td>
<td>Sonoma Neighborhood Park – Phase V $20,685</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 23rd day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Bird, Dobbs, Irizarry, Martin, 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
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $11,000 TO ESTABLISH A NEW CAPITAL PROJECT - POOL REPAIRS AT DAVIS AND MODESTO HIGH SCHOOLS

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

FROM: Mildred Perkins Neighborhood Park $9,456
     (130 310 P424)
     C.F. Brown Neighborhood Park $1,544
     (130 310 P247)

TO: Pool repair at Davis & Modesto High Schools $11,000
    (130 310 B502)

The Stanislaus County Health Department requested that Modesto City Schools repair the Davis High School pool deck due to numerous cracks and expansion joint separations. Several large fiberglass delaminations at Davis and Modesto High School pools also need repairing. The funds requested are to cover the City's one-half of total repair costs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GREAT AMERICAN INSURANCE COMPANY THROUGH GIDDINGS, CORBY, HYNES, INC. FOR RENEWAL OF FINE ARTS MUSEUM FLOATER INSURANCE FOR THE POLICY YEAR AUGUST 6, 1991 - AUGUST 6, 1992

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Great American Insurance Company through Giddings, Corby, Hynes, Inc. for renewal of Fine Arts Museum Floater Insurance for the policy year August 6, 1991 - August 6, 1992 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association covering the fiscal year 1991-92, which provides among other matters for a two (2) percent increase commencing on November 19, 1991, be and it is hereby approved.

BE IT FURTHER RESOLVED that all previous actions relating to Modesto City Employees Association employees not in concert with this resolution are hereby superseded by this resolution.

BE IT FURTHER RESOLVED that the implementation of said Memorandum of Understanding by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

072491
MODESTO CITY COUNCIL
RESOLUTION NO. 91-504


WHEREAS, Jack Schmid was appointed a member of the Rehabilitation Loan Pool Subcommittee on November 19, 1985, and the Citizens Housing and Community Development Committee on July 30, 1990; and

WHEREAS, Jack Schmid has tendered his resignation from the Rehabilitation Loan Pool Subcommittee and Citizens Housing and Community Development Committee effective July 23, 1991; and

WHEREAS, Jack Schmid 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 Jack Schmid from the Rehabilitation Loan Pool Subcommittee and Citizens Housing and Community Development 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 Jack Schmid 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 23rd day of July, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-505

A RESOLUTION APPROVING AN APPLICATION TO OPERATE TAXICABS AND GRANTING THE REQUEST OF MR. ARRAMBIDE FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE THREE (3) TAXICABS IN THE CITY OF MODESTO DOING BUSINESS AS "A TOUCH OF CLASS LIMOUSINE AND TRANSPORTATION SERVICE".

WHEREAS, Mr. Arrambide, proposing to do business as "A Touch of Class Limousine and Transportation Service", filed an application, dated July 1, 1991, for Certificates of Public Convenience and Necessity to operate six (6) taxicabs in the City of Modesto, and

WHEREAS, Section 4-6.205 of the Modesto Municipal Code requires City staff to investigate such applications and to report said investigations in writing to the City Council including specific areas of investigation, findings, and comments for Council consideration, and

WHEREAS, after appropriate investigation by City staff as mentioned above and by report dated July 30, 1991, from the Public Works and Transportation Department, City staff recommended to the Council instead of the six (6) taxicabs requested by Mr. Arrambide the approval of to operate three (3) taxis doing business as "A Touch of Class Limousine and Transportation Service", and

WHEREAS, a public hearing was set for August 6, 1991, at 7:30 p.m., in the Council Chambers of City Hall located at 801 11th Street, Modesto, California, for the purpose of considering said application and investigations and reports, and

WHEREAS, said duly noticed public hearing was held as mentioned above, at which time evidence both oral and documentary was received and considered by the Council,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that based on the investigation and report of City staff as mentioned above, a copy of which report is on file in the office of the City Clerk, the Council hereby finds and declares as follows:

1. That overall, the quantity of taxicabs in Modesto is adequate, but the quality of service does not meet expectations and additional competition could be instrumental in enhancing the quality of service, therefore, the Council declares that the public convenience and necessity requires the operation of the additional proposed taxicab service.

2. The name, "A Touch of Class Limousine and Transportation Service" is acceptable. The color scheme for the proposed taxi operation will be dark burgundy.

3. That Mr. Arrambide be granted Certificates of Public Convenience and Necessity to operate three (3) taxicabs in the City of Modesto doing business as "A Touch of Class Limousine and Transportation Service" in the City of Modesto.

4. That the Public Works and Transportation Director shall not issue any of the certificates authorized hereby until said Mr. Arrambide shall have complied with all of the requirements of Chapter 6 of Title IV of the Modesto Municipal Code before the commencement of operation of the proposed service.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION GRANTING THE APPEAL OF SIGN DESIGNS, INC., TO A BOARD OF ZONING ADJUSTMENT DECISION RELATING TO A SIGN FOR KENNETH'S FINE MEN'S WEAR AT 3500 SISK ROAD.

WHEREAS, in January, 1990, a sign permit was issued to Sign Designs, Inc., to install an illuminated wall sign at Kenneth's Fine Men's Wear located at 3500 Sisk Road, and

WHEREAS, when City staff reviewed the plans to place the sign on the west wall of Kenneth's Fine Men's Wear, no north or south elevations of the building were submitted, and

WHEREAS, prior to the issuance of the sign permit City staff questioned the sign company representative about the parapet walls that were shown on the west elevation of the building and, specifically, whether or not the north and south walls continued the full length of the building, and

WHEREAS, City staff was assured that the parapets existed for the full length of the building and that the sign would not be placed on a "false store-front", and

WHEREAS, in April of 1990, after the sign had been installed, City staff noted that the installation of the sign was not completed as approved by staff because the sign exceeded the ridgeline of the lower portions of the roof, and

WHEREAS, City staff determined that the sign was not in conformance with the sign code because it is considered an upward "projecting" sign and projecting signs are not allowed in the C-3 Zone, and it was also not in conformance because signs may not exceed the ridgeline of the roof of the building, and this sign clearly exceeded that line, and
WHEREAS, City staff then had discussions with the sign company and the owner of Kenneth's Fine Men's Wear in an attempt to rectify the situation, but both the sign company and the owner of Kenneth's Fine Men's Wear felt it would be too costly to remove or correct the sign, and

WHEREAS, City staff then recommended that the sign should be made to conform to the code, and

WHEREAS, by letter dated June 3, 1991, Sign Designs, Inc., appealed the administrative decision of staff which directed that the sign be corrected, and

WHEREAS, the appeal to the administrative decision was considered by the Board of Zoning Adjustment at its meeting of June 27, 1991, in the City Council Chambers, City Hall, 801 11th Street, at which meeting evidence both oral and documentary was received and considered, and

WHEREAS, thereafter, the Board of Zoning Adjustment was unable to reach a majority vote to approve or deny the request which effected a denial of the application, and

WHEREAS, an appeal to the Board of Zoning Adjustment's decision relating to the sign for Kenneth's Fine Men's Wear, 3500 Sisk Road was filed with the Office of the City Clerk by Eva Eisinger of Sign Designs, Inc., by letter dated July 2, 1991, 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 August 6, 1991, at 7:30 p.m., and

WHEREAS, after hearing evidence, both oral and documentary, the Council found and determined that said appeal to the administrative decision
should be granted, and the sign should be allowed as installed on the west wall for the following reasons:

1. The sign does not violate the intent of the sign code.
2. Granting the appeal will not create a precedent.
3. Actions by the sign company were "honest mistakes".

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Sign Designs, Inc., to the administrative decision relating to the sign installed on the west wall of Kenneth's Fine Men's Wear, 3500 Sisk Road is hereby granted, and the decision of the Board of Zoning Adjustment is overruled 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 6th day of August, 1991, 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, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION APPROVING SUBSTITUTION OF UNDERGROUND CONSTRUCTION SUBCONTRACTOR BY WESTERN STONE PRODUCTS, INC. FOR THE IMPROVEMENT DISTRICT NO. 29 PROJECT

WHEREAS, the City of Modesto has contracted with Western Stone Products, Inc. for the Improvement District No. 29 project; and

WHEREAS, Jack Forcade Pipelines was listed as the underground construction subcontractor in the original bid; and

WHEREAS, Jack Forcade has indicated he is retiring, necessitating the substitution of a different subcontractor, and T & T Pipelines has been suggested as the substitute for the listed underground subcontractor; and

WHEREAS, Section 4107 of the Public Contract Code allows the awarding authority to consent to the substitution of another person as a subcontractor when the subcontractor listed in the bid fails or refuses to execute a written contract.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the substitution of T & T Pipeline as the underground construction subcontractor on the Improvement District No. 29 project, replacing Jack Forcade Pipelines.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 1991, by Councilmember Irizarry, 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, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-508

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR ROCKWELL STORM DRAIN REPLACEMENT 1991

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

SECTION 1. The plans and specifications for the rockwell storm drain replacement 1991 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, 1991, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 1991, by Councilmember Irizarry, 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, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-509

A RESOLUTION ACCEPTING THE BID OF RICHARD A. HEAPS ELECTRICAL CONTRACTOR FOR THE CONSTRUCTION OF TRAFFIC SIGNALS AT CLAUS ROAD AND SCENIC DRIVE; SISK ROAD AND RUMBLE ROAD

WHEREAS, Resolution No. 91-342, adopted by the Council of the City of Modesto on May 21, 1991, approved the plans and specifications for traffic signals at Claus Road and Scenic Drive; Sisk Road and Rumble Road and authorized the calling for bids; and

WHEREAS, the bids received for traffic signals at Claus Road and Scenic Drive; Sisk Road and Rumble Road were opened at 11:00 a.m. on June 11, 1991, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Richard A. Heaps Electrical Contractor in the amount of $282,470 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Richard A. Heaps in the amount of $282,470 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 August, 1991, by Councilmember Irizarry, 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, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Martin

ATTEST: 
NORRINE COYLE, City Clerk
MODesto City Council
Resolution No. 91-510

A Resolution Amending the Fiscal Year 1991-92 Annual Budget to Appropriate Additional Revenues in Two Existing Traffic Signal CIP Projects.

WHEREAS, two traffic signals were budgeted in the 1990-91 CIP. Each were being funded with 85/15% FAU/Gas Tax monies, respectively, and

WHEREAS, due to the Federal Highway Administration's refusal to approve the Regional Transportation Improvement Plan, all design engineering costs were declared ineligible for FAU funding; therefore, additional Gas Tax funds in the amount of $12,600 are required to cover the design engineering costs of the projects, and

WHEREAS, detail design work on the Claus/Scenic signal revealed that the pavement profile on Claus Road would present a traffic safety problem, and

WHEREAS, it was determined this work should be corrected with the signal project to prevent an unsafe traffic condition, while allowing the City to utilize available FAU funding for the corrective work, and

WHEREAS, the City's share of the additional paving work, to be funded with Gas Tax monies, is $9,900. The additional FAU portion will be $50,940,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments be made to the Annual Budget of the City of Modesto for Fiscal Year 1991-92.
GAS TAX FUND (070)

<table>
<thead>
<tr>
<th>Fund/Agy/Org-Rev</th>
<th>Increase (Decrease)</th>
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</thead>
<tbody>
<tr>
<td><strong>Revenue</strong></td>
<td></td>
</tr>
<tr>
<td>070-510-9510-3504 Federal Share of Street Projects</td>
<td>$50,940</td>
</tr>
<tr>
<td><strong>Expenditures</strong></td>
<td></td>
</tr>
<tr>
<td>070-160-G915-6000 Claus/Scenic Traffic Signal</td>
<td>$66,873</td>
</tr>
<tr>
<td>070-160-G916-6000 Sisk/Rumble Traffic Signal</td>
<td>$6,567</td>
</tr>
<tr>
<td>070-800-8000-8003 Gas Tax Contingency Reserve</td>
<td>($22,500)</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 6th day of August, 1991, by Councilmember Irizarry, 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, Irizarry, Muratore, Patterson
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF POLYMER FROM WESTERN POLYMER, INC.

WHEREAS, the wastewater treatment facility will again be using polymers in the sludge thickening process this summer; and

WHEREAS, in August of 1988, fifteen polymers were tested at the Wastewater Treatment Facility with polymer, Hydroflic 708H from Western Polymer, Inc. proving to be the superior product; and

WHEREAS, staff recommends staying with the same product, as all polymers are not the same, and accuracy and reliability of the testing results are dependent on avoiding introducing any other variables into the equation.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of polymer is hereby waived.

BE IT FURTHER RESOLVED that purchase of polymer from Western Polymer, Inc. for the total price of $78,829 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 August, 1991, by Councilmember Irizarry, 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, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION ADOPTING THE WATER COMPACT DEVELOPED BY THE REPRESENTATIVES IN THE CALIFORNIA LEADERSHIP SISTER CITIES WATER PROJECT AND ENTERING INTO A FORMAL RELATIONSHIP WITH THE SISTER CITY OF PASADENA

WHEREAS, the cities of Modesto and Pasadena have come together in the Sister Cities Water Project in the last sixteen months; and

WHEREAS, residents from these cities have met together to examine critical water issues such as groundwater management, conservation, and reclamation, on October 19-20, 1990; in Modesto, and February 22-24, 1991, in Pasadena; and

WHEREAS, citizens of Modesto and Pasadena have developed a Water Compact which includes shared principles for managing water more effectively and mutual commitments to improve the way water is managed.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the Water Compact developed by the representatives in the California Leadership Sister Cities Water Project be adopted, and the City of Modesto enter into a formal pact or relationship with the Sister City of Pasadena.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 1991, 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, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-513

A RESOLUTION ORDERING THE WHITMORE-GUTHERIE REORGANIZATION TO THE CITY OF MODESTO. (UNINHABITED)

WHEREAS, the Stanislaus County Local Agency Formation Commission by Resolution No. 91-14 dated May 29, 1991, approved the proposed Whitmore-Gutherie 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 Whitmore-Gutherie Reorganization, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution found that: (a) the subject territory is within the primary area of the Modesto Sphere of Influence; (b) the approval of the proposal with the inclusion of the entire Whitmore Avenue Road right-of-way between Ustick and Crows Landing Roads is consistent with all applicable local general plans; (c) the territory involved in the proposal is uninhabited; (d) all property owners within the subject territory have signed the petition for reorganization; and (e) the reorganization of this territory into the city will promote the planned, orderly, and efficient development of the area, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution ordered that said Reorganization consist of (a) the annexation of said territory to the City of Modesto; (b) the detachment of said territory from the Industrial Fire Protection District; (c) the annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Stanislaus County Local Agency Formation Commission on May 29, 1991, certified that it considered the environmental document prepared
by the City of Modesto as to the subject Reorganization, and found that responsibility for the monitoring and reporting to ensure CEQA compliance shall be with the City of Modesto, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution designated, pursuant to Section 56852 of the Government Code of the State of California, the City of Modesto as the conducting authority to initiate reorganization proceedings for said Reorganization, and

WHEREAS, the reason for this annexation is to allow urban development, as fifteen (15) acres have tentative map approval by the City of Modesto for sixty-eight (68) single family lots, and

WHEREAS, the regular county assessment roll is utilized by the City of Modesto, and

WHEREAS, the Local Agency Formation Commission has authorized the City Council to proceed without notice and hearing pursuant to Section 56837 of the California Government Code, and

WHEREAS, City staff has suggested an option to specify that the portion south of the Whitmore Avenue centerline not be accepted as part of the City's street system, as the southerly portion of Whitmore Avenue is within the County of Stanislaus and the land adjacent thereto lying in a southerly direction therefrom is outside the City of Modesto's Sphere of Influence, thus, the City should not accept said southerly portion into the City of Modesto's street system,

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 as amended have been complied with.

2. That the area or territory designated as the Whitmore-Gutherie Reorganization located on the north side of Whitmore Avenue and east of Ustick Road is more particularly 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; however, pursuant to Streets and Highways Code Section 1806, the portion south of the Whitmore Avenue centerline shall not be accepted into the Modesto Street system and the City shall not be responsible for street maintenance.

4. Said territory is hereby detached from the Industrial 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 the Council previously reviewed and considered the findings of the Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the subject Reorganization, and by Resolution No. 90-709 adopted by the Council on August 28, 1990, the Council directed the Planning and Community Development Director to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August 1991, 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, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works and Transportation Department - Engineering Division

ATTEND: NORRINE COYLE, City Clerk
WHITMORE-GUTHRIE REORGANIZATION
TO THE CITY OF MODESTO

All that certain real property situate in a portion of Sections 8, 17 and 18, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

BEGINNING at the most Southeasterly corner of the Whitmore No. 3 Annexation, filed October 2, 1981, as instrument number 18247, Stanislaus County Records, said point of beginning being on the center line of Whitmore Avenue; thence North 0° 10'40" East 1174.84 feet along the Eastern boundary of said Whitmore No. 3 Annexation; thence continuing along said boundary South 89° 20'00" East 481.23 feet to a corner on the Western boundary of the Whitmore No. 2 Annexation, filed November 20, 1980 as instrument number 32240, Stanislaus County Records; thence the following three (3) courses along the boundary of said Whitmore No. 2 Annexation:
1. South 0° 10'00" West 700.00 feet
2. South 89° 20'00" East 132.00 feet
3. South 0°18'00" West 472.00 feet to the most Southwesterly corner of said Whitmore No. 2 Annexation, said corner being on the aforementioned center line of Whitmore Avenue; thence South 89°29'00" East 3304.40 feet along said center line of Whitmore Avenue, being also the Southerly lines of said Whitmore No. 3 Annexation and Crows Landing-Whitmore Annexation, filed April 4, 1980 as instrument number 62873, Stanislaus County Records, to the Southeast corner of said Crows Landing-Whitmore Annexation, said corner being also the Southeast corner of said Section 8 and the intersection of the center lines of Whitmore Avenue and Crows Landing Road; thence South 0°5'30" West 50.00 feet along said center line of Crows Landing Road; thence the following seven (7) courses along the South right of way line of said Whitmore Avenue:
1. North 89°29'00" West 417.12 feet
2. North 0° 40'00" East 30.00 feet
3. North 89°29'00" West 911.71 feet
4. South 0° 08'00" West 25.00 feet
5. North 89°29'00" West 355.40 feet
6. North 0° 08'00" East 25.00 feet
7. North 89°29'00" West 3609.41 feet to the center line of Ustick Avenue and the West line of said Section 17; thence North 89° 50'00" West 14.00 feet; thence North 0° 13'00" East 20.00 feet to the center line of Whitmore Avenue and the North line of said Section 18; thence South 89° 50'00" East 14.00 feet along said center line and Section line to the Southwest corner of said Section 8; thence South 89° 29'00" East 1321.63 feet to the point of beginning.

CONTAINING: 17.93 acres, more or less

Exhibit "A"
Areas to be annexed.

Previous annexation boundary.

References are in Stanislaus County Records.

CROWN LANDING-WHITMORE ANNEXATION
Filed 4-4-20 - inst. No. 62273

WHITMORE NO. 2 ANNEXATION
Filed 11-20-20 - inst. No. 32240

WHITMORE NO. 3 ANNEXATION
Filed 10-2-21 - inst. No. 13227

Basis of bearings: S 69° 20' 00" W for the south line of Atherford Tract as per map
Filed 3-19-47 in volume 14 maps, page 37, Stanislaus County Records.

WHITMORE-GUTHRIE
REORGANIZATION
TO CITY OF MODESTO
17.93 ACRES

Roved as to description
ON
by

YEAR-1-91
A RESOLUTION AMENDING THE CITY POLICY AGAINST HARASSMENT TO INCLUDE THE TEN REQUIRED BASES OR PROTECTED GROUPS

WHEREAS, on May 2, 1989, the Council of the City of Modesto adopted Resolution No. 89-529, entitled "A Resolution Adopting a City Policy Against Harassment"; and

WHEREAS, in accordance with the requirements and guidelines established by the California Fair Employment and Housing Act and the Equal Employment Opportunity Act that require contractors to establish a policy against harassment in the workplace, the Policy needs to be amended to include the ten (10) required protected groups.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the amended policy entitled "City Policy Against Harassment", a copy of which is attached hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 1991, by Councilmember Irizarry, 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, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin

ATTEST: __________________________
NORRINE COYLE, City Clerk
CITY POLICY AGAINST HARASSMENT

It is the policy of the City of Modesto to treat its employees with respect and dignity and to strive to provide a working environment free of discrimination and harassment. This policy applies to all employees, officials, supervisors, agents, and volunteers, and all non-employees who have contact with employees during working hours. Any City employee who has been found, after an investigation, to have harassed another City employee because of their race, color, ancestry, religion, sex, national origin, marital status, age, medical condition (cancer related), physical handicap (including AIDS), or sexual orientation will be subject to disciplinary action up to and including discharge.

Definition of Harassment

Harassment based on a person's race, color, ancestry, religion, sex, national origin, marital status, age, medical condition (cancer related), physical handicap (including AIDS) or sexual orientation is a violation of Title VII of the Civil Rights Act, the California Fair Employment Act and the City of Modesto's Affirmative Action Policy. Harassment based on an employee's race, color, ancestry, religion, sex, national origin, marital status, age, medical condition (cancer related), physical handicap (including AIDS), or sexual orientation occurs when:

1. The focus and/or content of the harassing act is the employee's race, color, ancestry, religion, sex, national origin, marital status, age, medical condition (cancer related), physical handicap (including AIDS), or sexual orientation; and
2. These harassing acts create an intimidating, oppressive, hostile or offensive working environment or otherwise interfere with the employee's emotional well-being or ability to perform the employee's work.

Sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature." Conduct is considered sexual harassment when:

1. Submission is made an express or implied term or condition of employment;
2. Submission or rejection by an employee is used as a basis for employment decisions affecting the employee; and
3. Such conduct negatively affects an employee's work performance and/or creates an intimidating, hostile or otherwise offensive work environment.

Examples of Harassment

Written examples include suggestive or obscene letters, notes, and invitations.

Verbal examples include derogatory comments, slurs, jokes, and racial epithets.

Physical examples include assault, touching, impeding or blocking movements.

Visual examples include leering, gestures or displays of sexually suggestive objects or pictures, cartoons or posters.

Other examples include but are not limited to threats of reprisal, implying or actually withholding support for appointments, promotion or transfer, rejection during probation, punitive actions, changes of assignments, or suggesting that a poor performance report will be prepared if requests for sexual favors are not met.

Responsibilities

1. The City Manager is responsible for enforcement of the City Policy Against Harassment.
2. The Affirmative Action Officer is responsible for ensuring that all complaints of harassment are investigated thoroughly and promptly, including presentation of recommendations for any necessary action to the City Manager.
3. Every Department Head is responsible for informing all employees, including supervisors of the City policy against harassment and for taking the steps necessary to set a positive example in the prevention of harassment.
4. Every Supervisor of every City employee is responsible for taking immediate and appropriate corrective action upon the observation of any incident of harassment or upon receipt of an oral or written report of any occurrence of harassment.
5. Every City Employee is responsible for reporting any act of harassment to the immediate Supervisor or Department Head, or the City's Affirmative Action Officer or Personnel Manager.

Complaint Resolution Procedures

City employees shall report any act of harassment to their immediate Supervisors or Department Heads or the City's Affirmative Action Officer or the Personnel Manager. The Affirmative Action Officer (or designee) will investigate and attempt resolution of harassment complaints in accordance with the City's Complaint Process as outlined in the City's Affirmative Action Program.